REVISED AGENDA - COMMITTEE OF THE WHOLE

Thursday, May 9, 2024, 9:00 A.M. - 2:00 P.M.
COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE
The City of Victoria is located on the homelands of the Songhees and Esquimalt Nations
Meeting will recess for a lunch break between 12:00 p.m. and 1:00 p.m.

Pages

A. TERRITORIAL ACKNOWLEDGEMENT

B. INTRODUCTION OF LATE ITEMS

C. APPROVAL OF AGENDA

*D. CONSENT AGENDA

Proposals for the Consent Agenda:

- E.1 - Minutes from the Committee of the Whole meeting held April 11, 2024
- E.2 - Minutes from the Committee of the Whole meeting held April 18, 2024
- E.3 - Minutes from the Committee of the Whole meeting held April 25, 2024

E. CONSIDERATION OF MINUTES

E.1 Minutes from the Committee of the Whole meeting held April 11, 2024 1

E.2 Minutes from the Committee of the Whole meeting held April 18, 2024 7

E.3 Minutes from the Committee of the Whole meeting held April 25, 2024 18

F. PRESENTATIONS

F.1 2023 Audited Financial Statements 28

A report providing Council with an overview of the City's 2023 audited Financial Statements and a request for Council's acceptance of the Financial Statements as required by section 167 of the Community Charter.

F.2 CLOSED MEETING

MOTION TO CLOSE THE MAY 9, 2024 COMMITTEE OF THE WHOLE 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.

F.3 Downtown Victoria Business Association - 2024 Budget 105

G. UNFINISHED BUSINESS

*G.1 1042 Richardson Street: Update on Rezoning Application No. 00753 and Development Permit with Variances Application No. 00158 (Fairfield) *112*

Referred from the April 25, 2024 COTW meeting

Addendum: Presentation

An update report regarding the Rezoning and Development Permit with Variances Applications for the properties located at 1042 and 1044 Richardson Street to construct a six-storey (five residential floors plus a roof deck), purpose-built rental building with approximately 20 dwelling units, and recommending that the application be declined.

Update: The applicant has revised the proposal to include a commitment to secure ten percent (two studio units) of the rental dwelling units as affordable rental units for a period of sixty years.

H. STAFF REPORTS

H.1 Progress Report on Provincial Housing Targets 165

A report providing Council with the first Progress Report on Victoria's Provincial Housing Targets, for the period of October 1, 2023 to March 31, 2024, in accordance with the housing target ministerial order issued by the Province in September 2023, and requesting that the mayor submit a copy of this report to the Provincial Minister of Housing.

*H.2 Land Use Procedures Bylaw Amendment No. 22, 2024 - Prohibition on Certain Public Hearings following Bill 44 – Housing Statutes (Residential Development) Amendment Act *190*

Addendum: Presentation

A report regarding the proposition of amendments to the *Land Use Procedures Bylaw* (LUPB) in alignment with Bill 44 – *Housing Statutes (Residential Development) Amendment Act, 2023*. These amendments will prohibit public hearing requirements for certain residential development applications that are consistent with the Official Community Plan, to align with provincial legislation, and requesting staff report back to Council on Phase 3 items, including

information on scoping, timing, and resource implications.

I. CLOSED MEETING, IF REQUIRED

J. ADJOURNMENT OF COMMITTEE OF THE WHOLE

MINUTES - COMMITTEE OF THE WHOLE

April 11, 2024, 9:02 A.M.
COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE
The City of Victoria is located on the homelands of the Songhees and Esquimalt Nations
Meeting will recess for a lunch break between 12:00 p.m. and 1:00 p.m.

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. Anderson - Deputy City Clerk, S. Johnson - Director of Communications and Engagement, T. Zworski - City Solicitor, P. Rantucci - Director of Strategic Real Estate, T. Soulliere - Deputy City Manager, K. Hoese - Director of Sustainable Planning and Community Development, A. Klus - Legislative Coordinator

A. TERRITORIAL ACKNOWLEDGEMENT

Council acknowledged that the City of Victoria is located on the homelands of the Songhees First Nation and Esquimalt First Nation communities and thanked them for their stewardship over the lands and waters we call home; preserving their culture and make room for other cultures as well.

C. APPROVAL OF AGENDA

Moved and Seconded:

That the agenda be approved.

CARRIED UNANIMOUSLY

D. CONSENT AGENDA

Mayor Alto requested that item ***E.1 - 1005 Chamberlain: Rezoning Application No. 00834 and Development Permit with Variances Application No. 00236 (Gonzales)*** *be removed from the consent agenda.*

Moved and Seconded:

That the following Consent Agenda items be approved:

H.1 Council Member Motion: Commemorating a Local Hero – Hudlin memorial Way

Committee received a Council Member Motion commemorating Doug Hudlin, a long serving employee of the City of Victoria, who dedicated many years to the sport of baseball, and seeking to honour that service by creating and installing three commemorative street signs to recognize his contributions to the city and community.

1. That Council direct staff to create and install three commemorative street signs, on existing poles below existing street signs along Higgins Street between Hillside Avenue and Cook Street, to recognize Doug Hudlin's contributions to the city and community, and,
2. That such action is undertaken within the existing budget of the Parks department or from the Parks Capital Infrastructure Program which is used to make repairs and minor upgrades to sport facilities, to a maximum of $1,000, the design, fabrication, and installation undertaken to the satisfaction of the Director of Parks, Recreation and Facilities.

CARRIED UNANIMOUSLY

E. LAND USE MATTERS

E.1 1005 Chamberlain: Rezoning Application No. 00834 and Development Permit with Variances Application No. 00236 (Gonzales)

Committee received a report dated March 28, 2024 from the Director of Sustainable Planning and Community Development regarding the property located at 1005 Chamberlain in order to rezone a portion of the subject site from the R1-G zone, Gonzales Single Family Dwelling District, to a site specific zone and recommending that it proceed to introductory bylaw readings.

Councillor Thompson recused himself from the meeting due to his proximity to the property and the perception of bias.

Committee discussed the following:

- *Concern for loss of greenway, bylaw protected trees*
- *Parking variances*

Moved and Seconded:

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 March 28, 2024, for 1005 Chamberlain Street.
2. That, pursuant to section 30 of the *Land Use Procedures Bylaw*, Council waives the requirement for the holding of a public hearing.
3. That, after publication of notification in accordance with section 467 of the *Local Government Act*, first, second, and third reading of the zoning

bylaw amendment be considered by Council once the following conditions are met:

a. preparation and execution of a Housing Agreement for a term of five years to secure the two-family dwelling (duplex) building as rental, on terms to the satisfaction of the Director of Sustainable Planning and Community Development.

4. That following third reading of the Zoning Regulation Bylaw amendment, the applicant prepare and execute a legal agreement to secure a 3.0m wide right-of-way for pipes and access for sanitary sewer purposes, with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor prior to adoption of the bylaw.
5. That adoption of the Zoning Regulation 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.
6. 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, consider the following motion:

1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment Council authorizes the issuance of Development Permit with Variances No. 00236 for 1005 Chamberlain Street, in accordance with plans submitted to the Planning department and date stamped by Planning on February 22, 2024, subject to:
   a. securing the provision of **four** car share memberships including car share credits for each membership with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor.
   b. proposed development meeting all City zoning bylaw requirements, except for the following variances:
      i. reduce the minimum front yard setback from 7.50m to 7.43m
      ii. reduce the minimum rear yard setback from 10.47m to 6.70m
      iii. reduce the minimum side yard setback (south) from 3.00m to 2.23m
      iv. reduce the minimum side yard setback (north) from 1.50m to 0.75m
      v. reduce the minimum number of residential parking spaces from 2 space to 0 spaces
      vi. increase the maximum projection for stairs into the front yard setback from 2.50m to 4.46m
      vii. increase the maximum projection for porches and ramps into the front yard setback from 2.50m to 2.78m
      viii. increase the maximum number of storeys from two storeys to three storeys
      ix. increase the maximum height of a building from 7.60m to 8.02m
      x. allow for roof decks.

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

CONFLICT (1): Councillor Thompson

CARRIED (8 to 0)

Councillor Thompson rejoined the meeting at 9:29 a.m.

F. STAFF REPORTS

F.1 Future of Victoria's Employment Lands – Key Considerations

Committee received a report dated March 28, 2024 from the Director of Sustainable Planning and Community Development regarding key findings and information related to the current and forecasted economic health of the city's employment lands. These findings are being used to inform the development of emerging land use and economic policy directions for the Industry, Arts and Innovation District Action Plan and will help guide the 10-year update of the City's Official Community Plan (OCP).

Committee discussed the following:

- *Impact reliance project has on employment lands*
- *Dedication of lands to family-sustaining industrial jobs versus part-time art sector jobs*
- *Risk of taxing industry out of the city*
- *Regional conversations about land use, housing, and employment*
- *Opportunities for light industrial spaces*

Moved and Seconded:

That Council receive the findings outlined in the Future of Victoria's Employment Lands – Key Considerations report for information.

CARRIED UNANIMOUSLY

Committee recessed at 10:25 a.m. and reconvened at 10:38 a.m.

F.2 Revenue and Tax Policy Benchmark Monitoring and 2024 Tax Rates

Committee received a report dated March 27, 2024 from the Deputy Director of Finance regarding a report providing updated benchmark measures related to the City's Revenue and Tax Policy and seeking direction on the 2024 property tax rates.

Committee discussed the following:

- *Assessment appeals by property class*
- *Exemptions or subsidies for First Nations-held lands*

Moved and Seconded:

That Council:

1. Approve the following changes to the Revenue and Tax Policy:
   a. Policy 2.1 Tax rates for light and major industrial tax classes will not exceed the business tax rate to support the City's desire to retain industrial businesses.
   b. Policy 3.2 Revitalization property tax exemptions are governed by revitalization property tax exemption program bylaws adopted for specific purposes.
2. Approve 2024 tax rates in alignment with the amended Revenue and Tax Policy as follows:

Residential	3.0569
Utility	36.7426
Major Industrial	10.3154
Light Industrial	11.0279
Business	11.2419
Rec/Non Profit	6.6667

3. Direct staff to bring forward Tax Bylaw, 2024 for introductory readings to the daytime Council meeting on April 18, 2024.
4. That this recommendation be forwarded to today's daytime Council meeting.

OPPOSED: Councillor Gardiner

CARRIED (8 to 1)

F. STAFF REPORTS

F.3 Climate Leadership Program Update

Committee received a report dated March 27, 2024 from the Acting Director, Engineering and Public Works regarding the City's Climate Leadership Plan (CLP) and recommending that the CLP be updated to align 2050 community greenhouse gas emissions reduction targets with the Province's commitment to net zero by 2050.

Committee recessed for lunch at 12:00 p.m. and reconvened at 1:04 p.m.

Committee discussed the following:

- *Heat pump rebate top-up and cost to convert oil tanks to heat pumps*
- *Low carbon building materials*
- *Interest for Committee to receive a presentation from BC Hydro in the future*

Motion to extend:

Moved and Seconded:

Motion to extend the meeting to 2:45 p.m.

CARRIED UNANIMOUSLY

Moved and Seconded:

That Council direct staff to update Victoria's 2050 community greenhouse gas emissions reduction targets to align with province's commitment to net zero by 2050.

CARRIED UNANIMOUSLY

G. NOTICE OF MOTIONS

Notice of Motion from Councillor Gardiner:

That Council direct staff to:

1. Instruct the City Solicitor to bring forward bylaw amendments necessary to prohibit overnight sheltering at all times in Irving Park as of June 1, 2024

J. ADJOURNMENT OF COMMITTEE OF THE WHOLE

Moved and Seconded:

That the Committee of the Whole Meeting be adjourned at 2:16 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR

DRAFT

MINUTES - COMMITTEE OF THE WHOLE

April 18, 2024, 9:08 A.M.
COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE
The City of Victoria is located on the homelands of the Songhees and Esquimalt Nations
Meeting will recess for a lunch break between 12:00 p.m. and 1:00 p.m.

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, S. Johnson - Director of Communications and Engagement, T. Zworski - City Solicitor, P. Rantucci - Director of Strategic Real Estate, T. Soulliere - Deputy City Manager, K. Hoese - Director of Sustainable Planning and Community Development, A. Johnston - Assistant Director of Development Services, S. Maichen - Legislative Coordinator

The Mayor called the meeting to order at 9:08 a.m.

Committee recessed at 9:08 a.m. due to technology issues and reconvened at 9:37 a.m.

A. TERRITORIAL ACKNOWLEDGEMENT

Council acknowledged that the City of Victoria is located on the homelands of the Songhees First Nations and Esquimalt First Nations communities and urged us to take a moment to appreciate that much of what we are able to do today is empowered by the many generations of Songhees and Esquimalt First Nations people that came before us.

C. APPROVAL OF AGENDA

Councillor Gardiner noted an intention to present a Notice of Motion at agenda item G.1 Notice of Motion.

Moved and Seconded:

That the agenda be approved.

CARRIED UNANIMOUSLY

D. CONSENT AGENDA

Council requested that item ***F.2 1011 Fort Street: Rezoning Application No. 00863 (Downtown)*** be removed from the consent agenda.

Moved and Seconded:

That the following Consent Agenda items be approved:

E. CONSIDERATION OF MINUTES

E.1 Minutes from the Committee of the Whole meeting held March 7, 2024

That the minutes from the Committee of the Whole meeting held March 7, 2024 be approved.

F. LAND USE MATTERS

F.1 1212 Vista Heights: Rezoning Application No. 00809 and Development Permit with Variances Application No. 000639 (Hillside/Quadra)

Committee received a report dated April 4, 2024 from the Director of Sustainable Planning and Community Development regarding the Rezoning Application and Development Permit with Variances for the property located at 1212 Vista Heights to permit the construction of a new two-family dwelling unit (duplex) on the subject property, and recommending that the application proceed to bylaw readings.

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 March 1, 2024, for 1212 Vista Heights.
2. That, after publication of notification in accordance with section 467 of the Local Government Act, first, second, and third reading of the zoning regulation bylaw amendment be considered by Council.
3. 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 Application

That Council consider the following motion:

1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit No. 000639 for 1212 Vista Heights, in accordance with plans submitted to the Planning department and date stamped by Planning on February 15, 2024.
2. That the Development Permit, if issued, expires two years from the date of this resolution.

G. STAFF REPORTS

G.2 UBCM Disaster Risk Reduction - Climate Adaption Grant Application

Committee received a report dated April 5, 2024 from the Acting Director of Engineering & Public Works and the Fire Chief regarding an opportunity for funding related to disaster risk reduction and preparing for natural hazards in a changing climate and requesting that Council support staff in submitting a grant application for the Union of BC Municipalities' Community Emergency Preparedness Fund, Disaster Risk Reduction - Climate Adaptation stream.

That Council:

1. Support the application of a grant including overall grant management through the Union of British Columbia Municipalities' (UBCM) Community Emergency Preparedness Fund (CEPF), Disaster Risk Reduction – Climate Adaptation stream for $350,000 in funding to develop the Gorge Coastal Flood Adaptation Strategy and $467,500 in funding for Cooling centre infrastructure (HVAC systems and passive cooling awnings for three Community Centres); and
2. Authorize the Chief Financial Officer to enter on behalf of the City of Victoria, into a shared cost agreement with UBCM on the terms acceptable to the Chief Financial Officer, the Director of Engineering and Public Works, and the Fire Chief in a form acceptable to the City Solicitor.

G.3 Support for Canadian Senior Women's Basketball Team Event

Committee received a report dated March 26, 2024 from the Deputy City Manager regarding the details associated with potential City sponsorship of a series of games featuring the Canadian Senior Women's Basketball Team in June 2024 and recommending that Council approves funding support for the event.

That Council:

A. Approve up to $25,000 in financial support for a 3-game series featuring the Canadian Senior Women's Basketball Team at Save-On-Foods Memorial Centre, to be funded through the Corporate Contingency budget, and
B. Authorize the Deputy City Manager to execute any necessary agreements with the proponent, in a form satisfactory to the City Solicitor.

CARRIED UNANIMOUSLY

F. LAND USE MATTERS

F.2 1011 Fort Street: Rezoning Application No. 00863 (Downtown)

Committee received a report dated April 4, 2024 from the Director of Sustainable Planning and Community Development regarding the Rezoning Application for the property located at 1011 Fort Street to allow the conversion of ground floor commercial space into two residential units fronting onto Meares Street, while

maintaining the commercial use fronting onto Fort Street, and recommending that the application proceed to bylaw readings.

Moved and Seconded:

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 April 18, 2024 for 1011 Fort Street.
2. That, after publication of notification in accordance with section 467 of the Local Government Act, first, second and third reading of the zoning regulation bylaw amendment be considered by Council.
3. 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.

CARRIED UNANIMOUSLY

G. STAFF REPORTS

G.1 Electric Vehicle Strategy Bylaw Updates

Committee received a report dated April 5, 2024 from the Acting Director of Engineering & Public Works regarding the increasing electric vehicle (EV) adoption by the public in Victoria and seeking Council approval for staff to proceed with proposed measures directed at enhancing and expanding EV use within the City.

Committee discussed the following:

1. *Current rates regarding new purchases*
2. *Direct Current Fast Charger (DCFC) fees and moving from time charging to power charging*
3. *Legal and equity considerations, as well as time limits being set by signage*

Moved and Seconded:

1. That Council instruct the Director of Engineering and Public Works (the "**Director**") to make an application to Measurement Canada for a dispensation for Level 3 Electric Vehicle Supply equipment in order to enable the City to set fees for access to its public DC Fast Chargers on a per kilowatt hour (kWh) basis, and authorize the Director to accept the terms and conditions of doing so in the form attached as Appendix B, and to execute the associated indemnification agreement with Measurement Canada, in the form attached as Appendix C.
2. Subject to the City being granted a dispensation from Measurement Canada pursuant to the above resolution, that Council instruct the City Solicitor to draft an amendment to the City Parkades Electric Vehicle Charging Fees Bylaw to update DC fast charging fees as required to support implementation of the EV and E-Mobility Strategy.

3. That Council instruct the City Solicitor to bring forward the necessary bylaw updates to allow for the following:
    a. Delegate to the Director the authority to issue licences to owners and occupants of residential property in order to allow such persons to run electric vehicle ("**EV**") charging cords across the City right of way adjacent to their property for the purpose of charging EVs;
    b. Expansion of the delegation to the Director allowing them to set fees for the use of public EV charging stations to also allow them to set fees for the use of car share EV charging stations where such charging stations are owned by the City;
    c. Increase the fee for Street Occupancy Permits within Electric Vehicle Charging Zones to offset revenue lost from City-owned EV charging stations when the public are unable to utilize the charging stations; and
    d. To allow the City to enforce the City Parkades Electric Vehicle Charging Fees Bylaw where the City has a licence or lease to operate EV charging stations on private property.

Amendment:

Moved and Seconded:

3. That Council instruct the City Solicitor to bring forward the necessary bylaw updates to allow for the following:
    a. Delegate to the Director the authority to issue licences to owners and occupants of residential property in order to allow such persons to run electric vehicle ("**EV**") charging cords across the City right of way adjacent to their property for the purpose of charging EVs**, with considerations for accessibility concerns addressed to the satisfaction of the Director in partnership with an accessibility-focused organization and/or the city's accessibility committee**;

OPPOSED (4): Mayor Alto, Councillor Coleman, Councillor Gardiner, Councillor Hammond,

CARRIED (5 TO 4)

On the main motion as amended:

1. That Council instruct the Director of Engineering and Public Works (the "**Director**") to make an application to Measurement Canada for a dispensation for Level 3 Electric Vehicle Supply equipment in order to enable the City to set fees for access to its public DC Fast Chargers on a per kilowatt hour (kWh) basis, and authorize the Director to accept the terms and conditions of doing so in the form attached as Appendix B, and to execute the associated indemnification agreement with Measurement Canada, in the form attached as Appendix C.
2. Subject to the City being granted a dispensation from Measurement Canada pursuant to the above resolution, that Council instruct the City Solicitor to draft an amendment to the City Parkades Electric Vehicle Charging Fees Bylaw to update DC fast charging fees as required to support implementation of the EV and E-Mobility Strategy.

3. That Council instruct the City Solicitor to bring forward the necessary bylaw updates to allow for the following:
   a) Delegate to the Director the authority to issue licences to owners and occupants of residential property in order to allow such persons to run electric vehicle ("**EV**") charging cords across the City right of way adjacent to their property for the purpose of charging EVs, with considerations for accessibility concerns addressed to the satisfaction of the Director in partnership with an accessibility-focused organization and/or the city's accessibility committee;
   b) Expansion of the delegation to the Director allowing them to set fees for the use of public EV charging stations to also allow them to set fees for the use of car share EV charging stations where such charging stations are owned by the City;
   c) Increase the fee for Street Occupancy Permits within Electric Vehicle Charging Zones to offset revenue lost from City-owned EV charging stations when the public are unable to utilize the charging stations; and
   d) To allow the City to enforce the City Parkades Electric Vehicle Charging Fees Bylaw where the City has a licence or lease to operate EV charging stations on private property.

CARRIED UNANIMOUSLY

G. NOTICE OF MOTIONS

Notice of Motion from Councillor Gardiner:

That Council direct staff to:

1. Consider and recommend an approach to sheltering in parks which suggests sanctioned parks and/or areas of parks. Such considerations to include:

   a. parks currently identified as providing the basic necessities for those sheltering,
   b. park sizes,
   c. areas within parks which are separated from playground areas by 10 meters,
   d. proximity to established service providers, and
   e. identifying a target number of maximum sheltering sites related to park size, and positioning of any playground, within each park.

Committee recessed at 10:39 a.m. and reconvened at 10:50 a.m.

I. NEW BUSINESS

I.1 Council Member Motion: Reducing Reliance on Parks Sheltering in Victoria

Council received a Council Member Motion dated April 18, 2024 from Councillor Caradonna and Councillor Loughton regarding sheltering at Victoria parks and requesting that Council direct staff to offer housing or indoor sheltering to those sheltering at Vic West Park and Irving Park as a precondition for phasing out sheltering in those two parks.

Moved and Seconded:

1. That Council direct staff to work with BC Housing, relevant service providers, and the City's sheltering Relocation Coordinator, to offer indoor sheltering or housing to the people sheltering in Irving Park and Vic West Park;
2. That, contingent upon the above taking place, Council direct staff to phase out and eventually prohibit overnight sheltering in Irving Park and Vic West Park by 1 August 2024, via an update to the Parks Regulation Bylaw.

MOTION TO CLOSE THE APRIL 18, 2024 COMMITTEE OF THE WHOLE MEETING TO THE PUBLIC

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

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

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

OPPOSED (1): Councillor Caradonna

CARRIED (8 TO 1)

The Committee of the Whole meeting was closed to the public at 10:53 a.m. and reopened to the public at 11:12 a.m.

Amendment:

Moved and Seconded:

1. That Council direct staff to work with BC Housing, relevant service providers, and the City's sheltering Relocation Coordinator, to offer indoor sheltering or housing to the people sheltering in Irving Park and Vic West Park**; as of April 18, 2024.**
2. That, contingent upon the above taking place, Council direct staff to phase out and eventually prohibit overnight sheltering in Irving Park and Vic West Park by 1 August 2024, via an update to the Parks Regulation Bylaw.

OPPOSED (1): Councillor Kim

CARRIED (8 TO 1)

Amendment:

Moved and Seconded:

3. Direct staff to identify three indoor or outdoor locations, excluding parks, where sheltering could be permitted, and report back to Council before June 15 with the sites

The Chair ruled the motion out of order stating that it would be more appropriately addressed as a motion arising.

Councillor Kim appealed the ruling of the Chair.

Moved and Seconded:

That the Chair's ruling be overturned.

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

CARRIED (5 TO 3)

On the amendment:

3. **That Council direct staff to identify three indoor or outdoor locations, excluding parks, where sheltering could be permitted, and report back to Council before June 15 with the sites.**

Amendment to the amendment:

Moved and Seconded:

3. That, to facilitate the relocation of those sheltering in these parks, Council direct staff to identify three indoor or outdoor locations, excluding parks, where sheltering could be permitted, and report back to Council before June 15 with the sites.

DEFEATED UNANIMOUSLY

Amendment to the amendment:

Moved and Seconded:

3. That, to facilitate the relocation of those sheltering in parks, Council direct staff to identify three indoor or outdoor locations, excluding parks, where sheltering could be permitted, and report back to Council before June 15 with the sites.

CARRIED UNANIMOUSLY

Amendment to the amendment:

Moved and Seconded:

3. That, to facilitate the relocation of those sheltering in parks, Council direct staff to identify <u>at least</u> three indoor or outdoor locations, excluding parks, where sheltering could be permitted, and report back to Council before June 15 with the sites.

OPPOSED (1): Councillor Hammond

CARRIED (8 TO 1)

Councillor Kim raised a point of order regarding language used in Council member commentary.

<u>Amendment to the amendment:</u>

Moved and Seconded:

3. That, to facilitate the relocation of those sheltering in parks, Council direct staff to identify at least three indoor or outdoor locations, excluding parks, where sheltering could be permitted, <u>and work with BC Housing and other partners to have those locations adequately staffed,</u> and report back to Council before June 15 with the sites.

The Chair ruled the motion out of order noting it was not germane to the amendment and would be better suited as an amendment to the main motion.

On the amendment as amended:

3. That, to facilitate the relocation of those sheltering in parks, Council direct staff to identify at least three indoor or outdoor locations, excluding parks, where sheltering could be permitted, and report back to Council before June 15 with the sites.

OPPOSED (1): Councillor Hammond

CARRIED (8 TO 1)

Committee recessed for lunch at 12:00 p.m. and reconvened at 1:01 p.m.

Amendment:

Moved and Seconded:

3. That, to facilitate the relocation of those sheltering in parks, Council direct staff to identify at least three indoor or outdoor locations, excluding parks, where sheltering could be permitted, and report back to Council before June 15 with the sites.
4. **That Council direct staff to work with BC Housing and other partners to have those locations identify in the number 3 adequately staffed.**

The amendment was withdrawn.

Amendment:

Moved and Seconded:

1. That Council direct staff to work with BC Housing, relevant service providers, and the City's sheltering Relocation Coordinator, to offer indoor sheltering or housing to the people sheltering in **~~Irving Park and Vic West Park~~ all Victoria parks;**

The Chair ruled the amendment out of order, stating that it went significantly beyond the original intent of the motion.

On the main motion as amended:

1. That Council direct staff to work with BC Housing, relevant service providers, and the City's sheltering Relocation Coordinator, to offer indoor sheltering or housing to the people sheltering in Irving Park and Vic West Park as of April 18, 2024;
2. That, contingent upon the above taking place, Council direct staff to phase out and eventually prohibit overnight sheltering in Irving Park and Vic West Park by 1 August 2024, via an update to the Parks Regulation Bylaw.
3. That, to facilitate the relocation of those sheltering in parks, direct staff to identify at least three indoor or outdoor locations, excluding parks, where sheltering could be permitted, and report back to Council before June 15 with the sites.

OPPOSED (2): Councillor Hammond, Councillor Thompson

CARRIED (7 TO 2)

I.2 Council Member Motion: "Irving Park" Parks Regulation Bylaw Amendment

Committee received a Council Member Motion dated April 11, 2024 from Councillor Gardiner regarding overnight sheltering at Irving Park and requesting that Council direct staff to bring forward amendments to the Parks Regulation Bylaw to prohibit overnight sheltering at Irving Park.

The Chair ruled the motion out of order stating that the motion deals specifically with a motion that was considered in the previous matter.

K. ADJOURNMENT OF COMMITTEE OF THE WHOLE

Moved and Seconded:

That the Committee of the Whole Meeting be adjourned at 1:37 p.m.

CARRIED UNANIMOUSLY

DRAFT

CITY CLERK

MAYOR

DRAFT

MINUTES - COMMITTEE OF THE WHOLE

April 25, 2024, 9:00 A.M.
COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE
The City of Victoria is located on the homelands of the Songhees and Esquimalt Nations
Meeting will recess for a lunch break between 12:00 p.m. and 1:00 p.m.

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, S. Johnson - Director of Communications and Engagement, T. Zworski - City Solicitor, P. Rantucci - Director of Strategic Real Estate, T. Soulliere - Deputy City Manager, K. Hoese - Director of Sustainable Planning and Community Development, C. Mycroft - Manager of Intergovernmental & Media Relations, A. Johnston – Assistant Director of Development Services, R. Soward – Manager of Housing, R. Kenny – Assistant Director of Transportation, D. Newman – Acting Director of Parks, Recreation and Facilities, C. Tunis – Senior Process Planner, M. Thiagarajan – Planner, A. Heimburger - Legislative Coordinator

The Mayor acknowledged Administrative Professionals Day held on April 24th and extended a thank you to administrative professionals throughout the City for their work.

A. TERRITORIAL ACKNOWLEDGEMENT

Council acknowledged that the City of Victoria is located on the homelands of the Songhees First Nation and Esquimalt First Nation communities and reflected on the historic and ongoing work of the Nations that has created the environment in which we reside today, and thanked them for allowing us to live, work and play on their lands.

C. APPROVAL OF AGENDA

Moved and Seconded:

That the agenda be approved.

CARRIED UNANIMOUSLY

D. CONSENT AGENDA

*Committee requested that item **H.1 - Council Member Motion: Reimbursement of Association of Vancouver Island and Coastal Communities (AVICC) Conference (April 12-14, 2024)** be removed from the consent agenda.*

Moved and Seconded:

That the following Consent Agenda items be approved:

E.1 Minutes from the Committee of the Whole meeting held March 14, 2024

That the minutes from the Committee of the Whole meeting held March 14, 2024 be approved.

E.2 Minutes from the Committee of the Whole meeting held April 4, 2024

That the minutes from the Committee of the Whole meeting held April 4, 2024 be approved.

F.1 515 Foul Bay Road: Rezoning Application No. 00807, Development Permit with Variances Application No. 00255 and Heritage Designation Application No. 00163 (Fairfield)

Committee received an update report dated April 11, 2024 from the Director of Sustainable Planning and Community Development regarding the property located at 515 Foul Bay Rd to rezone from the R1-G Zone, Gonzales Single Family Dwelling District to a new site-specific zone to permit three ground-oriented multiple dwelling buildings on one lot and retention of an existing five-unit heritage-registered house conversion on a separate lot with a shared panhandle driveway and recommending that this application proceed to bylaw readings.

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 reports dated October 10, 2023 and April 3, 2024 for 515 Foul Bay Road.
2. That, after publication of notification in accordance with section 467 of the Local Government Act, first, second and third reading of the zoning regulation bylaw amendment be considered by Council.
3. That following the third reading of the zoning amendment bylaw, the applicant prepare and execute legal agreements securing the following, with form satisfactory to the City Solicitor prior to adoption of the bylaw:
    a. provision of a 1.6m wide statutory right-of-way for highway purposes along the Foul Bay Road frontage, with terms to the satisfaction of the Director of Engineering and Public Works
    b. provision of a detailed design, supply and installation of a new Rectangular Rapid Flashing Beacon (RRFB) pedestrian crossing of Foul Bay Road at its intersection with Chandler Avenue,

including a curb extension at the west side of Foul Bay Road, wheelchair ramps, tactile indicators and all associated infrastructure, to the satisfaction of the Director of Engineering and Public Works

c. protection, restoration and maintenance of the existing greenspace with a site area of approximately 1,468 m² in accordance with the plans date stamped by Planning on February 26, 2024, which includes provision of a bee colony in the conservation area for a period of at least two years and ensuring that design and construction in the area follows the recommendations in the February 23, 2024 arborist report from Gye & Associates to minimize impacts to trees, to the satisfaction of the Director of Parks, Recreation and Facilities

d. a minimum of five units in the existing multiple dwelling as rental units for the life of the building as outlined in the report dated April 3, 2024, with contents satisfactory to the Director of Sustainable Planning and Community Development

e. provision of no less than one adaptable unit, in accordance with the standards in the British Columbia Building Code and BC's Building Accessibility Handbook, to the satisfaction of the Director of Sustainable Planning and Community Development; and

f. provision of transportation demand management measures, to the satisfaction of the Director of Engineering and Public Works, including:

i. two over-sized long-term bicycle parking spaces;

ii. 50% of required long-term bicycle parking with access to an electrical outlet;

iii. bicycle wash and maintenance facility.

4. That adoption of the zoning bylaw amendment will not take place until:

a. third reading of an associated heritage designation bylaw to designate the property known as 515 Foul Bay Road, as described in the Statement of Significance attached as Attachment F, pursuant to Section 611 of the Local Government Act, to the satisfaction of the Director of Sustainable Planning and Community Development,

b. 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, 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. 00255 for 515 Foul Bay Road, by plans submitted to the Planning department and date stamped by Planning on February 26, 2024, in accordance with the following:

    a. Subject to submission of revised plans to align architectural site plans and landscape plans, to the satisfaction of the Director of Sustainable Planning and Community Development.

    b. Subject to the proposed development meeting all City zoning and subdivision and development servicing bylaw requirements, except for the following variances:

        i. reduce minimum front yard setback from 6.00m to 0.41m

        ii. reduce minimum side yard setback (north) from 4.00m to 3.08m

        iii. increase maximum eave projection from 0.75m to 0.79m

        iv. permit vehicle parking in the front yard

        v. reduce short-term bicycle storage from 18 spaces to 10 spaces

        vi. increase maximum drive aisle slope from 8.00% to 11.36%

        vii. reduce minimum two-way drive aisle width from 6.00m to 4.00m

        viii. increase maximum accessory building height from 3.50m to 4.00m

        ix. permit above-ground electrical, telecommunication and cable television services.

    c. That pursuant to section 512(2) of the Local Government Act, Council exempts the existing property at 515 Foul Bay Road as well as the new proposed lot to be created by subdivision, as generally shown in the plans submitted to the Planning department and date stamped by Planning on February 26, 2024 from the minimum frontage requirements of section 512(1) at the time of subdivision.

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

Heritage Designation Application No. 000163

That Council:

1. Instruct staff to prepare a heritage designation bylaw to designate the property at 515 Foul Bay Road, that first and second reading of the bylaw be considered by Council and that a Public Hearing date be set.

DRAFT

2. Approve the Statement of Significance for 515 Foul Bay Road attached as Attachment F to this report recognizing the building exterior as the historic features of the property.

F.3 522 St. Charles Street: Rezoning Application No. 00816, Development Variance Permit Application No. 00279 and Heritage Designation Application No. 00202 (Rockland)

Committee received a report from the Director of Sustainable Planning and Community Development dated April 3, 2024 regarding the property located at 522 St. Charles Street to rezone a portion of the property from R1-A Zone, Rockland Single Family Dwelling District to R1-B Zone, Single Family Dwelling District to accommodate subdivision of the property, and to rezone the remainder of the property to a site specific zone to permit an existing three-unit house conversion proposed for retention and heritage designation and recommending that this application proceed to bylaw readings.

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 April 3, 2024, for 522 St. Charles Street.

2. That, after publication of notification in accordance with section 467 of the *Local Government Act*, first, second and third reading of the zoning regulation bylaw amendment be considered by Council once the following conditions are met:

   a. plan revision to show and label all trees (including ID #'s, protected root zones and canopy spread) for trees to be retained and removed on both site and landscape plans, label replacement trees and update the Tree Preservation Summary tables accordingly, to the satisfaction of the Director of Parks, Recreation and Facilities;

   b. plan revision to consider new sanitary sewer and storm drain services and to provide dimensions of the two proposed water services, to the satisfaction of the Director of Engineering and Public Works.

3. That adoption of the zoning regulation bylaw amendment will not take place until:

   a. third reading of an associated heritage designation bylaw to designate the property known as 522 St. Charles Street, as described in the Statement of Significance attached as Attachment E, pursuant to Section 611 of the *Local Government Act*, to the satisfaction of the Director of Sustainable Planning and Community Development.

4. 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 Variance Permit Application

That Council, after giving notice, consider the following motion:

1. That subject to the adoption of the necessary zoning regulation bylaw amendment, Council authorize the issuance of Development Variance Permit No. 00279 for 522 St. Charles Street, in accordance with plans submitted to the Planning Department and date stamped by Planning on February 9, 2024, subject to:

   a. The proposed development meeting all City zoning regulation bylaw requirements, except for the following variances:

      i. reduce the minimum lot width from 15m to 14.30m for proposed Lot A

      ii. reduce the minimum front yard setback from 7.50m to 6.10m for proposed Lot A

      iii. reduce the minimum rear yard setback from 9.23m to 8.23m for proposed Lot A

      iv. reduce the minimum south side yard setback from 3.00m to 1.54m for proposed Lot B.

2. That the Development Variance Permit, if issued, expires two years from the date of this resolution."

Heritage Designation Application

That Council:

1. Instruct the Director of Sustainable Planning and Community Development to prepare a heritage designation bylaw that would designate the property at 522 St. Charles Street, that first and second reading of the bylaw be considered by Council and that a public hearing date be set.

2. Approve the Statement of Significance for 522 St. Charles Street attached as Attachment E to this report recognizing the building exterior as the historic features of the property.

CARRIED UNANIMOUSLY

F. LAND USE MATTERS

F.2 621, 627, 629 Princess Avenue and 624 Pembroke Street: Development Permit with Variances Application No. 00235 (Burnside)

Committee received an update report dated April 11, 2024 from the Director of Sustainable Planning and Community Development regarding the Development Permit with Variance Application for the property located at 621-629 Princess Street for lot consolidation and construction of a four-storey building intended for use as a self-storage facility with ground-orientated general commercial-industrial space, and recommending that the application be approved.

Committee discussed:

- *Potential for street activation considering the permitted business types*
- *City Policy for self-storage commercial use across different zones*

Moved and Seconded:

That Council, after giving notice, posting signage, and inviting written comments from the public for Council's consideration, consider the following motion:

1. "That Council authorize the issuance of Development Permit with Variances No. 00235 for 616 and 624 Pembroke Street, 621,627 and 629 Princess Avenue, in accordance with plans submitted to the Planning department and date stamped by Planning on March 26, 2024, subject to:
    a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
        i. adjust the east side internal lot boundary setback from either 0m or a minimum of 3m to 0.45m
        ii. adjust the west side internal lot boundary setback from either 0m or a minimum of 3m to 0.45m
        iii. reduce the required vehicle parking stalls from 137 stalls to 12 stalls.
    b. Registration of the following legal agreements, with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor:
        i. Provision of transportation demand management measures including:
            1. two yearly BC Transit Eco passes for a minimum of five years to be distributed to staff
            2. end of trip shower facilities.
        ii. A 0.6m Statutory-Right-of-Way along the Pembroke Street frontage.
        iii. A covenant ensuring that at least 516m2 of commercial-industrial unit space on the ground level are not used for self-storage.
    c. The property being consolidated into one lot.
2. That the Development Permit, if issued, lapses two years from the date of this resolution.

3. That subject to issuance of the Development Permit, Council authorize the projecting encroachments over the City rights of way on Pembroke Street and Princess Street generally as shown on the plans submitted to the City and dated January 26, 2024, provided that the applicant enters into an encroachment agreement with contents satisfactory to the Director of Engineering and Public Works and form satisfactory to the City Solicitor.

4. That Council advance this motion to the daytime Council following Committee of the Whole Meeting of April 25, 2024.

CARRIED UNANIMOUSLY

F.4 <u>1042, 1044 Richardson Street: Rezoning Application No. 00753 and Development Permit with Variances Application No. 00158 (Fairfield)</u>

Committee received an update report dated April 11, 2024 from the Director of Sustainable Planning and Community Development regarding the property located at 1042/1044 Richardson Street to rezone from R-K Zone, Medium Density Attached Dwelling District, to a new zone to increase the density from 0.6:1 floor space ratio (FSR) to 1.76:1 FSR and allow for a six-storey residential purpose-built market rental building with 20 dwelling units at this location and recommending that this application be declined.

Committee discussed the following:

- *Rationale for exclusion of below-market rental units in application*
- *Fluctuation and uncertainty of market rental rates*

Committee recessed at 10:26 a.m. and reconvened at 10:37 a.m.

Motion to refer:

Moved and Seconded:

Refer application back to staff to further discuss with the applicant the affordability component in the application and return to Committee of the Whole expeditiously.

Amendment:

Moved and Seconded:

Refer application back to staff to further discuss with the applicant the affordability component in the application and return to Committee of the Whole ~~**expeditiously**~~ **within two weeks.**

OPPOSED (4): Mayor Alto, Councillor Coleman, Councillor Gardiner, and Councillor Hammond

CARRIED (5 to 4)

Motion to refer as amended:

Moved and Seconded:

Refer application back to staff to further discuss with the applicant the affordability component in the application and return to Committee of the Whole within two weeks.

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

CARRIED (6 to 3)

H. NEW BUSINESS

H.1 Council Member Motion: Reimbursement of Association of Vancouver Island and Coastal Communities (AVICC) Conference (April 12-14, 2024)

Committee received a Council Member Motion requesting reimbursement for additional costs associated with Councillor Loughton's attendance at the April 12-14, 2024 AVICC conference in Victoria.

Moved and Seconded:

That Council authorise the attendance and associated additional AVICC Conference costs for
Councillor Loughton to be reimbursed. Costs include a workshop and taxes. The additional cost to
the early registration is $31.50.

Amendment:

Moved and Seconded:

That Council authorise the attendance and associated additional AVICC Conference costs for
Councillor Loughton to be reimbursed. Costs include a workshop and taxes. The additional cost to
the early registration is $31.50.

and that this motion be forwarded to the April 25, 2024 daytime Council meeting for consideration.

CARRIED UNANIMOUSLY

On the main motion as amended:

Moved and Seconded:

That Council authorise the attendance and associated additional AVICC Conference costs for
Councillor Loughton to be reimbursed. Costs include a workshop and taxes. The additional cost to
the early registration is $31.50.

and that this motion be forwarded to the April 25, 2024 daytime Council meeting for consideration.

CARRIED UNANIMOUSLY

J. ADJOURNMENT OF COMMITTEE OF THE WHOLE

Moved and Seconded:

That the Committee of the Whole Meeting be adjourned at 10:55 a.m.

CARRIED UNANIMOUSLY

CITY CLERK	MAYOR

DRAFT

Committee of the Whole Report
For the Meeting of May 9, 2024

To:	Committee of the Whole	**Date:**	April 29, 2024
From:	Susanne Thompson, Deputy City Manager and Chief Financial Officer		
Subject:	2023 Financial Statements		

RECOMMENDATION

That Council:
1. Approve the 2023 Financial Statements.
2. Forward this item to the daytime Council meeting of May 9, 2024 for ratification.

EXECUTIVE SUMMARY

Under section 167 of the *Community Charter*, a municipality's financial statements must be prepared by its Financial Officer and presented to Council for acceptance. The 2023 financial statements are the responsibility of management and have been prepared in accordance with "generally accepted accounting principles" for local governments established by the Public Sector Accounting Board.

The information in the financial statements can provide indicators of the financial condition of an organization, as will be discussed in this report.

Under section 171 of the *Community Charter*, the City's Municipal Auditor (BDO) must report to Council on the annual financial statements. The report must be in accordance with the form and the reporting standards recommended by CPA Canada.

As outlined in their audit findings report, the focus areas for this year's audit included recognition of grants and government transfers, and risk of management overrides. All testing was executed as planned and no adjustments were noted.

Once accepted by Council, BDO will issue an Auditor's Report expressing that in their opinion the financial statements present fairly, in all material respects, the financial position of the City as at December 31, 2023.

PURPOSE

The purpose of this report is to provide Council with an overview of the City's 2023 audited financial statements and request Council's acceptance of the financial statements.

BACKGROUND

Section 167 of the *Community Charter* requires that annual audited financial statements be prepared and presented to Council for acceptance. The City's audited consolidated financial statements for 2023 have been prepared by management in accordance with the generally accepted accounting principles for local governments, as prescribed by the Public Sector Accounting Board (PSAB) of CPA Canada.

Under PSAB reporting requirements, the following statements are presented for Council's review: (page references to Appendix A)

Statement of Financial Position (pg.2) – provides a summary of the City's economic resources (assets net of liability balances) available to meet its obligations and provide services. By continuing to grow its net financial asset position, the City strengthens its capacity to meet financial obligations.

Statement of Operations and Accumulated Surplus (pg.3) – identifies the current year contribution to the Accumulated Surplus balance from revenue and expenses.

Statement of Changes in Net Financial Assets (pg.4) – supplementary detail of the changes in assets and liabilities that explain the change to the Net Financial Assets balance on the Statement of Financial Position.

Statement of Cash Flows (pg.5) – supplementary detail to support the change to Cash and Cash Equivalents balance on the Statement of Financial Position.

Notes to the Financial Statements (pgs.6-28) - additional detail to disclose relevant reporting information and support significant balances in the Financial Statements.

The relationship between the statements is illustrated below (Figure 1): the Statement of Operations and Accumulated Surplus, the Statement of Changes and Net Financial Assets, and the Statement of Cash Flows provide expanded details on the balances in the Statement of Financial Position.

Figure 1. Relationship between Financial Statements

The Corporation of the City of Victoria
Statement of Financial Position
As at December 31, 2023, with comparative figures for 2022

	2023	2022	
Financial Assets			
Cash and cash equivalents (Note 3)	$ 97,276,196	$ 128,244,048	**Statement of Cash Flows**
Accounts receivable			
Property taxes	4,189,736	3,047,594	
Other Other (note 3)	37,500,804	35,679,761	
Portfolio investments (Note 4)	272,967,247	248,043,341	
Mortgage receivable (Note 5)	1,044,652	1,012,458	
Other assets	403	2,216	
MFA debt reserve fund (Note 16)	1,323,540	1,310,667	
	414,302,578	417,340,085	
Liabilities			
Accounts payable and accrued liabilities	35,189,523	30,069,020	
Deposits and prepayments	28,717,848	26,658,204	
Deferred revenue (Note 6)	31,127,016	29,359,819	
Long-term debt (Note 7)	48,962,799	54,066,383	
Employee future benefit liability (Note 8)	19,987,861	19,423,526	
Asset retirement obligation (Note 10)	1,706,893	-	
	165,691,940	159,576,952	
Net Financial Assets (net debt)	**248,610,638**	**257,763,134**	**Statement of Changes in Net Financial Assets**
Non-Financial Assets			
Tangible capital assets (Note 9)	722,459,962	641,709,643	
Inventories of supplies	2,655,209	2,434,168	
Deposits towards acquisition of tangible capital assets (Note 9(d))	535,000	3,400,000	
Prepaid expenses and deposits	2,539,789	687,035	
	728,189,960	**648,230,846**	
Accumulated Surplus (Note 11)	**$ 976,800,598**	**$ 905,993,980**	**Statement of Operations and Accumulated Surplus**

The accompanying notes are an integral part of these financial statements.

The Statement of Financial Position, accompanied by Note 11 identifying the components of the Accumulated Surplus, provides a snapshot of the City's financial health at a point in time. The Statement shows what the City owns and what it owes.

ISSUES & ANALYSIS

This report identifies the information in the Financial Statements that can be used as indicators of the City's financial condition. The report also highlights the operational results contributing to the Statement of Financial Position at December 31, 2023, and addresses areas where Council policy guides decision making.

Indicators of Financial Condition

Financial condition is a government's financial health as assessed by its ability to meet its existing financial obligations both in respect of its service commitments to the public and financial commitments to creditors, employees, and others. Applying indicators of financial condition specific to government organizations offers readers of the financial statements insights into the short and long-term implications of policy decisions and illustrates a government's financial ability to maintain the level and quality of its services and to finance new programs.

Appendix D – Indicators of Financial Condition provides a detailed analysis of indicators applied to the City of Victoria financial statements over a 5-year period, considering the elements of sustainability, flexibility, and vulnerability.

The City's Financial Sustainability Policy states in its Primary Objective that the "policies shall be designed and structured to develop principles that guide, support, and respect the direction of the community so that taxpayers can look forward to stable, equitable and affordable property taxation". The indicators of financial condition illustrate that the application of these principles guide decisions that support building the City's financial strengths in sustainability and flexibility, while considering the risk of vulnerability.

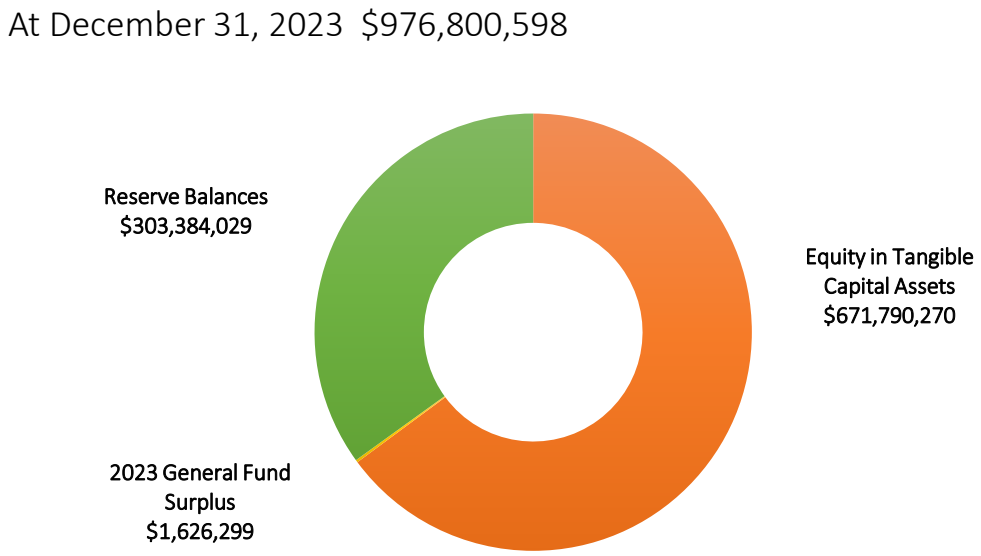
Financial Statement Analysis

Accumulated Surplus

The Accumulated Surplus balance at December 31, 2023, as reported on the Statement of Financial Position, is $976.8 million. This is the accumulation of the City's increases in equity in capital assets and reserve balances since its inception. The balance represents the total economic resources available to the City and indicates how much the City's assets exceed its liabilities.

Of the economic resources available, equity in capital assets makes up the most significant portion of the accumulated surplus balance, followed by reserve balances (Figure 2). The current year General Fund Surplus of $1.63 million makes up a small portion of the Accumulated Surplus balance.

Figure 2. Accumulated Surplus



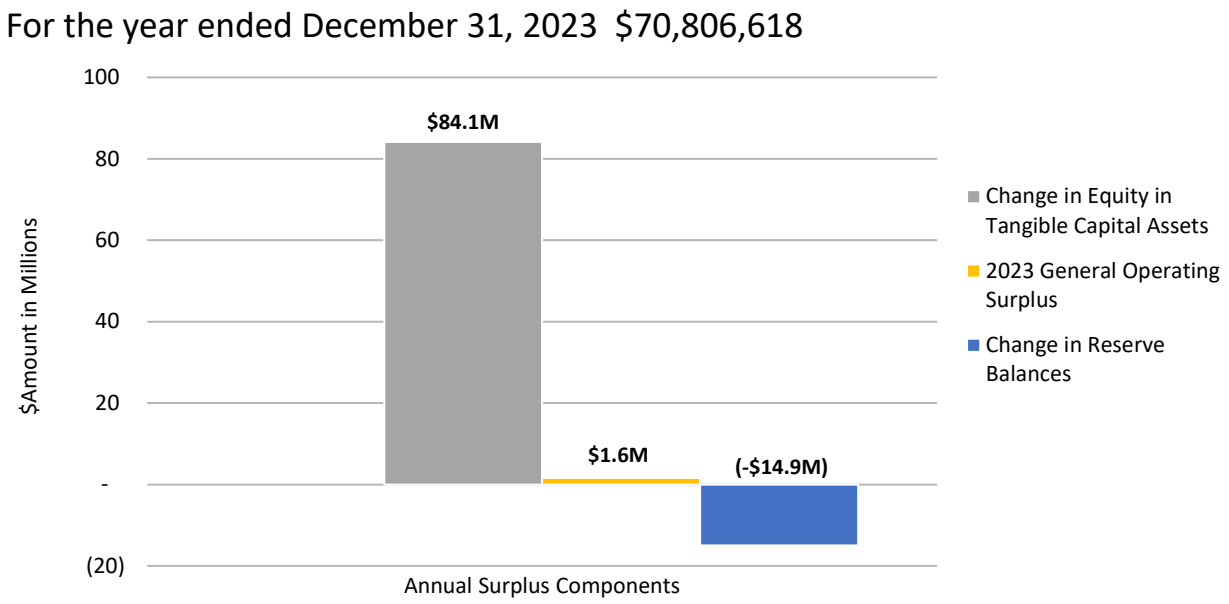
This means that the majority of the $976.8 million accumulated surplus consists of the City's tangible capital assets, such as roads, underground infrastructure, land, buildings, and equipment, along with funds set aside in reserves for future spending.

Annual Surplus

The annual surplus represents the economic resources gained by the City during the year and is reported on the Statement of Operations. The City's annual surplus for 2023 is $70.8 million. Most of this surplus is comprised of increased equity in capital assets offset by decrease from use of the reserve balances (Figure 3). Of the total annual surplus balance, $1.63 million is the General Fund surplus which is available for future spending.

The primary contributions to the 2023 General Fund surplus of $1.63 million are higher than expected revenue from the Victoria Conference Centre, payments-in-lieu of taxes, as well as reduced expenses due to staff vacancies. Council makes a decision annually on the use of the current year General Fund surplus which is incorporated into the following year's budget.

Figure 3. Annual Surplus



Statutory Reserves

The City statutory reserve funds were established by bylaw under section 188 of the *Community Charter* and funding from these reserves can only be used for the specific purposes outlined in the bylaw.

In 2023 the City's statutory reserves decreased by $14.4 million (Table 1). The reserve balance total includes funding for capital projects in progress. Funding is only drawn down from reserves as capital projects are completed. Some projects are either multi-year projects or experienced schedule adjustments to begin at a later date.

Specific to 2023, Capital projects that are underway include:

- Multi-Modal Corridor Improvements
- Gate of Harmonious Interest
- Fire Hall #1 Replacement
- Topaz Park Artificial Turf Replacement
- Major and Local Street Rehabilitation
- Public Washroom Improvements
- Vehicle and Heavy Equipment Replacements
- Water, sewer, and storm water mains replacement projects
- Crystal Pool boiler replacement

Table 1. Statutory Reserve Balances

Reserve Fund Description	Dec 31, 2022	Transfer To	Transfer From	Interest	Dec 31, 2023
Financial Stability Reserves	$ 84,492,353	$ 2,584,578	$ (36,503,076)	$ 4,042,960	54,616,815
Equipment & Infrastructure Replacement Fund	194,292,278	25,664,331	(35,156,259)	9,296,886	194,097,236
Tax Sale Lands Fund	8,403,007	50,000	(103,982)	402,084	8,751,109
Parks and Greenways Acquisition Fund	2,238,798	-	-	107,125	2,345,923
Local Amenities & Tree	2,128,550	523,940	(96,445)	103,292	2,659,337
Affordable Housing	7,599,116	1,555,677	(622,500)	363,618	8,895,911
Climate Action	3,001,619	1,005,628	(410,646)	143,627	3,740,228
Art In Public Places	1,027,481	150,000	(95,419)	49,165	1,131,227
Downtown Core Area Public Realm Improvements	661,335	-	(360,110)	14,414	315,639
Park Furnishing Dedication Program	61,636	67,500	(38,825)	2,949	93,260
Growing Communities Fund	-	12,852,000	-	-	12,852,000
Total Reserve Funds Balance	**$ 303,906,173**	**$ 44,453,654**	**$ (73,387,262)**	**$ 14,526,120**	**$ 289,498,685**

Development Cost Charges

Development Cost Charges (DCCs) are contributions from developers collected under bylaw to provide funds to assist the City to pay the capital costs of providing, constructing, altering, or expanding transportation, water, drainage, and sewage facilities, and for providing and improving parkland related to population growth.

DCC balances (Table 2) increased in 2023 by $951,941 in interest revenue allocated and $2.27 million in charges, compared to $3.39 million in charges collected in 2022. A total of $6.13 million was used to fund capital projects in 2023, compared to $5.15 million funded from the DCC balances in 2022.

Table 2. DCC Balances

Development Cost Charges	Dec 31, 2022	Transfer To	Transfer From	Interest	Dec 31, 2023
Water and Environment	$ -	$ -	$ -	$ -	$ -
Transportation	5,239,910	768,223	5,239,000	250,730	1,019,862
Water	2,340,928	245,366	513,000	112,013	2,185,307
Drainage	1,143,064	175,913	572	54,696	1,373,101
Sewage	3,096,718	249,930	313,588	148,178	3,181,238
Parkland Acquisition and Development	8,073,655	829,765	68,628	386,324	9,221,116
Total Development Cost Charges	**$ 19,894,275**	**$ 2,269,197**	**$ 6,134,789**	**$ 951,941**	**$ 16,980,624**

Capital Assets

The City's inventory of capital assets (Table 3), cost before accumulated amortization, increased by $101.4 million with the most significant increases resulting from:

- $35.2 million for Firehall #1 replacement
- $19.0 million of street rehabilitation
- $14.3 million of water/sewer/storm drain infrastructure
- $12.4 million in multi-modal corridor improvements
- $3.2 million in vehicle and heavy equipment replacement
- $2.1 million for Topaz Park artificial turf replacement
- $1.7 million from adoption of new PSAS (Public Sector Accounting Standards) related to asset retirement obligations
- $1.4 million in computer equipment
- $1.2 million in Crystal Pool boiler replacement

Table 3. Capital Assets

Capital Assets (Historical Costs)	2023	2022
Land	$ 177,594,904	$ 173,227,689
Buildings	162,199,741	123,036,756
Furniture, Equip, Tech & Vehicles	111,406,401	101,229,301
Roads, Bridges and Highways	313,075,960	290,967,030
Water Infrastructure	95,937,823	93,165,280
Sewer Infrastructure	51,099,968	48,134,590
Drainage Infrastructure	47,754,283	46,099,711
Assets Under Construction	30,135,841	11,895,939
Total Capital Assets	989,204,921	887,756,296
Accumulated Amortization	(266,744,959)	(246,046,653)
Total Capital Assets (Net Book Value)	$ 722,459,962	$ 641,709,643

Debt

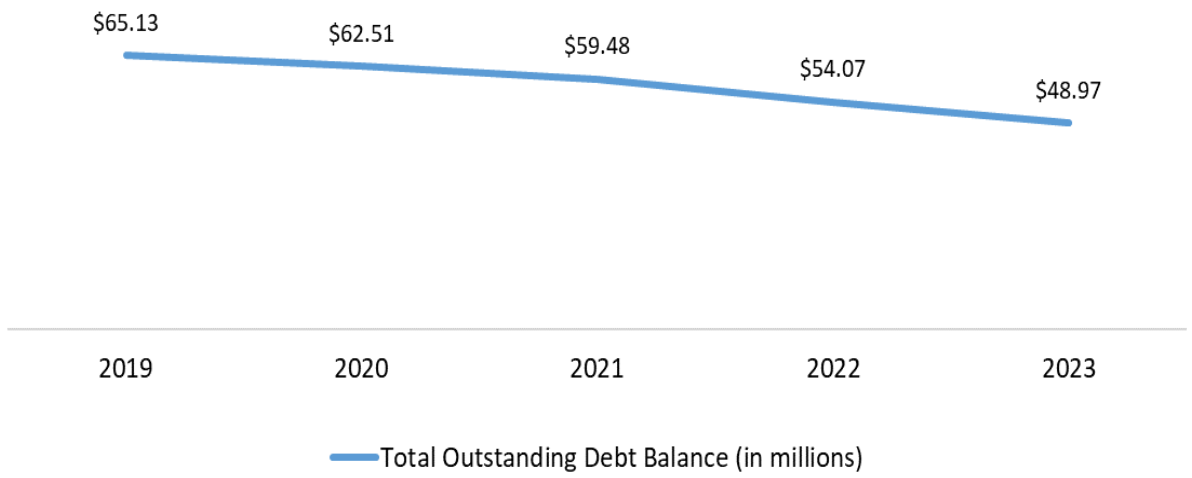
No new MFA debt was issued in 2023. The City's total outstanding debt (Table 4) decreased in the year by $5.11 million.

Debt Management is governed by the City's Financial Sustainability Policy, which directs that debt can only be incurred for one-time capital purchases and not for ongoing capital programs or operational expenses. The philosophy supporting the City's Financial Sustainability Policy and Reserve Fund Policy is to consider intergenerational equity by balancing the use of debt and reserves for capital funding to recognize the appropriate sharing of funding from current taxpayers as well as future beneficiaries.

Table 4. Debt Balance Outstanding

Debt Issues (in millions)	Expiry Date	2023	2022
Equipment Financing Loan	2026	1.65	2.37
Debenture Debt			
Issue 79, 80, 81 – Arena	2033 / 2034	15.10	16.24
Issue 105 – Crystal Gardens	2024	0.23	0.52
Issue 103, 105, 110 – Parkades Upgrades	2023 / 2023 / 2025	0.88	1.57
Issue 115, 130, 139, 142 – Johnson Street Bridge	2031 / 2034 / 2036/ 2037	31.10	33.37
Total Debenture Debt		47.31	51.70
Total Debt balance outstanding at December 31, 2023		$48.96 m	$54.07 m

Figure 5. Total Outstanding Debt Balance over 5 years



Debt service charges (principal repayment, interest costs, and transfer to debt reduction reserve) are directed by the Financial Sustainability Policy to be maintained at a maximum of 7% of the prior year's property tax levy and that if possible, new debenture debt is added only in the years when other debt issues are retired. The current external debt servicing costs (principal repayment and interest) are below this level, therefore approximately $2 million is transferred to the Debt Reduction Reserve to be available for internal borrowing as an alternative to incurring external debt. This internal borrowing funded the replacement of Fire Department Headquarters in 2023 resulting in a lower interest cost.

Portfolio Investments

The City's investment portfolio (Tables 5 and 6) returned $17.4 million in 2023, an increase of $9.5 million from 2022. The actual investment portfolio rate of return was 5.19% (2.24% in 2022). The majority of investment revenue is allocated to reserves, per the City's Reserve Fund Policy.

The increase in investment revenue over 2023 is due to increased rates of return in the investment market from increased interest rates.

The investment portfolio is governed by the City's Investment Policy, which prioritizes the safety of public funds through diversification, provides liquidity to meet cash flow demands, and yields the highest returns within the limits prescribed by *Community Charter* s.183, Investment of Municipal Funds.

Council has also directed staff to seek out investments that are Socially Responsible and fossil fuel free. In 2020, the Municipal Finance Authority of BC (MFA) created a number of new socially responsible and fossil fuel free investment options in response to feedback from local governments. The new options include additional Pooled High Interest Savings Accounts, Government Focused Ultra-Short Bond Fund, Fossil Fuel Free Short-Term Bond Fund, and Pooled Commercial Mortgage Fund. These options allowed the City to increase the portion of socially responsible investments (SRI) as a percentage of overall holdings and increase diversification in investment holdings (Figure 8).

Table 5. Investment Portfolio

Investment Portfolio	2023 Share	2023 Value	2022 Share	2022 Value
MFA Pooled Money Market (Cash and Cash Equiv)	4%	$ 12,000,000	6%	$ 21,509,861
MFA High Interest Savings (Cash and Cash Equiv)	15%	50,473,553	20%	65,600,482
MFA Pooled Bond Funds (2 - 5 years)	35%	115,967,266	26%	87,028,546
Term Deposits Credit Unions (1 year)	27%	91,999,981	29%	96,014,795
Term Deposits Schedule 1 Banks (1 year)	9%	31,000,000	9%	31,000,000
GICs Credit Unions (5 year)	3%	9,000,000	3%	9,000,000
GICs Schedule 1 Banks (5 year)	7%	25,000,000	7%	25,000,000
	100%	$ 335,440,800	100%	$ 335,153,684

Table 6. Investment Returns

Investment Returns	2023	2022
Investment Returns	$ 17,388,869	$ 7,840,487
Actual Rate of Return	5.19%	2.24%
MFA Money Market Return	5.38%	0.12%
Average Bank Interest Rate	5.29%	2.48%

Figure 7. Rate of Return on Portfolio Investments over 5 years

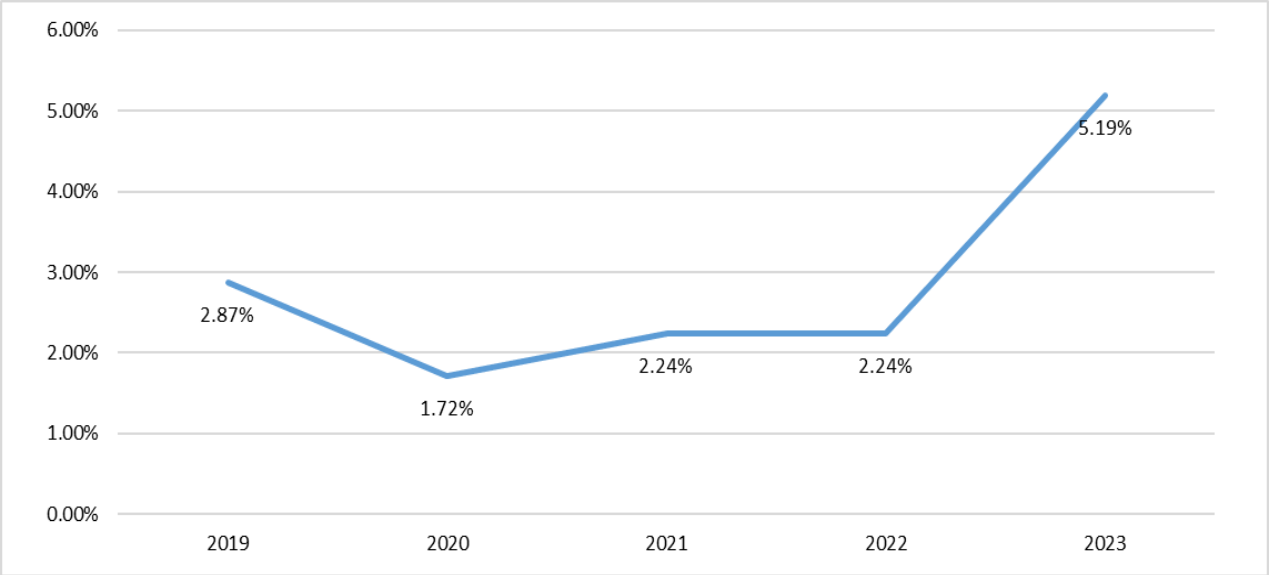
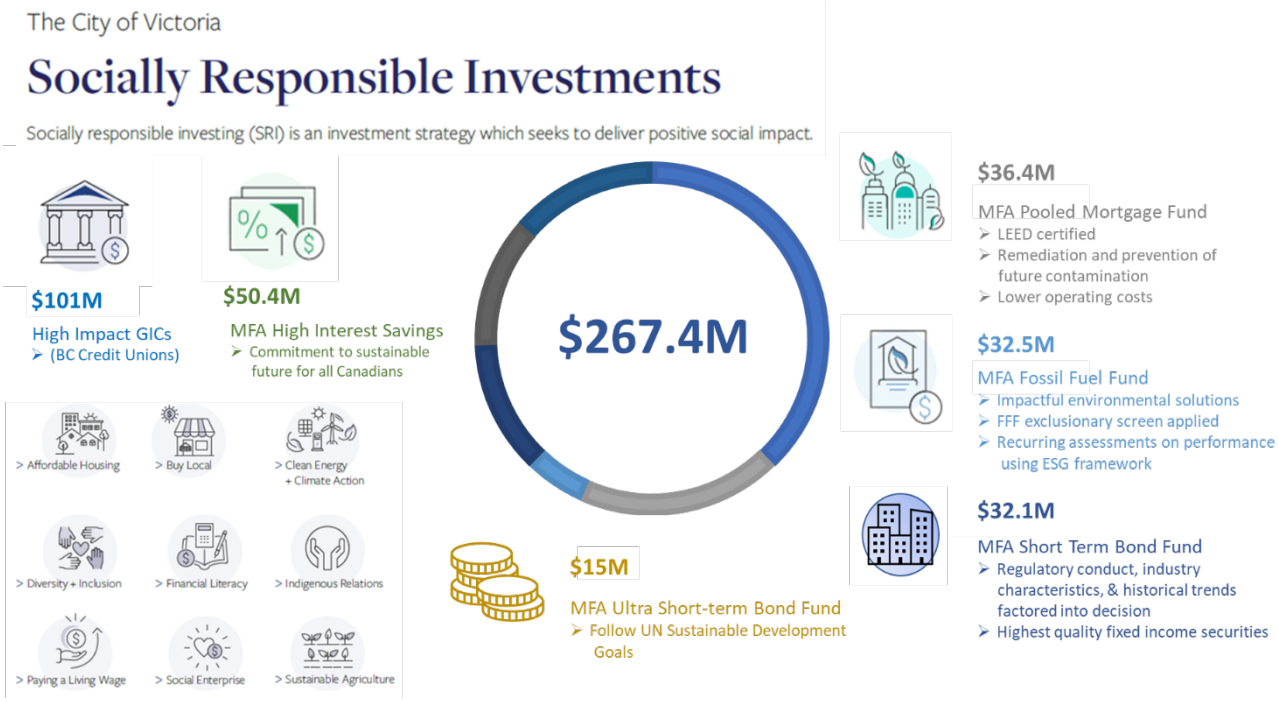


Figure 8. City of Victoria SRI Investments



<u>Revenues and Expenses</u>
The Financial Statements are presented in accordance with PSAB reporting standards to ensure comparability between government organizations across Canada. The budget information in the Statement of Operations was developed for the purpose of the Financial Plan, which is customized to the operations of individual government organizations. The format of the financial statements does not provide an effective comparison of budget to actual performance as the budget process does not take into account adjustments made for PSAB reporting standards.

In order to provide a meaningful comparison of budget to actual performance, additional schedules are attached to this report providing 2023 comparison of budget to actual for operating revenues and expenses (Appendix E), and capital expenditures (Appendix F). These comparisons are provided in the format for budget reporting for the year.

Information Presentation

The City continues to fulfil statutory obligations to provide an Annual Report and Audited Financial Statements that meet the requirements of the *Community Charter*. The annual report provides key highlights and performance measures in visual graphics so that it is easily understood.

CONCLUSION

BDO conducted the City's 2023 audit and have stated in the Auditor's Report their opinion is that these financial statements present fairly, in all material respects, the City's financial position as of December 31, 2023, and its results of operations and changes in net financial assets and its cash flows for the year then ended in accordance with Canadian public sector accounting standards.

Respectfully submitted,

Raymond Lin Manager, Accounting	Susanne Thompson Deputy City Manager/CFO

Report accepted and recommended by the City Manager

List of Appendices

Appendix A – Draft Audited Financial Statements for the year ended December 31, 2023
Appendix B – Audit Findings Report to Mayor and Council
Appendix C – Independent Auditor's Report
Appendix D – Indicators of Financial Condition
Appendix E – Budget to Actual Operating Revenues and Expenses
Appendix F – Budget to Actual Capital Expenditures

THE CORPORATION OF THE CITY OF VICTORIA

MANAGEMENT'S RESPONSIBILITY FOR THE FINANCIAL STATEMENTS

The accompanying financial statements of The Corporation of the City of Victoria (the "City") are the responsibility of management and have been prepared in accordance with Canadian public sector accounting standards as recommended by the Public Sector Accounting Board. A summary of the significant accounting policies are described in the financial statements. The preparation of financial statements necessarily involves the use of estimates based on management's judgment, particularly when transactions affecting the current accounting period cannot be finalized with certainty until future periods.

The City's management maintains a system of internal controls designed to provide reasonable assurance that assets are safeguarded, transactions are properly authorized and recorded in compliance with legislative and regulatory requirements, and reliable financial information is available on a timely basis for preparation of the financial statements. These systems are monitored and evaluated by management.

Mayor and Council meet with management and the external auditors to review the financial statements and discuss any significant financial reporting or internal control matters prior to their approval of the financial statements.

The financial statements have been audited by BDO Canada LLP, independent external auditors appointed by the City. The accompanying Independent Auditor's Report outlines their responsibilities, the scope of their examination and their opinion on the City's financial statements.

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City Manager

Deputy City Manager/CFO

Government Finance Officers Association

Canadian Award for Financial Reporting

Presented to

City of Victoria

British Columbia

For its Annual Financial Report for the Year Ended

December 31, 2022

Christopher P. Morrill

Executive Director/CEO

THE CORPORATION OF THE CITY OF VICTORIA
STATEMENT OF FINANCIAL POSITION

December 31		**2023**		2022
Financial Assets				
Cash and cash equivalents (Note 3)	**$**	**97,276,196**	$	128,244,048
Accounts receivable				
Property taxes		**4,189,736**		3,047,594
Other		**37,500,804**		35,679,761
Portfolio investments (Note 4)		**272,967,247**		248,043,341
Mortgage receivable (Note 5)		**1,044,652**		1,012,458
Other assets		**403**		2,216
MFA debt reserve fund (Note 16)		**1,323,540**		1,310,667
		414,302,578		417,340,085
Liabilities				
Accounts payable and accrued liabilities		**35,189,523**		30,069,020
Deposits and prepayments		**28,717,848**		26,658,204
Deferred revenue (Note 6)		**31,127,016**		29,359,819
Long-term debt (Note 7)		**48,962,799**		54,066,383
Employee future benefit liability (Note 8)		**19,987,861**		19,423,526
Asset retirement obligations (Note 10)		**1,706,893**		-
		165,691,940		159,576,952
Net Financial Assets		**248,610,638**		257,763,134
Non-Financial Assets				
Tangible capital assets (Note 9)		**722,459,962**		641,709,643
Inventories of supplies		**2,655,209**		2,434,168
Deposits towards acquisition of tangible capital assets (Note 9(d))		**535,000**		3,400,000
Prepaid expenses and deposits		**2,539,789**		687,035
		728,189,960		648,230,846
Accumulated Surplus (Note 11)	**$**	**976,800,598**	**$**	**905,993,980**
Contingent liabilities (Note 16)				

On behalf of the City:

Deputy City Manager/CFO

Mayor

The accompanying notes are an integral part of these financial statements.

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THE CORPORATION OF THE CITY OF VICTORIA

STATEMENT OF OPERATIONS

For the year ended December 31	Financial Plan 2023 (Note 17)	**2023**	2022
Revenues			
Taxation (Note 12)	169,000,160	**$ 169,084,975**	157,914,112
Grants in lieu of taxes	7,317,500	**7,613,156**	7,359,111
Sale of goods and services	56,818,630	**66,304,108**	58,259,637
Sale of water	24,747,980	**26,734,144**	23,990,399
Licences and permits	9,697,370	**11,371,144**	9,705,751
Fines	5,518,020	**5,438,681**	4,559,778
Rentals and leases	2,012,750	**2,194,456**	2,038,200
Investment income	4,000,000	**16,378,744**	7,344,892
Other interest and penalties	965,960	**1,407,719**	1,084,725
Unconditional transfers (Note 13)	2,000,000	**1,988,000**	2,003,713
Conditional transfers (Note 13)	15,224,990	**26,009,318**	12,884,707
Actuarial adjustment on debt	-	**1,435,132**	1,496,813
Development Cost Charges	7,859,000	**6,134,789**	4,888,598
Miscellaneous (Note 14)	3,146,740	**4,213,705**	10,185,652
	308,309,100	**346,308,071**	303,716,088
Expenses			
General government	33,377,600	**27,707,915**	21,335,160
Protective services	92,521,170	**97,724,786**	88,504,784
Engineering and transportation services	27,534,100	**40,019,766**	35,927,293
Environmental and public health services	8,936,270	**10,387,184**	9,818,872
Social services and housing	2,216,390	**3,272,815**	5,783,790
Planning and development	19,964,120	**22,970,043**	18,181,953
Parks, recreation and cultural services	32,677,700	**48,072,553**	41,155,232
Water utility	18,117,980	**19,444,103**	17,840,908
Sewer utility	4,308,880	**5,902,287**	5,657,271
	239,654,210	**275,501,453**	244,205,263
Annual Surplus	68,654,890	**70,806,618**	59,510,825
Accumulated surplus, beginning of year	905,993,980	**905,993,980**	846,483,155
Accumulated Surplus, end of year	$ 974,648,870	**$ 976,800,598**	$ 905,993,980

Draft

The accompanying notes are an integral part of these financial statements

THE CORPORATION OF THE CITY OF VICTORIA

STATEMENT OF CHANGES IN NET FINANCIAL ASSETS

For the year ended December 31	Financial Plan 2023 (Note 17)	**2023**	2022
Annual Surplus	$ 68,654,890	**$ 70,806,618**	$ 59,510,825
Acquisition of tangible capital assets	(180,630,000)	**(103,512,059)**	(45,672,948)
Developer contributions of tangible capital assets	-	**(30,000)**	-
Amortization of tangible capital assets	14,500,000	**20,906,966**	17,809,743
Increase in tangible capital assets due to additions to asset retirement obligations	-	**(1,692,989)**	-
Net loss (gain) on disposal of tangible capital assets	-	**3,534,452**	(4,201,285)
Proceeds on disposal of tangible capital assets	-	**43,311**	6,503,600
	(166,130,000)	**(80,750,319)**	(25,560,890)
Purchase of inventories of supplies	-	**(3,710,690)**	(518,065)
Purchase of prepaids expense and deposits	-	**(4,826,149)**	-
Deposits towards acquisition of tangible capital assets	-	**(535,000)**	-
Consumption of deposits towards acquisition of tangible capital assets	-	**3,400,000**	-
Consumption of inventories of supplies	-	**3,489,649**	-
Consumption of prepaid expenses and deposits	-	**2,973,395**	1,046,150
	-	**791,205**	528,085
Change in Net Financial Assets	(97,475,110)	**(9,152,496)**	34,478,020
Net Financial Assets, Beginning of Year	257,763,134	**257,763,134**	223,285,114
Net Financial Assets, End of Year	$ 160,288,024	**$ 248,610,638**	$ 257,763,134

Draft

The accompanying notes are an integral part of these financial statements

THE CORPORATION OF THE CITY OF VICTORIA
STATEMENT OF CASH FLOWS

For the year ended December 31		**2023**		2022
Cash provided by (used in):				
Operating Transactions:				
Annual Surplus	**$**	**70,806,618**	$	59,510,825
Items not involving cash:				
Amortization of tangible capital assets		**20,906,966**		17,809,743
Net loss (gain) on disposal of tangible capital assets		**3,534,452**		(4,201,285)
Employee future benefits expense		**2,718,000**		2,008,478
Accretion expense		**13,904**		-
Actuarial adjustment on debt		**(1,435,132)**		(1,496,812)
Developer contributions of tangible capital assets		**(30,000)**		-
Change in non-cash operating assets and liabilities:				
Accounts receivable other		**(1,821,043)**		(10,143,891)
Property taxes receivable		**(1,142,142)**		(880,902)
Mortgage receivable		**(32,194)**		(31,201)
Other assets		**1,813**		19,488
MFA debt reserve fund		**(12,873)**		38,712
Accounts payable and accrued liabilities		**5,120,503**		(244,117)
Deposits and prepayments		**2,059,644**		3,154,793
Deferred revenue		**1,767,197**		(25,626)
Inventories of supplies		**(221,041)**		(518,066)
Prepaid expenses and deposits		**(1,852,753)**		1,046,150
Change in employee future benefit liability due to cash payment		**(2,153,665)**		(1,776,184)
		98,228,255		64,270,105
Capital Transactions:				
Acquisition of tangible capital assets		**(103,512,059)**		(45,672,948)
Consumption of deposits towards acquisition of tangible capital assets		**3,400,000**		-
Deposits towards acquisition of tangible capital assets		**(535,000)**		-
Proceeds on disposal of tangible capital assets		**43,311**		6,503,600
		(100,603,748)		(39,169,348)
Investing Transactions:				
Net increase in portfolio investments		**(24,923,906)**		(29,495,038)
Financing Transactions:				
Debt repayments		**(3,668,453)**		(3,918,954)
Decrease in Cash and Cash Equivalents		**(30,967,852)**		(8,313,235)
Cash and Cash Equivalents, beginning of year		**128,244,048**		136,557,283
Cash and Cash Equivalents, end of year	**$**	**97,276,196**	$	128,244,048

The accompanying notes are an integral part of these financial statements.

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The Corporation of the City of Victoria (the "City") is incorporated and operates under the provisions of the Local Government Act and the Community Charter of British Columbia. The City provides municipal services such as: protective services, enginnering and transportation services, environmental and public health services, social services and housing, planning and development, parks, recreation and cultural services, water utility, sewer utility and other general government operations.

The financial statements of the City are prepared by management in accordance with Canadian public sector accounting standards as recommended by the Public Sector Accounting Board. Significant accounting policies adopted by the City are as follows:

1. Significant Accounting Policies

(a) Reporting Entity

The financial statements include the assets, liabilities, accumulated surplus, revenues and expenses of all of the City's activities and funds. Inter-departmental balances and organizational transactions have been eliminated.

The financial statements exclude trust assets that are administered for the benefit of external parties (Note 15).

(b) Basis of Accounting

The City follows the accrual method of accounting for revenues and expenses. Revenues are accounted for in the year in which they are earned and measurable. Expenses are recognized as they are incurred and measurable as a result of receipt of goods or services and/or the creation of a legal obligation to pay.

(c) Government Transfers

Government transfers are recognized in the financial statements as revenues in the period the transfers are authorized and any eligibility criteria have been met, except when and to the extent that stipulations exist that gives rise to an obligation that meets the definition of a liability for the City. Transfers received that meet the definition of a liability are initially recorded as deferred revenue and subsequently recognized in the periods that the stipulations that give rise to a liability are settled.

(d) Deferred Revenue

Certain user charges and fees are collected for which the related services have yet to be performed. Revenue is recognized in the period when the related expenses are incurred or the services are performed. Building permit fees are recognized individually as inspections are performed.

(e) Deposits and Prepayments

Receipts restricted by third parties for future services or repayment are deferred and reported as deposits and are refundable under certain circumstances. Deposits and prepayments are recognized as revenue when qualifying expenditures are incurred.

(f) Taxation Revenue

Taxes are recorded at estimated amounts when they meet the definition of an asset, have been authorized and the taxable event occurs. Annual levies for non-optional municipal services and general administrative services are recorded as taxes for municipal services in the year they are levied. Taxes receivable are recognized net of an allowance for anticipated uncollectible amounts. Levies imposed by other taxing authorities are not included as taxes for municipal purposes.

Through the British Columbia Assessment Authority's appeal process, taxes may be adjusted by way of supplementary roll adjustments. The effects of these adjustments on taxes are recognized at the time they are awarded.

(g) Investment Income

Investment income is reported as revenue in the period earned. When required by the funding agreement, investment income earned on deferred revenue is deferred and forms part of the deferred revenue balance.

(h) Cash and Cash Equivalents

Cash equivalents include short term highly liquid investments with a term to maturity of 90 days or less at acquisition.

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1. Significant Accounting Policies (continued)

(i) Debt
Long-term debt is recorded net of related sinking fund balances and actuarial earnings thereon.

(j) Employee Future Benefits

(i) The City and its employees make contributions to the Greater Victoria Labour Relations Association and Canadian Union of Public Employees (GVLRA - CUPE) Long Term Disability Trust and Municipal Pension Plan. As these are multi-employer pension plans, contributions are expensed as incurred.

(ii) Sick leave and certain retirement benefits are also available to the City's employees. The costs of these benefits are actuarially determined based on years of service and best estimates of retirement ages and expected future salary and wage increases. The obligations under these benefit plans are accrued based on projected benefits as the employees render services necessary to earn the future benefits.

(k) Asset Retirement Obligations
A liability for an asset retirement obligation is recognized when, as at the financial reporting date, all of the following criteria are met:

(i) there is a legal obligation to incur retirement costs in relation to a tangible capital asset;
(ii) the past transaction or event giving rise to the liability has occurred;
(iii) it is expected that future economic benefits will be given up; and
(iv) a reasonable estimate of the amount can be made.

The liability is recorded at an amount that is the best estimate of the expenditure required to retire a tangible capital asset at the financial statement date. This liability is subsequently reviewed at each financial reporting date and adjusted for the passage of time and for any revisions to the timing, amount required to settle the obligation or the discount rate.

Upon the initial measurement the liability, and if the related tangible capital asset is in productive use, an equal amount is added to the carrying value of the related tangible capital asset. This cost is amortized over the useful life of the tangible capital asset. If the related tangible capital asset is unrecognized or no longer in productive use, the value of the liability is recorded as an expense.

(l) Contaminated Sites
Contaminated sites are a result of contamination being introduced into air, soil, water or sediment of a chemical, organic or radioactive

(i) an environmental standard exists;
(ii) contamination exceeds the environmental standard;
(iii) the City is directly responsible or accepts responsibility;
(iv) it is expected future economic benefits will be given up; and
(v) a reasonable estimate of the amount can be made.

The liability is recognized as management's best estimate of the cost of remediation including operation, maintenance and monitoring that are an integral part of the mediation strategy for a contaminated site. No liability for contaminated sites exists as at December 31, 2023 or 2022.

(m) Financial Instruments
Financial instruments are classified into two categories: (i) fair value orand (ii) cost, or amortized cost.

i. Fair value category: derivatives and portfolio investments in equity instruments that are quoted in an active market are required to be assigned to the fair value category. Instruments in this category are carried at fair value as at the reporting date. Sales and purchases of investments are recorded on the trade date. Transaction costs related to the acquisition of investments are recorded as an expense. Unrealized gains and losses on financial assets are recognized in the statement of remeasurement gains and losses until such time that the financial asset is derecognized due to disposal or impairment. At the time of derecognition, the related realized gains and losses are recognized in the statement of operations and related balances reversed from the statement of remeasurement gains and losses.

As at December 31, 2023, none of the City's financial instruments have been assigned to the fair value category. As a result, there are no unrealized gains and losses and a statement of remeasurement gains and losses has not been included in these financial statements.

ii. Cost or amortized cost category: other financial instruments are measured at cost or amortized cost. Gains and losses are recognized in the statement of operations when the financial instrument is derecognized due to disposal or impairment. Sales and purchases of portfolio investments are recorded on the trade date. Transaction costs related to the acquisition of financial assets are included in the cost of the related instrument.

Financial instruments assigned to the cost or amortized cost category are cash and cash equivalents, accounts receivable, portfolio investments, mortgage receivable, accounts payable and accrued liabilities, deposits liability, and long-term debt.

Financial assets carried at cost or amortized cost are assessed for impairment on an annual basis. If there is a significant adverse change in the amount or timing of expected future cash flows, the value of the asset is reduced and an impairment loss is recorded in the statement of operations. If events and circumstances reverse in a future period, the impairment loss is reversed to the extent of the improvement, not exceeding the initial carrying value.

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1. Significant Accounting Policies (continued)

(n) Non-Financial Assets
Non-financial assets are not available to discharge existing liabilities and are held for use in the provision of services. They have useful lives extending beyond the current year and are not intended for sale in the ordinary course of operations.

(i) Tangible Capital Assets
Tangible capital assets are recorded at cost which includes amounts that are directly attributable to acquisition, construction, development or betterment of the asset. The costs, less residual value, of the tangible capital assets, excluding land, are amortized on a straight line basis over their estimated useful lives as follows:

	Useful life in years
Land improvements	15-20
Buildings	20-50
Furniture, equipment, technology and motor vehicles	5-25
Roads, bridges, and highways	10-80
Water infrastructure	20-125
Sewer infrastructure	50-100
Drainage infrastructure	50-100

Tangible capital assets are written down when conditions indicate that they no longer contribute to the City's ability to provide goods and services, or when the value of future

(ii) Contribution of Tangible Capital Assets
Tangible capital assets received as contributions are recorded at their fair value at the date of receipt and also recorded as revenue. Where an estimate of fair value can not be made, the

(iii) Natural Resources
Natural resources are not recognized as assets in the financial statements.

(iv) Works of Art and Cultural and Historic Assets
Works of art and cultural and historical assets are not recognized as assets in the financial statements.

(v) Leased Tangible Capital Assets
Leases that transfer substantially all of the benefits and risks incidental to ownership of property are accounted for as leased tangible capital assets. All other leases are accounted for as operating leases and the related payments are charged to expenses as incurred.

(vi) Inventories of Supplies
Inventories of supplies held for consumption are recorded at the lower of cost and replacement cost.

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(o) Use of Estimates
The preparation of financial statements requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities, and disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenues and expenses during the period. Significant estimates include assumptions used in estimating useful lives of tangible capital assets, the amount and timing of costs of retirement of tangible capital assets, estimating provisions for accrued liabilities, and in performing actuarial valuations of employee future benefits. Actual results could differ from these estimates.

2. Adoption of New Accounting Policies
PS 3280 – *Asset Retirement Obligations:*

On January 1, 2023, the City adopted Public Accounting Standard PS 3280 – Asset Retirement Obligations. This new accounting standard addresses the reporting of legal obligations associated with the retirement of certain tangible capital assets. The standard was adopted prospectively, and as such, no adjustment has been made to the previously reported financial results of the organization. Under the prospective method, the discount rate and assumptions used on initial recognition are those as of the date of adoption of the standard.

On January 1, 2023,the City recognized a liability and a corresponding increase to the related tangible capital asset's cost base on several buildings owned by the City that contain asbestos.

In accordance with the provisions of this new standard, the City reflected the following adjustments at January 1, 2023:
- An increase of $1,692,989 to buildings capital assets, representing the estimate of the obligation as of the date of adoption, and an accompanying amortization expense of $1,389,430 for buildings that are already assessed as being at the end of their useful lives.

2. Adoption of New Accounting Policies (continued)

PS 3450 – Financial Instruments & PS 2604 - Foreign Currency Translation

On January 1, 2023, the City adopted Public Accounting Standards PS 3450 – Financial Instruments and PS 2601 – Foreign Currency Translation.

PS 2601 addresses the measurement of transactions that are denominated in foreign currencies. The transition to PS 2601 from PS 2600 is required upon adoption of PS 3450, and has had no impact on the City's previously reported financial results. PS 3450 addresses the recognition and measurement of financial instruments. This standard requires all instruments that meet the prescribed definition of a 'financial instrument' to be assigned to one of two measurement categories:

(a) fair value; or
(b) cost or amortized cost

The City has assigned its financial instruments to the measurement categories described in Note 1(m) . This adoption has had no impact on the City's previously reported financial results. As a result of this adoption, the City has included additional disclosures relating to financial instruments in note 19.

3. Cash & Cash Equivalents

	2023	2022
Cash	**$ 85,276,196**	$ 106,734,187
Municipal Finance Authority (MFA) money market funds	**12,000,000**	21,509,861
	$ 97,276,196	$ 128,244,048

4. Portfolio Investments:

	2023	2022
MFA Pooled Bond Funds	**$ 115,967,266**	$ 87,028,546
Term deposits	**156,999,981**	161,014,795
	$ 272,967,247	$ 248,043,341

The Term Deposits held at December 31, 2023 have yields of 5.15% to 6.25% (2022 - 0.86% to 5.65%) and maturity dates to November 15, 2024. The MFA pooled bond funds have varying returns and yields, and are intended to be held for two to five years. The City's investments are carried at cost, which is consistent with the City's adoption of PS 3450.

5. Mortgage Receivable

	2023	2022
Mortgage receivable	**$ 1,044,652**	$ 1,012,458

In 2015, the property that was used for a new permanent, safe, transitional and supportive housing was purchased by a not-for-profit housing society and a mortgage of $1,300,000 was issued by the City. The mortgage bears no interest and is secured by the property. Payment is not due until the mortgage matures on September 15, 2029. The mortgage is guaranteed by BC Housing Management Commission. Therefore, if the not-for-profit defaults on the terms of the loan, BC Housing Management Commission assumes responsibility for the loan repayment. The balance represents the present value of the payment using the City's estimated cost of borrowing at the time that this balance was recognized.

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6. Deferred Revenue

	2022	Amounts Received	Interest Earned	Recognized as Revenue	**2023**
Deferred revenue	$ 2,473,743	$ 10,987,213	$ -	$ (5,777,097)	**$ 7,683,860**
Building permit fees	6,991,801	4,919,573	-	(5,448,851)	**6,462,532**
Development cost charges	19,894,275	2,269,197	951,941	(6,134,789)	**16,980,624**
	$ 29,359,819	$ 18,175,983	$ 951,941	$ (17,360,737)	**$ 31,127,016**

7. Long-Term Debt

	2023	2022
Equipment financing loans (a)	**$ 1,651,159**	$ 2,369,094
Long term borrowing (b)	**47,311,640**	51,697,289
	$ 48,962,799	$ 54,066,383

(a) Equipment financing Loans

The MFA has established an equipment financing program that replaced the former leasing program. Loans under the equipment financing program are available to both regional districts and municipalities under section 175 of the Community Charter, and are direct obligations of the entity requesting funding. In the case of a municipality, it does not have to seek consent of its regional district to obtain an equipment financing loan. The maximum length of an equipment financing loan agreement is five years. Interest rates are based on the Canadian Dollar Offered Rate and the loans have fixed monthly payments with the interest portion calculated on the last day of the month.

(i) Equipment financing loans are as follows:

MFA Loan No. - Council Resolution	Gross debt	Principal repaid	**Equipment loan payable 2023**	Equipment loan payable 2022
0001-0 - 2/28/2019	$ 1,860,000	$ 1,260,614	**$ 599,386**	$ 944,917
0002-0 - 2/28/2019	2,140,000	1,088,227	**1,051,773**	1,424,177
	$ 4,000,000	$ 2,348,841	**$ 1,651,159**	$ 2,369,094

(ii) Future estimated payments over the next three years are as follows:

	Principal repayment from the General Capital Fund	Interest payment	Total
2024	$ 750,905	$ 73,667	$ 824,572
2025	648,538	31,088	679,626
2026	251,716	2,992	254,708
	$ 1,651,159	$ 107,747	$ 1,758,906

(iii) Principal paid during the year was $717,936 (2022 - $762,997). Interest paid during the year was $106,636 (2022 - $61,575).

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(b) Long-term Borrowing

The City issues debt instruments through the MFA, pursuant to security issuing bylaws under authority of the Local Government Act, to finance certain capital expenditures. Sinking fund balances, managed by the MFA, are used to reduce long-term debt. Interest rates on long-term debt range from 1.28% to 3.15%. The weighted average interest rate for 2023 was 2.78% (2022 - 2.70%).

(i) Gross amount of debt and the repayment and actuarial earnings to retire the debt are as follows:

	Year of Maturity	Rate	Gross debt	Repayment & actuarial earnings	**Net debt 2023**	Net debt 2022
Issue 79	2033	3.08%	$ 10,000,000	$ 5,120,361	**$ 4,879,639**	$ 5,270,582
Issue 80	2033	2.85%	10,000,000	5,025,310	**4,974,690**	5,347,401
Issue 81	2034	2.85%	10,000,000	4,755,428	**5,244,572**	5,618,921
Issue 103	2023	2.65%	1,800,000	1,800,000	**-**	110,256
Issue 105	2024	2.25%	5,240,015	4,897,236	**342,779**	788,290
Issue 110	2025	1.28%	5,200,000	4,434,370	**765,630**	1,191,902
Issue 115	2031	2.12%	10,200,000	5,173,136	**5,026,864**	5,554,053
Issue 130	2034	3.00%	23,200,000	8,315,305	**14,884,695**	15,959,864
Issue 139	2036	2.10%	5,500,000	1,579,586	**3,920,414**	4,166,537
Issue 142	2037	3.15%	9,600,000	2,327,643	**7,272,357**	7,689,482
			$ 90,740,015	$ 43,428,377	**$ 47,311,640**	$ 51,697,289

(ii) Future aggregate payments of net outstanding debenture debt, including sinking fund payments, over the next five years and thereafter are as follows:

	Principal repayment from the General Capital Fund	Actuarial Earnings	Total
2024	$ 2,949,917	$ 1,466,743	$ 4,416,660
2025	2,778,320	1,360,994	4,139,314
2026	2,521,310	1,316,785	3,838,095
2027	2,544,305	1,443,870	3,988,175
2028	2,568,195	1,576,042	4,144,237
Thereafter	14,759,286	12,025,873	26,785,159
	$ 28,121,334	$ 19,190,307	$ 47,311,640

(iii) Scheduled debt repayments may be suspended at the MFA's option in the event of excess sinking fund earnings. Principal paid during the year was $2,950,516 (2022 - $3,155,961). Interest paid during the year was $2,439,196 (2022 - $2,454,986).

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8. Employee Future Benefit Liability

Information about liabilities for the City's employee benefit obligations is as follows:

Accrued benefit obligations:		**2023**		2022
Balance, beginning of year	**$**	**18,850,200**	$	19,475,700
Service cost		**1,435,500**		1,487,300
Interest cost		**856,200**		502,300
Benefit payments		**(2,124,300)**		(1,804,900)
Immediate recognition loss (gain) for event driven liabilities		**350,500**		(41,700)
Actuarial gain		**970,500**		(2,841,900)
Plan amendment		**75,800**		2,073,400
Accrued benefit obligation, end of year		**20,414,400**		18,850,200
Less: unamortized net actuarial gain/(loss)		**(970,500)**		-
Add: pension over contributions due to staff		**543,961**		573,326
Employee future benefit liability, end of year	**$**	**19,987,861**	$	19,423,526

The accrued benefit obligations and the benefit costs for the year were estimated by actuarial valuation as of December 31, 2023 by an independent actuarial firm. Key estimates used in the valuation include the following:

	2023	2022
Discount rates	**4.10%**	4.40%
Expected future inflation rates	**2.50%**	2.25%
Expected wage and salary increases	**2.50%**	2.33 to 4.38%
Estimated average remaining service life of employees	**12 years**	13 years

The benefit liabilities include both vested and non-vested amounts as follows:

		City		Police		**2023**		2022
Vested benefits	$	4,757,966	$	7,647,795	**$**	**12,405,761**	$	12,896,226
Non-vested benefits		7,316,100		266,000		**7,582,100**		6,527,300
Total employee future benefit liability	$	12,074,066	$	7,913,795	**$**	**19,987,861**	$	19,423,526

Vested benefits include lump sum retirement payments, death benefits, and certain sick leave and vacation in year of retirement. Vested benefits are contractually required to be paid to an employee regardless of their future employment. Non-vested benefits include long-service leave, personal leave program and certain leave programs. Non-vested benefits are conditional upon future employment.

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8. Employee Future Benefit Liability (continued)

GVLRA - CUPE Long term Disability Trust

The Trust was established January 1, 1987 as a result of negotiations between the Greater Victoria Labour Relations Association representing a number of employers and the Canadian Union of Public Employees representing a number of CUPE locals. The Trust's sole purpose is to provide a long-term disability income benefit plan. The City and its employees each contribute equal amounts into the Trust. The total plan provision for approved and unreported claims was actuarially determined as of December 31, 2020 with an extrapolation prepared by the actuary as at December 31, 2022. At December 31, 2022, the total plan provision for approved claims was $24,104,700 and the provision for unreported claims was $1,703,000 with an accumulated deficit of $3,026,543. The total plan provision for approved and unreported claims and net surplus/deficit at December 31, 2023 will be available later in 2024. The City paid $849,657 (2022 – $687,114) for employer contributions and City employees paid $813,403 (2022 – $653,474) for employee contributions to the plan in fiscal 2023.

Municipal Pension Plan

The City and its employees contribute to the Municipal Pension Plan (a jointly trusteed pension plan). The board of trustees, representing plan members and employers, is responsible for administering the Plan, including investment of the assets and administration of benefits. The Plan is a multi-employer defined benefit pension plan. Basic pension benefits are based on a formula. As at December 31, 2023, the Plan has about 240,000 active members and approximately 124,000 retired members. Active members include approximately 43,000 contributors from local governments.

Every three years, an actuarial valuation is performed to assess the financial position of the Plan and adequacy of the funding. The actuary determines an appropriate combined employer and member contribution rate to fund the Plan. The actuary's calculated contribution rate is based on the entry-age normal cost method, which produces the long-term rate of member and employer contributions sufficient to provide benefits for average future entrants to the Plan. This rate may be adjusted for the amortization of any actuarial funding surplus and will be adjusted for the amortization of any unfunded actuarial liability.

The most recent actuarial valuation for the Municipal Pension Plan as at December 31, 2021, indicated a $3,761 million funding surplus for basic pension benefits on a going concern basis.

The City paid $13,294,369 (2022 - $12,411,219) for employer contributions while City of Victoria employees paid $11,104,534 (2022 – $10,288,176) for the Plan in fiscal 2023.

The next valuation will be as at December 31, 2024, with results available in 2025.

Employers participating in the Plan record their pension expense as the amount of employer contributions made during the fiscal year (defined contribution pension plan accounting). This is because the Plan records accrued liabilities and accrued assets for the Plan in aggregate, resulting in no consistent and reliable basis for allocating the obligation, assets and cost to the individual employers participating in the Plan.

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9. Tangible Capital Assets

Cost	Land & Improvements	Buildings	Furniture, equipment, technology, vehicles	Roads, bridges, highways	Water infrastructure	Sewer infrastructure	Drainage infrastructure	Assets under construction	**2023 Total**	2022 Total
December 31, 2022	$ 173,227,689	$ 123,036,756	$ 101,229,301	$ 290,967,030	$ 93,165,280	$ 48,134,590	$ 46,099,711	$ 11,895,939	**$ 887,756,296**	$ 844,762,232
Asset retirement obligations	-	1,692,989	-	-	-	-	-	-	**1,692,989**	-
Additions	394,258	36,997,911	8,307,011	18,665,248	2,180,779	2,630,454	1,640,519	32,725,879	**103,542,059**	45,652,157
Disposals	-	-	(239,697)	-	-	-	-	(3,546,726)	**(3,786,423)**	(2,658,093)
Transfer of completed assets previously under construction	3,972,957	472,085	2,109,786	3,443,682	591,764	334,924	14,053	(10,939,251)	**-**	-
December 31, 2023	177,594,904	162,199,741	111,406,401	313,075,960	95,937,823	51,099,968	47,754,283	30,135,841	**989,204,921**	887,756,296
Accumulated amortization										
December 31, 2022	(1,238,480)	(61,287,031)	(76,052,773)	(80,109,263)	(14,163,007)	(8,053,569)	(5,142,530)	-	**(246,046,653)**	(228,613,480)
Disposals	-	-	208,660	-	-	-	-	-	**208,660**	110,467
Amortization	(253,291)	(5,142,271)	(6,256,760)	(7,190,403)	(1,008,906)	(550,122)	(505,213)	-	**(20,906,966)**	(17,543,641)
December 31, 2023	(1,491,771)	(66,429,302)	(82,100,873)	(87,299,666)	(15,171,913)	(8,603,691)	(5,647,743)	-	**(266,744,959)**	(246,046,653)
Net Book Value, December 31, 2023	$ 176,103,133	$ 95,770,439	$ 29,305,528	$ 225,776,294	$ 80,765,910	$ 42,496,277	$ 42,106,540	$ 30,135,841	**$ 722,459,962**	$ 641,709,643

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9. Tangible Capital Assets

Cost	Land & Improvements	Buildings	Furniture, equipment, technology, vehicles	Roads, bridges, highways	Water infrastructure	Sewer infrastructure	Drainage infrastructure	Assets under construction	**2022 Total**	2021 Total
December 31, 2021	$ 159,699,116	$ 121,277,684	$ 95,112,269	$ 262,620,744	$ 87,625,234	$ 44,855,131	$ 40,126,625	$ 33,445,429	**$ 844,762,232**	$ 797,512,812
Additions	4,156,636	1,029,010	4,062,032	10,217,704	3,631,769	2,814,442	1,123,822	18,616,741	**45,652,157**	48,855,928
Disposals	(1,076,429)	-	(110,467)	-	-	-	-	(1,471,197)	**(2,658,093)**	(1,606,508)
Transfer of completed assets previously under construction	10,448,366	730,062	2,165,467	18,128,582	1,908,277	465,016	4,849,264	(38,695,034)	**-**	-
December 31, 2022	173,227,689	123,036,756	101,229,301	290,967,030	93,165,280	48,134,590	46,099,711	11,895,939	**887,756,296**	844,762,232
Accumulated amortization										
December 31, 2021	(1,004,104)	(58,035,938)	(70,418,197)	(73,731,485)	(13,192,484)	(7,540,981)	(4,690,291)	-	**(228,613,480)**	(212,455,596)
Disposals	-	-	110,467	-	-	-	-	-	**110,467**	501,102
Amortization	(234,376)	(3,251,093)	(5,745,043)	(6,377,778)	(970,523)	(512,588)	(452,240)	-	**(17,543,641)**	(16,658,986)
December 31, 2022	(1,238,480)	(61,287,031)	(76,052,773)	(80,109,263)	(14,163,007)	(8,053,569)	(5,142,531)	-	**(246,046,653)**	(228,613,480)
Net Book Value, December 31, 2022	$ 171,989,209	$ 61,749,725	$ 25,176,528	$ 210,857,767	$ 79,002,273	$ 40,081,021	$ 40,957,180	$ 11,895,939	**$ 641,709,643**	$ 616,148,752

a) Work in Progress

Assets under construction having a value of $29,206,578 (2022 - $11,895,939) have not been amortized. Amortization of these assets will commence when the asset is put into service.

b) Contributed Assets

One contributed asset with a value of $30,000 was recognized in 2023. No contributed assets were recognized during 2022.

c) Write-down of Tangible Capital Assets

No write-down of tangible capital assets occurred during 2023 or 2022.

d) Deposits towards acquisition of tangible capital assets

The City had entered into a contractual arrangement for future acquisition of a building. The total cost of this arrangement was $35,377,443 towards which the City had paid a deposit of $3,400,000 in previous years. The remaining obligation to the City of $31,977,443 was paid in 2023 and the acquisition completed as scheduled.
The City has entered into contractual arrangements for three future acquisitions of real property. In 2023, the City paid total deposits of $535,000 for these future acquisitions.
The deposits are separately presented on the Statement of Financial Position and is not included in the assets under construction figure presented in this note.
The City expects to pay approximately $14,312,037 to complete those three future acquisitions.

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10. Asset Retirement Obligations

The City's asset retirement obligations consists of the following obligations:

The City owns and operates several buildings that are known to have asbestos, which represents a health hazard upon demolition of the building and there is a legal obligation to remove it. The related asset retirement costs are being amortized on a straight line basis over the remaining expected useful life of the related tangible capital assets in accordance with the amortization policies, as disclosed in note 1(n).

The estimated total future expenditures totaling $1,741,996 have been discounted using a present value calculation with a discount rate of 4.58%. The timing of these expenditures is estimated to occur between 2024 and 2037. No recoveries are expected at this time.

The impact of the adoption of PSAS 3280 Asset Retirement Obligations on January 1, 2023 is described in Note 2.

Changes to the asset retirement obligations in the year are as follows:

Asset Retirement Obligations		
Balance at Janaury 1, 2023	$	1,692,989
Accretion Expense		13,904
Balance at December 31, 2023	**$**	**1,706,893**

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11. Accumulated Surplus

Accumulated surplus consists of individual fund surplus as follows:

		2023		2022
Surplus				
Equity in tangible capital assets	**$**	**671,790,270**	$	587,643,259
Operating Fund		**1,626,299**		1,673,877
Unfunded employee benefit obligation		**(5,557,610)**		(4,604,158)
		667,858,959		584,712,979
Non-Statutory Reserve Accounts				
Development Stabilization Reserve		**19,442,954**		17,374,828
Reserves				
Financial Stability Reserves		**54,616,815**		84,492,353
Equipment & Infrastructure Replacement Fund		**194,097,236**		194,292,278
Tax Sale Lands Fund		**8,751,109**		8,403,007
Parks and Greenways Acquisition Fund		**2,345,923**		2,238,798
Local Amenities & Tree		**2,659,337**		2,128,550
Victoria Housing Fund		**8,895,911**		7,599,116
Climate Action		**3,740,228**		3,001,619
Art in Public Places		**1,131,227**		1,027,481
Downtown Core and Public Realm Improvements		**315,639**		661,335
Park Furnishing Dedication Program		**93,260**		61,636
Growing Communities Fund		**12,852,000**		-
		289,498,685		303,906,173
Total Accumulated Surplus	**$**	**976,800,598**	$	905,993,980

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12. Taxation

Taxation revenue, reported on the statement of operations is made up of the following

	Financial Plan 2023	**2023**	2022
General taxation:			
General municipal purposes	$ 166,257,960	**$ 166,258,930**	$ 155,147,521
Utility 1% tax	1,347,000	**1,373,350**	1,294,771
Special assessments:			
Boulevard frontage	535,200	**527,602**	532,241
Specified area improvement	71,000	**129,094**	143,717
Sewer frontage	789,000	**795,999**	795,861
Total taxes available for municipal purposes	$ 169,000,160	**$ 169,084,975**	$ 157,914,112

13. Government grants and transfers

	Financial Plan 2023	**2023**	2022
Unconditional Transfers:			
Traffic fine revenue sharing	$ 2,000,000	**$ 1,988,000**	$ 2,003,713
Conditional Transfers:			
Federal	12,984,190	**10,365,315**	8,418,689
Provincial	1,211,800	**15,403,891**	4,242,470
Other agencies	1,029,000	**240,112**	223,548
	$ 15,224,990	**$ 26,009,318**	$ 12,884,707

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14. Miscellaneous Revenue

	Financial Plan 2023	**2023**	2022
Cost Sharing	$ 973,700	**$ 1,457,097**	$ 1,307,240
Arena lease equivalent, share of naming rights and ticket surcharge	590,060	**526,650**	625,933
Capital Region Emergency Service Telecommunications levy	400,000	**290,441**	290,037
Bus shelter advertising	150,000	**130,288**	158,749
Commission	750	**37,595**	1,341
Bonus density	-	**19,046**	344,488
Public Amenity	-	**-**	410,110
Fortis franchise fee	665,000	**849,117**	664,861
Other: administrative fees and lease fees	367,230	**859,004**	550,016
Gain on acquistion and disposal of tangible capital assets	-	**44,467**	5,832,876
	$ 3,146,740	**$ 4,213,705**	$ 10,185,652

15. Trust Funds

Trust funds administered by the City are as follows, and have not been included in the Statement of Financial Position nor have their operations been included in the Statement of Operations.

	2023	2022
Ross Bay Cemetery	**$ 1,312,989**	1,224,173
Nature Interpretive Centre	**716,745**	684,015
Bastion Square Revitalization	**149,714**	142,877
	$ 2,179,448	2,051,065

The Ross Bay Cemetery Trust is a fund for the non-commercial Ross Bay Cemetery and is used for perpetual maintenance.
The Nature Interpretive Centre is a trust for the construction of a Nature/Interpretive center in Beacon Hill Park.
The Bastion Square Revitalization Trust is a trust for the sole purpose of improving Bastion Square.

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16. Contingent Liabilities

(a) The City is a defendant in various lawsuits. The City records an accrual in respect of legal claims that are likely to be successful and for which a liability amount is reasonably determinable. The remaining claims, should they be successful as a result of future litigation, will be recorded when a liability is likely and determinable. Management does not believe any outstanding claims are likely to result in a material loss to the City. Included in reserve funds is an insurance reserve of $4,535,756 (2022 - $4,328,631) maintained to offset settlements, and insurance coverage is maintained to provide for insurable claims should they exceed the liability deductible of $1,000,000 in any year. As of November 1, 2008, the City joined the Municipal Insurance Association and all insurable claims from that date forward are subject to a liability deductible of $250,000 in any year.

(b) Under borrowing arrangements with the Municipal Finance Authority, the City is required to lodge security by means of demand notes and interest-bearing cash deposits based on the amount of the borrowing. As a condition of these borrowings, a portion of the debenture proceeds is withheld by the MFA as debt reserve fund. These deposits are included in the City's financial assets as restricted cash (under the caption of MFA debt reserve fund) and are held by the MFA as security against the possibility of debt repayment default. If the debt is repaid without default, the deposits are refunded to the City. At December 31, 2023 the balance of the deposits was $1,323,540 (2022 - $1,310,667). At December 31, 2023 there were contingent demand notes of $2,245,243 (2022 - $2,314,040) which are not included in the financial statements of the City.

(c) Capital Regional District debt, under provisions of the Local Government Act, is a direct, joint and several liability of the Capital Regional District and each member municipality within the capital Regional District, including the City. No liability has been recorded in relation to this. A liability would be recorded if it becomes likely that the Capital Regional District will default on these debt obligations.

(d) The City of Victoria and the District of Saanich established the Board of Cemetery Trustees of Greater Victoria in 1922 under the Municipal Cemeteries Act. The Board is a not-for profit organization that operates the Royal Oak Burial Park. The terms of the agreement provides the Board a borrowing limit of $3 million, with the City and the District of Saanich providing equal guarantee. At December 31, 2023 the Board had an outstanding demand loan of $484,305 (2022 - $795,917) with the Bank of Montreal and long-term debt of $460,780 (2022 - $540,199) through the Municipal Finance Authority. The City's guarantee portion of the outstanding debt at December 31, 2023 is $472,543 (2022 - $668,058). No liability has been recorded in relation to this. A liability would be recorded if it becomes likely that the Board of Cemetary Trustees of Greater Victoria will default on these debt obligations

(e) The City is a shareholder and member of Capital Regional Emergency Service Telecommunications (CREST) Incorporated, which provides centralized emergency communications and related public safety information services to municipalities, regional districts, the provincial and federal governments and their agencies, and emergency service organizations throughout the Greater Victoria region and the Gulf Islands. Members' obligations to share in funding ongoing operations and any additional costs relating to capital assets are to be contributed pursuant to a Members' Agreement.

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17. Financial Plan Data

The financial plan data presented in these financial statements is based on the 2023 operating and capital financial plan approved by Council on May 4, 2023. The below table reconciles the approved financial plan to the financial plan figures reported in these financial statements.

Revenues		
Taxation (Note 12)	$	169,000,160
Grants in lieu of taxes		7,317,500
Sale of goods and services		56,818,630
Sale of water		24,747,980
Licences and permits		9,697,370
Fines		5,518,020
Rentals and leases		2,012,750
Investment income		4,000,000
Other interest and penalties		965,960
Unconditional transfers (Note 13)		2,000,000
Conditional transfers (Note 13)		15,224,990
Actuarial adjustment on debt		-
Development Cost Charges		7,859,000
Miscellaneous (Note 14)		3,146,740
		308,309,100
Expenses		
General government		33,377,600
Protective services		92,521,170
Transportation services		27,534,100
Environmental and public health services		8,936,270
Social services and housing		2,216,390
Planning and development		19,964,120
Parks, recreation and cultural services		32,677,700
Water utility		18,117,980
Sewer utility		4,308,880
		239,654,210
Annual Surplus, per the Statement of Operations		68,654,890
Less:		
Capital expenditures		(180,630,000)
Debt repayments		(2,950,510)
Add:		
Funding and utilizations of reserves		114,925,620
Annual Surplus, per the financial plan bylaw	$	-

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18. Segmented Information

The City of Victoria is a diversified municipal organization that provides a wide range of services to its residents. For management reporting purposes, the City's operations and activities are organized and reported by Fund. Funds were created for the purpose of recording specific activities to attain certain objectives in accordance with special regulations, restrictions or limitations. City services are provided by departments and their activities are reported within these funds. Certain functions that have been separately disclosed in the segmented information, along with the services they provide, are as follows:

(a) General Government
The General Government Operations provide the functions of Corporate Administration, Finance, Human Resources, Legislative Services and any other functions categorized as non-departmental.

(b) Protective Services
Protective Services is comprised of four different functions, including the City's Emergency Management Division, Fire, Police and Bylaw Services. The Emergency Management Division prepares the City to be more prepared and able to respond to, recover from, and be aware of, the devastating effects of a disaster or major catastrophic event that will impact the community. The Fire Department is responsible for providing critical, life-saving services in preventing or minimizing the loss of life and property from fire and natural or man-made emergencies. The Police Department ensures the safety of the lives and property of Victoria as well as Esquimalt citizens through the enforcement of municipal bylaws, criminal laws and the laws of British Columbia, the maintenance of law and order, and the prevention of crime. The goal of Bylaw Services is to achieve voluntary compliance of City Bylaws through education and information.

(c) Engineering and Transportation Services
Engineering and Transportation Services is responsible for a wide variety of transportation functions such as Parking, Engineering Operations and Streets. As well, providing services around infrastructure, traffic control, transportation planning, review of land development impacts on transportation, traffic management, pedestrian and cycling issues, on-street parking regulations, including street signs and painting, and traffic signal timing.

(d) Environmental and Public Health Services
The Environmental and Public Health Services is comprised of three areas of Solid Waste Services, Storm Drains as well as Street Cleaning. The Solid Waste Collection and Recycling Operations Section is responsible for the collection of household garbage. The Storm Drains Section provides the design, inspection and technical supervision of civil engineering projects related to the construction and maintenance of the storm drain collection systems to protect public health. The Street Cleaning Section is responsible for the collection and disposal of litter and debris from streets, sidewalks, squares.

(e) Social Services and Housing
Social services and housing includes grants to non-profit organizations for the purpose of facilitating social inclusion and community wellness, and to support affordable housing initiatives.

(f) Parks, Recreation and Facilities
Parks is responsible for the maintenance, planning and development of all park facilities such as ornamental gardens, natural ecosystems, sport and entertainment venues and playgrounds for recreational and cultural enjoyment in a beautiful and safe environment. Recreation services facilitates the provision of recreation and wellness programs and services through the City's pool, arena, Royal Athletic Park, Community and Seniors' Centres. Facilities is responsible for the maintenance and repairs for all City facilities.

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18. Segmented Information (continued)

(g) Planning and Development
This segment is comprised of four areas:

(i) Sustainable Planning and Community Development: Supports quality development and economic health of the City. This function includes: community and city-wide land use planning; urban design; planning applications including zoning, development and variance permits, demographic, and other planning information services.

(ii) Strategic Real Estate: Manages all aspects of the City's real estate holdings based on an established real estate strategy and a triple bottom line (economic, social and environmental) perspective of returns. The real estate office provides a wide range of services including strategic advice and partnership development; as well as planning and leading transactions for the acquisition, sale, leasing or licensing of lands to meet the City's operational requirements and strategic goals.

(iii) Economic Development: This function is guided by six primary "engines" to drive Victoria's businesses, generate jobs, raise household incomes, and increase well-being. The six engines include: advanced education and research and development; the ocean and marine sector; experimental tourism; government; technology; and entrepreneurship, start-ups, and social enterprise. Economic development in Victoria focuses on the prospects for the future as a city with a high quality of life which supports the building of a vibrant, prosperous, fiscally sound and economically robust community. The Arts and Cultural function supports community vibrancy and economic impact through tourism and visitor attraction.

(iv) Victoria Conference Centre: This function includes the Victoria Conference Centre which is the second largest conference facility in BC and has a significant economic impact on the local economy. Responsible for strengthening the City's economy through the implementation of a vision and action plan for economic sustainability and growth in Victoria.

(h) Water and Sewer Utilities
The Sewer Utility protects the environment and human health from the impacts of liquid wastes generated as a result of human occupation and development in the City. The Water Utility delivers clean, safe and aesthetically pleasing potable water, in accordance with the Provincial Drinking Water Protection Act, to the citizens of the City of Victoria and Township of Esquimalt. The water is for the purpose of domestic consumption and fire fighting.

The accounting policies used in these segments are consistent with those followed in the preparation of the financial statements as disclosed in note 1.

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18. Segmented Information (continued)

	General Fund							Water Fund	Sewer Fund	
2023	**General Government**	**Protective Services**	**Engineering & Transportation Services**	**Environmental & Public Health Services**	**Social Services & Housing**	**Planning and Development**	**Parks, Recreation and Cultural**	**Water Utility**	**Sewer Utility**	**Total**
Revenues										
Taxation	167,761,374	-	-	-	-	-	527,602	-	795,999	169,084,975
Grants in lieu of taxes	7,613,156	-	-	-	-	-	-	-	-	7,613,156
Sale of goods and services	1,461,295	10,009,837	18,401,878	10,449,823	-	11,012,158	3,011,169	1,540,078	10,417,870	66,304,108
Sale of water	-	-	-	-	-	-	-	26,734,144	-	26,734,144
Licences and permits	1,434,495	1,245,098	2,115,822	-	-	6,567,792	7,937	-	-	11,371,144
Fines	-	51,980	5,386,701	-	-	-	-	-	-	5,438,681
Rentals and leases	-	-	-	-	-	2,194,456	-	-	-	2,194,456
Investment income	16,378,744	-	-	-	-	-	-	-	-	16,378,744
Other interest and penalties	1,089,488	-	-	52,438	-	-	-	264,093	1,700	1,407,719
Unconditional transfers	-	1,988,000	-	-	-	-	-	-	-	1,988,000
Conditional transfers	21,265,966	238,544	447,951	13,691	1,500,677	50,000	71,919	1,922,189	498,381	26,009,318
Actuarial adjustment on debt	1,435,132	-	-	-	-	-	-	-	-	1,435,132
Development Cost Charges	5,307,628	-	-	572	-	-	-	513,000	313,588	6,134,789
Miscellaneous	2,166,690	1,329,266	154,996	-	-	461,095	101,658	-	-	4,213,705
	225,913,967	14,862,726	26,507,349	10,516,525	1,500,677	20,285,502	3,720,283	30,973,503	12,027,538	346,308,071
Expenses										
Salaries, wages and benefits	19,235,896	79,686,717	18,424,141	5,361,131	1,137,720	10,340,638	21,219,620	2,382,783	2,411,626	160,200,271
Materials, supplies and services	3,801,965	14,573,628	8,636,581	3,581,592	254,771	11,436,264	15,837,656	15,287,371	2,513,003	75,922,831
Interest and foreign exhange	362,588	-	1,561,696	-	-	-	877,500	-	-	2,801,784
Grants	-	-	-	-	1,880,324	384,627	4,632,774	-	-	6,897,725
Amortization	3,471,527	2,528,294	8,979,304	661,701	-	698,554	3,008,003	1,009,461	550,122	20,906,966
Capital Maintenance	835,938	936,147	2,418,045	782,760	-	109,961	2,497,000	764,489	427,536	8,771,876
	27,707,915	97,724,786	40,019,766	10,387,184	3,272,815	22,970,043	48,072,553	19,444,103	5,902,287	275,501,453
Annual surplus	**$ 198,206,053**	**$ (82,862,060)**	**$ (13,512,418)**	**$ 129,341**	**$ (1,772,137)**	**$ (2,684,542)**	**$ (44,352,270)**	**$ 11,529,400**	**$ 6,125,250**	**$ 70,806,618**

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18. Segmented Information (continued)

	General Fund							Water Fund	Sewer Fund	
2022	**General Government**	**Protective Services**	**Engineering & Transportation Services**	**Environmental & Public Health Services**	**Social Services & Housing**	**Planning and Development**	**Parks, Recreation and Cultural**	**Water Utility**	**Sewer Utility**	**Total**
Revenues										
Taxation	156,586,009	-	-	-	-	-	532,241	-	795,861	157,914,112
Grants in lieu of taxes	7,359,111	-	-	-	-	-	-	-	-	7,359,111
Sale of goods and services	2,028,858	9,408,818	14,161,494	9,687,169	-	9,481,130	2,711,408	1,935,614	8,845,146	58,259,637
Sale of water	-	-	-	-	-	-	-	23,990,399	-	23,990,399
Licences and permits	1,399,381	1,090,835	2,166,521	-	-	5,038,939	10,076	-	-	9,705,751
Fines	-	6,395	4,553,383	-	-	-	-	-	-	4,559,778
Rentals and leases	-	-	-	-	-	2,038,200	-	-	-	2,038,200
Investment income	7,344,892	-	-	-	-	-	-	-	-	7,344,892
Other interest and penalties	796,820	-	-	49,007	-	-	-	237,048	1,850	1,084,725
Unconditional transfers	-	2,003,713	-	-	-	-	-	-	-	2,003,713
Conditional transfers	10,401,173	258,699	429,213	72,200	1,020,477	50,000	91,768	429,073	132,106	12,884,707
Actuarial adjustment on debt	1,496,813	-	-	-	-	-	-	-	-	1,496,813
Development cost charges	4,752,271	-	-	8,613	-	-	-	112,205	15,509	4,888,598
Miscellaneous	8,418,340	1,264,452	76,828	-	-	353,921	72,112	-	-	10,185,652
	200,583,667	14,032,912	21,387,438	9,816,989	1,020,477	16,962,190	3,417,606	26,704,338	9,790,472	303,716,088
Expenses										
Salaries, wages and benefits	16,517,231	74,578,902	17,045,240	4,940,883	1,736,807	8,204,267	18,580,418	2,161,107	2,127,323	145,892,179
Materials, supplies and services	854,122	11,755,092	8,333,585	3,810,393	463,709	8,895,765	14,759,907	14,452,423	2,247,206	65,572,200
Interest and foreign exhange	70,693	-	1,558,534	-	-	-	795,000	-	-	2,424,227
Grants	-	-	-	-	3,583,274	399,365	4,473,127	-	-	8,455,766
Amortization	2,831,517	2,103,923	8,088,805	734,118	-	682,556	1,883,925	970,523	514,376	17,809,743
Capital Maintenance	1,061,597	66,867	901,129	333,479	-	-	662,855	256,855	768,366	4,051,148
	21,335,160	88,504,784	35,927,293	9,818,872	5,783,790	18,181,953	41,155,232	17,840,908	5,657,271	244,205,263
Annual surplus	**$ 179,248,507**	**$ (74,471,872)**	**$ (14,539,855)**	**$ (1,883)**	**$ (4,763,313)**	**$ (1,219,763)**	**$ (37,737,627)**	**$ 8,863,430**	**$ 4,133,201**	**59,510,825**

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19. Financial risks and concentration of risk

The City is exposed to credit risk, interest rate risk, liquidity risk, and foreign exchange risk from the City's financial instruments as follows.

(a) Credit Risk
Credit risk arises from the City's cash and cash equivalents, accounts receivable, portfolio investments, and mortgage receivable.

Accounts receivable (excluding property taxes receivable as these are not considered financial instruments under PS 3450) consist primarily of amounts receivable from utilities, and transfers from other governments. To manage the risk, the City regularly reviews the collectability of its accounts receivable and if needed, will establish an allowance based on its best estimate of potentially uncollectible amounts. As at December 31, 2023, the amount of allowance for doubtful receivables was $1,020,498 (2022 - $913,511).

The City manages exposure to credit risk for portfolio investments by ensuring adequate diversification and by investing guaranteed investment certificates with major Canadian financial institutions, and with the MFA. These investment meet the investment requirements of Section 183 of the Community Charter of the Province of BC.

There has been no change to the credit risk exposure from prior year.

(b) Interest Rate Risk
Interest rate risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates. The City is exposed to interest rate risk through its long-term debt and its portfolio investments.

The City manages cash flow risk on its long-term debt by holding all debt through MFA at a fixed rate, with refinancing typically being completed at the ten or fifteen year mark. Therefore, fluctuations in market interest rates do not impact future cash flows or results of operations relating to long-term debt prior to maturity. Note 7 provides further information on the City's long term debt.

Investments subject to interest rate risk are the MFA Pooled Bond Funds disclosed in note 4. As interest rates rise, the fair value of these investments decreases; as interest rates fall, the fair value of these investments increases.

There has been no change to the interest rate risk exposure from prior year.

(c) Liquidity Risk
Liquidity risk is the risk that the City will not be able to meet its financial obligations as they become due. The City is exposed to liquidity risk through its accounts payable and accrued liabilities, deposits liability, and long-term debt. The City manages liquidity risk through its planning, budgeting and forecasting process, and by continually monitoring actual and forecasted cash flows from operations, anticipated investing, and financing activities to ensure that its financial obligations are met. The City's planning and budgeting process incldues both a 1-year budget and 5-year financial plan, each of which includes operational activities and capital investments. The repayment schedule for long-term debt is disclosed in note 7. Other financial liabilities are generally due within the next fiscal year.

There has been no change to the liquidity risk exposure from prior year.

(d) Foreign Exchange Risk
The City has not entered into any agreements or purchased any foreign currency hedging arrangements to hedge possible currency risks, as management believes that the foreign exchange risk derived from currency conversions is not significant. The foreign currency financial instruments immaterial and are short-term in nature and do not give rise to significant foreign currency risk.

There has been no change to the foreign exchange risk exposure from prior year.

20. Comparative Information

Certain comparative information has been reclassified to conform to financial statement presentation for the adopted current year.

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SUPPLEMENTARY FINANCIAL INFORMATION

The Corporation of the City of Victoria

The following schedule is unaudited

Year Ended December 31, 2023

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Schedule A - BC Restart Grant (Unaudited)

		2023		2022
Balance, beginning of the year	**$**	**-**	$	1,740,000
Eligible Costs incurred:				
Revenue losses - parking, Victoria Conference Centre and leases		**-**		(1,740,000)
Balance, end of the year	**$**	**-**	$	-

Schedule B - Growing Communities Fund (Unaudited)

		2023		2022
Balance, beginning of the year	**$**	**-**	$	-
Grant received March 2023		**12,852,000**		-
Eligible Costs incurred		**-**		-
Balance, end of the year	**$**	**12,852,000**	$	-

Draft

City of Victoria

Audit findings report to the Mayor and Council
for the year ended December 31, 2023

START

BDO

To the Mayor and Council of City of Victoria

We are pleased to provide you with the results of our audit of the financial statements of The Corporation of the City of Victoria (the "City") for the year ended December 31, 2023. This report should be read in conjunction with our planning report, dated September 22, 2023, which contains further information about our audit methodology, our responsibilities as auditors and the responsibilities of those charged with governance.

The enclosed final report includes: significant risks identified and the nature, extent, and results of our audit work. We also report any significant internal control deficiencies identified during our audit and reconfirm our independence.

During the course of our audit, management made certain representations to us—in discussions and in writing. We documented these representations in the audit working papers.

This report has been prepared solely for the use of the City's Mayor and Council and others within the organization, and should not be distributed without our prior consent. Consequently, we accept no responsibility to a third party that uses this communication.

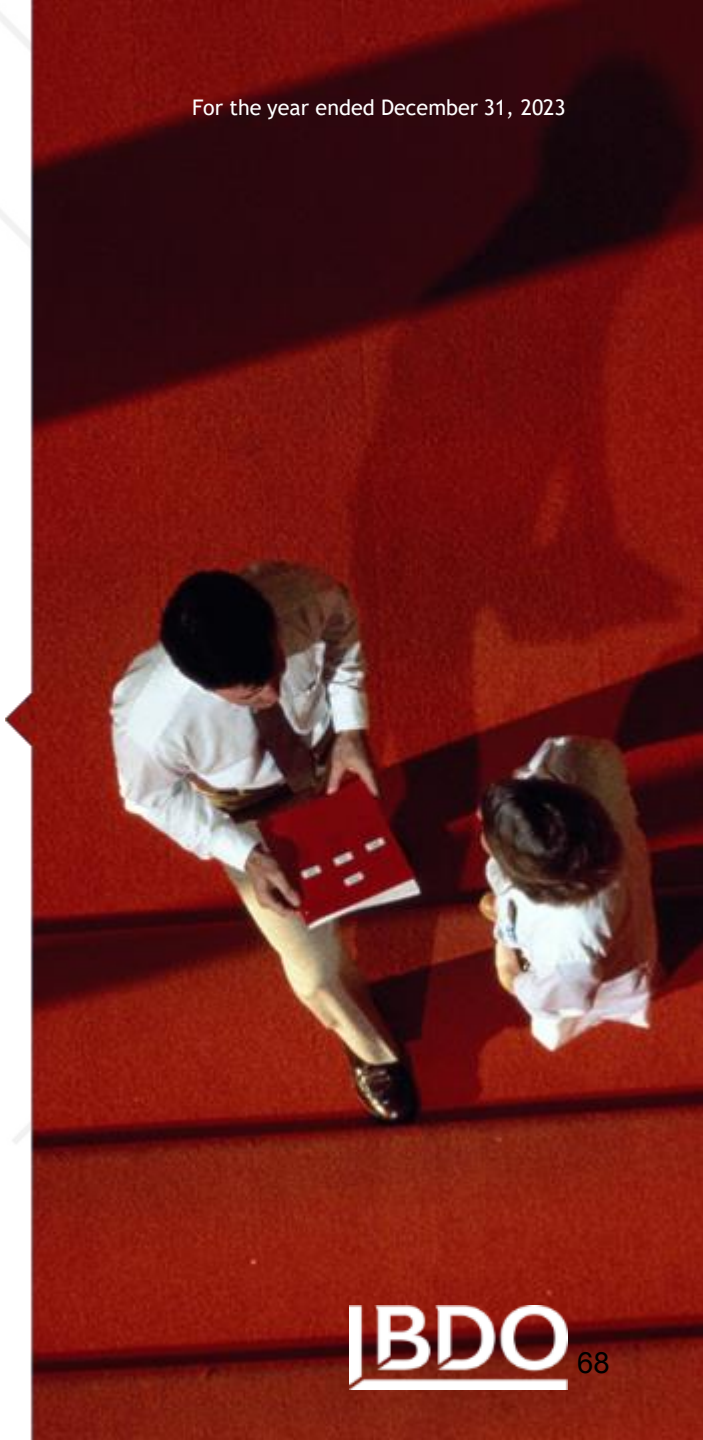
We look forward to discussing our audit conclusions with you. In the meantime, please feel free to contact us if you have any questions or concerns.

Yours truly,

BDO Canada LLP

BDO Canada LLP

April 18, 2024



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Audit at a glance

Status of the Audit

We have substantially completed our audit of the financial statements for the year ended December 31, 2023. Our audit will be complete, and the independent auditor's report available for release upon approval of the financial statements by council and receipt of a signed copy of management's representations letter.

We conducted our audit in accordance with Canadian generally accepted auditing standards. The objective of our audit was to obtain reasonable, not absolute, assurance about whether the financial statements are free from material misstatement.

Please refer to the draft financial statement package for a copy of our draft independent auditor's report.

Scope of our Work

The scope of the work performed was substantially the same as that described in our Planning Report to the Mayor and Council dated September 22, 2023.

As communicated to you in our Planning Report, preliminary materiality for all items other than infrastructure was set at $7.3m and materiality for infrastructure was set at $12.8m. These levels are based on expenses and tangible capital assets, respectively, and have not changed through the course of our audit.

Independence & Professional Ethics

Our Independence Letter is included in Appendix A.

We have complied with relevant ethical requirements and confirm that we are independent with respect to the City within the meaning of the Code of Professional Conduct of the Chartered Professional Accountants of British Columbia.

Auditor's Responsibility With Respect To Fraud

Our responsibilities with respect to fraud were communicated in our Planning Report to the Mayor and Council dated September 22, 2023.

We are not aware of any fraud affecting the City. If you have become aware of changes to processes or are aware of any instances of actual, suspected, or alleged fraud since our discussions held at planning, please let us know.

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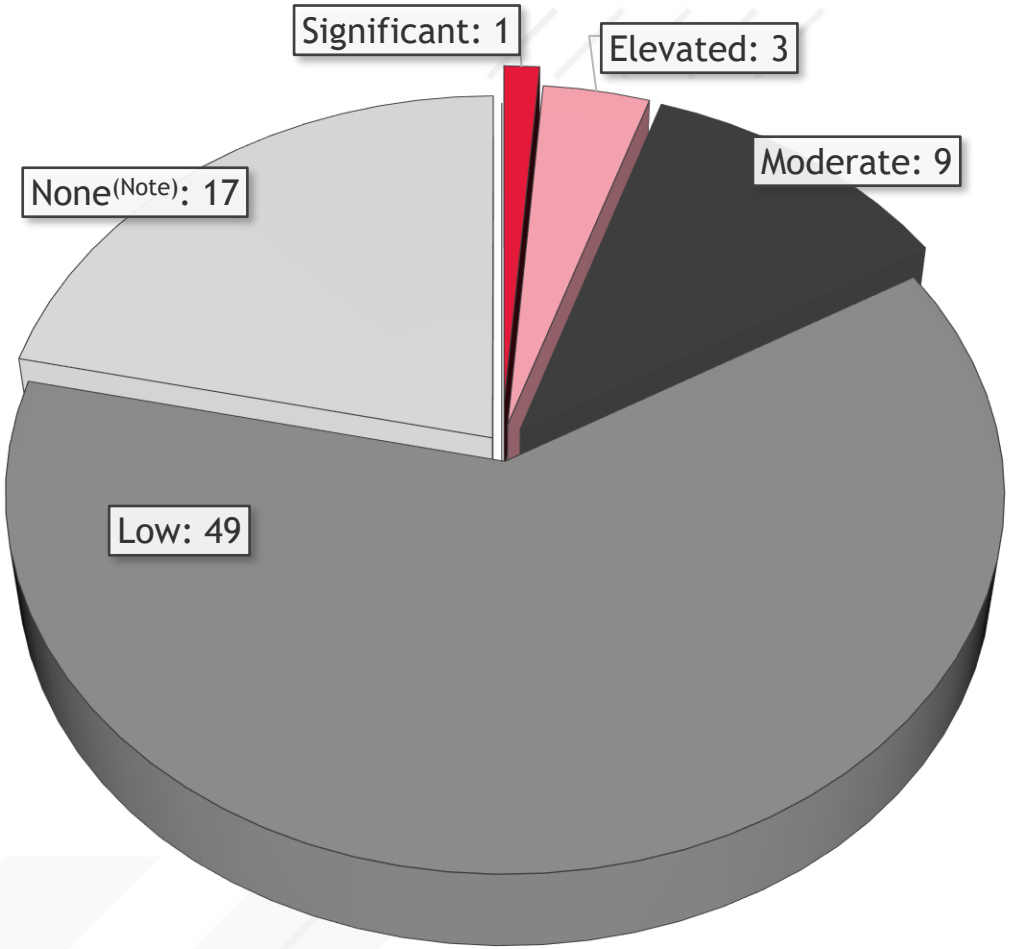
Summary of inherent risks identified and addressed



Total inherent risks identified and addressed: 79

Note
These are inherent risks identified where, due to a combination of inherent risk factors such as potential magnitude and likeliness, the audit risk is assessed as 'none'.

Audit findings

As part of our ongoing communications with you, we are required to have a discussion on our views about significant qualitative aspects of the City's accounting practices, including accounting policies, accounting estimates and financial statements disclosures. We look forward to discussing these topics and answering your questions. A summary of the key discussion points are below:

Financial statement areas	Risks noted	Audit findings
Management Override of Internal Controls *[Mandatory audit consideration]*	Management is generally in a unique position to perpetrate fraud because of its ability to directly or indirectly manipulate accounting records, and prepare fraudulent financial statements by overriding controls that otherwise appear to be operating effectively. This risk is not unique to the City.	Reviewed transactions recorded in the various ledgers for unusual or non-recurring adjustments not addressed by other audit procedures. Reviewed the controls relating to the processing of journal entries and examined a sample of journal entries. **All audit testing in this area was performed as planned with no issues to report.**

Findings relating to risks classified as significant are described above. Findings related to risks classified as elevated, moderate or low are described on the following pages.

Audit findings (continued)

Financial statement areas	Risks noted	Audit findings
Implementation of new accounting standard: PSAS 3280 Asset Retirement Obligations *[Elevated risk]*	The City implemented the new public sector accounting standard for asset retirement obligations ("AROs") (PSAS 3280). This standard requires the recognition of liabilities for costs associated with activities that are legally required to be performed upon the retirement of an asset. As with the implementation of any new accounting standard there is an elevated risk due to the novel considerations that must be made. The considerations for PSAS 3280 are extensive: identifying potential AROs, assessing recognition of potential AROs, estimating the dollar amount to record for recognizable AROs, and meeting disclosure requirements.	Reviewed the materials compiled by management and management's external consultant, KPMG LLP, (the "implementation materials") in the processes of identifying potential AROs, assessing and valuing the AROs that meet the recognition criteria, and generating the required disclosures. Considered the sufficiency of the work done for the purpose of this financial statement audit. Assessed the completeness of the AROs identified by considering the City's asset pool alongside the implementation materials and reviewing the accounting-standards-recognition analyses performed. Inquired and investigated further where we identified additional potential AROs. Reviewed source documentation for the estimated costs upon retirement. Considered the reasonability of key assumptions made in the valuation of AROs. Verified the arithmetical accuracy of the ARO valuation calculations and the completeness of the resulting figures that are presented in the financial statements. **All audit testing in this area was performed as planned. During this testing it was noted that AROs have been recorded for assets whose original estimated useful lives have passed, and are thus recognized with nil net book value, but which are still in use. Our understanding is that the actual retirement date of these assets is not imminent and therefore the remaining useful life estimates for these assets was and remains too low. See page 10 for further discussion of this matter.**
Implementation of new accounting standard: PSAS 3450 Financial Instruments *[Elevated risk]*	The City implemented the new public sector accounting standard for financial instruments (PSAS 3450). This standard increases the extent of considerations required to be made regarding the measurement basis applied for financial instruments (such as investment instruments) and the extent of disclosure that is required around them. As with the implementation of any new accounting standard there is an elevated risk due to the novel considerations that must be made.	Reviewed management's analysis of the impact of PSAS 3450 on the City's financial statements. Where necessary, we assessed management's selection of 'measurement categories', and reviewed source documentation to corroborate the valuation bases. Assessed the sufficiency of the new and revised disclosures made. **All audit testing in this area was performed as planned with no issues to report.**

Audit findings (continued)

Financial statement areas	Risks noted	Audit findings
Payroll input data *[Elevated risk]*	There is a risk that small errors in payroll data entry may result in significant errors in the financial statements. This is due to the systematic nature of the payroll stream where key data inputs are applied to a large population of individuals and transactions.	Tested the operating effectiveness of controls over the entry of new payroll data. Examined a sample of pay rates and verified that they are in accordance with the relevant collective bargaining or other agreements. Analytically assessed actual payroll expenses against the budgeted amounts. **All audit testing in this area was performed as planned with no issues to report.**
Risk of Fraudulent Revenue Recognition *[Presumption of fraud risk rebutted]* **Recognition of Grant & Government Transfer Revenue** *[Normal risk]*	Auditing standards require us to consider the risk of fraudulent revenue recognition. Due to the nature of the City's revenue streams, we have rebutted this presumption. Nevertheless, accounting standards relating to grant and government transfer revenue recognition are complex and open to variation in application. There is a risk that grants and other government transfers may be incorrectly deferred into future periods or recognized prior to stipulations being met.	Reviewed a sample of funding agreements relating to both recognized and deferred revenue and verify that the recognition or deferral of revenue occurred in accordance with any stipulations present in the funding agreements. Verified a sample of cash receipts in connection with the government transfer revenue recognized. **All audit testing in this area was performed as planned with no issues to report.**
Impact of collective bargaining *[Normal risk]*	The City is currently in the process of negotiating terms with unions where previous collective bargaining agreements have expired. The conclusion of these processes may impact the compensation-related liabilities on the City's financial statements. As the negotiations are currently ongoing there are variables that cannot yet be known. This uncertainty creates a risk in the measurement of the related liabilities.	Gained an understanding of the status of the City's collective bargaining agreements that are in place, and ongoing negotiations for new agreements. Reviewed new collective bargaining agreements in the performance of audit testing for employee future benefit obligation and retro-pay accrual liabilities. Assessed the reasonableness of retro-pay accrual liabilities made, where collective bargaining negotiations are ongoing. **All audit testing in this area was performed as planned with no issues to report.**

Audit differences

Unadjusted audit differences

During our testing over AROs it was noted that ARO liabilities have been recorded for assets whose original estimated useful lives have passed, and are thus recognized with nil net book value, but which are still in use. Our understanding is that the actual retirement date of these assets is not imminent and therefore the remaining useful life estimates for these assets was and remains too short. Correspondingly, the accumulated amortization expense previously recorded is likely overstated, with these assets' net book values thus understated. The amortization recorded for the ARO addition for these assets in the year was approximately $1.4 million. Re-evaluation of these assets useful lives would be necessary to determine any adjustment to the amortization and net book value of the ARO.

However, the matter of actual use of assets exceeding their estimated useful lives for accounting is likely a matter that extends more broadly. This matter would be indicative of either the policy for initial estimates of useful lives being too low, or use of assets beyond their initial technical recommended use period and could indicate that increased funding for asset replacement is required. Investigation of this is beyond the scope of our audit.

Adjusted audit differences

We have not identified any audit differences through the course of our audit.

Disclosure omissions

We have not identified any material disclosure omissions.

Internal control matters

We are required to report to you in writing about any significant deficiencies in internal control that we have identified during the audit.

A significant deficiency is defined as a deficiency or combination of deficiencies in internal control that merits the attention of those charged with governance.

The audit expresses an opinion on the City's financial statements. As a result, it does not cover every aspect of internal controls—only those relevant to preparing the financial statements and designing appropriate audit procedures. This work was not for the purpose of expressing an opinion on the effectiveness of internal control.

No control deficiencies were noted that, in our opinion, are of significant importance to bring to your attention.

During the audit, we performed the following procedures regarding the City's internal control environment:

- Documented operating systems to assess the design and implementation of control activities that were relevant to the audit.
- Discussed and considered potential audit risks with management.

We considered the results of these procedures in determining the extent and nature of audit testing required.

Other required communications

Professional standards require independent auditors to communicate with those charged with governance certain matters in relation to an audit. In addition to the points communicated within this letter, the attached table summarizes these additional required communications.

Issue	BDO response
Our responsibilities under Canadian Auditing Standards (CAS)	Included in our Engagement Letter dated November 3, 2023
Our audit strategy and audit scope	Included in our Planning Report dated September 22, 2023
Fraud risk factors	Included in our Planning Report dated September 22, 2023
Going concern matters	No matters requiring further communication.
Significant estimates or judgments	No matters requiring further communication.
Disagreements with management	No matters requiring further communication.
Consultations with other accountants or experts	As described in our Planning Report dated September 22, 2023, we corresponded with and reviewed the work of George and Bell Consulting, who is the actuarial firm engaged by Management to value the City's Employee Future Benefits Liability. Subsequent to the issuance of our Planning Report we determined it would be necessary to review the work of KPMG LLP, who was engaged by Management to assist in the City's implementation of PSAS 3280 Asset Retirement Obligations. BDO did not engage or consult with any external experts for the purpose of this engagement.

Other required communications

Professional standards require independent auditors to communicate with those charged with governance certain matters in relation to an audit. In addition to the points communicated within this letter, the attached table summarizes these additional required communications.

Issue	BDO response
Major issues discussed with management in regards to retention	No matters requiring further communication.
Significant difficulties encountered during the audit	No matters requiring further communication.
Material written communication between BDO and management	No matters requiring further communication.
Any illegal acts identified during the audit	No matters requiring further communication.
Significant transactions with related parties not consistent with ordinary business operations	No matters requiring further communication.
Non-compliance with laws or regulations identified during the audit	No matters requiring further communication.
Limitations of scope over our audit, if any	No matters requiring further communication.

Appendices

- Appendix A: Independence Letter
- Appendix B: Representation Letter
- Appendix C: Changes in Accounting standards with impact to the City
- Appendix D: System of Quality Management (SoQM)

Appendix A: Independence Letter

Tel: (604) 688-5421
Fax: (604) 688-5132
www.bdo.ca

BDO Canada LLP
1100 Royal Centre
1055 West Georgia Street
Vancouver, British Columbia
V6E 3P3

April 18, 2024

To the Mayor and Council
The City of Victoria

We have been engaged to audit the financial statements of The Corporation of the City of Victoria (the "City") for the year ended December 31, 2023.

Canadian generally accepted auditing standards require that we communicate at least annually with you regarding all relationships between the City and our Firm that, in our professional judgment, may reasonably be thought to bear on our independence.

In determining which relationships to report, these standards require us to consider relevant rules and related interpretations prescribed by the appropriate provincial institute/order and applicable legislation, covering such matters as:

- Holding a financial interest, either directly or indirectly in a client;
- Holding a position, either directly or indirectly, that gives the right or responsibility to exert significant influence over the financial or accounting policies of a client;
- Personal or business relationships of immediate family, close relatives, partners or retired partners, either directly or indirectly, with a client;
- Economic dependence on a client; and
- Provision of services in addition to the audit engagement.

We are not aware of any relationships between the City and our Firm that, in our professional judgment may reasonably be thought to bear on independence that have occurred from the date of our last letter on April 13, 2023, to the date of this letter.

We hereby confirm that we are independent with respect to the City within the meaning of the Code of Professional Conduct of the Chartered Professional Accountants of British Columbia as of the date of this letter.

This letter is intended solely for the use of the Mayor and Council, management and those charged with governance within the City and should not be used for any other purpose.

Yours truly,

BDO Canada LLP

Chartered Professional Accountants

BDO Canada LLP, a Canadian limited liability partnership, is a member of BDO International Limited, a UK company limited by guarantee, and forms part of the international BDO network of independent member firms.

Appendix B: Representation Letter

City of Victoria
1 Centennial Square
Victoria BC
V8W 1P6

AUDIT REPORT DATE

BDO Canada LLP
Chartered Professional Accountants
Royal Centre, 1055 West Georgia Street,
Unit 1100, P.O. Box 11101
Vancouver, British Columbia
V6E 3P3

This representation letter is provided in connection with your audit of the financial statements of City of Victoria for the year ended December 31, 2023, for the purpose of expressing an opinion as to whether the financial statements are presented fairly, in all material respects, in accordance with Canadian Public Sector Accounting Standards.

We confirm that to the best of our knowledge and belief, having made such inquiries as we considered necessary for the purpose of appropriately informing ourselves:

Financial Statements

We have fulfilled our responsibilities, as set out in the terms of the audit engagement dated November 3, 2023, for the preparation of the financial statements in accordance with Canadian Public Sector Accounting Standards; in particular, the financial statements are fairly presented in accordance therewith.

- The methods, significant assumptions, and data used in making accounting estimates and their related disclosures are appropriate to achieve recognition, measurement and/or disclosure that are reasonable in accordance with Canadian Public Sector Accounting Standards.
- Related party relationships and transactions have been appropriately accounted for and disclosed in accordance with the requirements of Canadian Public Sector Accounting Standards.
- All events subsequent to the date of the financial statements and for which Canadian Public Sector Accounting Standards require adjustment or disclosure have been adjusted or disclosed.
- The financial statements of the entity use appropriate accounting policies that have been properly disclosed and consistently applied.
- The effects of uncorrected misstatements are immaterial, both individually and in the aggregate, to the financial statements as a whole. A list of the uncorrected misstatements is attached to the representation letter. No adjusted audit differences were raised in connection with the audit of the financial statements.

Information Provided

- We have provided you with:
    - access to all information of which we are aware that is relevant to the preparation of the financial statements, such as records, documentation and other matters;
    - additional information that you have requested from us for the purpose of the audit; and
    - unrestricted access to persons within the entity from whom you determined it necessary to obtain audit evidence.

- We are responsible for the design, implementation and maintenance of internal controls to prevent, detect and correct fraud and error, and have communicated to you all deficiencies in internal control of which we are aware.
- All transactions have been recorded in the accounting records and are reflected in the financial statements.
- We have disclosed to you all known instances of non-compliance or suspected non-compliance with laws and regulations whose effects should be considered when preparing the financial statements.
- We have disclosed to you the identity of the entity's related parties and all the related party relationships and transactions of which we are aware.

Fraud and Error

- We have disclosed to you the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud.
- We have disclosed to you all information in relation to fraud or suspected fraud that we are aware of and that affects the entity and involves:
    - management;
    - employees who have significant roles in internal control; or
    - others where the fraud could have a material effect on the financial statements.
- We have disclosed to you all information in relation to allegations of fraud, or suspected fraud, affecting the entity's financial statements communicated by employees, former employees, analysts, regulators, or others.

General Representations

- Where the value of any asset has been impaired, an appropriate provision has been made in the financial statements or has otherwise been disclosed to you.
- Except as disclosed in the financial statements, there have been no changes to title, control over assets, liens or assets pledged as security for liabilities or collateral.
- The entity has complied with all provisions in its agreements related to debt and there were no defaults in principal or interest, or in the covenants and conditions contained in such agreements.
- There have been no plans or intentions that may materially affect the recognition, measurement, presentation or disclosure of assets and liabilities (actual and contingent).
- The nature of all material uncertainties have been appropriately measured and disclosed in the financial statements, including all estimates where it is reasonably possible that the estimate will change in the near term and the effect of the change could be material to the financial statements.
- There were no direct contingencies or provisions (including those associated with guarantees or indemnification provisions), unusual contractual obligations nor any substantial commitments, whether oral or written, other than in the ordinary course of business, which would materially affect the financial statements or financial position of the entity, except as disclosed in the financial statements.

- We do not believe that the City will suffer material damages in connection with the legal action of the Estate of Sayaka Yanai, Deceased v. Robert Scott Roberts and Hermsen Construction Ltd., and Third Parties, City of Victoria and City of Saanich.

Other Representations Where the Situation Exists

- We have informed you of all known actual or possible litigation and claims, whether or not they have been discussed with legal counsel. Since there are no actual, outstanding or possible litigation and claims, no disclosure is required in the financial statements.
- We will provide to you, when available and prior to issuance by the entity, the final version of the document(s) comprising the annual report.

Yours truly,

_____

Susanne Thompson, Deputy City Manager & CFO

_____

Raymond Lin, Manager of Accounting

Unadjusted audit differences

During our testing over AROs it was noted that ARO liabilities have been recorded for assets whose original estimated useful lives have passed, and are thus recognized with nil net book value, but which are still in use. Our understanding is that the actual retirement date of these assets is not imminent and therefore the remaining useful life estimates for these assets was and remains too short. Correspondingly, the accumulated amortization expense previously recorded is likely overstated, with these assets' net book values thus understated. The amortization recorded for the ARO addition for these assets in the year was approximately $1.4 million. Re-evaluation of these assets useful lives would be necessary to determine any adjustment to the amortization and net book value of the ARO.

However, the matter of actual use of assets exceeding their estimated useful lives for accounting is likely a matter that extends more broadly. This matter would be indicative of either the policy for initial estimates of useful lives being too low, or use of assets beyond their initial technical recommended use period and could indicate that increased funding for asset replacement is required. Investigation of this is beyond the scope of our audit.

Appendix C: Changes in accounting standards with impact to the City

Public Sector Accounting Standards Update

A discussion of current and upcoming changes to public sector accounting standards can be found here: PSAS Update - Sept 2023 - by BDO

We wish to draw your attention to the introduction of PSAS 3400 (Revenue), which will be in effect for the City's year ending December 31, 2024. We anticipate that this new standard will require a moderate amount of work by the City to implement prior to the 2024 year-end reporting period. We would be happy to further advise the City in this matter.

PSAB's 2022-2027 Strategic Plan

The Strategic Plan sets out the following broad strategic objectives that help guide PSAB in achieving its public interest mandate over a multi-year period:

- Develop relevant and high-quality accounting standards
- Enhance and strengthen relationships with stakeholders
- Enhance and strengthen relationships with other standard setters
- Support forward-looking accounting and reporting initiatives

The strategic plan is effective April 1, 2022 and can be found here.

Appendix D: System of quality management (SoQM) How BDO's system supports our audit quality

The firm is committed to maintaining high standards of audit quality that meet stakeholders' expectations and serve the public interest. We foster a culture where audit quality is at the center of our strategy and priorities. All partners and staff are accountable for performing quality engagements and upholding professional ethics, values, and attitudes.

The firm invested significant time and resources to establish and operate a SoQM that complies with the requirements set out in Canadian Standard on Quality Management 1 – Quality Management for Firms that Perform Audits or Reviews of Financial Statements, or Other Assurance or Related Services Engagements (CSQM 1) as issued by the Auditing and Assurance Standards Board (AASB). The SoQM ensures the firm and its personnel meet professional standards, legal and regulatory requirements, and conduct engagements accordingly, with reports issued appropriately for the circumstances.

Taken together our system of quality management supports consistent performance of audit engagements by focusing on eight components that operate in an iterative and integrated manner. These include:

1. Firm risk assessment process
2. Governance and leadership
3. Relevant ethical requirements
4. Acceptance and continuance
5. Engagement performance
6. Resources
7. Information and communication
8. Monitoring and remediation process

Standard for Audit Quality

CSQM 1

The quality of an audit depends not only on the people conducting it—but also on the systems underpinning it. These new rules up the ante for your audit quality.

Appendix D: System of quality management (SoQM) How BDO establishes and improves our SoQM

In establishing and continuously improving our firm's SoQM, we carried out the following for each of the SoQM components:

OBJECTIVES

We established the quality objectives required by CSQM1 in the core components of our SoQM and any additional quality objectives as appropriate.

QUALITY RISKS

We identified the quality risks that may adversely affect achieving these objectives. These consider the nature and circumstances of the firm and the engagements it performs and the conditions, events or circumstances that may impact its SoQM.

RESPONSES

We designed and implemented appropriate responses (policies, procedures and controls) to mitigate the assessed quality risks to an acceptable level.

MONITORING

We monitor the design, implementation and operating effectiveness of the firm's SoQM to identify areas for improvement. Root cause analysis is performed on deficiencies identified and remedial actions are implemented on a timely basis. This robust monitoring and remediation process is important for continuous improvement in quality processes.

On at least an annual basis the firm evaluates whether these deficiencies have a severe and/or pervasive impact on the achievement of the quality objectives in the SoQM.

We identify emerging developments and changes in the circumstances of the firm or its engagements and adapt the SoQM to respond to such changes.

Evaluating SoQM:

Our annual SoQM evaluation involves reviewing information about the system's design, implementation, and operation through monitoring activities. It includes testing response effectiveness, reviewing findings from inspections, and other relevant SoQM information. Using professional judgment, we assess whether identified findings represent deficiencies in the SoQM, investigating their root causes and evaluating their severity and pervasiveness.

Independent Auditor’s Report

To the Mayor and Councillors of The Corporation of the City of Victoria

Opinion

We have audited the accompanying financial statements of The Corporation of the City of Victoria (the "City"), which comprise the Statement of Financial Position as at December 31, 2023, and the Statements of Operations, Changes in Net Financial Assets and Cash Flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the City as at December 31, 2023, and the results of its operations, changes in net financial assets, and cash flows for the year then ended in accordance with Canadian public sector accounting standards.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of this report. We are independent of the City in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the City’s ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the City or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the City’s financial reporting process.

Auditor’s Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor’s report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

Draft

Auditor's Responsibilities for the Audit of the Financial Statements (Continued)

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control.

- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.

- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the City's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the City to cease to continue as a going concern.

- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Unaudited Information

We have not audited, reviewed or otherwise attempted to verify the accuracy or completeness of 'Schedule A – Statement of Canada – BC Restart Grant (Unaudited)' and 'Schedule B – Growing Communities Fund (Unaudited)', that are included at the end of these financial statements.

Chartered Professional Accountants

Vancouver, British Columbia
REPORT DATE

Draft

Appendix D

Indicators of Financial Condition
2023 Financial Statements

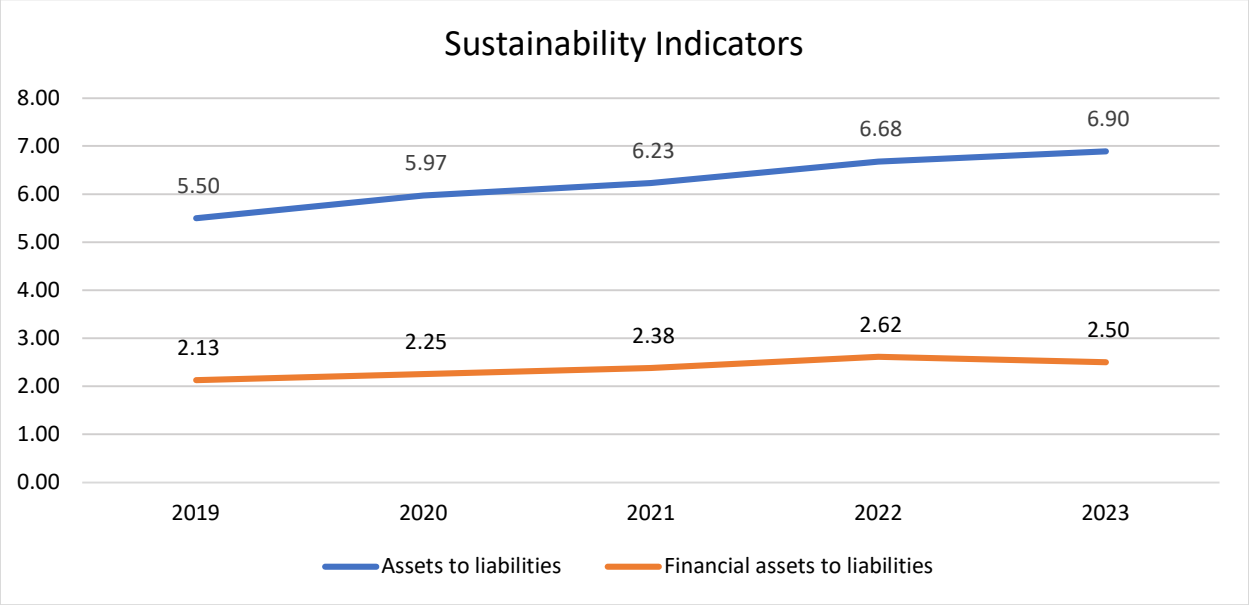
Assessing a government's financial condition using the elements of sustainability, flexibility, and vulnerability, at a minimum, provides a framework to support a variety of strategic and policy decisions.

Sustainability

Sustainability is the degree to which a government can maintain its existing financial obligations both in respect of the service commitment to the public and financial commitment to creditors, employees, and others without increasing the debt or tax burden. The ratio of assets to liabilities illustrates the extent to which a government finances its operations by issuing debt. A ratio of higher than one indicates that a government has accumulated surplus and has assets greater than debt. A ratio of less than one, or downward trending, may not by sustainable. For the ratio of financial assets to liabilities, a result of less than one indicates liabilities in excess of financial assets.

The City's ratio of assets to liabilities, and financial assets to liabilities, are positive and trending upward, which indicates strengthening sustainability. In other words, the current revenue is sufficient to cover operating costs and resources are on hand that can finance future operations.

Figure 2. Sustainability Indicators



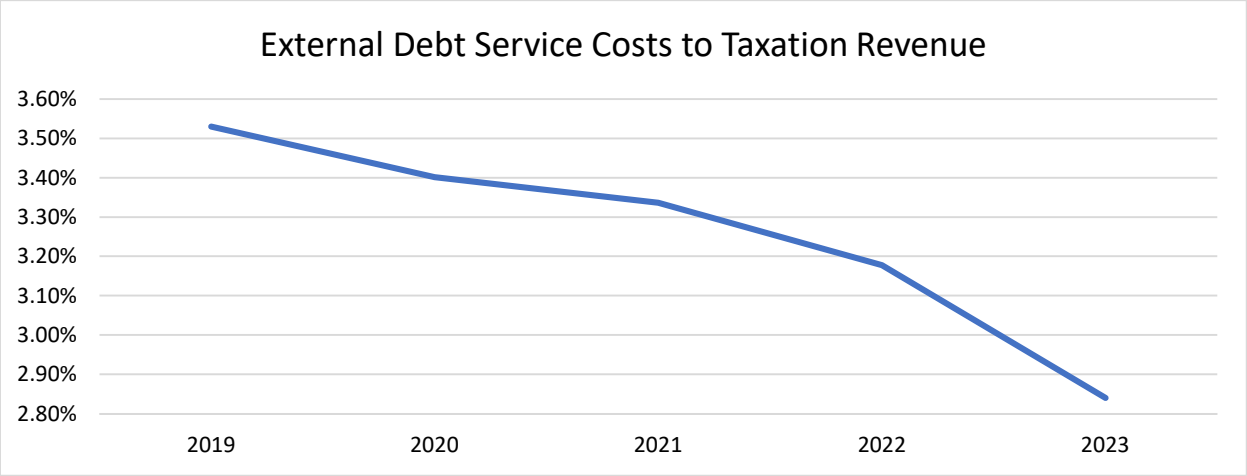
Flexibility

Flexibility refers to the degree to which a government can change its debt or tax burden on the economy within which it operates in order to meet its existing commitments. This provides insights into how a government manages its finances. For example, increasing current borrowing reduces future flexibility to respond when adverse economic circumstances develop; and increasing taxation or user fees reduces its ability to do so in the future as a government approaches the limit that residents and businesses are willing to bear.

Public debt charges to revenues illustrates the extent to which past borrowing decisions present a constraint on a government's ability to meet its financial and services commitment in the current period. The more a government uses revenues to meet the interest costs on past borrowing, the less will be available for program spending.

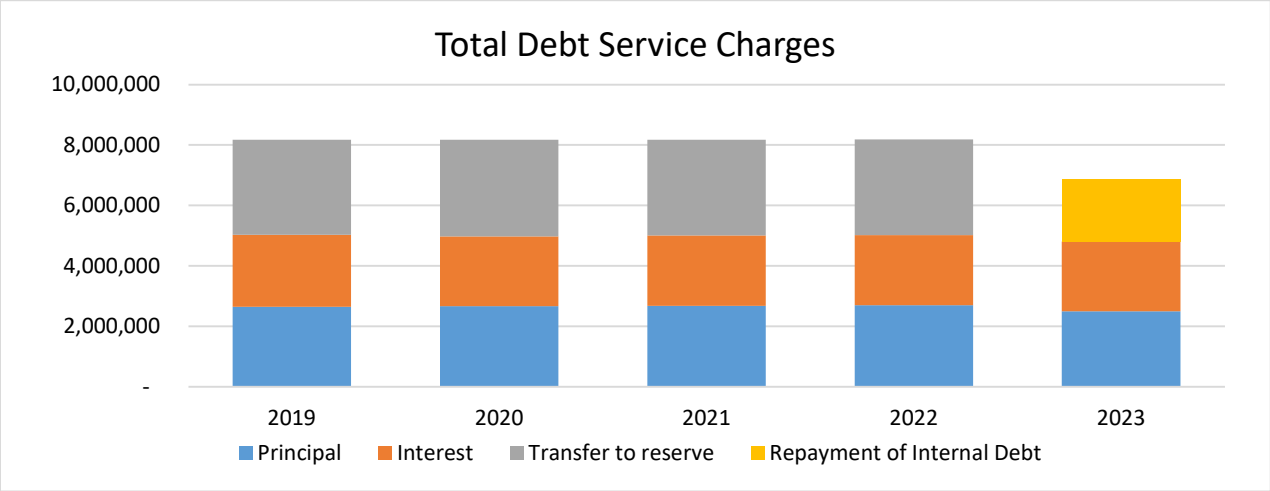
The City's external debt service costs include principal repayment and interest costs. The ratio of debt service costs to taxation revenue fluctuates in response to new debt issues, changes to interest rates, and debt issue maturity.

Figure 3. External Debt Service Costs (principal repayment and interest costs) to Taxation Revenue



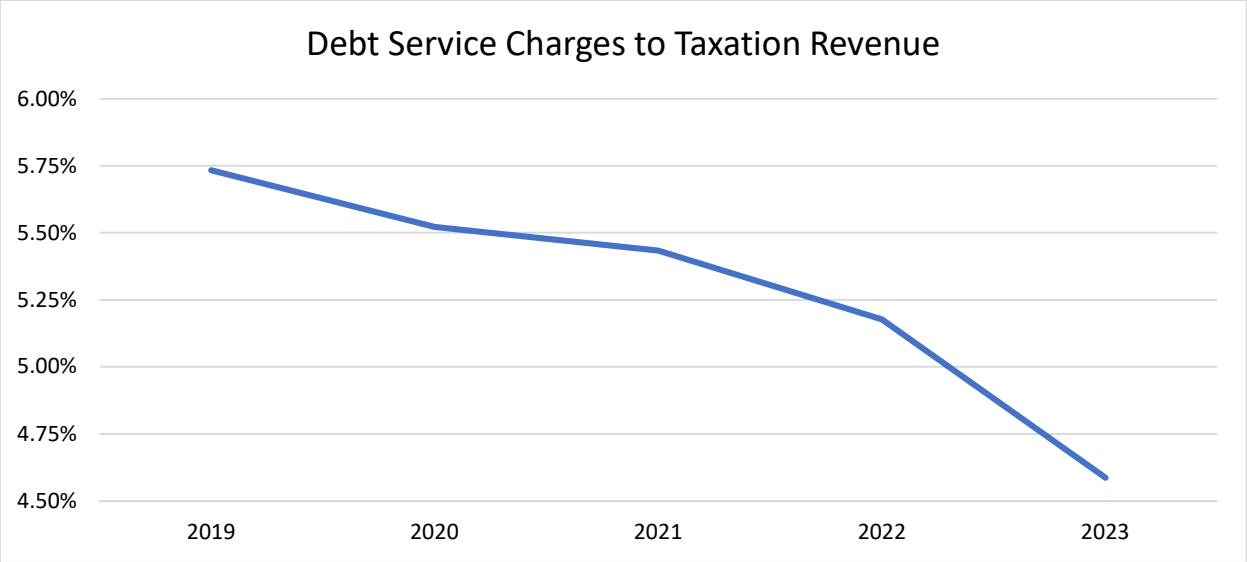
The City's Financial Sustainability Policy provides direction for debt management to maintain a constant threshold of debt service charges, which include external debt service costs and internal transfers to the Debt Reduction Reserve, at a conservative ratio of total debt services charges to taxation revenue well below the legislated allowable maximum. The buffer of the transfer to reserve allows for debt service costs to fluctuate without having an impact on property taxes and enables the reserve to be built to allow internal borrowing as a lower cost alternative to external borrowing, both indicators of strength of flexibility. The financing of the new Fire Station #1 was done through internal borrowing, and 2023 was the first year of the repayment of that loan.

Figure 4. Total Debt Service Charges



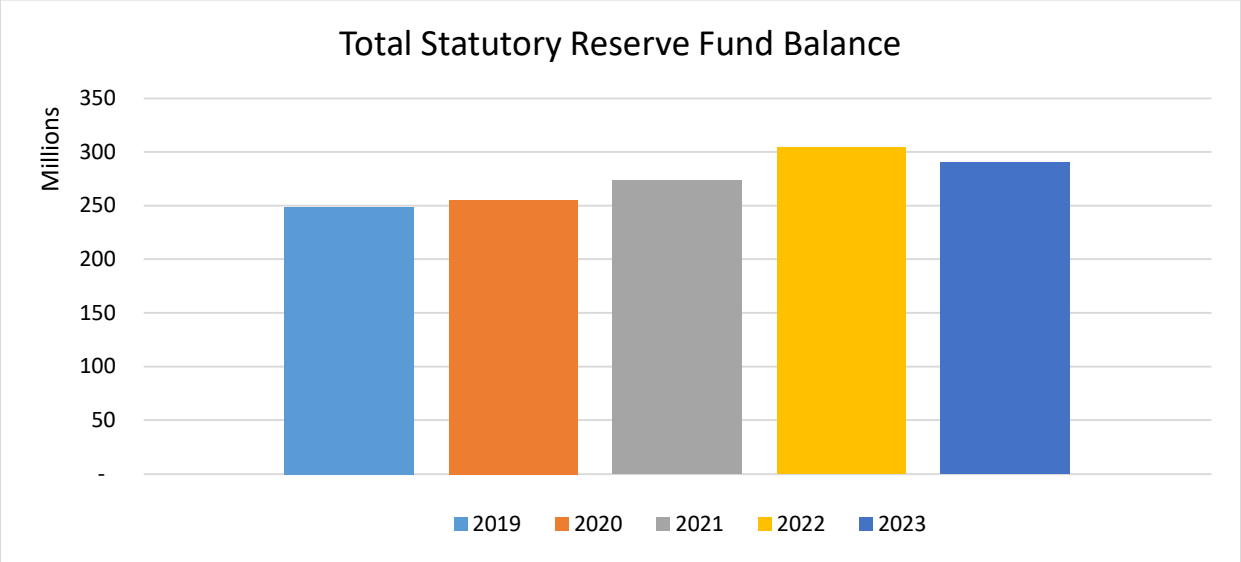
Maintaining the policy threshold level of total external debt charges results in a downward trend of the debt charges to taxation revenue indicator, adding further strength to flexibility.

Figure 5. Total Debt Service Charges to Taxation Revenue



The City's Reserve Fund Policy, which was most recently reviewed and updated in 2020, guides the development and use of reserve funds. The City continues to grow reserve balances (Figure 6) in alignment with the City's strategic objectives for services and asset replacement funding requirements. The decrease in 2023 is due to more capital projects being completed and funded from the reserves, most significantly the completion of the new Fire Station #1. The City does not yet have all master plans in place to determine asset replacement funding needs, however there is sufficient information to identify funding gaps for facilities, fleet and roads. These gaps are addressed by continuing to grow reserve balances to support strengthening the City's sustainability and flexibility in relation to capital funding decisions.

Figure 6. Statutory Reserve Fund Balance

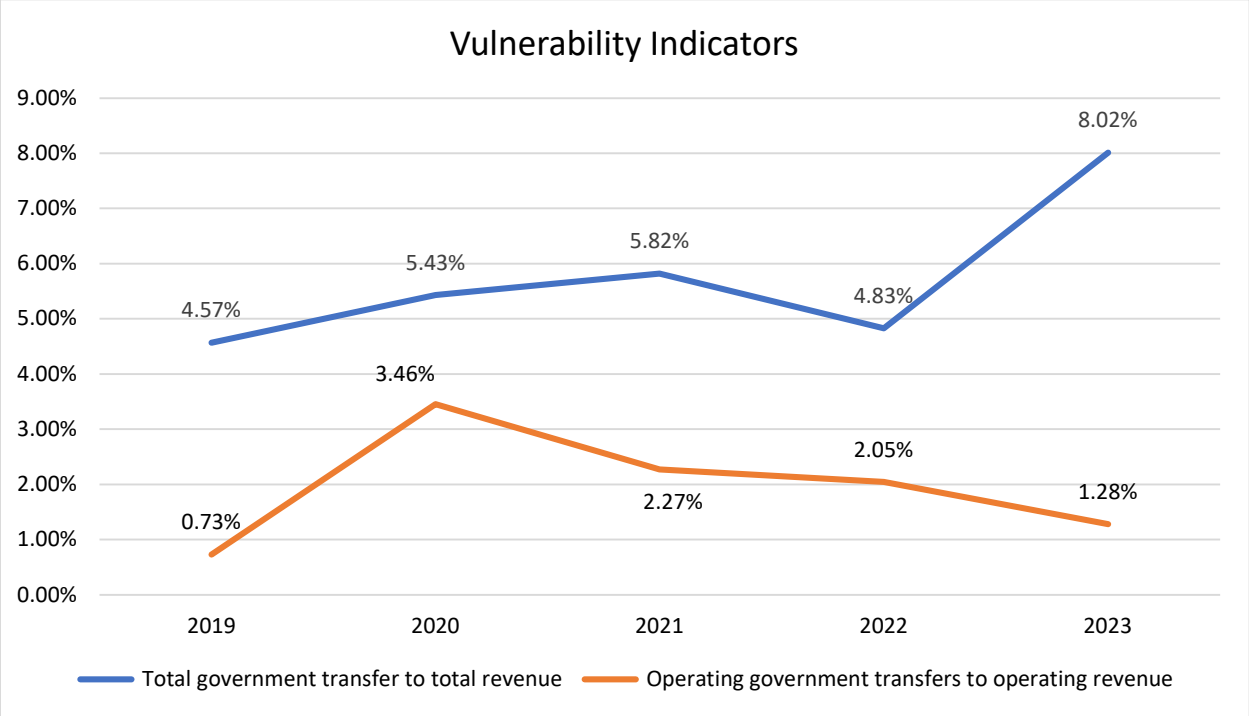


Vulnerability

Vulnerability is the degree to which a government is dependent on sources of funding outside its control or influence or is exposed to risks that could impair its ability to meet its existing financial obligations. A government whose vulnerability is relatively low has greater control over its financial condition.

The government transfers to total revenue indicator can provide insight into a government's vulnerability as a result of dependency on another government. The City's ratio of total government transfers to total revenue is impacted by grants received for capital projects. Considering only the operating government transfers received in relation to total operating revenue, the ratio is typically significantly lower and is relatively stable or trends downward. During the pandemic, additional operational one-time funding was provided to municipalities through programs such as the Strengthening Communities Services Grant resulting in a higher ratio in 2020-2022. For the total grant ratio, the sharp uptick in 2023 is related to the receipt of the one-time Growing Communities Fund of $12.8M from the Province to support infrastructure and amenities demands of local governments.

Figure 7. Vulnerability Indicators



The City's Financial Sustainability Policy states in its Primary Objective that the "polices shall be designed and structured to develop principles that guide, support, and respect the direction of the community so that taxpayers can look forward to stable, equitable and affordable property taxation". The indicators of financial condition illustrate that the application of these principles guide decisions that support building the City's financial strengths in sustainability and flexibility, while considering the risk of vulnerability.

Appendix E
City of Victoria - Operating Budget Revenues/Funding Sources
For the Twelve Months Ending December 31, 2023

	T3 2022 Actual	T3 2023 Actual	2023 Budget	Budget Remaining $ Variance	% Collected to Date	Explanation for Variance
Business and Community Relations						
Arts, Culture and Events	152,469	181,613	201,750	20,137	90%	Reduced funding transfer from the Public Art Reserve for Art Creation projects carried over to 2024; offset by increased Festival Equipment rental revenue
Third Party Billing - Special Events	85,351	61,090	-	(61,090)	-	Full cost recovery of related expenses
OUR DWTN Downtown Revitalization	-	1,900	-	(1,900)	-	Downtown Victoria Business Association contribution to the Tam King Mural Project; offsetting expenses
Neighbourhoods	-	1,800	-	(1,800)	-	Local Champion community based leadership program fees; offsetting expenses
Victoria Conference Centre (VCC)	3,588,228	4,049,212	2,918,540	(1,130,672)	139%	Increased revenues from conference sales, audio visual, equipment rentals, food services and parking
VCC Event Costs Paid by Clients	5,865,181	6,758,943	3,475,000	(3,283,943)	195%	More activity than budgeted; full cost recovery of related expenses
Bylaw Services	1,221,945	1,292,242	981,870	(310,372)	132%	Increased revenue due to short term rentals and dog licenses
Communications and Engagement	246	1,775	15,000	13,225	12%	One-time funding for Witness Reconciliation carried over to 2024; offsetting expenses.
Engineering and Public Works						
Engineering and Public Works	574,087	855,891	1,310,410	454,519	65%	Reduced funding transfers for Climate Action Initiatives, Zero Waste, Traffic Calming, MVA Pilot, Vision Zero, and the Patio Bylaw Development as carried over to 2024; offset by increased revenue from development traffic permits and lease fees from municipal access agreements
Third Party Billings	775,489	541,545	528,400	(13,145)	102%	Full cost recovery of related expenses
Solid Waste and Recycling	3,431,582	3,632,069	3,610,480	(21,589)	101%	
Sewer Utility	8,731,668	10,088,421	9,337,880	(750,541)	108%	Higher consumption resulted in overall greater revenue
Water Utility	24,691,165	27,260,322	24,912,980	(2,347,342)	109%	Higher consumption resulted in overall greater revenue
Storm Drain Utility	7,487,964	8,102,917	7,917,230	(185,687)	102%	Uptake of the rainwater rewards program lower than projected
Finance						
Parking Services	19,212,633	23,780,024	23,910,020	129,996	99%	Daily parkade parking, Royal Athletic Park parking lot and parking fine revenues lower, partically offset by increased revenue in monthly parkade parking, Wharf Street parking lot, moving traffic violations and parking permits
Legislative Services	320,095	44,050	60,000	15,950	73%	Public Hearing volume lower than budgeted
People and Culture	-	105,780	125,080	19,300	85%	One-time funding for Training for Indigenous Cultural Safety carried over to 2024; offsetting expenses
Parks, Recreation and Facilities	3,042,689	3,522,208	3,403,330	(118,878)	103%	Higher revenues in arena programs and facility rentals, aquatic programs, RAP food and beverage and field user fees and child/youth program revenues; offsetting higher expenditures. Lower revenue in Crystal Pool facility rentals, recreation programs including summer camps and outdoor recreation; offsetting lower expenditures. Higher revenue in the Parks Memorial Bench program; offsetting transfer to reserve
Strategic Real Estate	1,704,636	1,895,097	1,736,720	(158,377)	109%	Property lease revenue is higher than budget as vacancy risks were mitigated by City revenue strategy and tenant management; offseting transfer to Buildings & Infrastructure reserve to repay the loan for Wharf Street property
Sustainable Planning and Community Development	6,013,359	7,713,429	6,712,070	(1,001,359)	115%	Building permits, electrical permits and rezoning revenues higher, offset by lower plumbing permits; net amount transferred to the Development Stabilization Reserve. Offset by reduced funding transfers for Housing, OCP and DCAP initiatives as carried over to 2024
Victoria Fire Department	274,949	346,654	58,500	(288,154)	593%	Increased revenue from false alarms and recovery from the Province for emergency management, wildfires and training; offsetting expenses
Corporate						
Business and Other Licences	1,388,190	1,426,594	1,467,000	40,406	97%	Reduced revenue from Business Licenses
Fees and Interest	8,755,670	18,648,803	4,787,500	(13,861,303)	390%	Higher than anticipated revenue from investments, property tax penalties and interest, and EV charging stations; offsetting transfers to reserve
Grants	1,295,000	622,500	-	(622,500)	-	Victoria Housing Reserve Grants flow through from reserves to pay grants; offsetting expense
Miscellaneous	22,972,769	24,866,701	9,911,530	(14,955,171)	251%	Increased revenue from the DGV Online Accommodation Platform Tax, Bonus Density, offset by transfer to reserve. Unanticipated revenue from Growing Communities Grant with offsetting transfer to reserve. Increased revenue from Fortis and decreased revenue in arena ticket surcharge. Crest Levy allocation lower with equal reduction in expenditures
Overhead Recoveries	3,984,750	4,395,420	4,395,420	(0)	100%	
Payment in Lieu of Taxes/Special Assessments	8,797,599	9,115,600	8,735,500	(380,100)	104%	Increased revenue from the Province of BC, BC Housing and Federal PILTs
Prior Year's Surplus	4,838,270	1,673,877	1,673,880	3	100%	
Victoria Police Department	10,707,987	11,514,779	11,532,500	17,721	100%	
Property Taxes	155,147,521	166,258,930	166,257,960	(970)	100%	
Total	$ 305,061,493	$ 338,760,186	$ 299,976,550	$ (38,783,636)	113%	

City of Victoria - Operating Budget Expenditures/Transfers to Reserve
For the Twelve Months Ending December 31, 2023

	T3 2022 Actual	T3 2023 Actual	2023 Budget	Budget Remaining $ Variance	Actual Spent to Budget %	Explanation for Variance
Council	710,019	767,759	798,841	31,082	96%	
City Manager's Office	1,081,002	1,111,213	1,037,779	(73,433)	107%	
Business and Community Relations						
Arts, Culture and Events	1,696,219	1,962,821	2,117,870	155,049	93%	Vacancies and decreased expenses for the Indigenous Artist in Residence program as it will start in 2024. Art projects carried forward to 2024 include the Artist in Residence, Commercial Art Gallery and Engagement Kiosks
Third Party Billing - Special Events	80,176	59,065	-	(59,065)	-	Full cost recovery; offsetting revenues
Economic Development	683,181	804,966	929,850	124,884	87%	Vacancies and decreased expenses in conferences/travel, consulting and business promotion
OUR DWTN Downtown Revitalization	-	873,146	944,800	71,654	92%	
Neighbourhoods	519,762	625,070	667,630	42,560	94%	
Victoria Conference Centre (VCC)	2,730,697	3,353,108	3,149,750	(203,358)	106%	Increased conference sales resulting in increased expenses for staffing, janitorial, security, parking and client services; offsetting revenues
VCC Event Costs Paid by Clients	5,865,181	6,758,943	3,475,000	(3,283,943)	195%	More activity than budgeted; full cost recovery
Bylaw Services	4,270,312	4,852,720	5,016,490	163,770	97%	
Communications and Engagement	1,543,711	2,126,248	2,060,980	(65,268)	103%	
Engineering and Public Works						
Engineering and Public Works	19,852,439	20,586,187	21,621,320	1,035,133	95%	Vacancies and decreased expenses for conference and travel, training and development and projects carried forward to 2024 including Climate Action initiatives, Zero Waste, Traffic Calming, MVA Pilot, Vision Zero and the Patio Bylaw Development
Third Party Billings	666,544	462,896	428,400	(34,496)	108%	Full cost recovery; offsetting revenues
Solid Waste & Recycling	3,320,622	3,200,954	3,610,480	409,526	89%	Lower than anticipated costs
Water Utility	24,691,165	27,260,322	24,912,980	(2,347,342)	109%	Surplus transferred to reserves
Sewer Utility	8,731,668	10,088,421	9,337,880	(750,541)	108%	Surplus transferred to reserves
Stormwater Utility	7,487,964	8,102,917	7,917,230	(185,687)	102%	Surplus transferred to reserves
Finance						
Finance	4,351,495	4,750,551	5,337,560	587,009	89%	Vacancies and decreased expenses in conferences/travel and training
Parking Services	10,582,729	11,090,234	10,673,050	(417,184)	104%	Increased revenues resulting in increased expenses for credit card processing fees and Broughton Street Parkade Revenue Sharing with the Province; partially offset by vacancies
Information Technology	5,120,309	6,302,882	6,543,170	240,288	96%	Vacancies offset by increased expenses in software licensing
Legal Services	1,054,890	1,189,436	1,381,960	192,524	86%	Lower expenses in external legal support
Legislative Services	2,114,021	1,823,550	1,788,270	(35,280)	102%	
Parks, Recreation and Facilities						
Parks	13,052,622	14,375,049	14,460,710	85,661	99%	Vacancies offset by increased material costs in wood fibre chips, grass seed and fertilizer for playground and yard maintenance and higher water consumption and hydro
Recreation	6,082,822	7,019,302	6,758,220	(261,082)	104%	Increased costs for janitorial, field maintenance, security and building maintenance, offset by lower uptake of the LIFE program. Increased costs in youth programming which has offsetting revenue
Facilities	6,997,493	8,076,202	7,850,400	(225,802)	103%	Increased building repairs and security; offset by vacancies, natural gas and hydro savings due to LED lighting upgrades
People and Culture	2,953,543	3,451,767	4,339,270	887,503	80%	Vacancies and decreased expenses in recruitment and training and development
Strategic Real Estate	2,131,055	2,122,391	1,902,030	(220,361)	112%	Increased transfer to repay loan for 812 Wharf Street due to lease and rental revenues higher than budget. Tiny Homes expenses; offset by the Strengthening Communities grant
Sustainable Planning and Community Development	9,010,547	9,383,923	9,102,670	(281,253)	103%	Increased development revenue transferred to the Development Stabilization Reserve; offset by DCAP, OCP and Housing projects carried forward to 2024 and vacancies
Victoria Fire Department	19,219,989	19,828,888	19,948,995	120,107	99%	Vacancies and reduced expenses in conferences, travel and training and development
Corporate						
Contingencies	-	-	1,075,235	1,075,235	-	
Debt Principal, Interest and Reserve Transfer	8,179,215	6,855,490	6,855,490	-	100%	
Grants	8,135,385	6,624,237	5,888,550	(735,687)	112%	Increased grant payments include the Strengthening Communities Grant, and Victoria Housing Reserve grants
Miscellaneous	5,510,265	7,164,378	6,520,770	(643,608)	110%	Increased expenses for interest charges, youth bus pass program, offset by lower credit card fees. Increased Crest Levy; offsetting revenue
Mitigation Strategies	-	-	(3,500,000)	(3,500,000)	-	Budget for expected vacancy savings and reduced training, and conference spending - these savings are shown throughout departmental budgets
Office of Equity, Diversity and Inclusion	318,822	433,528	392,280	(41,248)	111%	
Transfers to Reserve	32,796,429	46,499,283	17,513,400	(28,985,883)	266%	Increased transfers to reserves for the interest earned on investments, Growing Communities Fund Reserve, Housing Reserve for DGV Online Accommodation Platform tax, Climate Action Reserve for LGCAP grant and EV charging revenue, and Tree Conservation Reserve related to the Tree Protection Bylaw
Transfer to Capital Budget	11,640,000	11,540,000	11,540,000	-	100%	
Greater Victoria Public Library	5,605,988	5,810,872	5,764,350	(46,522)	101%	Increased expenses for Victoria's share of the Central Library's building maintenance costs
Victoria Police Department	64,599,334	69,795,169	69,812,890	17,721	100%	
Total	$ 303,387,613	$ 337,133,890	$ 299,976,550	$ (37,157,340)	112%	

Appendix F
City of Victoria - Capital Budget Expenditures
For the Twelve Months Ending December 31, 2023

	T3 2022 Actual	T3 2023 Actual	2023 Budget	Budget Remaining $ Variance	Actual Spent to Budget %	Explanation for Variance
Transportation	16,079,877	32,402,614	43,291,000	10,888,386	75%	Projects in progress carried to 2024: Improvements to Multi Modal Corridors, specifically Gorge Road and Fort Street East, Accessible Parking Stalls, David Foster Pathway and Pedestrian Network Improvements, Government Street Refresh and Sidewalk Rehabilitation
Parks	10,737,636	5,100,253	9,436,000	4,335,747	54%	Projects in progress carried to 2024: Parks Infrastructure Improvements, Centennial Square Action Plan, Playground Improvements and Parks Technical Studies
Structures	741,685	967,920	4,191,000	3,223,080	23%	Projects in progress carried to 2024: Wharf Street 1112 Retaining Wall, Dallas Road Bluff Study, Ross Bay Seawall Replacement, Ship Point Master Plan Implementation, Blanshard/Tolmie retaining wall, Gate of Harmonious Interest
Facilities	2,464,961	39,200,645	49,403,000	10,202,355	79%	Two major projects are complete: Fire Hall #1 and Douglas Street Washroom. Projects in progress carried to 2024: Crystal Pool Replacement Project, Johnson Street Parkade Electrical Upgrades, Public Works Master Plan, Public Washroom Improvement Program, 926-930 Pandora Avenue, Save On Foods Memorial Centre Chiller Replacement, and Facility improvements and energy efficient upgrades have commenced throughout the City
Equipment	6,372,777	9,394,495	25,684,000	16,289,505	37%	Purchases/Projects in progress carried to 2024: Vehicle and Heavy Equipment procurements underway, Electric Vehicle Infrastructure, Asset Management Software Implementation, Corporate Application Support, Corporate IT Infrastructure, Small Equipment and Tools, Corporate Equipment Replacement, Fire Equipment, Parking Equipment Upgrades and Public Space Waste Receptacles
Environmental Remediation	5,666	235,805	1,688,000	1,452,195	14%	Budget only spent if needed
Sanitary Sewers	3,849,066	4,485,300	17,309,000	12,823,700	26%	Projects in progress carried to 2024: Sewer Mains Replacement, Inflow and Infiltration Projects, Equipment and System Assessment and Upgrades
Stormwater	2,637,421	7,719,082	16,937,000	9,217,918	46%	Projects in progress carried to 2024: Stormwater Mains Replacement, Brick Main Rehabilitation, Equipment and System Planning and Assessment Projects
Waterworks	4,850,258	8,866,694	11,911,000	3,044,306	74%	Projects in progress carried to 2024: Water Mains Replacement and Equipment
Contingency	-	-	350,000	350,000	-	
Victoria Police	1,409,601	1,098,436	1,480,000	381,564	74%	Projects in progress carried to 2024: Vehicle, Furniture and Computer Hardware
Total	**49,148,947**	**109,471,243**	**181,680,000**	**72,208,757**	**60%**	

2023 FINANCIAL STATEMENTS

City of Victoria Draft Audited Financial Statements
For the year ended December 31, 2023

1

Overview

- Reporting Timeline
  - Community Charter section 167
  - Due to Ministry by May 15
- 2023 Financial Statement Highlights
- Auditors Report

2

Financial Statements

The Corporation of the City of Victoria
Statement of Financial Position
As at December 31, 2023, with comparative figures for 2022

	2023	2022	
Financial Assets			
Cash and cash equivalents (Note 3)	$ 97,276,196	$ 128,244,048	Statement of Cash Flows
Accounts receivable			
Property taxes	4,189,736	3,047,594	
Other Other (note 3)	37,500,804	35,679,761	
Portfolio investments (Note 4)	272,967,247	248,043,341	
Mortgage receivable (Note 5)	1,044,652	1,012,458	
Other assets	403	2,216	
MFA debt reserve fund (Note 16)	1,323,540	1,310,667	
	414,302,578	417,340,085	
Liabilities			
Accounts payable and accrued liabilities	35,189,523	30,069,020	
Deposits and prepayments	28,717,848	26,658,204	
Deferred revenue (Note 6)	31,127,016	29,359,819	
Long-term debt (Note 7)	48,962,799	54,066,383	
Employee future benefit liability (Note 8)	19,987,861	19,423,526	
Asset retirement obligation (Note 10)	1,706,893	-	
	165,691,940	159,576,952	
Net Financial Assets (net debt)	**248,610,638**	**257,763,134**	Statement of Changes In Net Financial Assets
Non-Financial Assets			
Tangible capital assets (Note 9)	722,459,962	641,709,643	
Inventories of supplies	2,655,209	2,434,168	
Deposits towards acquisition of tangible capital assets (Note 9(d))	535,000	3,400,000	
Prepaid expenses and deposits	2,539,789	687,035	
	728,189,960	**648,230,846**	
Accumulated Surplus (Note 11)	**$ 976,800,598**	**$ 905,993,980**	Statement of Operations and Accumulated Surplus

The accompanying notes are an integral part of these financial statements.

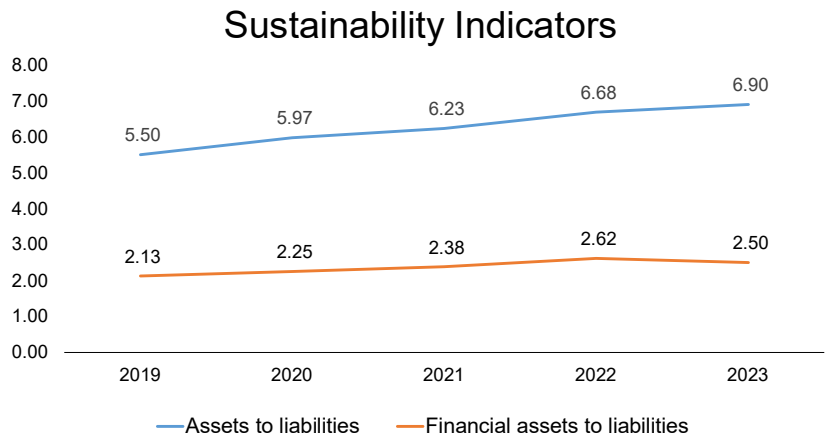
3

Financial Condition Indicators

- Sustainability
- Flexibility
- Vulnerability

4

Financial Condition Indicators



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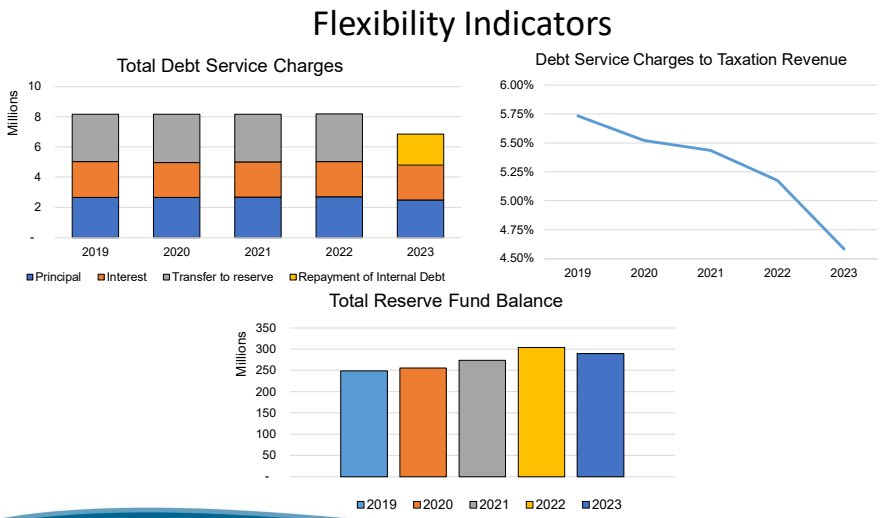
Financial Condition Indicators



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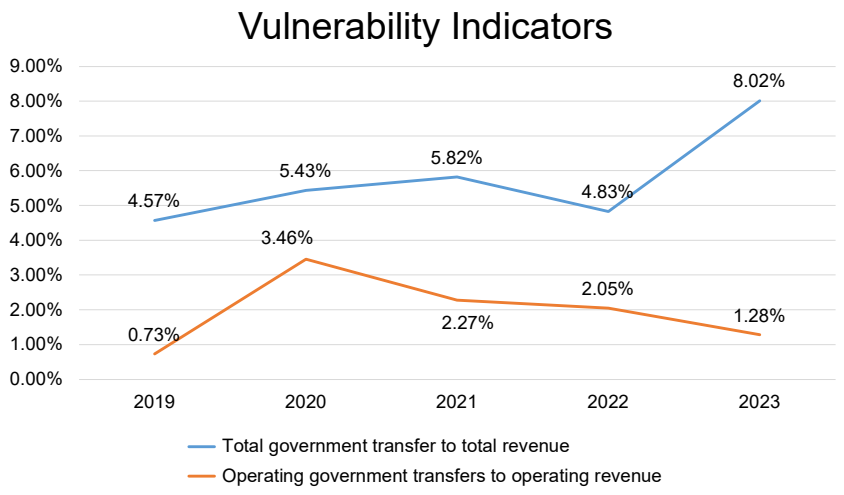
Financial Condition Indicators



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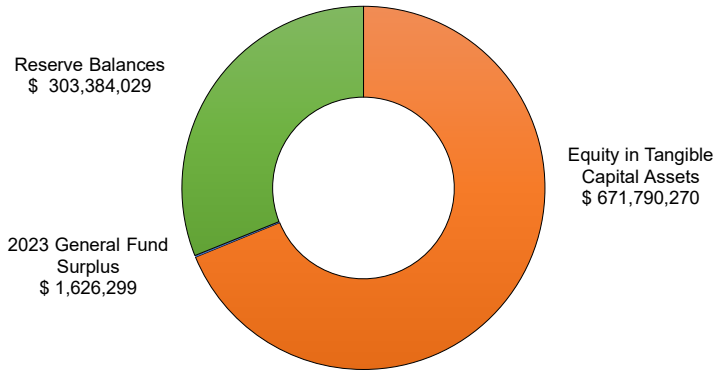
Accumulated Surplus

At December 31, 2023 $976,800,598



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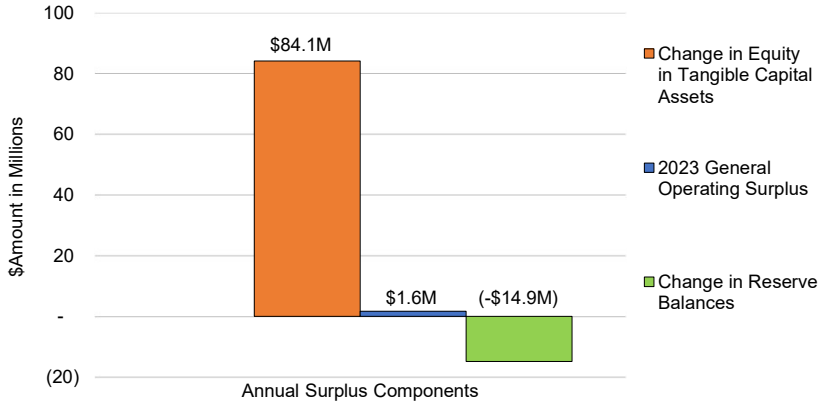
Annual Surplus

For the year ended December 31, 2023 $70,806,618



Financial Plan Comparison of Revenues & Expenses

- Financial Statements presented in PSAB format
- Budget comparison not effective in this format
- Meaningful comparison of budget to actual provided in the following:

  - Appendix E – Operating Revenues & Expenses

  - Appendix F – Capital Expenditures

Recommendation

That Council approve the 2023 Financial Statements.

DOWNTOWN Victoria

2024 Budget Presentation

1

Contents

1. Meet the DVBA Team
2. Strategic Plan
3. The Clean Team
4. Marketing
5. Lights of Wonder
6. Partnerships with the City
7. 2024 Budget

DOWNTOWN Victoria 2

2

DVBA 2023 – 2025 Strategic Plan

The Board of Directors identified four main areas of focus for the DVBA:

- Downtown Streetscape
- Membership Engagement
- Advocacy
- Partnerships

DOWNTOWN Victoria

3

3

Meet The DVBA Team

Becca Blachut – Marketing Manager

Rob Caunter – Clean Team Manager

Alison Gair – Executive Assistant

Madison Sutcliffe – Member Engagement Coordinator

John Kletke – Community Resource Coordinator

DOWNTOWN Victoria

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JBO

The Clean Team

Year	Graffiti	Needles
2020	14,550	5,015
2021	14,293	5,028
2022	17,029	5,787
2023	**18,418**	**5,048**

DOWNTOWN Victoria

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DVBA Marketing Activities

JBO

- Ongoing social media highlighting downtown, businesses, and events
- Ongoing What's Up Downtown? Events newsletter
- Partner giveaways and influencer partnerships
- Business features – monthly professionally produced Instagram reels: Queer-owned businesses, sustainable businesses, longstanding businesses, office worker videos
- Small Business Month (daily reels introducing small business owners)
- Lights of Wonder (advertising, giveaways, influencers, social media)
- New 2024 summer marketing campaign in production
- Event partnerships: Design Victoria, Winter Arts Festival, Awakening Chinatown

DOWNTOWN Victoria

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Downtown Gift Cards

- Launched Nov 2023, over $60K issued so far
- Direct revenue to members, no cost to them
- DVBA sells cards (online, bulk, and independent gifts) and gives away cards (influencers, radio promotions, events, etc.)

DOWNTOWN Victoria

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Marketing – 2023 Reels

DOWNTOWN Victoria

8

8

Lights of Wonder 2023

- Over 80,00 attendees (over 5,000 on New Year's Eve)
- 27 performances
- Activations including two no charge photo booths, silent discos, Lion Dancers, carolers.
- Thank you to the City of Victoria for the Festival Event Grant, and for staff's ongoing assistance support of the event.

DOWNTOWN Victoria

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9

JBO

Annual Report on Downtown

DOWNTOWN Victoria

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Partnership Opportunities

- Façade Improvement Grants; currently have approved $110,000.00 in grants
- Heritage Preservation Grants – Downtown Corridor
- Our Downtown – very successful program, well received by downtown businesses
- Arts, Innovation and Industry District
- Street activations such as Upper Fort StreetFest
- Clean Team, Bylaw and Public Works focus on specific areas
- VicPD, Bylaw, City Economic Development staff at DVBA Board Meetings

DOWNTOWN Victoria

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2024 Budget*

Income:	
BIA Levy	$1,762,438.00
Expenses:	
Administration	$475,858.00 (27%)
Clean, Safe & Sustainable	$546,358.00
Marketing	$352,487.00
Events	$370,111.00
Contingency	$17,624.00
Total Expense	$1,709,662.00

*As approved at the 2023 DVBA AGM

DOWNTOWN Victoria

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Questions?
MARKET SQUARE
The Heart of Old Town
MARKET SQUARE
JEUNE BROS
TENT & AWNING
DOWNTOWN Victoria
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Committee of the Whole Report
For the Meeting of May 9, 2024

To: Committee of the Whole **Date:** April 25, 2024

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

Subject: **Update on Rezoning Application No. 00753 and Development Permit with Variances Application No. 00158 for 1042 Richardson Street**

RECOMMENDATION

That Council decline Rezoning Application No.00753 and associated Development Permit with Variances Application No.00158 for 1042 and 1044 Richardson Street.

LEGISLATIVE AUTHORITY

This report discusses a Rezoning Application and a concurrent Development Permit with Variances Application. Relevant rezoning considerations include the proposal to increase the density and allow for multiple dwellings as a permitted use while the relevant Development Permit with Variances considerations relate to the application's consistency with design guidelines and the impact of the requested 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 revitalization of an area in which a commercial use is permitted, a Development Permit may include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

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 an update on the Rezoning and Development Permit with Variances Applications for the properties located at 1042 and 1044 Richardson Street.

On April 25, 2024, Council referred the application to staff to discuss with the applicant the affordability component of this proposed market rental building. Following discussions with staff, the applicant has revised the proposal to include a commitment to secure ten percent (two studio units) of the rental dwelling units as affordable rental units for a period of sixty years. While this improves the application's consistency with the guiding policies for this area, it is still recommended that Council decline the rezoning application based on the issues outlined in the Committee of the Whole report presented to Council on April 25, 2024 and attached to this updated report. However, should Council wish to advance the application, an alternate recommendation that includes the affordability component is provided at the end of this report.

BACKGROUND

At the Committee of the Whole meeting on April 25, 2024, Council passed the motion below:

"**Motion to refer as amended:**

> *Refer application back to staff to further discuss with the applicant the affordability component in the application and return to Committee of the Whole within two weeks".*

Following the COTW meeting, the applicant met with staff to discuss the affordability component of the proposal and has now revised the application to include a commitment to securing a minimum of two dwelling units as affordable rental units for the greater of 60 years or the life of the building. The applicant has agreed to make the following commitment via a housing agreement related to affordability for 1042-1044 Richardson Street:

> "*A commitment of 10% of units in the building (a total of 2 bachelor units) to be secured at 95% of Canada Mortgage and Housing Corporation median market rates for the greater of 60 years or the life of the building*".

In addition, the applicant is increasing the number of accessible units from one to two.

This commitment aligns with the regulations associated with the draft Affordable Rental Housing Revitalization Tax Exemption Bylaw that will be considered by Council in June.

The proposal to construct a six-storey (five residential floors plus a roof deck), purpose-built rental building with approximately 20 dwelling units is consistent with the OCP and *Fairfield Neighbourhood Plan* with respect to adding to the supply of market rental housing stock in the neighbourhood in an area well served by local services and transit. The commitment to secure two units enhances the affordability of the purpose-built rental project by ensuring two of the units will be affordable for households with median incomes.

However, due to the scale and massing of the development and the relatively small site size, the proposed land use remains inconsistent with the OCP and *Fairfield Neighbourhood Plan*, which supports lower scale buildings such as houseplexes, townhouses on smaller sites, as opposed to a five to six-storey building with multiple dwellings. In addition, the site conditions created as a result of trying to fit a large building on a small site, as well as the orientation of units in all directions, presents critical challenges associated with the liveability of units.

CONCLUSIONS

The applicant has addressed the referral motion by adding the affordable housing component. However, because of inconsistencies with Council policies, it is recommended that the Rezoning Application be declined.

Should Council wish to advance the proposal, an alternate recommendation is provided.

ALTERNATE MOTION – advance the application for consideration as presented (updates in bold text)

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 January 22, 2024 for 1042 Richardson Street.
2. That, after publication of notification in accordance with section 467 of the Local Government Act, first, second and third reading of the zoning regulation bylaw amendment be considered by Council.
3. That following the third reading of the zoning amendment bylaw, 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. Secure the rental tenure of all dwelling units in perpetuity
    b. Secure two accessible units.
    c. Restrict strata titling of the building,
    d. Secure a housing agreement for 10% of the units in the building (a total of two bachelor units) at 95% of Canada Mortgage and Housing Corporation (CMHC) median market rates for the greater of 60 years or the life of the building.
    e. Secure the following Transportation Demand Management measures to offset the proposed parking variance, with terms to the satisfaction of the Director of Engineering and Public Works:
        i. one car share vehicle, secured through a developer-funded contribution of $55,000
        ii. car share memberships and usage credits for all residential units

iii. one on-street dual head charger providing charge for one car share vehicle stall and one for public use

iv. 23 additional bicycle parking over schedule C requirements

v. 45% of required bicycle parking to be oversized

vi. 50% charging provision for all bicycle stalls

vii. a bike wash and maintenance station.

viii. a car share stall with EV charging capacity provided within the site.

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, consider the following motion:

"1. That subject to the adoption of Zoning Regulation Bylaw, Council authorize the issuance of Development Permit with Variances No. 00158 for 1042/1044 Richardson Street, in accordance with plans submitted to the Planning department and date stamped by Planning on January 22, 2024, subject to:

a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:

i. increasing the maximum height from 18.5m to 19.46m

ii. increasing the maximum site coverage from 40 percent to 52.70 percent

iii. decreasing the minimum open site space from 50 percent to 39.8 percent

iv. decreasing the front setback from 4.0m to 2.4m (to the building) and 1.50m (to balconies)

v. decreasing the rear yard (north) setback from 10.0m to 5.0m

vi. decreasing the east side yard setback from 6.0m to 1.20m

vii. decreasing the west side yard setback from 6.0m to 2.89m (to the building) and 2.09m (to balconies)

viii. decreasing the vehicle parking from 19 stalls to 8 stalls.

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

Respectfully submitted,

Manasvini Thiagarajan 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: Aerial Map
- Attachment B: Letter from Applicant dated April 26, 2024
- Attachment C: April 25, 2024 Committee of the Whole meeting staff report
- Attachment D: Plans dated May 2, 2024 deemed January 22, 2024
- Attachment E: Commitment letter May 2, 2024

N

1042-1044 Richardson Street
Rezoning No.00753

CITY OF VICTORIA

Friday April 26, 2024

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

Re: Affordable Housing Agreement for 1042/1044 Richardson Street – Rezoning Application No. 00753 and Development Permit with Variances Application No. 00158 (Fairfield-Gonzales)

Attn: Manasvini Thiagarajan and Karen Hoese,

Thank you for putting me in touch with Ross and Andrew, and providing information related to the Affordable Rental Housing Revitalization Tax Exemption Bylaw. With additional information related this prospective program and considering the request for a longer commitment term related to affordable units, on behalf of 1248330 BC Ltd., I am willing to make the following commitment (via a housing agreement) related to an affordability commitment for 1042-1044 Richardson Street:

1. **A commitment of 10% of units in the building (Total of 2 units) to be secured at 95% of CMHC median market rates for 60 years or the life of the building.**

Based on my conversation with Andrew it is my understanding that a commitment to affordability at this level would be consistent with, and result in eligibility for, the Affordable Rental Housing Revitalization Tax Exemption, should the housing agreement be secured at this level and the Bylaw be approved in its current form in the future. Andrew also confirmed that a commitment via a housing agreement with the above terms would meet the affordability requirement of the Apartment Construction Loan Program | CMHC (cmhc-schl.gc.ca), which is the funding that I intend to seek for construction, should this project receive re-zoning and DP (as indicated in the email provided to mayor and council and planning staff earlier this week).

Based on the acceptance of the above terms meeting the affordability requirement of the Federal CMHC Apartment Construction Loan Program, it is my understanding that this affordability commitment, due to its tenure and affordability level, is considered *equal to or greater than* the affordability commitment expressed via email to mayor and council earlier this week and discussed at COTW yesterday --which was to secure 20% of units in the building (4 units) at 10 percent below market value (based on Independent Appraisal) for a period of 10 years post-construction.

Please advise if anyone has any questions or require anything further related to this item.

Thank you,

Bart Johnson, PhD, MBA
President, 1248330 BC Ltd. (1042-1044 Richardson Street)
E: 1042richardson@gmail.com C: 250-893-9038

Committee of the Whole Report
For the Meeting of April 25, 2024

To: Committee of the Whole **Date:** April 11, 2024

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

Subject: **Update Report for Rezoning Application No.00753 and Development Permit with Variances Application No.00158 for 1042/1044 Richardson Street**

RECOMMENDATION

That Council decline Rezoning Application No.00753 and associated Development Permit with Variances Application No.00158 for 1042 and 1044 Richardson Street.

LEGISLATIVE AUTHORITY

This report discusses a Rezoning Application and a concurrent Development Permit with Variances Application. Relevant rezoning considerations include the proposal to increase the density and allow for multiple dwellings as a permitted use while the relevant Development Permit with Variances considerations relate to the application's consistency with design guidelines and the impact of the requested 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 revitalization of an area in which a commercial use is permitted, a Development Permit may include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

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 an update on the Rezoning and Development Permit with Variances Applications for the properties located at 1042 and 1044 Richardson Street. These applications were initially presented to Committee of the Whole (COTW) on July 14, 2022, (report attached) at which time Council directed the applicant to make design changes to achieve greater consistency with the Fairfield Neighbourhood Plan and other City of Victoria policies, particularly as it relates to liveability for future residents and those on neighbouring parcels. This update report provides a more detailed analysis of the revised proposal because the policy and regulatory framework have changed since this was last considered by Council.

The revised proposal has changed very little from the application that was previously presented to COTW. The primary concern remains that the application proposes the construction of a building that is too large relative to the size of the lot. Furthermore, the previously proposed below-market rental units have been removed from the application so the proposal is no longer consistent with the OCP housing policies related to rental replacement. Based on these factors, the applicant has not adequately addressed Council's previous direction, and the recommendation is to decline the application.

The proposal is to rezone from the R-K Zone, Medium Density Attached Dwelling District, to a new zone to increase the density from 0.6:1 floor space ratio (FSR) to 1.76:1 FSR and allow for a six-storey residential purpose-built market rental building with 20 dwelling units. There is a concurrent Development Permit with Variances Application pertaining to the proposed form, character, exterior design, finishes and landscaping and variances related to height, setbacks, site coverage, open site space and parking.

The following points were considered in assessing the Rezoning Application:

- Due to the location of the property and relatively small lot size, the proposal is considered inconsistent with the *Official Community Plan, 2012* (OCP) Urban Residential Urban Place Designation, which envisions buildings up to 1.2:1 FSR and three-storeys in height.
- The proposal is considered inconsistent with the *Fairfield Neighbourhood Plan*, which supports townhouses, houseplexes or small-scale apartments up to three-storeys in height on smaller Urban Residential sites.
- The proposal no longer includes a housing agreement to secure five of the rental units at below-market rent levels, which is inconsistent with the OCP housing policies that support

replacement of existing rental units with a rent level secured through a legal agreement; however, the proposal is still consistent with the policies that support the provision of new rental housing and a mix of housing types and unit sizes in all neighbourhoods.
- The proposal is considered consistent with the *Fairfield Neighbourhood Plan* policies for the Urban Residential sites in the Rental Retention Area which supports new rental.
- The applicant has provided a Tenant Assistance Plan consistent with the *Tenant Assistance Policy*.
- The proposal is for a purpose-built market rental building, which will be secured for the greater of 60 years or the life of the building through a legal agreement, and is therefore exempt from the *Inclusionary Housing and Community Amenity Policy*.

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

- The proposal is inconsistent with the objectives and guidelines for Development Permit Area 16: General Form and Character, which encourage new residential buildings to respect the character of established areas through appropriate form and massing that is compatible, unifying, and sensitive to context.
- The exterior corridors and circulation space do not count towards the FSR calculation but do contribute to the bulk of the building.
- The proposed building height combined with a lack of sufficient setbacks and units oriented in each direction may have a negative impact on the liveability of neighbouring dwellings.
- The proposed parking shortfall is supportable based on a comprehensive TDM program to be secured by legal agreement.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone from the R-K Zone, Medium Density Attached Dwelling District, to increase the density from 0.6:1 floor space ratio (FSR) to 1.76:1 FSR and allow for multiple dwellings at this location.

If Council choses to advance the application, the following changes to the standard URMD, Urban Residential Multiple Dwelling District, would be accommodated in the new site-specific zone:

- reduce the minimum site area from 1840m^2 to 668m^2
- reduce the maximum density from 2:1 FSR to 1.76:1 FSR.

The associated Development Permit with Variances is for a six-storey rental residential building with approximately 20 dwelling units. The proposal includes five storeys of residential living and a rooftop amenity space which counts as a sixth storey as per the definitions of the *Zoning Regulation Bylaw*.

Specific details include:

- six-storey contemporary building with five levels of rental residential and a rooftop amenity space on the sixth level
- an accessible, ground floor, one-bedroom unit fronting onto Richardson Street
- exterior corridors and circulation space that do not count towards the FSR calculation but do contribute to the bulk of the building
- eight underground parking stalls with driveway access via Richardson Street

- exterior building materials include light grey and off-white cementitious panels, black vinyl windows, perforated metal standing seam screen (black) for the stairwell, and balconies with glass guards and metal railings.

Landscape elements include a rooftop amenity space, ground level planting areas for trees and perimeter planting, front entry plantings and a water feature, and decorative paving for pedestrian pathways.

Variances on the URMD regulations are recommended (instead of inclusion in the new zone) where the proposal is inconsistent with that zone, the *Fairfield Neighbourhood Plan*, or the Off-Street Parking Regulations (Schedule C) of the *Zoning Regulation Bylaw*.

The proposal would require variances from the URMD Zone related to:

- increasing the maximum height from 18.5m to 19.46m
- increasing the maximum site coverage from 40 percent to 52.70 percent
- decreasing the minimum open site space from 50 percent to 39.8 percent
- decreasing the front setback from 4.0m to 2.4m (to the building) and 1.50m (to balconies)
- decreasing the rear yard (north) setback from 10.0m to 5.0m
- decreasing the east side yard setback from 6.0m to 1.20m
- decreasing the west side yard setback from 6.0m to 2.89m (to the building) and 2.09m (to balconies)
- decreasing the vehicle parking from 19 stalls to 8 stalls.

Land Use Context

The area is characterized by low-rise residential buildings with multiple dwellings.

Immediately adjacent land uses include:

- North – four-storey multiple dwelling buildings
- South – three- and four-storey multiple dwelling building
- East – three-storey multiple dwelling building
- West – two-storey townhouses separated by surface parking for the residential building to the north.

Existing Site Development and Development Potential

The site presently has multiple dwellings (three one-bedroom units and one studio unit) as a result of a house conversion of the existing building, which was originally constructed as a single-family dwelling in 1910. An additional fifth unit was added to the site through the conversion of a detached studio to a dwelling unit. This work was done without permits by a previous owner.

Under the current R-K Zone, the property could be developed as three attached dwellings (townhouses).

Figure 1 shows the location of the subject property

Data Table

The following data table compares the proposal with the existing R-K Zone, Medium Density Attached Dwelling District, and the URMD Zone, Urban Residential Multiple Dwelling District, which is the standard zone for multiple dwellings on sites with the Urban Residential urban place designation in the OCP. An asterisk is used to identify where the proposal does not meet the requirements of the URMD Zone. Additionally, the key City policy that pertains to the area has been included in this table.

Zoning Criteria	Current Proposal	Previous Proposal	R-K Zone	URMD Zone	OCP and Fairfield Plan Policy
Site area (m^2) – minimum	**668***	668	555	1840	Lot consolidation encouraged to realize highest and best use
Site area per unit (m^2) – minimum	33.40	33.40	n/a	n/a	n/a
Lot width (m) – minimum	18.28	18.28	18.00	n/a	n/a
Total floor area (m^2) – maximum	1174	1174	n/a	n/a	n/a
Unit floor area (m^2) – minimum	25	25	n/a	n/a	n/a
Density (Floor Space Ratio) – maximum	**1.76:1**	1.76:1	0.6:1	2:1	Up to 1.2:1 Up to 2:1 for strategic locations (OCP) 1.2 – 2:1 for larger sites Lower for small sites (Fairfield Plan)
Height (m) – maximum	**19.46***	19.46	8.5 (measured to ceiling)	18.50	Up to 20 (Fairfield Plan)
Storeys – maximum	6	6	2.6	6	3 – 6 (OCP) depending on site conditions and existing context Low scale forms including townhouses and houseplexes are encouraged on smaller sites (Fairfield Plan)
Site coverage (%) – maximum	**52.70***	52.70	33	40	-
Open site space (%) – minimum	**39.80***	39.80	45	50	-
Setbacks (m) – minimum					
Front (Richardson Street)	**2.42* (building)** **1.50* (balcony)**	2.40 (building) 1.51 (balcony)	6	4.00	Variable
Rear (S)	**5.00***	5.00	2.5 (blank wall)	10.00	-
Side (E)	**1.20***	1.04	2.5 (blank wall)	6.00	-

Zoning Criteria	Current Proposal	Previous Proposal	R-K Zone	URMD Zone	OCP and Fairfield Plan Policy
Side (W)	**2.89* (building) 2.09* (balcony)**	2.89 (building) 2.07(balcony)	2.5 (blank wall)	6.00	-
Vehicle parking – minimum	**8* (including 1 accessible)**	9	19	16	-
Visitor vehicle parking included in the overall units - minimum	2	2	2	2	-
Bicycle parking stalls – minimum					
Long term	45	22		22	-
Short term	6	6		6	-

Relevant History

On July 14, 2022, Council passed the following motion at the Committee of the Whole meeting (see attached staff reports and minutes):

> "*That the matter be referred to staff, to work with the applicant on a revised application that achieves greater consistency with the Fairfield Neighbourhood Plan and other City of Victoria policies, particularly as it relates to liveability of future residents on this parcel as well as liveability of residents on neighbouring parcels*".

In response, the applicant submitted a significant redesign of the application (plans dated June 16, 2023), featuring a houseplex with 11 units spanning three storeys, with a building height of 9.78m and density 1.1:1 floor space ratio. The application was referred to the Fairfield Gonzales Community Association Land Use Committee (CALUC) and underwent a technical review by staff.

On September 21, 2023, the applicant reverted to the previous designand requested a reconsideration of the original application submitted in 2022, with some revisions. Notably, the application no longer includes a commitment to secure five below-market rental units. Other minor changes proposed include:

- additional long-term bicycle parking stalls of a variety of sizes
- on-street EV parking stall
- exterior material revisions including removal of walkway screening, the transition of stair cladding to screening and updates to colour and material
- side yard setback increased from 1.04m to 1.2m (east).

However, there have been no changes made in response to Council's recommendation and the design is still inconsistent with the design guidelines as stated in the analysis section of the report.

ANALYSIS

Rezoning Application

Official Community Plan

The subject site is designated as Urban Residential in the Official Community Plan, 2012 (OCP), which envisions low and mid-rise multi-unit buildings up to six-storeys in height with density up to 1.2:1 floor space ratio (FSR), depending on site conditions and the existing and envisioned context of the area. Increased density up to 2:1 FSR may be considered in locations that support the growth concept in the OCP, such as in proximity to Urban Villages, Town Centres and Transit Priority Corridors, where public benefit is provided consistent with the objectives of the OCP and other City policies, including local area plans.

The subject site does not meet the criteria to be considered a strategic location; however, it is identified in the *Fairfield Neighbourhood Plan* in an area that is suitable for density up to 2:1 FSR for proposals on larger sites that provide purpose-built rental housing. Due to the relatively small lot size, this application is considered inconsistent with these policies, as discussed in the *Fairfield Neighbourhood Plan* section below.

As noted earlier, this application would provide approximately 20 new rental dwelling units, which would help to advance the OCP housing objective of providing a range of housing types, forms and tenures across the City.

The proposal would also advance the climate and energy policies contained in Section 12 of the OCP, through the provision of on-street electric vehicle charging infrastructure and rooftop solar voltaic panels.

The applicant is no longer offering to secure five below-market rental units. This is inconsistent with the OCP housing policies that encourage replacement of existing rental buildings with new rent levels secured in a housing agreement.

Although inconsistent with certain objectives within the OCP, as noted above there are aspects where it is consistent. Should Council choose to advance the application, it is recommended that an OCP Amendment is not required.

Fairfield Neighbourhood Plan

The site is designated as Urban Residential in the *Fairfield Neighbourhood Plan* and is located within the “Rental Retention” sub-area of the Plan, which supports densities up to 1.2:1 floor space ratio and four-storeys or up to approximately 2:1 FSR and six-storeys where a proposal replaces and expands upon the existing rental housing stock.

On smaller Urban Residential sites, such as the subject site, the Plan supports lower scale development, including larger houseplexes, house conversions with additions, townhouses or low-rise apartments up to three-storeys in height. This application for a six-storey building with a density of 1.76:1 FSR is considered inconsistent with these policies.

Housing

The application, if approved, would add 20 new purpose-built market rental units, which would increase the overall supply of housing in the area and contribute to the targets set out in the *Victoria Housing Strategy*.

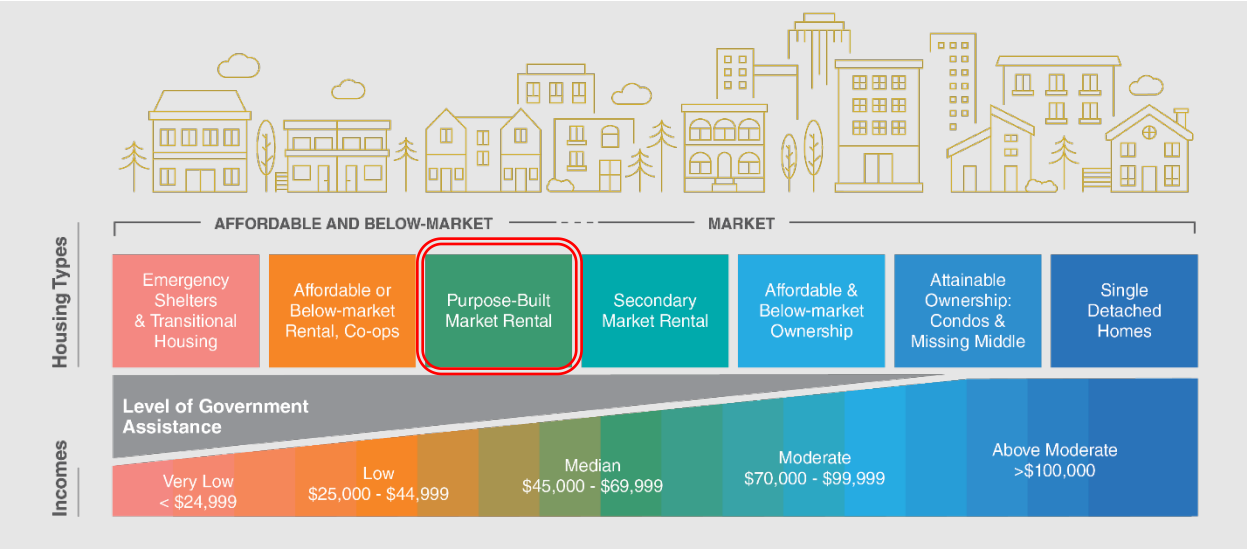

Figure 1. Housing Continuum

Affordability Targets

The applicant is no longer offering to secure five below-market rental units.

Housing Mix

At present there is no policy that provides targets regarding housing mix and providing minimum unit types is not mandated by the City. As submitted, this application proposes two studio units, 15 one-bedroom units and three three-bedroom units. The applicant is willing to secure the provision of the three-bedroom units with a legal agreement. The necessary language has been added to the alternate recommendation should Council choose to advance the application.

Security of Tenure

A Housing Agreement is proposed by the applicant which would secure the dwelling units as rental in perpetuity. A covenant will also be registered on title of the property to prohibit the stratification and separate sale of individual units.

Existing Tenants

The proposal is to deconstruct the existing house conversion and relocate the accessory building to another site which would result in a loss of five existing residential rental units. Consistent with the *Tenant Assistance Policy*, the applicant has provided a Tenant Assistance Plan which is attached to this report.

Development Permit with Variances Application

Official Community Plan: Design Guidelines

The OCP identifies the site within Development Permit Area (DPA) 16: General Form and Character, which supports multi-unit residential development that is complementary to the place character of the neighbourhood. Enhancing the character of the streetscape through high quality, human-scaled architecture, landscape and urban design is also a key objective of this DPA.

Design guidelines that apply to DPA 16 are the Design Guidelines for Multi-Unit Residential, Commercial and Industrial Development (2012), Advisory Design Guidelines for Buildings, Signs and Awnings (2006) and Guidelines for Fences, Gates and Shutters (2010). The proposed building design is generally consistent with many of the design guidelines; however, due to the relatively small site size there are significant aspects of the proposal that are inconsistent with the guidelines:

- The minimal setbacks combined with the orientation of the proposed dwellings units, and exterior circulation spaces create the potential for livability impacts on neighbouring properties.
- The scale, orientation and siting of the building creates shadowing impacts on adjacent properties, particularly those neighbouring units located on lower floors.

In addition, although the proposed density is technically 1.76:1 FSR, the density calculation excludes the area of the exterior corridors and ground floor circulation space even though these areas contribute to the mass of the building, further exacerbating the issue of a large building on a relatively small site.

Variances

Should Council advance this application, the URMD Zone, Urban Residential Multiple Dwelling District, which was created as a standard zone for properties designated as Urban Residential in the OCP, is proposed as a base zone to create a new zone for the proposal. However, due to the small site size and bulk of the building, several variances would be required as part of this application.

This approach is recommended to ensure that reduced zoning provisions are not entrenched in the new zone, so that any future alternative development proposals for the site would need to comply with the zoning requirements or seek Council approval to achieve similar variances. The proposed variances relate to reduced parking, open site space and setbacks, as well as increased height and site coverage.

Parking and Transportation Demand Management

A parking study was submitted for the previous 20-unit proposal for this site in 2022 which included a survey of on-street parking capacity carried out in September 2020. While there was some latent on-street parking capacity within the vicinity of the site, the 1000 block of Richardson was observed to be between 95 and 100% capacity on the survey dates. The parking study has not been updated to reflect the replacement of the affordable rental units with market rental.

A variance is requested to reduce the required number of parking spaces from 19 stalls to 8 stalls. To mitigate the potential impacts from this variance, the applicant is proposing the following Transportation Demand Management (TDM) measures:

- carshare memberships and driving credits for each of the residential units
- one carshare vehicle, secured through a developer-funded contribution of $55,000
- one on-street dual head charger providing charge for one carshare vehicle stall and one public EV charger stall
- 23 additional bicycle parking over schedule C requirements
- 45% of required bicycle parking to be oversized
- 50% of required bicycle parking to have access to electric charging
- a bike wash and maintenance station.
- a car share stall with EV charging capacity provided within the site.

The parking variance is considered supportable with the provision of these TDM measures. Should Council choose to advance the application, these TDM measures would be secured with a legal agreement. The appropriate wording to secure the TDM program as a condition of rezoning has been added to the alternate motion.

Height

An increase in height from the URMD Zone of 18.5m to 19.46m is requested. The height is measured to the rooftop access stair and covered roof deck rather than the main roofline of the building which is approximately 16.29m in height. Additionally, the proposed height exceeds the three storeys or approximately 9.5 – 10.5m height envisioned in the *Fairfield Neighbourhood Plan* for smaller sites like this and the shadowing impacts on neighbouring properties would be exacerbated by the limited setbacks. Given the inconsistencies with current policy and the detrimental impacts on neighbouring properties, it is recommended for Council's consideration that the proposed height variance be declined.

Setbacks

Variances are requested to reduce front and rear setbacks from 4.0m and 10.0m to 2.4m (to the building) and 5.0m. Side yard setback variances are also requested to reduce the east setback from 6.0m to 1.2m and the west setback from 6.0m to 2.89m (to the building). Balconies on the west and front elevations would project further into the setbacks.

It is recommended that the setback variances be declined due to the negative impact on neighbouring properties resulting from building proximity, which is exacerbated by the height and bulk of the proposed building. Furthermore, the proposal would also have an impact on the future development potential of the adjacent properties.

Site Coverage and Open Site Space

A variance is sought for an increase in site coverage from 40% (as required in the URMD Zone) to 52.7%, and a reduction in open site space from 50% (as required in the URMD Zone) to 39.8%. The majority of the open site space would consist of landscaped areas and pedestrian pathways located above the underground parking structure, noting that the northeast corner of the parking structure has been notched to provide a roughly 25m^2 area for enhanced landscaping and tree planting. A narrow landscape strip provides some softening of the edge along the side yards of the development; however, due to the site coverage of the above and below grade structures, all

the on-site trees would be removed to accommodate the development. A common amenity space with seating and raised planters is provided on the rooftop.

While the proposed landscape treatment and rooftop amenity is consistent with the design guidelines, the scale of the building relative to the lot size eliminates the opportunity to retain any trees and limits any significant landscaping to the rear yard and some smaller areas at the front of the building. Given the impacts on trees and limited open site space, it is recommended that the site coverage and open site space variances be declined.

Advisory Design Panel Review

The application was reviewed by the Advisory Design Panel on September 22, 2021. At that meeting, the following motion was passed:

"*That the Advisory Design Panel recommend to Council that Development Permit with Variances Application No. 00158 for 1042/1044 Richardson Street does not sufficiently meet the applicable design guidelines and policies and should be declined (and that the key areas that should be revised include):*

- *Variances are not supportable. For example, the proposal has only a third of the site area required in this zone.*
- *The architectural expression, particularly the stair tower, has a more institutional rather than a residential expression as outlined in the guidelines.*
- *Open space requirement is 50% and the project proposed 28.7%.*
- *Maximum site coverage required is 40% and the project proposed 60.02%.*
- *Re-examination of the materiality particularly regarding the exterior cladding."*

In response, the applicant had made the following revisions prior to the previous COTW meeting:

- The fenestration pattern on the street facing stair tower on the front façade had been revised from a curtainwall to punched windows.
- The prominence of the stair tower had been slightly reduced by revising the roofline so that it slopes down towards the street following the stair run within.

Further changes were made with the latest submission:

- Additional vertical green screens have been added on each level adjacent the stair tower to further soften the appearance of the building.
- The material of the building was changed from cementitious dark grey panels to light grey.

In addition to these revisions, the applicant provided a letter in response to the ADP motion which is attached to this report. In staff's opinion, the applicant has not made sufficient revisions to address the ADP recommendation, nor the concerns noted by staff on the original application.

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. The *Urban Forest Master Plan* recommends a city-wide tree canopy cover of 40%. Based on 2019 LiDAR analysis, Fairfield canopy cover is 29 % and city-wide coverage is 28%. This application was received after October 24, 2019; therefore, *Tree Preservation Bylaw* No. 05-106 (consolidated November 22, 2019) applies.

Sixteen trees have been inventoried. There are 11 trees located on the subject lot, two trees on neighbouring properties, and three municipal trees potentially impacted by the development. Eleven trees are proposed to be removed from the subject site, including two bylaw-protected trees to accommodate the underground parking ramp and for installation of underground services.

Two bylaw-protected trees on neighbouring properties will be retained, along with all three municipal trees. The arborist has recommended tree protection measures and arborist supervision at various stages of the project to ensure these trees shall be retained.

The landscape plan identifies five medium- to large-sized replacement trees planted at the ground level, along with two small trees in freestanding planters on the rooftop, and one new boulevard tree. Six of these are denoted as replacement trees to meet the requirements of the tree bylaw.

CONCLUSIONS

The proposal to construct a six-storey (five residential floors plus a roof deck), purpose-built rental building with approximately 20 dwelling units is consistent with the OCP and *Fairfield Neighbourhood Plan* with respect to adding to the supply of market rental housing stock in the neighbourhood in an area well served by local services and transit. However, due to the scale and massing of the development and the relatively small site size, the proposed land use is inconsistent with the OCP and *Fairfield Neighbourhood Plan*, which supports lower scale buildings such as houseplexes, townhouses on smaller sites, as opposed to a five to six-storey building with multiple dwellings. In addition, the site conditions created as a result of trying to fit a large building on a small site, as well as the orientation of units in all directions, presents critical challenges associated with the liveability of units.

Despite the repeated advice of staff to develop a proposal that aligns better with the applicable land use policies and design guidelines, the applicant has chosen to pursue the current proposal. Because of inconsistencies with Council policies, it is recommended that the Rezoning Application be declined.

Should Council wish to advance the proposal, an alternate recommendation is provided.

ALTERNATE MOTION – advance the application for consideration as presented

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 January 22, 2024 for 1042 Richardson.
2. That, after publication of notification in accordance with section 467 of the Local Government Act, first, second and third reading of the zoning regulation bylaw amendment be considered by Council.
3. That following the third reading of the zoning amendment bylaw, 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. Secure the rental tenure of all dwelling units for the greater of 60 years or the life of the building and ensure a future strata cannot restrict rentals, with terms to the satisfaction of the Director of Sustainable Planning and Community Development.

b. Secure one accessible one-bedroom unit to the satisfaction of the Director of Sustainable Planning and Community Development.

c. Restrict strata titling of the building, with terms to the satisfaction of the Director of Sustainable Planning and Community Development.

d. Secure the following Transportation Demand Management measures to offset the proposed parking variance, with terms to the satisfaction of the Director of Engineering and Public Works:

   i. one car share vehicle, secured through a developer-funded contribution of $55,000
   ii. car share memberships and usage credits for all residential units
   iii. one on-street dual head charger providing charge for one car share vehicle stall and one for public use
   iv. 23 additional bicycle parking over schedule C requirements
   v. 45% of required bicycle parking to be oversized
   vi. 50% charging provision for all bicycle stalls
   vii. a bike wash and maintenance station.
   viii. a car share stall with EV charging capacity provided within the site.

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, consider the following motion:

"1. That subject to the adoption of Zoning Regulation Bylaw, Council authorize the issuance of Development Permit with Variances No. 00158 for 1042/1044 Richardson Street, in accordance with plans submitted to the Planning department and date stamped by Planning on January 22, 2024, subject to:

   a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:

      i. increasing the maximum height from 18.5m to 19.46m
      ii. increasing the maximum site coverage from 40 percent to 52.70 percent
      iii. decreasing the minimum open site space from 50 percent to 39.8 percent
      iv. decreasing the front setback from 4.0m to 2.4m (to the building) and 1.50m (to balconies)
      v. decreasing the rear yard (north) setback from 10.0m to 5.0m
      vi. decreasing the east side yard setback from 6.0m to 1.20m
      vii. decreasing the west side yard setback from 6.0m to 2.89m (to the building) and 2.09m (to balconies)
      viii. decreasing the vehicle parking from 19 stalls to 8 stalls.

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

Respectfully submitted,

Manasvini Thiagarajan 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 22, 2024
- Attachment C: Letter from applicant to Mayor and Council dated February 9, 2024
- Attachment D: COTW Report for the Meeting of July 14, 2022
- Attachment E: Minutes of the COTW Meeting on July 14, 2022
- Attachment F: Minutes of the Advisory Design Panel meeting on September 22, 2021
- Attachment G: Letter from applicant in response to Advisory Design Panel review
- Attachment H: Arborist Report dated January 23, 2024
- Attachment I: Geotechnical Memo dated May 20, 2022
- Attachment J: Parking Study dated March 19, 2024
- Attachment K: Tenant Assistance Plan dated February 13, 2024
- Attachment L: Pre-Application Consultation Comments from Online Feedback Form
- Attachment M: Correspondence (Letters received from residents).

ATTACHMENT D

1042/1044 RICHARDSON STREET

APPLICATION FOR REZONING & DEVELOPMENT PERMIT

CITY OF VICTORIA

Revisions
Received Date:
May 2, 2024
Deemed Date:
January 22, 2024

Christine Lintott Architects Inc.

Suite 1 - 864 Queens Avenue, Victoria, BC V8T 1M5
Telephone: 250.384.1969
www.lintottarchitect.ca

Perspective view from Richardson Street

2 Site Context Plan
1 : 1000

Property Data

GENERAL PROPERTY INFORMATION	
PROJECT DESCRIPTION	NEW 6 STOREY INFILL RESIDENTIAL BUILDING
CIVIC ADDRESS	1042/1044 Richardson Street, Victoria BC
LEGAL DESCRIPTION	LOT 1663 VICTORIA CITY
PROPERTY IDENTIFICATION NUMBER (P.I.D.)	009-396-853
AUTHORITY HAVING JURISDICTION	CITY OF VICTORIA
APPLICABLE BUILDING CODE	BRITISH COLUMBIA BUILDING CODE, 2018 EDITION, INCLUDING ALL AMENDMENTS

Project Scope Summary

- 20-unit purpose built rental building with a mix of market rental units
- Retaining/replacing the 5 rental units of the existing buildings which are to be removed
- Diverse unit mix including:
  - 3 three-bedroom units
  - 15 one-bedroom units (three adaptable units, two ground level accesible unit)
  - 2 affordable studio units
- Bicycle and mobility oriented design, situated on a dedicated All Ages and Abilities bicycle route, to encourage alternatives modes of transportation by providing:
  - level site access
  - more than required long-term bicycle parking spaces, provided on each floor in close proximity to unit entrances, and sized to accomodate several cargo bikes
  - charging outlets provided for electric bikes
  - bike maintenance station at ground level
- On-street electric MODO car-share is proposed, with memberships registered to each unit for the lifetime of the building

DRAWING LIST

Sheet Number	Sheet Name
A0.00	Cover Sheet
A0.01	Site Plan and Project Data
A0.02	Site Survey
A0.03	Code Analysis and Spatial Separation
A1.01	Solar Shadow Study
A1.02	Axo Shadow Study
A1.03	Context Renders
A2.00	Floor Plans
A2.01	Floor Plans
A3.00	Elevations
A3.01	Context Elevations
A3.02	Exterior Materials
A4.00	Building Sections
A.ID0.1	Exterior Lighting
A.ID0.2	Exterior Lighting
ASK - 1	Long Term Bikes - Basement
ASK - 2	Long Term Bikes - Level 1
C01	Civil
L01	Landscape Concept Plan
L02	Landscape L6 Rooftop Concept Plan
L03	Landscape Tree Management Plan

FLOOR AREA (ZONING)	
Level	Area
LEVEL 1	223 m²
LEVEL 2	238 m²
LEVEL 3	237 m²
LEVEL 4	237 m²
LEVEL 5	227 m²
ROOF	12 m²
	1174 m²

FSR CALCULATION
SITE AREA (SA) = 668 m²
FLOOR AREA (FA) = 1174m²
FSR = FA/SA = **1.76**

NOTE:
THESE AREAS ARE USED FOR ZONING PURPOSES ONLY & ARE MEASURED TO THE INSIDE FACE OF EXTERIOR WALLS.

Unit Area Schedule			
Occupancy		Name	Area
LEVEL 1			
1 Bedroom	*ACCESSIBLE*	UNIT 1	44 m²
1 Bedroom		UNIT 2	46 m²
1 Bedroom	*ACCESSIBLE*	UNIT 3	44 m²
LEVEL 2			
1 Bedroom		UNIT 4	46 m²
1 Bedroom		UNIT 5	44 m²
Studio	*AFFORDABLE*	UNIT 6	25 m²
3 Bedroom		UNIT 7	88 m²
LEVEL 3			
1 Bedroom		UNIT 8	46 m²
1 Bedroom		UNIT 9	44 m²
Studio	*AFFORDABLE*	UNIT 10	25 m²
3 Bedroom		UNIT 11	88 m²
LEVEL 4			
1 Bedroom		UNIT 12	46 m²
1 Bedroom		UNIT 13	44 m²
1 Bedroom		UNIT 14	25 m²
3 Bedroom		UNIT 15	88 m²
LEVEL 5			
1 Bedroom		UNIT 16	46 m²
1 Bedroom		UNIT 17	44 m²
1 Bedroom		UNIT 18	26 m²
1 Bedroom		UNIT 19	36 m²
1 Bedroom		UNIT 20	39 m²
20			936 m²

TOTAL UNIT COUNT: 20

2 STUDIO UNITS
15 ONE BEDROOM
- 3 ADAPTABLE
- 2 GROUND LEVEL
- 1 GROUND LEVEL ACCESSIBLE

3 THREE BEDROOM

Issue	Date
Submission for Rezoning and Development Permit	2020-09-30
Re - Submission for Rezoning and Development Permit	2021-01-18
Re - Submission for Rezoning and Development Permit	2021-06-11
Re - Submission for Rezoning and Development Permit	2021-10-22
Re - Submission for Rezoning and Development Permit	2022-04-14
Re - Submission for Rezoning and Development Permit	2023-08-29
Re - Submission for Rezoning and Development Permit	2023-11-07
Re - Submission for Rezoning and Development Permit	2024-01-22
Re - Submission for Rezoning and Development Permit	**2024-01-05**

Revision

No.	Description	Date
1	Revision 2	2021-06-11
3	Zoning Comment #1	2022-04-19
10	Additional EV Parking	2023-08-29
11	Exterior Material	2023-08-29
20	Boulevard Revisions	2023-11-07
26	Accessible + Affordable Unit Updates	2024-05-01

Consultant

REGISTERED ARCHITECT
CHRISTINE LINTOTT
BRITISH COLUMBIA

Ten42

1042 Richardson Street,
Victoria BC

Cover Sheet

Date	2024-05-01 12:13:45 PM
Drawn by	BH
Checked by	CL

A0.00

Scale As indicated

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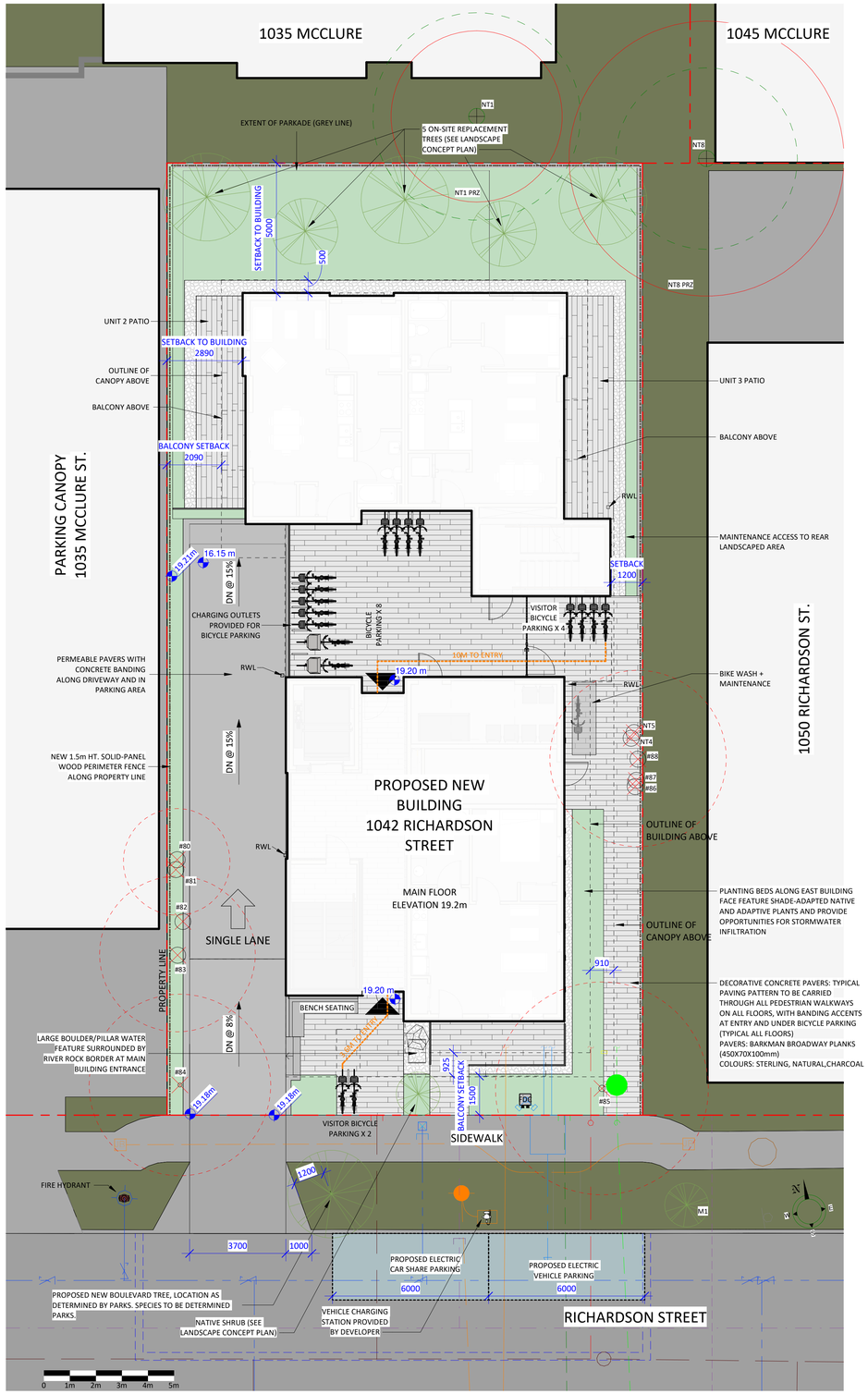
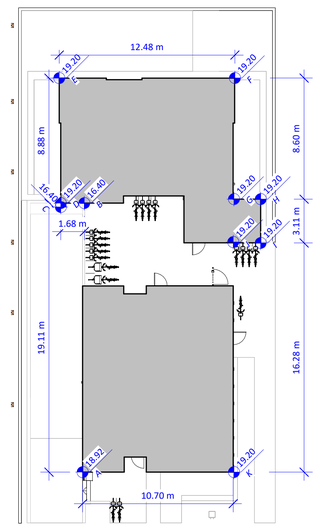


1 Site Plan
1 : 100

Project Information Table

	Zoning Min/Max	Proposed
Zone (existing)	R-K	SITE SPECIFIC
Site Area		668 m²
Total Floor Area		1174 m²
Floor Space Ratio	N/A	1 : 1.76
Site Coverage %	N/A	52.7 %
Open Site Space - Lot %	N/A	39.8 %
Open Site Space - Front Yard %	N/A	7.8%
Height of Buildings	N/A	19.47m
Storeys #	N/A	6 storeys
Vehicle Parking #	0.2 /unit Affordable < 45m² x 5 = 1 .75 / unit < 45m² x 7 = 4.5 .9 / unit > 45m², < 70m² x 5 = 5.25 1.3 / unit >70m² x 3 = 3.9 0.1/unit visitor x 20 = 2 **Total = 16.75 (17)**	6 resident (1 accessible) 2 visitor 1 on-street electric car-share 1 on-street electric vehicle parking
Bicycle Parking #	Long Term Per Schedule C 1/unit < 45m² x 12 = 12 1.25/unit > 45m² x 8 = 10 **Total = 22** Oversized Electric Stalls Required = 10% (3 stalls) Electric Charging Stalls Required = 50% (11 stalls) Short Term Per Schedule C **Total = 6 (MIN)**	Long Term Per Schedule C P1 = 34 (8 are oversized) L1 = 11 (2 are oversized) **Total = 45 (10 are oversized)** Oversized Electric Stalls Provided = 45% (10 stalls) Electric Charging Stalls Provided = 73% (33 stalls) Lvl 2-4 Additional = **3 (3 oversized with charging)** Note: These stalls do not conform to Schedule C Short Term Per Schedule C **Total = 6**
Mobility Scooter Parking	No Requirement	Provided = 4
Building Setbacks		
Front Yard (South)	N/A	1.50m
Rear Yard (North)	N/A	5.00m
Side Yard (West)	N/A	2.09m
Side Yard (East)	N/A	1.2m
Residential Use Details		
Total Number of Units		20
Unit Type Breakdown		2 Studio Units, 15 One Bedroom Units, 3 Three Bedroom Units
Ground Oriented Units		3
Minimum Unit Floor Area		25 m²
Total Residential Floor Area		936 m²

1. Areas shown in this table are for zoning purposes only & are measured to inside face of exterior walls.



AVERAGE HEIGHT AT GRADE IS 18.78m FOR LEVELED SITE
EXISTING ARTIFICIALLY RAISED GRADING AND
EXISTING RETAINING WALLS TO BE REMOVED

POINTS A&B:	((18.92+16.40 / 2) x 19.112	= 337.518
POINTS B&C:	((16.4.+16.4) / 2) X 1.68	= 27.552
POINTS D&E:	((19.20+19.20)/ 2) X 8.881	= 170.515
POINTS E&F:	((19.20+19.20) / 2) X 12.477	= 239.558
POINTS F&G:	((19.20+19.20) / 2) X 8.605	= 165.216
POINTS G&H:	((19.20+19.20) / 2) X 1.90	= 36.48
POINTS H&I:	((19.20+19.20) / 2) X 3.112	= 59.75
POINTS I&J:	((19.20+19.20) / 2) X 1.90	= 36.48
POINTS J&K:	((19.20+19.20) / 2) X 16.282	= 312.614
POINTS K&A:	((19.20+18.92) / 2) X 10.70	= 203.942
		= 1589.625

GRADE CALCULATION
1589.625 /84.64m = 18.78m

2 AVG GRADE
1 : 200

Christine Lintott Architects Inc.
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Issue	Date
Submission for Rezoning and Development Permit	2020-09-30
Re - Submission for Rezoning and Development Permit	2021-01-18
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Re - Submission for Rezoning and Development Permit	2023-11-07
Re - Submission for Rezoning and Development Permit	2024-01-22

Revision

No.	Description	Date
1	Revision 2	2021-06-11
3	Zoning Comment #1	2022-04-19
5	Zoning Comment #3	2022-04-19
6	Zoning Comment #4	2022-04-19
9	Replacement Trees	2023-08-29
10	Additional EV Parking	2023-08-29
11	Exterior Material	2023-08-29
12	Long-term Bike Stalls	2023-08-29
13	Short-term Bike Stalls	2023-08-29
14	Increased East Setback	2023-08-29
15	Setback Correction	2023-11-07
16	Bike Layout Update	2023-11-07
17	Dimension to Entry	2023-11-07
20	Boulevard Revisions	2023-11-07
21	Bar Scale	2023-11-07
22	Parkade Outline	2023-11-07
23	TMP Update	2023-11-07
24	Updated Tree Layout	2023-11-07

Consultant

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1042 Richardson Street,
Victoria BC

Site Plan and Project Data

Date	2024-01-22 11:02:57 AM
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Checked by	CL
Scale	As indicated

A0.01

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BC LAND SURVEYORS SITE PLAN OF:

Civic: 1042 Richardson Street

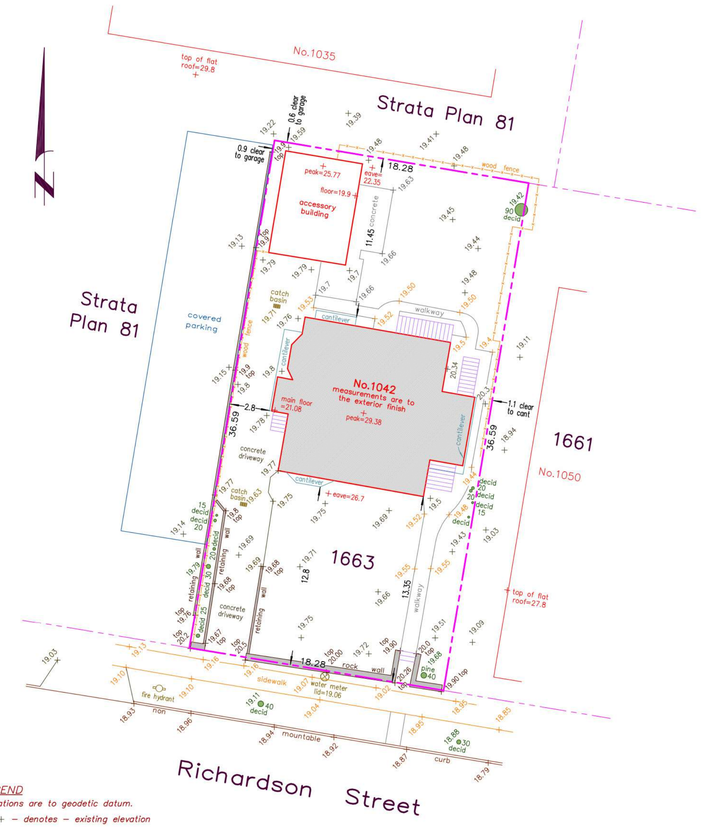
Legal – Lot 1663, Victoria City

Parcel Identifier: 009–396–853 in the City of Victoria

Scale – 1 : 200 Distances are in metres.

0 2 10 20

The intended print size is 11" by 17".



LEGEND

Elevations are to geodetic datum.

+ – denotes – existing elevation

Tree diameters are in centimetres.

Lot Area = 668 m2

May 7, 2020

File : 13,197 – 9

POWELL & ASSOCIATES
B C Land Surveyors
250–2950 Douglas Street
Victoria, BC V8T 4N4
phone (250) 382–8855

Setbacks are derived from field survey.

Parcel dimensions shown hereon are derived from Land Title Office records.

This document shows the relative location of the surveyed features and shall not be used to define property boundaries.

Christine Lintott Architects Inc.

Suite 1 - 864 Queens Avenue, Victoria, BC V8T 1M5
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www.lintottarchitect.ca

Issue	Date
Submission for Rezoning and Development Permit	2020-09-30
Re - Submission for Rezoning and Development Permit	2021-01-18
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Re - Submission for Rezoning and Development Permit	2023-08-29
Re - Submission for Rezoning and Development Permit	2023-11-07

Revision

No.	Description	Date

Consultant

Ten42

1042 Richardson Street, Victoria BC

Site Survey

Date	2023-11-07 12:23:25 PM
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A0.02

Scale

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Building Code Analysis - Overview

0 - GENERAL INFORMATION

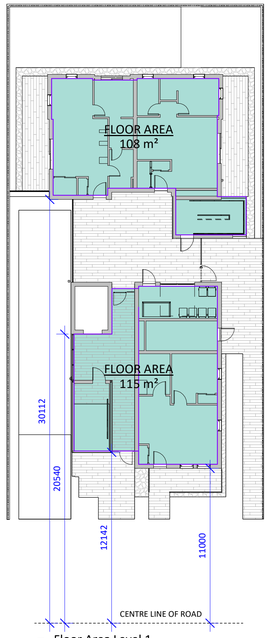
NO.	ITEM	DESCRIPTION	REFERENCE(S)
0-1	PROJECT TYPE	■ NEW CONSTRUCTION ☐ RENO. ☐ ADDITION ☐ TENANT IMPROVEMENT	-
0-2	GOVERNING BUILDING CODE	BRITISH COLUMBIA BUILDING CODE, 2018, INCLUDING ALL AMENDMENTS	-
0-3	BUILDING CODE PARTS APPLICABLE	PART: 1 2 3 4 5 6 7 8 9 10 DIVISION: A ■ ■; B ☐ — ■ ■ ■ ■ ■ ■ ☐ ■; C ■ ■	DIV A - 1.1.2.
0-4	MAJOR OCCUPANCY(IES)	A1 ☐ A2 ☐ A3 ☐ A4 ☐ B1 ☐ B2 ☐ C ■ D ☐ E ☐ F1 ☐ F2 ☐ F3 ☐	3.1.2.
0-5	MULTIPLE MAJOR OCCUPANCIES	☐ YES ■ NO	3.1.3.
0-6	HEAVY TIMBER ALTERNATE	☐ PERMITTED ☐ PROPOSED ■ N/A	3.1.4.6.
0-7	FIREWALL(S)	☐ YES ■ NO	3.1.10.
0-8	OCCUPANT LOAD	**52** TOTAL ROOM / OCCUPANCY / COUNT / OCCUPANTS: STUDIO — 2 — **2** — **4** 1 BEDROOM — 2 — **15** — **30** 3 BEDROOM — 6 — **3** — **18** TOTAL **52** ROOM / AREA (m^2) / m^2 / PERSON / OCCUPANTS: ROOF LOUNGE — 130 — **1.85** — **70**	3.1.17.
0-9	BUILDING AREA (m^2)	**340** BUILDING AREA	1.4.1.2.
0-10	GRADE ELEVATION (m, GEODETIC)	**+19.20** GRADE	1.4.1.2.
0-11	BUILDING HEIGHT (STOREYS)	**6** ABOVE GRADE **1** BELOW GRADE **6** **TOTAL**	3.2.1.1.
0-12	FIRE ALARM & DETECTION SYSTEM	■ REQUIRED ■ PROVIDED ☐ N/A	3.2.4.1.
0-13	AUTOMATIC SPRINKLER SYSTEM	■ REQUIRED ■ PROVIDED ☐ N/A	3.2.5.12.
0-14	MEZZANINE(S)	☐ YES ■ NO	3.2.8.
0-15	INTERCONNECTED FLOOR SPACE	☐ YES ■ NO	3.2.8.2.
0-16	NUMBER OF STREETS FACING	**1** STREET FACING	1.4.1.2.
0-17	FIRE DEPARTMENT ACCESS ROUTES	■ REQUIRED ■ PROVIDED ☐ N/A	3.2.5.4.
0-18	HIGH BUILDING	☐ YES ■ NO	3.2.6.
0-19	ROOF ACCESS	☐ REQUIRED ■ PROVIDED ☐ N/A	3.2.5.3.
0-20	STANDPIPE SYSTEM	☐ REQUIRED ☐ PROVIDED ☐ N/A	3.2.5.8.
0-21	LIGHTING AND EMERGENCY POWER	☐ REQUIRED ☐ PROVIDED ☐ N/A SEE ELEC. DRAWINGS	3.2.7.
0-22	EMERGENCY GENERATOR	☐ YES ■ NO	3.2.7.
0-23	ACCESS FOR PERSONS W/ DISABILITIES	■ REQUIRED ■ PROVIDED ☐ N/A	3.8.2.
0-24	ALTERNATE SOLUTIONS REQUIRED	■ YES ☐ NO SPRINKLER PROTECTION EXIT EGRESS PATH EXPOSED TO OPENINGS	DIV A - 1.2.1.1.(1)(B) & DIV C - 2.3.
	CONSTRUCTION CLASSIFICATION	GROUP C, UP TO 6 STOREYS, SPRINKLERED	3.2.2.50.
0-25	CONSTRUCTION TYPE(S)	*COMBUSTIBLE:* ■ PERMITTED ■ PROPOSED ☐ N/A *NON-COMBUSTIBLE:* ■ PERMITTED ☐ PROPOSED ☐ N/A	
0-26	ASSEMBLY FIRE-RESISTANCE RATINGS	*MIN. F.R.R. (HOURS):* **1** FLOOR[1] - MEZZANINE[1] **1** ROOF [1] LOADBEARING ELEMENTS TO HAVE SAME F.R.R. AS SUPPORTED ASSEMBLY	
0-27	BUILDING HEIGHT (STOREYS)	**6** MAXIMUM **6** PROPOSED	
0-28	BUILDING AREA (m^2)	**1,500** MAXIMUM **340** PROPOSED	

Building Code Analysis - Spatial Separations

6 - SPATIAL SEPARATIONS

NO.	DESCRIPTION	REFERENCE
6-1	AT EAST, EXTERIOR EXIT PATH FROM STAIR TO STREET EXPOSED TO OPENINGS WITHIN 3m HORIZONTALLY AND 5m VERTICALLY. IN LIEU OF CLOSURES (SHUTTERS) OR WIRED GLASS, ALTERNATE SOLUTION SHALL CONSIST OF A SPRINKLER HEAD AT INTERIOR SIDE OF EACH OPENING, COMPLETE WITH BAFFLES ETC WHERE REQUIRED BY NFPA-13, FOR EQUIVALENT PROTECTION BY WATER CURTAIN.	3.2.3.13.
6-2		3.2.3.1. - D

	SUITE:	WALL AREA (m^2)	LIMITING DISTANCE (m)	MAXIMUM OPENINGS (%)	PROPOSED OPENINGS (%)	F.R.R. (HR.)	N/C WALL	N/C CLADDING
EAST	UNIT 1 (E):	20.7	3.0	52.0	11.5	3/4	-	(3.2.2.50.)
	SERVICE (E):	5.6	3.0	100	34.8	-	-	(3.2.2.50.)
	GARBAGE (E):	6.0	3.0	100	0	-	-	(3.2.2.50.)
	UNIT 3 (E):	20.5	2.9	49.2	27.8	3/4	-	REQUIRED
	UNIT 7 (E):	35.1	2.0	22.0	13.6	1	-	REQUIRED
	UNIT 6 (E):	12.5	2.2	40.4	36.4	3/4	-	REQUIRED
	UNIT 5 (E):	20.5	2.9	49.2	27.8	3/4	-	REQUIRED
	UNIT 11 (E):	35.1	2.0	22.0	13.6	1	-	REQUIRED
	UNIT 10 (E):	12.5	2.2	40.4	36.4	3/4	-	REQUIRED
	UNIT 9 (E):	20.5	2.9	49.2	27.8	3/4	-	REQUIRED
	UNIT 15 (E):	35.1	2.0	22.0	13.6	1	-	REQUIRED
	UNIT 14 (E):	12.5	2.2	40.4	36.4	3/4	-	REQUIRED
	UNIT 13 (E):	20.5	2.9	49.2	27.8	3/4	-	REQUIRED
	UNIT 20 (E):	16.0	2.2	34.8	14.8	3/4	-	REQUIRED
	UNIT 19 (E):	15.2	2.2	34.8	15.7	3/4	-	REQUIRED
	UNIT 18 (E):	12.5	2.2	40.4	36.4	3/4	-	REQUIRED
	UNIT 17 (E):	20.5	2.9	49.2	27.8	3/4	-	REQUIRED
NORTH	UNIT 3 (N):	15.3	5	100	15.6	-	-	(3.2.2.50.)
	UNIT 2 (N):	15.3	5	100	29.0	-	-	(3.2.2.50.)
	UNIT 5 (N):	15.3	5	100	15.6	-	-	(3.2.2.50.)
	UNIT 4 (N):	15.3	5	100	29.0	-	-	(3.2.2.50.)
	UNIT 9 (N):	15.3	5	100	15.6	-	-	(3.2.2.50.)
	UNIT 8 (N):	15.3	5	100	29.0	-	-	(3.2.2.50.)
	UNIT 13 (N):	15.3	5	100	15.6	-	-	(3.2.2.50.)
	UNIT 12 (N):	15.3	5	100	29.0	-	-	(3.2.2.50.)
	UNIT 17 (N):	15.3	5	100	15.6	-	-	(3.2.2.50.)
	UNIT 16 (N):	15.3	5	100	29.0	-	-	(3.2.2.50.)
WEST	LOBBY (W):	23.7	4.6	96.0	40.0	3/4	-	(3.2.2.50.)
	ELEV. (W):	62.1	4.6	51.6	0	3/4	-	(3.2.2.50.)
	STAIR 2 (W):	23.3	11.8	100	34.3	-	-	(3.2.2.50.)
	UNIT 2 (W):	21.9	2.9	49.2	26.0	3/4	-	REQUIRED
	UNIT 7 (W):	30.0	9.0	100	10.7	-	-	(3.2.2.50.)
	UNIT 6 (W):	12.6	9.0	100	15.9	-	-	(3.2.2.50.)
	UNIT 4 (W):	21.9	2.9	49.2	26.0	3/4	-	REQUIRED
	UNIT 11 (W):	30.0	9.0	100	10.7	-	-	(3.2.2.50.)
	UNIT 10 (W):	12.6	9.0	100	15.9	-	-	(3.2.2.50.)
	UNIT 8 (W):	21.9	2.9	49.2	26.0	3/4	-	REQUIRED
	UNIT 15 (W):	30.0	9.0	100	10.7	-	-	(3.2.2.50.)
	UNIT 14 (W):	12.6	9.0	100	15.9	-	-	(3.2.2.50.)
	UNIT 12 (W):	21.9	2.9	49.2	26.0	3/4	-	REQUIRED
	UNIT 20 (W):	17.5	9.0	100	11.4	-	-	(3.2.2.50.)
	UNIT 19 (W):	8.2	9.0	100	13.4	-	-	(3.2.2.50.)
	UNIT 18 (W):	12.6	9.0	100	15.9	-	-	(3.2.2.50.)
	UNIT 16 (W):	21.9	2.9	49.2	26.0	3/4	-	REQUIRED



6 Floor Area Level 1
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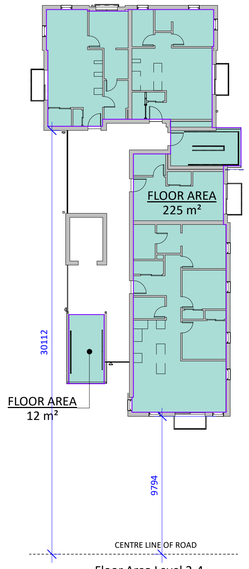
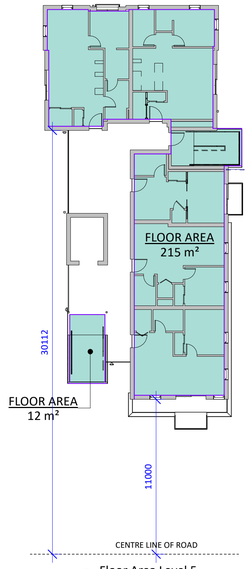
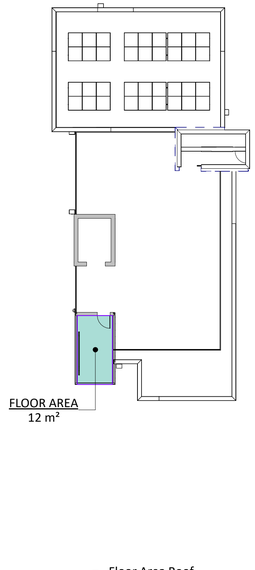


7 Floor Area Level 2-4
1 : 200



8 Floor Area Level 5
1 : 200



9 Floor Area Roof
1 : 200

FLOOR AREA (ZONING)	
Level	Area
LEVEL 1	223 m^2
LEVEL 2	238 m^2
LEVEL 3	237 m^2
LEVEL 4	237 m^2
LEVEL 5	227 m^2
ROOF	12 m^2
	1174 m^2

NOTE:
THESE AREAS ARE USED FOR ZONING PURPOSES ONLY & ARE MEASURED TO THE INSIDE FACE OF EXTERIOR WALLS.

CoV Def:
AREA - when used in reference to a floor of a storey of a building means the entire area which in plan is enclosed by the interior face of the exterior walls of the storey at floor level **plus the area enclosed by any cantilevered element that is within that storey and that is above floor level**, but does not include the following area:

a) parking + bike parking
b) aeras of balconies, exposed cedks, patios or roofs,
c) the area of elevator shafts

6 - SPATIAL SEPARATIONS - CONTINUED

NO.	DESCRIPTION	REFERENCE
		3.2.3.1. - D

	SUITE:	WALL AREA (m^2)	LIMITING DISTANCE (m)	MAXIMUM OPENINGS (%)	PROPOSED OPENINGS (%)	F.R.R. (HR.)	N/C WALL	N/C CLADDING
SOUTH	UNIT 1 (S):	15.1	11.0	100	35.1	-	-	(3.2.2.50.)
	LOBBY (S):	11.4	12.1	100	54.4	-	-	(3.2.2.50.)
	UNIT 2 (S):	3.5	30.1	100	0	-	-	(3.2.2.50.)
	UNIT 7 (S):	18.1	9.8	100	38.1	-	-	(3.2.2.50.)
	UNIT 4 (S):	6.9	30.1	100	0	-	-	(3.2.2.50.)
	ELEV. (S):	33.0	20.5	100	26.4	-	-	(3.2.2.50.)
	UNIT 11(S):	18.1	9.8	100	38.1	-	-	(3.2.2.50.)
	UNIT 8 (S):	6.9	30.1	100	0	-	-	(3.2.2.50.)
	UNIT 15 (S):	18.1	9.8	100	38.1	-	-	(3.2.2.50.)
	UNIT 12 (S):	6.9	30.1	100	0	-	-	(3.2.2.50.)
	UNIT 19 (S):	18.1	9.8	100	38.1	-	-	(3.2.2.50.)
	UNIT 16 (S):	6.9	30.1	100	0	-	-	(3.2.2.50.)

NON-COMBUSTIBLE CLADDING REQUIRED ON ALL BUILDING FACES BY CONSTRUCTION CLASSIFICATION ARTICLE 3.2.2.50.

Building Code Analysis - Sentence 3.4.4.3.(1) Interpretation & Application

A - EXTERIOR PASSAGEWAY EXCEPTIONS

NO.	ITEM	DESCRIPTION	REFERENCE(S)
A-1	EXTERIOR EXIT PASSAGEWAY		3.4.4.1.(1), 3.2.3.13.(1), **3.4.4.3.(1)**

AT LEVELS 2 THROUGH 5, EGRESS IS PROVIDED BY MEANS OF AN EXTERIOR EXIT PASSAGEWAY WITH AN EXIT STAIR AT EITHER END. AS THE EXTERIOR PASSAGEWAYS FORM PART OF THE ACCESS TO EXIT, THEY CONSTITUTE EXTERIOR EXIT PASSAGEWAYS AND MUST COMPLY WITH THE REQUIREMENTS OF SUBSECTION 3.4.

SENTENCE 3.4.4.1.(1) REQUIRES EXITS TO BE FIRE SEPARATED FROM THE REMAINDER OF THE FLOOR AREA AND SENTENCE 3.2.3.13.(1) REQUIRES EXTERIOR OPENINGS IN EXITS TO BE PROTECTED FROM EXTERIOR OPENINGS IN THE ADJACENT FLOOR AREA UNDER CERTAIN EXPOSURE CONDITIONS. THE REQUIREMENTS OF BOTH SENTENCES DO NOT APPLY WHERE THE EXTERIOR EXIT PASSAGEWAY IS AT LEAST 50% OPEN ALONG ITS EXTERIOR SIDE AND IS SERVED BY AN EXIT STAIR AT EACH END.

WHEREAS THE NORTHERN EXIT "STAIR 2" IS SEPARATED FROM THE REMAINDER OF THE BUILDING BY A FIRE SEPARATION WITH A 1-HOUR FIRE-RESISTANCE RATING, STREET FACING "STAIR 1" IS CONFIGURED AS UNCONDITIONED OUTDOOR SPACE, WITHOUT A FIRE SEPARATION FROM THE EXTERIOR PASSAGEWAY, AS PERMITTED BY SENTENCE 3.4.4.3.(1):

"THE REQUIREMENTS OF SENTENCES 3.4.4.1.(1) AND 3.2.3.1.13.(1) AND (3) DO NOT APPLY TO AN EXTERIOR EXIT PASSAGEWAY PROVIDED (A) NOT LESS THAN 50% OF THE EXTERIOR SIDE IS OPEN TO THE OUTDOORS, AND (B) AN EXIT STAIR IS PROVIDED AT EACH END OF THE PASSAGEWAY."

PER BCBC ARTICLE 3.1.13.10., ALL WALL, CEILING/SOFFIT, AND GUARD FINISH MATERIALS TO HAVE A FLAME-SPREAD RATING NOT MORE THAN 25, EXCEPT THAT UP TO 10% EACH OF WALL AND CEILING AREAS ARE PERMITTED TO HAVE A FLAME-SPREAD RATING NOT MORE THAN 150.

AS REQUIRED BY ARTICLES 3.3.2.12. AND 3.2.2.50., FLOOR ASSEMBLIES TO EXTERIOR EXIT PASSAGEWAYS ARE TO HAVE A FIRE-RESISTANCE RATING NOT LESS THAN 1-HOUR, TO BE ACHIEVED BY EITHER A ULC-LISTED RATED ASSEMBLY OR BY THE ADDITIVE METHOD OF APPENDIX D.

A-2 OBJECTIVES & FUNCTIONAL STATEMENTS

FUNCTIONAL STATEMENT	FUNCTION	LINK	OBJECTIVE	OBJECTIVE STATEMENT
F05	TO RETARD THE EFFECT OF FIRE ON EMERGENCY EGRESS FACILITIES	SO AS TO	LIMIT THE PROBABILITY THAT A PERSON IN OR ADJACENT TO THE BUILDING WILL BE EXPOSED TO AN UNACCEPTABLE LEVEL OF RISK OF INJURY DUE TO FIRE CAUSED BY PERSONS BEING DELAYED OR IMPEDED FROM MOVING TO A SAFE PLACE DURING A FIRE EMERGENCY	OP3.1
F06	TO RETARD THE EFFECT OF FIRE ON FACILITIES FOR NOTIFICATION, SUPPRESSION, AND EMERGENCY RESPONSE			
F10	TO FACILITATE THE TIMELY MOVEMENT OF PERSONS TO A SAFE PLACE IN AN EMERGENCY			

A-3 APPLICATION OF SENTENCE 3.4.4.3.(1)

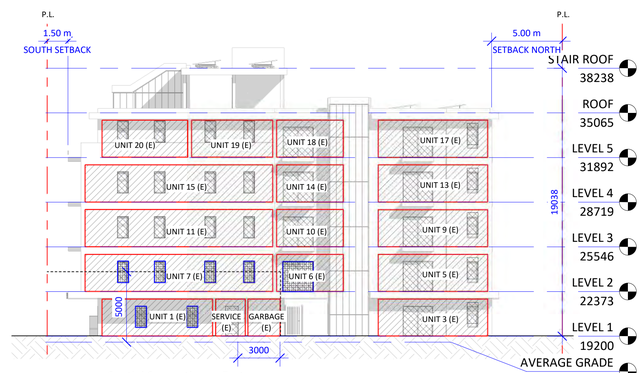
NEITHER THE BCBC NOR THE HISTORY OF BUILDING CODE APPEAL BOARD DECISIONS TO DATE PROVIDES A QUANTITATIVE METHODOLOGY OR DEFINITION OF WHAT CONSTITUTES "50% OF THE EXTERIOR SIDE OPEN TO THE OUTDOORS", HOWEVER THE FUNCTION AND GOAL OF AN OPEN EXTERIOR SIDE IS CLEARLY TO ENABLE THE RAPID DISSIPATION OF HEAT AND SMOKE GENERATED BY A FIRE, AND TOO NOT ACCUMULATE WITHIN EGRESS FACILITIES.

WHERE EXTERIOR EXIT PASSAGEWAYS ARE CONVENTIONALLY USED, SUCH AS AT MOTELS, THE OPEN SIDE OF EXTERIOR EXIT PASSAGEWAYS ARE OFTEN LIMITED TO THAT AREA ABOVE THE 1.07M GUARD HEIGHT AND BELOW A DROPPED BEAM BENEATH THE CEILING OR SOFFIT. THUS THE ONE OPEN SIDE IS ITSELF OFTEN ONLY ABOUT 50% DIRECTLY OPEN TO AMBIENT AIR. IN SUCH A CONDITION, THE APERTURE FOR THE ESCAPE OF SMOKE AND HEAT IS LIMITED IN THE VERTICAL DIMENSION.

AT UNENCLOSED "STAIR 1", NON-COMBUSTIBLE PERFORATED METAL SCREEN PANELS ARE PROPOSED ON THE WEST, SOUTH AND A PORTION OF THE EAST SIDE. THE PROPOSED PANELS EXTEND FROM FLOOR TO CEILING IN EACH INSTANCE, AND ARE TO BE INSTALLED AGAINST NON-COMBUSTIBLE METAL FRAMING ATTACHED TO AND HELD AWAY FROM THE FLOOR EDGES UP TO THE 100MM MAXIMUM PERMITTED FOR GUARD OPENINGS. IN ADDITION TO THE PERMEABILITY TO AIR THROUGHOUT THE FULL HEIGHT OF THE METAL SCREEN PANELING, THIS ARRANGEMENT OF SUPPORT FRAMING FURTHER ENHANCES AIR FLOW WITHIN THE DEPTH OF THE METAL FRAMING BY CREATING ADDITIONAL SPACES FOR AIR MOVEMENT, AS WELL AS ACCELERATING DISSIPATION OF HEAT AND SMOKE BY THE STACK EFFECT FROM THE FULL FLOOR-TO-FLOOR DIMENSION.

IT IS ALSO NOTEWORTHY THAT THE EXTERIOR EXIT PASSAGEWAYS, BEING COVERED BY FLOOR SYSTEMS EXTENDING MORE THAN 610MM FROM THE EXTERIOR BUILDING FACE, SHALL BE REQUIRED BY BCBC SENTENCE 3.2.5.12.(8) TO BE PROTECTED BY SPRINKLER HEADS.

THROUGH THE ABOVE DESIGN STRATEGIES, HEAT AND SMOKE FROM A FIRE IN THE BUILDING CAN VENT FREELY TO THE EXTERIOR AND WILL NOT CONTAMINATE THE PASSAGEWAY OR "STAIR 1" TO MAKE IT IMPASSABLE TO PERSONS EXITING THE BUILDING, IN COMPLIANCE WITH SENTENCE 3.4.4.3.(1).



1 Spatial Separations - East
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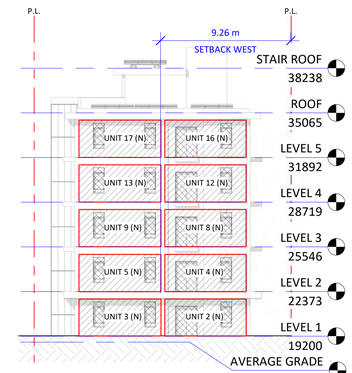
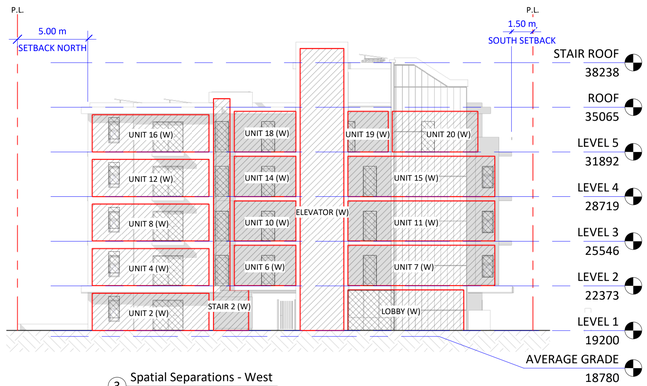


2 Spatial Separations - North
1 : 200

FRR - 0 H Fire Separation
FRR - 0.75 H Fire Separation
FRR - 1 H Fire Separation
FRR - 2 H Fire Separation

WALL OR FIRE COMPARTMENT AREA
UNPROTECTED OPENING
SPRINKLER PROTECTED OPENING (ALTERNATE SOLUTION)



3 Spatial Separations - West
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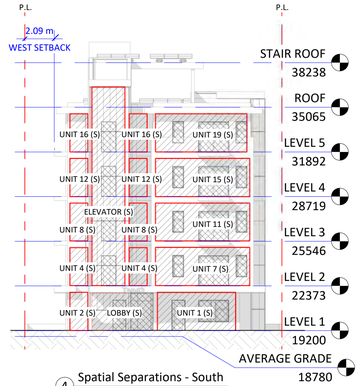

4 Spatial Separations - South
1 : 200

Christine Lintott Architects Inc.
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Issue	Date
Submission for Rezoning and Development Permit	2020-09-30
Re - Submission for Rezoning and Development Permit	2021-01-18
Re - Submission for Rezoning and Development Permit	2021-06-11
Re - Submission for Rezoning and Development Permit	2021-10-22
Re - Submission for Rezoning and Development Permit	2022-04-14
Re - Submission for Rezoning and Development Permit	2023-08-29
Re - Submission for Rezoning and Development Permit	2023-11-07

Revision

No.	Description	Date
2	Glazing & Stair Core Updated	2021-10-22
3	Zoning Comment #1	2022-04-19
11	Exterior Material	2023-08-29
15	Setback Correction	2023-11-07
19	Code Analysis Addition	2023-11-07

Consultant

REGISTERED ARCHITECT CHRISTINE ANNE LINTOTT BRITISH COLUMBIA

Ten42

1042 Richardson Street, Victoria BC

Code Analysis and Spatial Separation

Date	2023-11-07 12:23:29 PM
Drawn by	BH, HJ, TK
Checked by	CL
Scale	As indicated

A0.03

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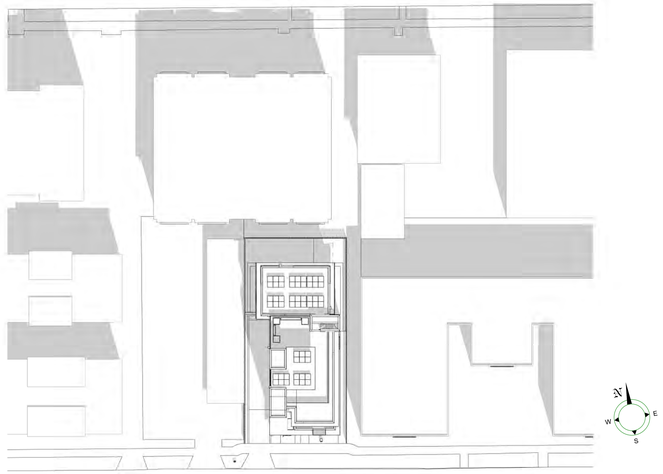
1 Solar Study - Vernal 9am
1 : 500



3 Solar Study - Vernal Noon
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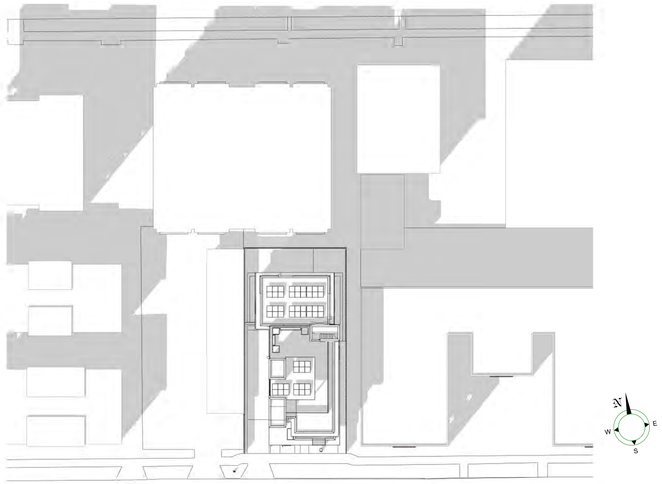

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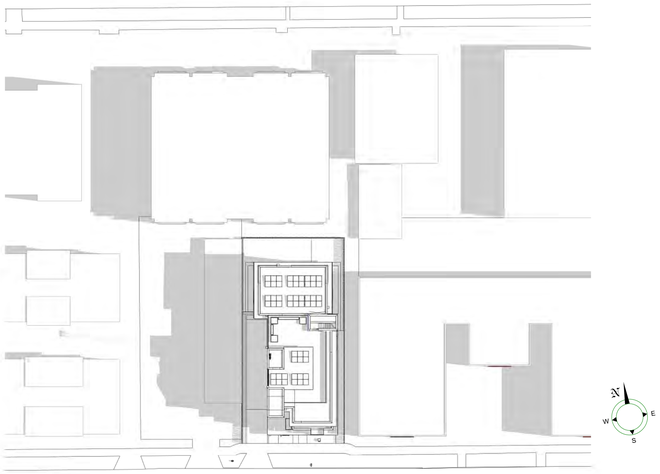
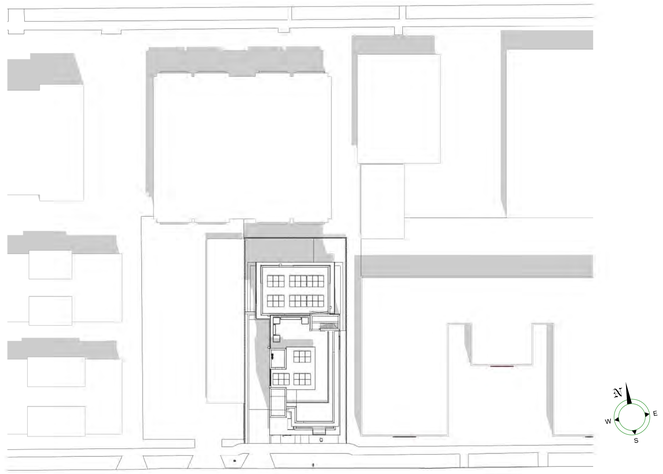


5 Solar Study - Summer Solstice 9am
1 : 500



6 Solar Study - Summer Solstice noon
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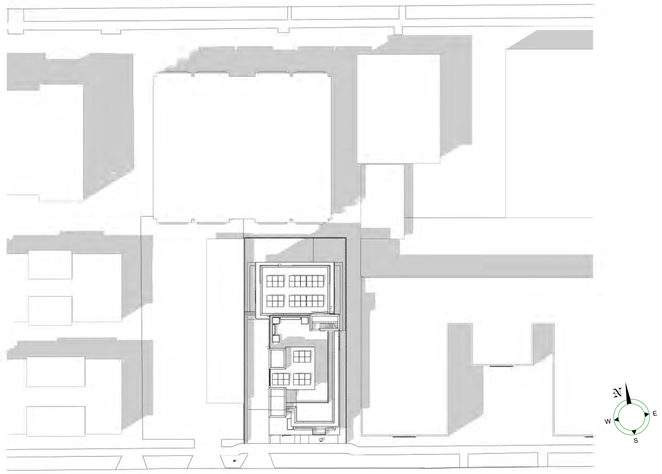

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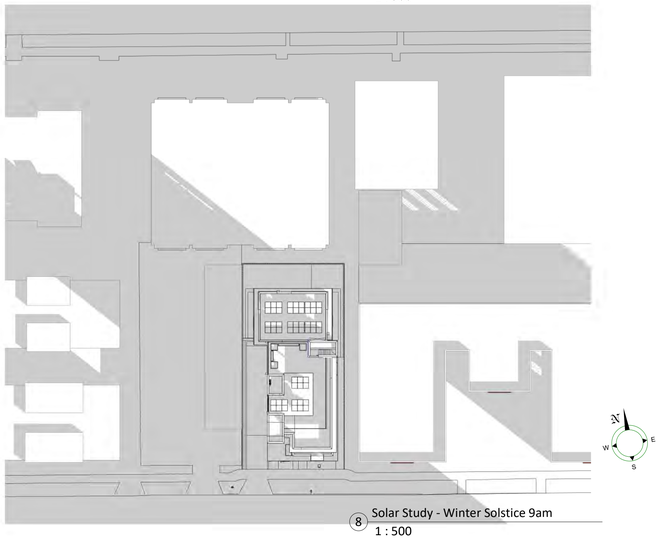

8 Solar Study - Winter Solstice 9am
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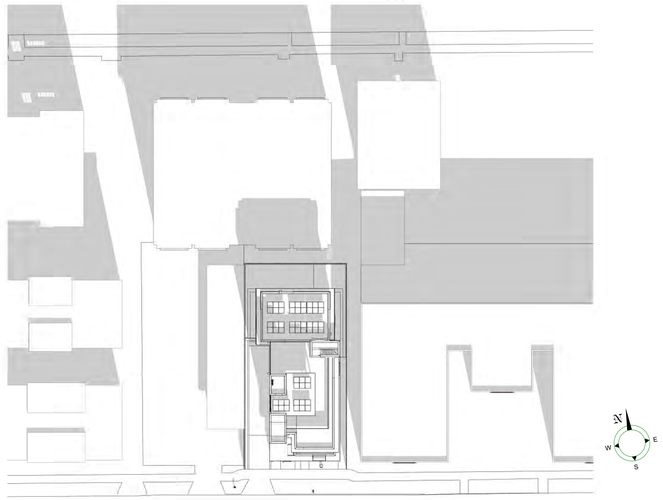

9 Solar Study - Winter Solstice noon
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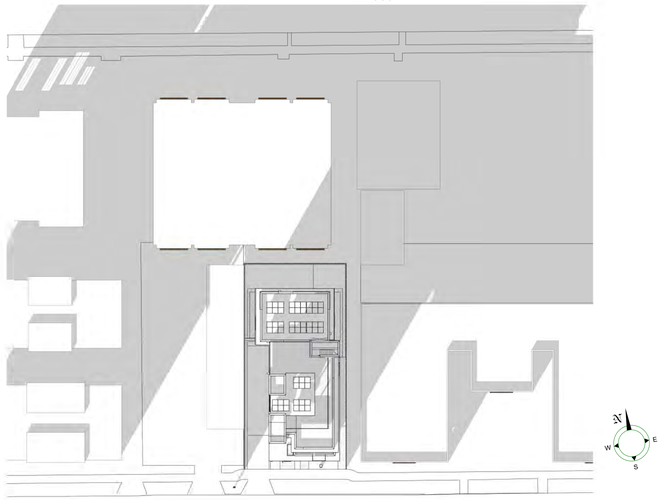

7 Solar Study - Winter Solstice 3pm
1 : 500

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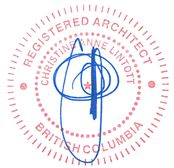
Revision

No.	Description	Date

Consultant



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Solar Shadow Study

Date	2023-11-07 12:23:38 PM
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A1.01

Scale 1 : 500

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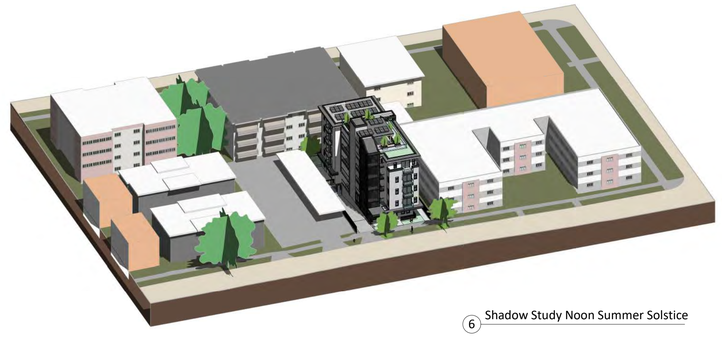
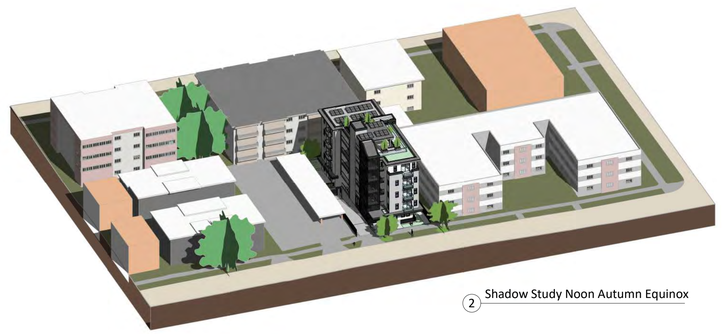
5 Shadow Study 9am Summer Solstice



6 Shadow Study Noon Summer Solstice

4 Shadow Study 3pm Summer Solstice

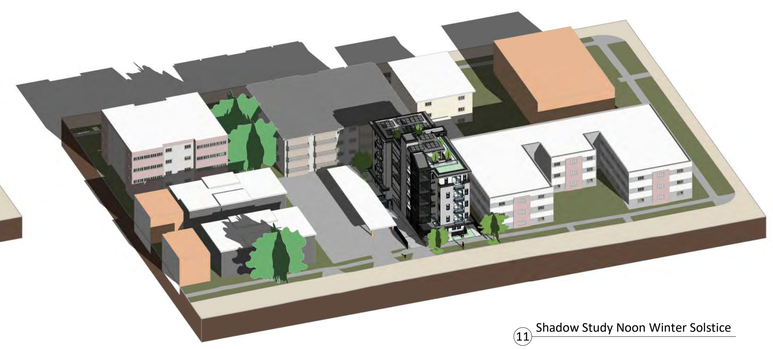
7 Shadow Study 9am Autumn Equinox



2 Shadow Study Noon Autumn Equinox

9 Shadow Study 3pm Autumn Equinox

10 Shadow Study 9am Winter Solstice



11 Shadow Study Noon Winter Solstice

12 Shadow Study 3pm Winter Solstice

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Re - Submission for Rezoning and Development Permit	2022-04-14
Re - Submission for Rezoning and Development Permit	2023-08-29
Re - Submission for Rezoning and Development Permit	2023-11-07

Revision

No.	Description	Date

Consultant

REGISTERED ARCHITECT CHRISTINE LINDSAY LINTOTT BRITISH COLUMBIA

Ten42

1042 Richardson Street,
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Axo Shadow Study

Date	2023-11-07 12:23:53 PM
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Re - Submission for Rezoning and Development Permit	2023-08-29
Re - Submission for Rezoning and Development Permit	2023-11-07

Revision

No.	Description	Date
11	Exterior Material	2023-08-29
20	Boulevard Revisions	2023-11-07

Consultant

REGISTERED ARCHITECT
CHRISTINE LINTOTT
BRITISH COLUMBIA

Ten42

1042 Richardson Street,
Victoria BC

Context Renders

Date	2023-11-07 12:23:53 PM
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Scale

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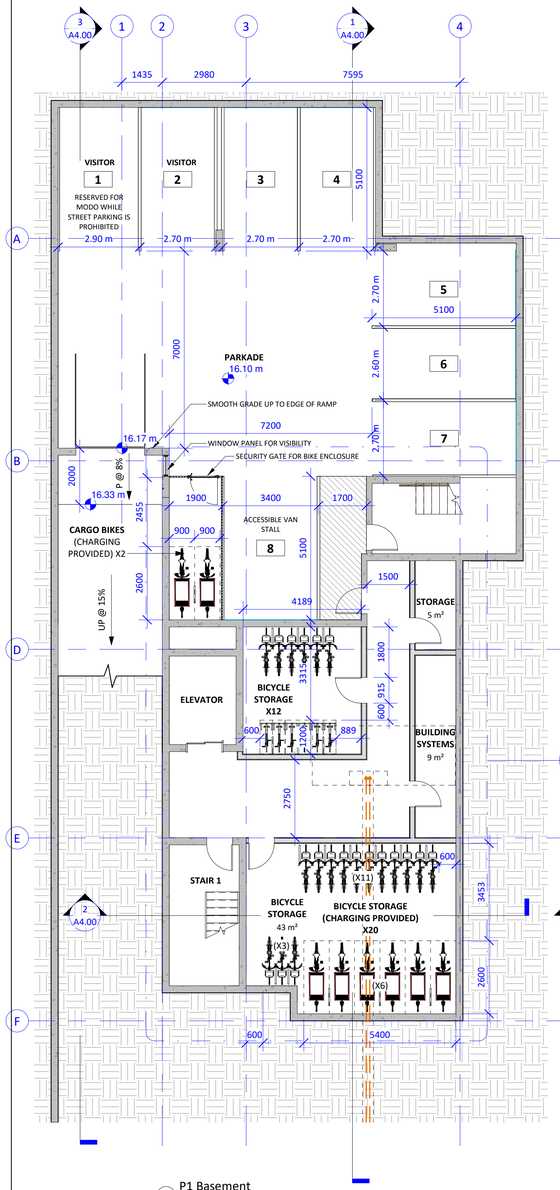
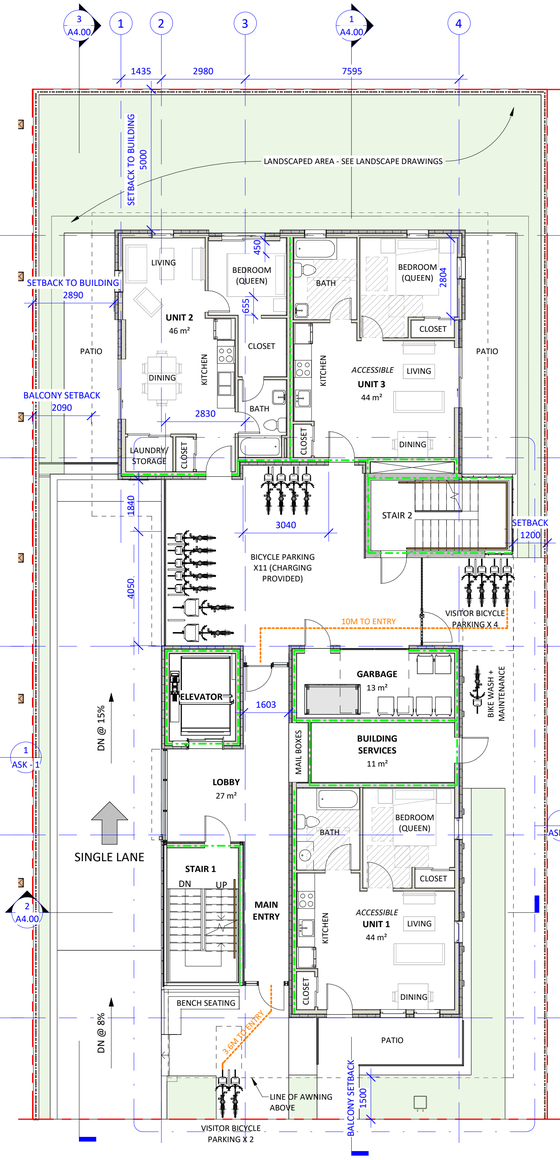
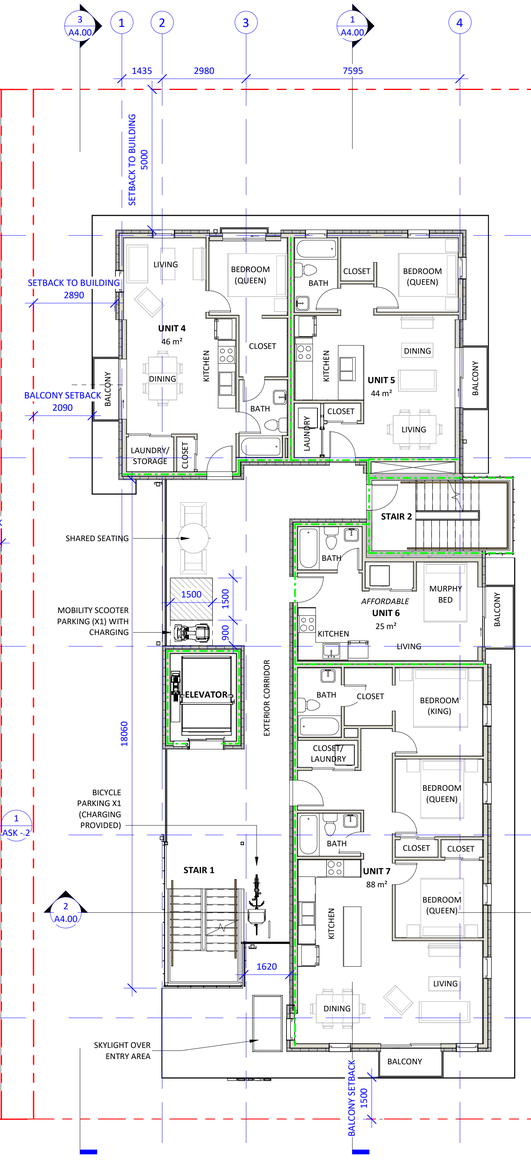


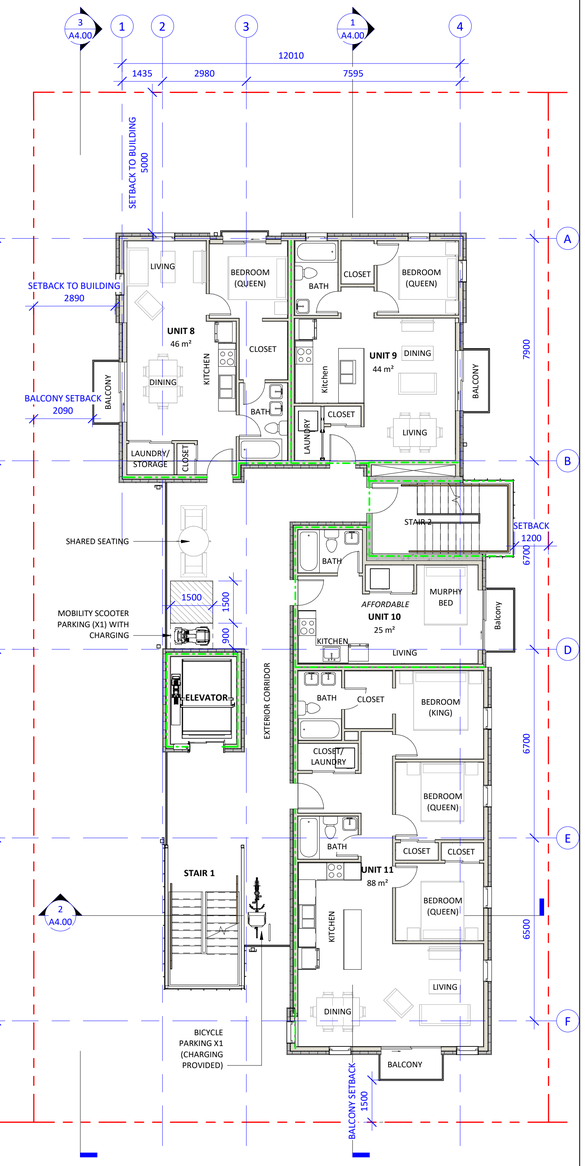
4 P1 Basement
1 : 100



1 Level 1
1 : 100



2 Level 2
1 : 100



3 Level 3
1 : 100

Unit Schedule		
Occupancy	Name	Area
LEVEL 1		
1 Bedroom *ACCESSIBLE*	UNIT 1	44 m²
1 Bedroom	UNIT 2	46 m²
1 Bedroom *ACCESSIBLE*	UNIT 3	44 m²
LEVEL 2		
1 Bedroom	UNIT 4	46 m²
1 Bedroom	UNIT 5	44 m²
Studio *AFFORDABLE*	UNIT 6	25 m²
3 Bedroom	UNIT 7	88 m²
LEVEL 3		
1 Bedroom	UNIT 8	46 m²
1 Bedroom	UNIT 9	44 m²
Studio *AFFORDABLE*	UNIT 10	25 m²
3 Bedroom	UNIT 11	88 m²

Unit Schedule		
Occupancy	Name	Area
LEVEL 4		
1 Bedroom	UNIT 12	46 m²
1 Bedroom	UNIT 13	44 m²
1 Bedroom	UNIT 14	25 m²
3 Bedroom	UNIT 15	88 m²
LEVEL 5		
1 Bedroom	UNIT 16	46 m²
1 Bedroom	UNIT 17	44 m²
1 Bedroom	UNIT 18	26 m²
1 Bedroom	UNIT 19	36 m²
1 Bedroom	UNIT 20	39 m²
		936 m²

Bicycle Parking

Long Term Per Schedule C
Required:
1/unit < 45m² x 12 = 12
1.25/unit > 45m² x 8 = 10
Total = 22

Provided:
P1 = 22

Short Term Per Schedule C (within 15m of entry)
Total = 6 (MIN)

Proposed Additional
Long Term Parking = 45 (Conforming to Schedule C)
Long Term Parking = 3 (Not conforming to Schedule C)

FRR - 0 H Fire Separation
FRR - 0.75 H Fire Separation
FRR - 1 H Fire Separation
FRR - 2 H Fire Separation

Christine Lintott Architects Inc.
Suite 1 - 864 Queens Avenue, Victoria, BC V8T 1M5
Telephone: 250.384.1969
www.lintottarchitect.ca

Issue	Date
Submission for Rezoning and Development Permit	2020-09-30
Re - Submission for Rezoning and Development Permit	2021-01-18
Re - Submission for Rezoning and Development Permit	2021-06-11
Re - Submission for Rezoning and Development Permit	2021-10-22
Re - Submission for Rezoning and Development Permit	2022-04-14
Re - Submission for Rezoning and Development Permit	2023-08-29
Re - Submission for Rezoning and Development Permit	2023-11-07
Re - Submission for Rezoning and Development Permit	2024-01-22
Re - Submission for Rezoning and Development Permit	**2024-01-05**

Revision

No.	Description	Date
1	Revision 2	2021-06-11
7	Zoning Comment #5	2022-04-19
11	Exterior Material	2023-08-29
12	Long-term Bike Stalls	2023-08-29
13	Short-term Bike Stalls	2023-08-29
15	Setback Correction	2023-11-07
16	Bike Layout Update	2023-11-07
17	Dimension to Entry	2023-11-07
18	Accessible Parking	2023-11-07
26	Accessible + Affordable Unit Updates	2024-05-01

Consultant

REGISTERED ARCHITECT CHRISTINE LINTOTT BRITISH COLUMBIA

Ten42

1042 Richardson Street, Victoria BC

Floor Plans

Date	2024-05-01 12:13:52 PM
Drawn by	BH
Checked by	CL
Scale	As indicated

A2.00

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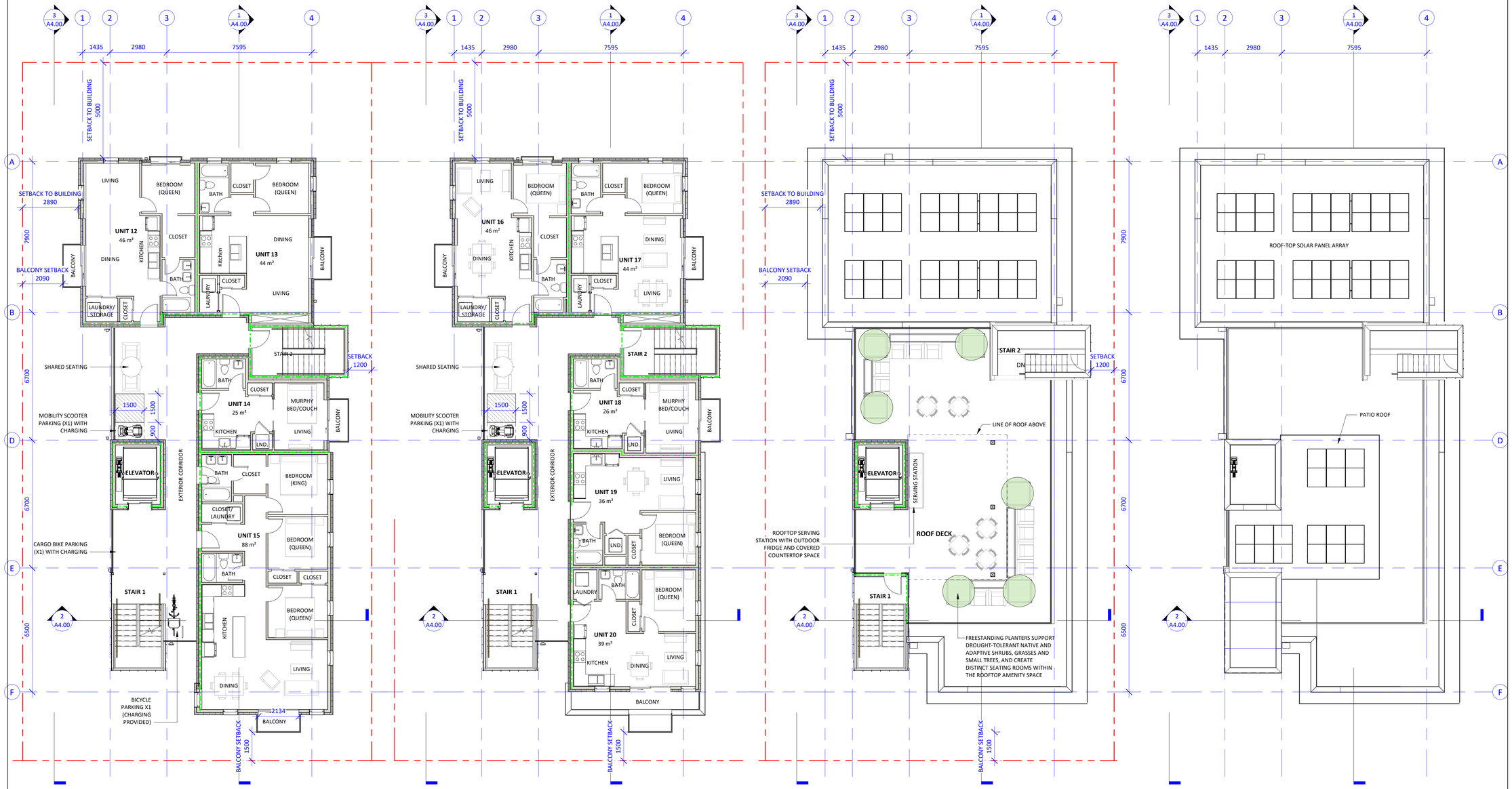

4 Level 4(1)
1 : 100

3 Level 5
1 : 100

1 Level 6 - Rooftop
1 : 100

2 Roof Plan
1 : 100

Unit Schedule		
Occupancy	Name	Area
LEVEL 1		
1 Bedroom *ACCESSIBLE*	UNIT 1	44 m²
1 Bedroom	UNIT 2	46 m²
1 Bedroom *ACCESSIBLE*	UNIT 3	44 m²
LEVEL 2		
1 Bedroom	UNIT 4	46 m²
1 Bedroom	UNIT 5	44 m²
Studio *AFFORDABLE*	UNIT 6	25 m²
3 Bedroom	UNIT 7	88 m²
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1 Bedroom	UNIT 8	46 m²
1 Bedroom	UNIT 9	44 m²
Studio *AFFORDABLE*	UNIT 10	25 m²
3 Bedroom	UNIT 11	88 m²

Unit Schedule		
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3 Bedroom	UNIT 15	88 m²
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1 Bedroom	UNIT 16	46 m²
1 Bedroom	UNIT 17	44 m²
1 Bedroom	UNIT 18	26 m²
1 Bedroom	UNIT 19	36 m²
1 Bedroom	UNIT 20	39 m²
		936 m²

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Long Term Per Schedule C
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Provided:
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Short Term Per Schedule C (within 15m of entry)
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FRR - 0.75 H Fire Separation
FRR - 1 H Fire Separation
FRR - 2 H Fire Separation

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Re - Submission for Rezoning and Development Permit	**2024-01-05**

Revision

No.	Description	Date
1	Revision 2	2021-06-11
16	Bike Layout Update	2023-11-07
26	Accessible + Affordable Unit Updates	2024-05-01

Consultant

REGISTERED ARCHITECT CHRISTINE LINTOTT BRITISH COLUMBIA

Ten42

1042 Richardson Street, Victoria BC

Floor Plans

Date	2024-05-01 12:14:01 PM
Drawn by	BH
Checked by	CL

A2.01

Scale: As indicated

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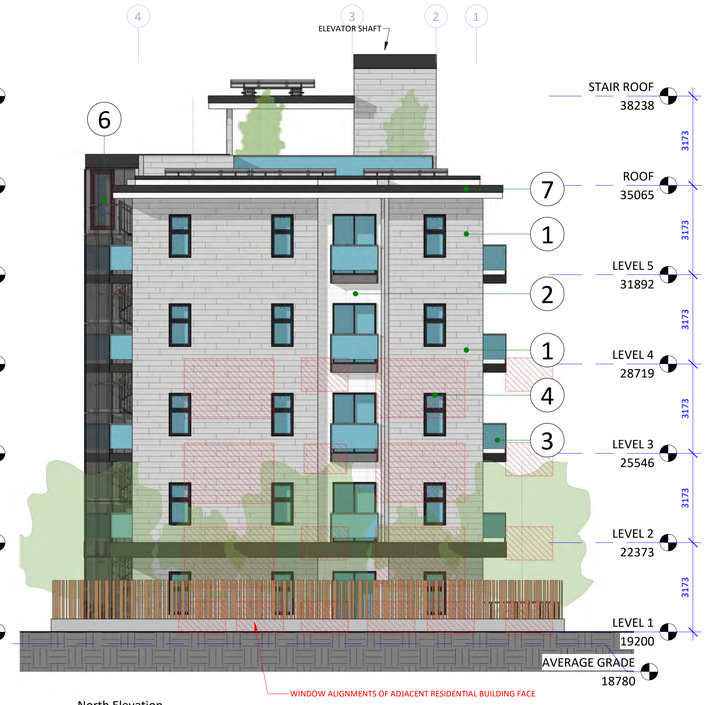
1 East Elevation
1 : 100



2 North Elevation
1 : 100

3 South - Richardson Street Elevation
1 : 100

4 West Elevation
1 : 100

EXTERIOR FINISH LEGEND

1. FIBRE-CEMENT PANELS - LIGHT GREY
2. FIBRE-CEMENT PANELS - OFF WHITE
3. GLASS GUARD WITH METAL RAILING
4. VINYL WINDOWS - BLACK
5. GLAZING WALL - ALUMINUM, BLACK POWDER COAT
6. PERFORATED METAL STANDING SEAM SCREEN - BLACK
7. PREFINISHED METAL FLASHING - BLACK
8. RAIN WATER LEADER - COLOUR MATCH CLADDING

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Re - Submission for Rezoning and Development Permit	2023-08-29
Re - Submission for Rezoning and Development Permit	2023-11-07

Revision

No.	Description	Date
1	Revision 2	2021-06-11
2	Glazing & Stair Core Updated	2021-10-22
4	Zoning Comment #2	2022-04-19
11	Exterior Material	2023-08-29

Consultant

REGISTERED ARCHITECT
CHRISTINE LINDSAY LINTOTT
BRITISH COLUMBIA

Ten42

1042 Richardson Street,
Victoria BC

Elevations

Date	2023-11-07 12:24:20 PM
Drawn by	BH
Checked by	CL

A3.00

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1 Context Elevation
1 : 100

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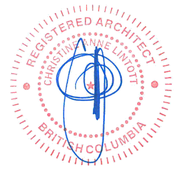
Revision

No.	Description	Date
1	Revision 2	2021-06-11
2	Glazing & Stair Core Updated	2021-10-22
11	Exterior Material	2023-08-29

Consultant



Ten42

1042 Richardson Street,
Victoria BC

Context Elevations

Date	2023-11-07 12:24:27 PM
Drawn by	BH
Checked by	CL

A3.01

Scale	1 : 100

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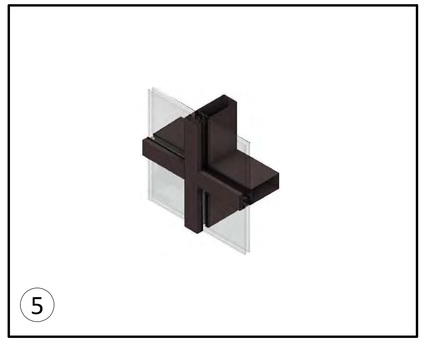
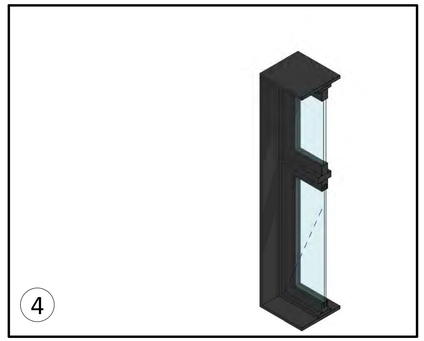
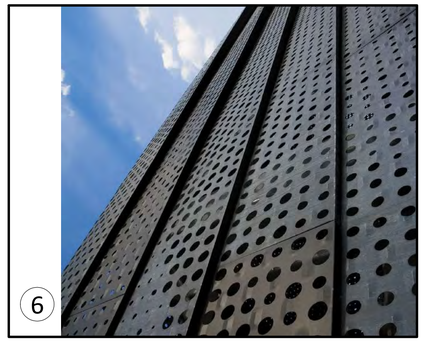
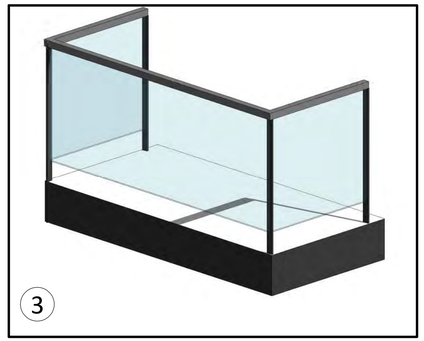
1 Materials Elevation
1 : 50









1. FIBRE-CEMENT PANELS - LIGHT GREY
2. FIBRE-CEMENT PANELS - OFF WHITE
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4. VINYL WINDOWS - BLACK
5. GLAZING WALL - ALUMINUM, BLACK POWDER COAT
6. PERFORATED METAL STANDING SEAM SCREEN - BLACK
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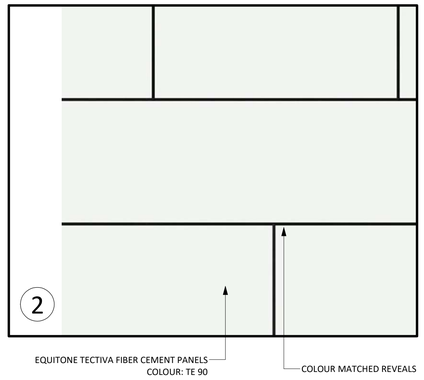

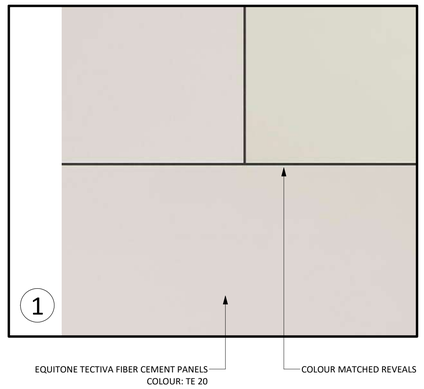

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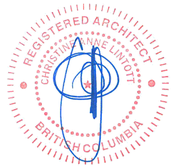
Re - Submission for Rezoning and Development Permit	2023-08-29
Re - Submission for Rezoning and Development Permit	2023-11-07

Revision

No.	Description	Date
8	Vertical Screen Material	2022-04-19
11	Exterior Material	2023-08-29

Consultant



Ten42

1042 Richardson Street,
Victoria BC

Exterior Materials

Date	2023-11-07 12:24:40 PM
Drawn by	BH
Checked by	CL

A3.02

Scale	As indicated

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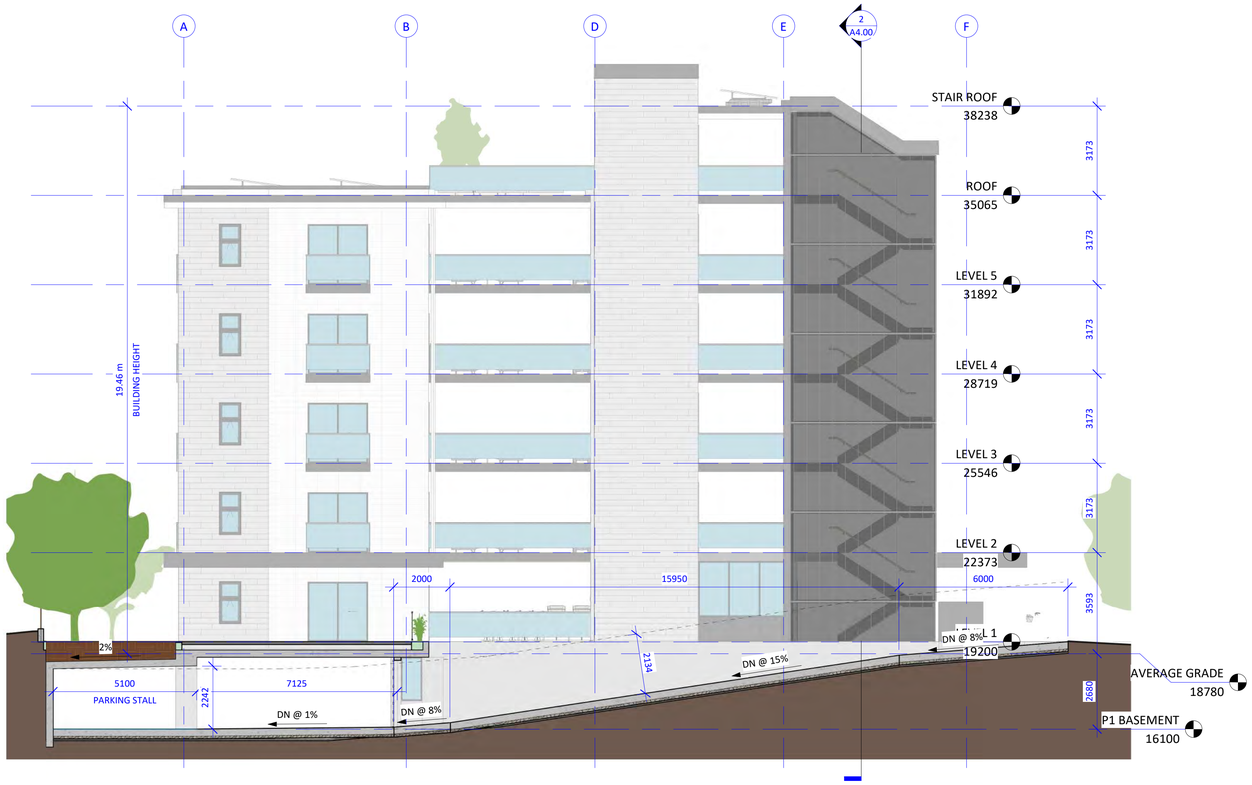

3 Section - Parkade Entry Ramp
1 : 100

1 Section - Longitudinal
1 : 100

2 Section - Cross Section
1 : 100

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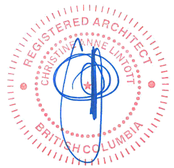
Re - Submission for Rezoning and Development Permit	2023-11-07

Revision

No.	Description	Date
1	Revision 2	2021-06-11
7	Zoning Comment #5	2022-04-19

Consultant



Ten42

1042 Richardson Street,
Victoria BC

Building Sections

Date	2023-11-07 12:24:43 PM
Drawn by	BH
Checked by	CL

A4.00

Scale: As indicated

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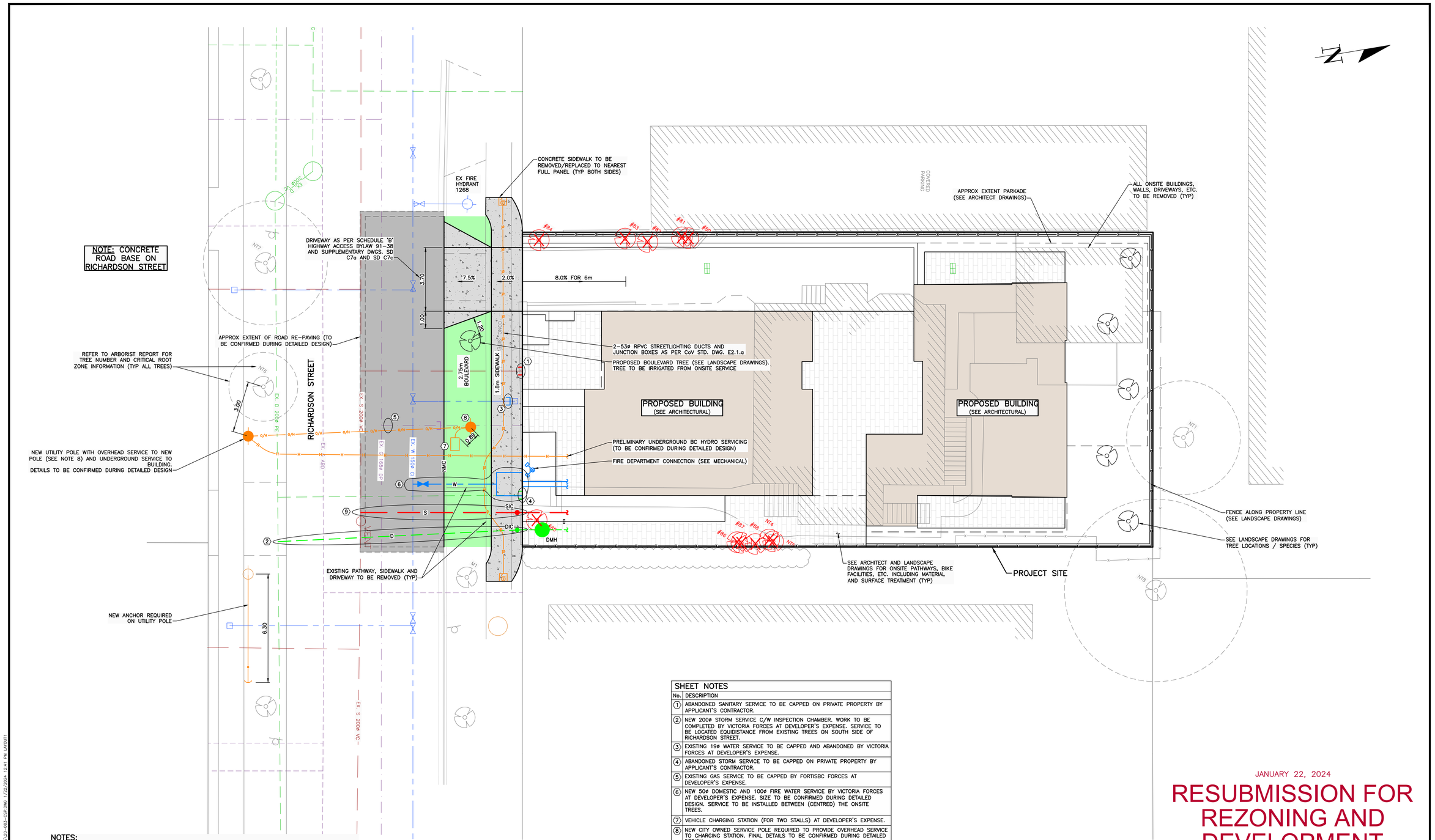

SHEET NOTES

No.	DESCRIPTION
1	ABANDONED SANITARY SERVICE TO BE CAPPED ON PRIVATE PROPERTY BY APPLICANT'S CONTRACTOR.
2	NEW 200ø STORM SERVICE C/W INSPECTION CHAMBER. WORK TO BE COMPLETED BY VICTORIA FORCES AT DEVELOPER'S EXPENSE. SERVICE TO BE LOCATED EQUIDISTANCE FROM EXISTING TREES ON SOUTH SIDE OF RICHARDSON STREET.
3	EXISTING 19ø WATER SERVICE TO BE CAPPED AND ABANDONED BY VICTORIA FORCES AT DEVELOPER'S EXPENSE.
4	ABANDONED STORM SERVICE TO BE CAPPED ON PRIVATE PROPERTY BY APPLICANT'S CONTRACTOR.
5	EXISTING GAS SERVICE TO BE CAPPED BY FORTISBC FORCES AT DEVELOPER'S EXPENSE.
6	NEW 50ø DOMESTIC AND 100ø FIRE WATER SERVICE BY VICTORIA FORCES AT DEVELOPER'S EXPENSE. SIZE TO BE CONFIRMED DURING DETAILED DESIGN. SERVICE TO BE INSTALLED BETWEEN (CENTRED) THE ONSITE TREES.
7	VEHICLE CHARGING STATION (FOR TWO STALLS) AT DEVELOPER'S EXPENSE.
8	NEW CITY OWNED SERVICE POLE REQUIRED TO PROVIDE OVERHEAD SERVICE TO CHARGING STATION. FINAL DETAILS TO BE CONFIRMED DURING DETAILED DESIGN.
9	NEW 200ø SANITARY SERVICE C/W INSPECTION CHAMBER. WORK TO BE COMPLETED BY VICTORIA FORCES AT DEVELOPER'S EXPENSE.

NOTES:

1. FOR BUILDING INFORMATION, SEE DRAWINGS BY CHRISTINE LINTOTT ARCHITECTS.
2. FOR LANDSCAPE AND TREE INFORMATION, SEE DRAWINGS BY LADR LANDSCAPE ARCHITECTS.
3. FOR LEGAL INFORMATION, SEE PLANS BY POWELL & ASSOCIATES.
4. FOR TREE INFORMATION INCLUDING CRITICAL ROOT ZONE EXTENTS, SEE REPORT BY TALMACK URBAN FORESTRY CONSULTANTS.
5. UTILITY SIZES AND LOCATIONS TO BE CONFIRMED DURING DETAILED DESIGN. LOCATIONS AND SIZES OF SERVICES ARE SUBJECT TO CHANGE.
6. ALL EXISTING BUILDINGS, PARKING LOT ASPHALT, RETAINING WALLS, CURB STOPS, ETC. TO BE REMOVED AND DISPOSED OFF-SITE.
7. HYDRO/TEL/CABLE/GAS SERVICES (BY OTHERS) LOCATIONS TO BE CONFIRMED DURING DETAILED DESIGN.
8. BASE INFORMATION SHOWN IS PRODUCED FROM A COMBINATION OF FIELD SURVEY AND GIS INFORMATION PROVIDED BY THE CITY OF VICTORIA. ALL INFORMATION TO BE CONFIRMED IN THE FIELD PRIOR TO CONSTRUCTION (INCLUDING COMPLETING A BCONECALL).

LEGEND

TREE TO BE REMOVED

SEE ARCHITECHTURAL AND LANDSCAPING, DRAWINGS FOR ADDITIONAL INFORMATION.

PERMIT TO PRACTICE
McElhanney Ltd.
PERMIT NUMBER: 1003299
Engineers and Geoscientists of BC

LEGAL PLAN AND TOPOGRAPHIC SURVEY PROVIDED BY POWELL & ASSOCIATES.

1:100 0 2 6m

JANUARY 22, 2024

RESUBMISSION FOR REZONING AND DEVELOPMENT PERMIT

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NO.	DATE	BY	ISSUED
6	2024-01-22	NCD	RESUBMISSION FOR REZONING AND DEVELOPMENT PERMIT
5	2023-11-07	NCD	RESUBMISSION FOR REZONING AND DEVELOPMENT PERMIT
4	2023-08-29	NCD	RESUBMISSION FOR REZONING AND DEVELOPMENT PERMIT
3	2021-06-09	NCD	ISSUED FOR REZONING
2	2021-01-14	NCD	ISSUED FOR REZONING
1	2020-09-29	NCD	ISSUED FOR REZONING

NO.	DATE	BY	REVISIONS

McElhanney
500 - 3960 QUADRA STREET
VICTORIA, BC V8X 4A3 PH (250) 370-9221

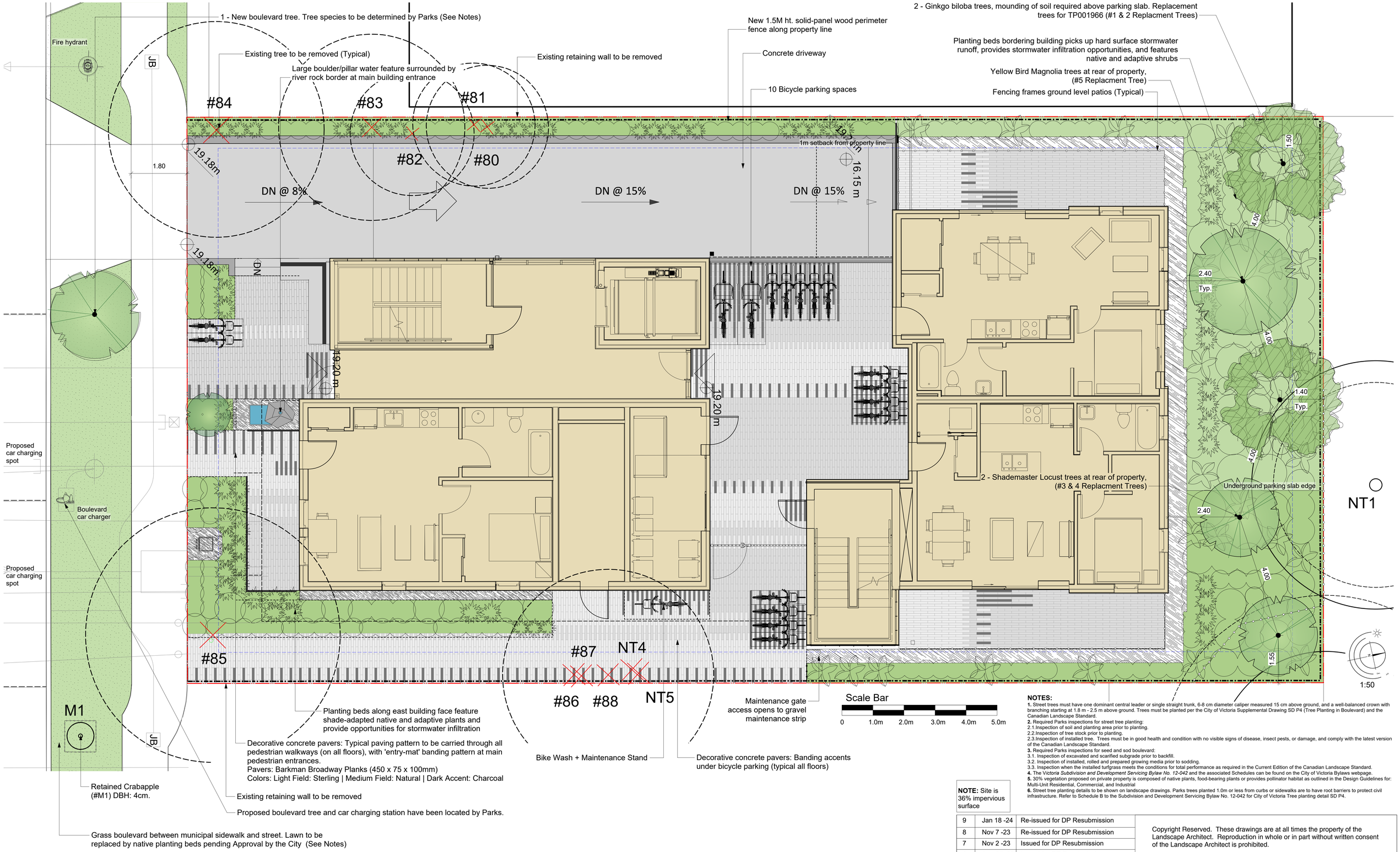
SEAL

PROJECT:
1042 RICHARDSON STREET, VICTORIA, BC

TITLE:
PRELIMINARY CIVIL PLAN

SCALE HORIZ: 1:100 VERT: N/A
PROJECT NO. 20-083
ISSUED/REVISION 6
APPROVING AUTHORITY FILE NO.
DRAWING NO. 20-083-CSP

K:\22411\CIVIL\PROJECTS\20-083-00 1042 RICHARDSON STREET\1.0.0 DRAWINGS\20-083-CSP.DWG 1/22/2024 12:41 PM LAYOUT1



NOTES:

1. Street trees must have one dominant central leader or single straight trunk, 6-8 cm diameter caliper measured 15 cm above ground, and a well-balanced crown with branching starting at 1.8 m - 2.5 m above ground. Trees must be planted per the City of Victoria Supplemental Drawing SD P4 (Tree Planting in Boulevard) and the Canadian Landscape Standard.
2. Required Parks inspections for street tree planting:
2.1.Inspection of soil and planting area prior to planting.
2.2.Inspection of tree stock prior to planting.
2.3.Inspection of installed tree. Trees must be in good health and condition with no visible signs of disease, insect pests, or damage, and comply with the latest version of the Canadian Landscape Standard.
3. Required Parks inspections for seed and sod boulevard:
3.1. Inspection of excavated and scarified subgrade prior to backfill.
3.2. Inspection of installed, rolled and prepared growing media prior to sodding.
3.3. Inspection when the installed turfgrass meets the conditions for total performance as required in the Current Edition of the Canadian Landscape Standard.
4. The *Victoria Subdivision and Development Servicing Bylaw No. 12-042* and the associated Schedules can be found on the City of Victoria Bylaws webpage.
5. 30% vegetation proposed on private property is composed of native plants, food-bearing plants or provides pollinator habitat as outlined in the Design Guidelines for: Multi-Unit Residential, Commercial, and Industrial
6. Street tree planting details to be shown on landscape drawings. Parks trees planted 1.0m or less from curbs or sidewalks are to have root barriers to protect civil infrastructure. Refer to Schedule B to the Subdivision and Development Servicing Bylaw No. 12-042 for City of Victoria Tree planting detail SD P4.

NOTE: Site is 36% impervious surface

9	Jan 18 -24	Re-issued for DP Resubmission
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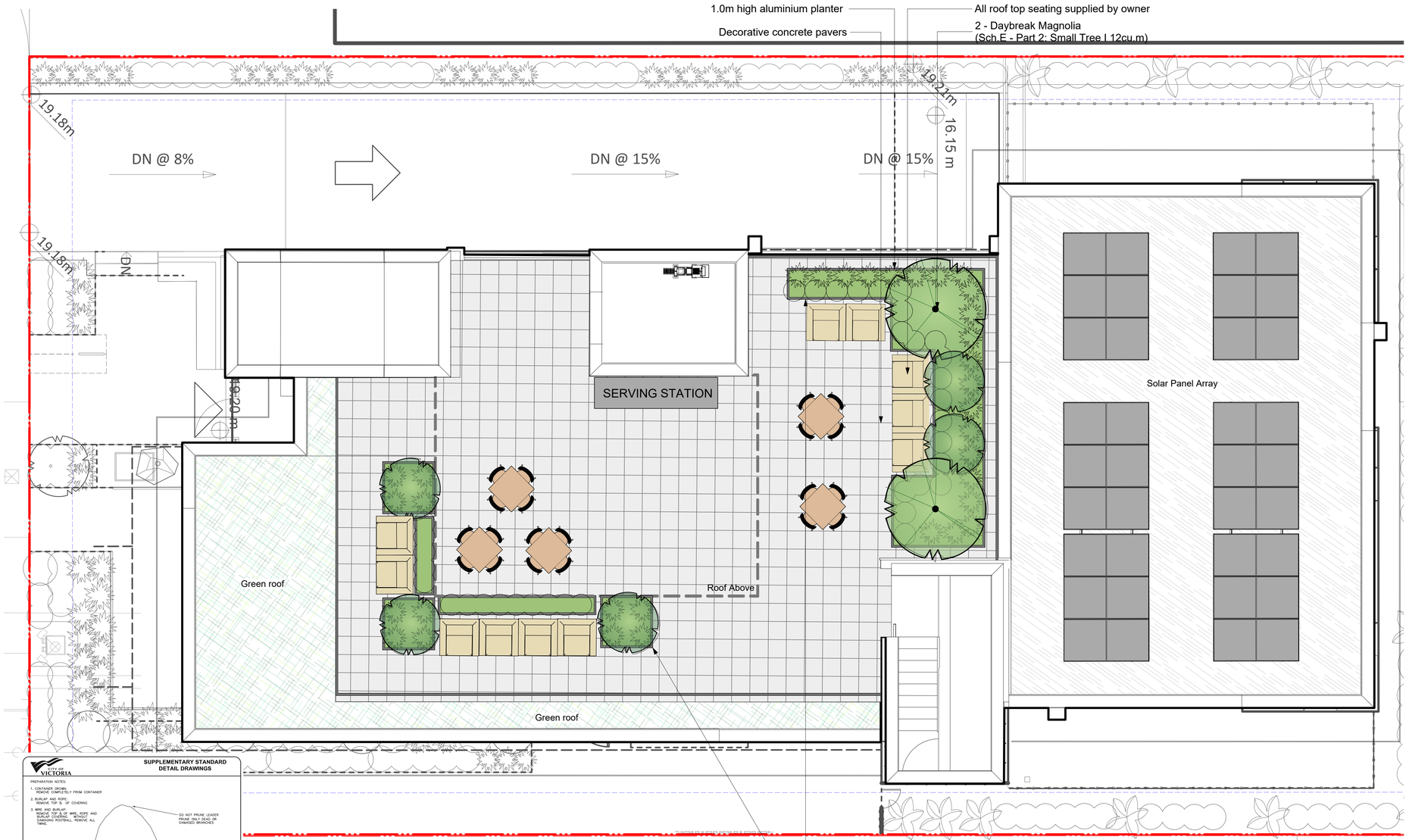
LADR LANDSCAPE ARCHITECTS
#3-864 Queens Ave. Victoria B.C. V8T 1M5
Phone: (250) 598-0105 Fax: (250) 412-0696

Project No: 2041 Jul 31-20

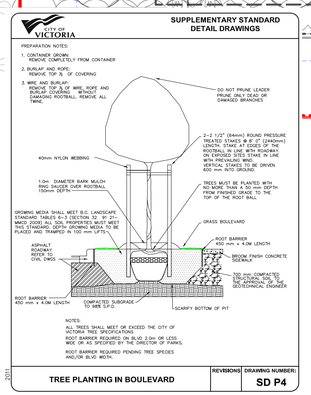
1042 Richardson Street | Landscape Concept Plan



Freestanding planters support drought-tolerant native and adaptive Dwarf Fountain Grass, Green Velvet Boxwood, and Hicks Yew hedge, and create distinct seating rooms within the rooftop amenity space, allowing simultaneous use of the space by multiple small groups

Scale Bar

0 1.0m 2.0m 3.0m 4.0m 5.0m



Recommended Plant List

Trees

ID	Quantity	Botanical Name	Common Name	Size
AcMi	2	Acer miyabei	Rugged Ridge maple	6cm cal.
GlTr	2	Gleditsia triacanthos 'Shademaster'	Shademaster Locust	6cm Cal.
MaAc	1	Magnolia accuminata 'Yellow Bird'	Yellow Bird Magnolia	6cm cal.
MaD	2	Magnolia 'Daybreak'	Daybreak Magnolia	6cm cal.

Large Shrubs

Total: 27

Botanical Name	Common Name	Size
Mahonia aquifolium	Tall Oregon Grape	#5 pot
Taxus x media 'Hicksii'	Hicks Yew	1.5m ht.

Medium Shrubs

Total: 48

Botanical Name	Common Name	Size
Azalea 'Snowbird'	Snowbird Azalea	#5 pot
Hydrangea macrophylla 'Lanarth White'	Lanarth White Hydrangea	#7 pot
Rhododendron 'Hino-crimson'	Evergreen Azalea	#5 pot
Rhododendron macrophyllum	Pacific Rhododendron	#5 pot

Small Shrubs

Total: 165

Botanical Name	Common Name	Size
Buxus 'Green Velvet'	Green Velvet Boxwood	#5 pot
Cornus stolonifera 'Kelseyi'	Kelsey Dogwood	#1 pot
Mahonia nervosa	Low Oregon Grape	#1 pot
Nandina domestica 'Fire Power'	Fire Power Heavenly Bamboo	#1 pot

Perennials, Annuals and Ferns

Total: 140

Botanical Name	Common Name	Size
Calamagrostis x acutiflora 'Karl Foerster'	Karl Foerster Feather Reed Grass	#1 pot
Gaultheria shallon	Salal	#1 pot
Helictotrichon sempervirens	Blue Oat Grass	#1 pot
Pennisetum alopecuroides 'Hameln'	Dwarf Fountain Grass	#1 pot
Polystichum munitum	Sword Fern	#1 pot

Notes:
1. All work to be completed to current BCSLA Landscape Standards
2. All soft landscape to be irrigated with an automatic irrigation system
3. 30% vegetation proposed on private property is composed of native plants, food-bearing plants or provides pollinator habitat as outlined in the Design Guidelines for: Multi-Unit Residential, Commercial, and Industrial.

Note:
Replacement Trees On site: 5
Replacement Trees Off site: 1

TREE PROTECTION BARRIER REQUIREMENTS

1 The requirements for tree protection barriers are as follows:

(a) The barrier must be placed around the outside of the protected root zone of the tree, or as approved by the Director; and

(b) The barrier must meet the following specifications:

(i) it must have a minimum height of 1.2 m,

(ii) 38 mm x 89 mm timbers must be used for vertical posts, top and bottom rails (in rocky areas, metal posts (T-bar or rebar) drilled into rock will be accepted), and cross-bracing (in an "X"),

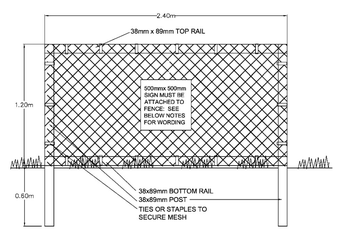
(iii) spacing between vertical posts must be a maximum of 3.0 metres on center,

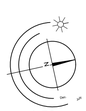
(iv) the structure must be sturdy with vertical posts driven firmly into the ground,

(v) there must be continuous plastic mesh high visibility screening (e.g. orange snow fencing), and

(vi) it must have visible all weather 500 mm x 500 mm signage on it with the wording "Warning – Tree Protection Area".

2 Below is an example showing an acceptable barrier:





1:50

1042 Richardson Street | L6 Rooftop Concept Plan

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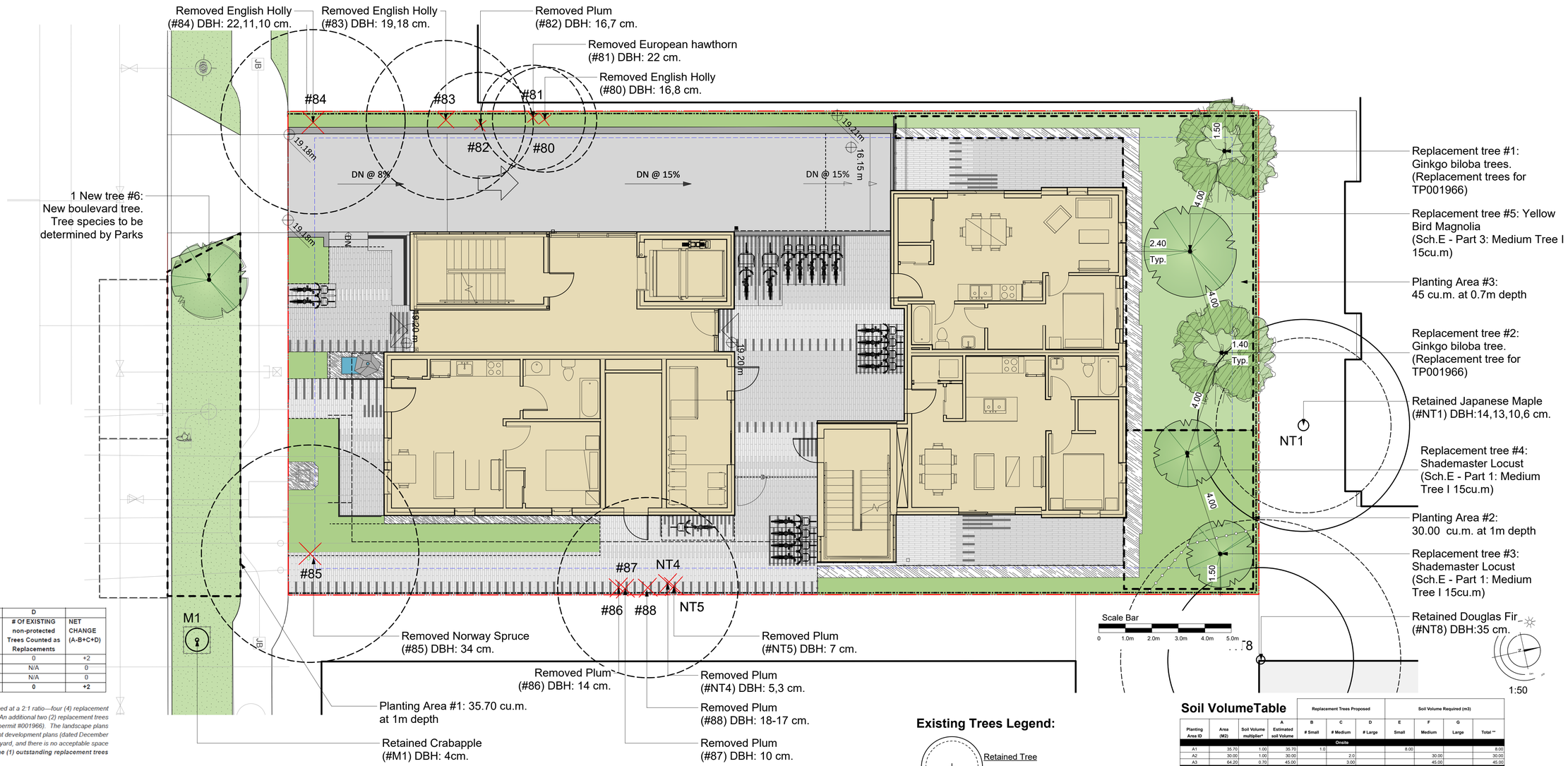
Phone: (250) 598-0105 Fax: (250) 412-0696

Project No: 2041 **Jul 31-20**



Tree Impact Summary

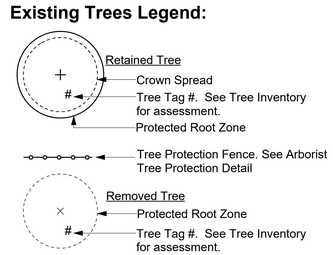
Tree Status	A Total # of Protected Trees	B # Of Trees to be REMOVED	C # Of NEW or REPLACEMENT Trees to be Planted*	D # Of EXISTING non-protected Trees Counted as Replacements	NET CHANGE (A-B+C+D)
On-site Trees	2	2	4	0	+2
Private Offsite Trees	2	0	N/A	N/A	0
Municipal Trees	3	0	N/A	N/A	0
Total	**10**	**5**	**8**	**0**	**+2**

Figure 2: *Based on bylaw criteria, protected trees removed shall be replaced at a 2:1 ratio—four (4) replacement trees are required on-site as compensation for removals of protected trees. An additional two (2) replacement trees are required as compensation for the previous removal of tree #79 (as per permit #001966). The landscape plans show a total of five (5) replacement trees proposed on-site. Based on current development plans (dated December 14, 2023) a columnar tree cannot be accommodated on the site in the front yard, and there is no acceptable space elsewhere on site for the sixth replacement tree.* ***Compensation for the one (1) outstanding replacement trees shall be made cash-in-lieu.***

Tree inventory

Tag or ID#	Surveyed? (Yes/No)	Location (On, Off, Shared, City)	Bylaw protected? (Yes/No)	Name: Common	Name: Botanical	dbh (cm)	Critical root zone radius (m)	Crown spread diameter (m)	Relative tolerance	Condition: Health	Condition: Structural	Retention Suitability (onsite trees)	General field observations/remarks	Tree retention / location comments	Retention status
79	Yes	On-site	**Yes**	Black locust	*Robinia pseudoacacia*	N/A	N/A	N/A	Good	N/A	N/A	N/A		Removed as per permit #001966.	**X**
80	Yes	On-site	**No**	English holly	*Ilex aquifolium*	16, 8	2	3	Good	Good	Fair	Unsuitable	Asymmetric crown due to competition with #81	Conflict with proposed underground parking ramp.	**X**
81	Yes	On-site	**No**	European hawthorn	*Crataegus monogyna*	22	2	3	Good	Good	Fair	Unsuitable	Conflicting with Holly #80	Conflict with proposed underground parking ramp.	**X**
82	Yes	On-site	**No**	Plum	*Prunus spp.*	16, 7	2.0	3	Moderate	Fair	Fair	Unsuitable		Conflict with proposed underground parking ramp.	**X**
83	Yes	On-site	**No**	English holly	*Ilex aquifolium*	19,18	3	4	Good	Fair	Fair	Unsuitable	One stem growing through fence	Conflict with proposed underground parking ramp.	**X**
84	Yes	On-site	**Yes**	English holly	*Ilex aquifolium*	22,11, 10	3.5	4	Good	Good	Fair	Unsuitable		Conflict with proposed underground parking ramp.	**X**
85	Yes	On-site	**Yes**	Norway spruce	*Picea abies*	34	4.1	5	Moderate	Fair	Good	Unsuitable	Some lower crown dieback, roots cracking existing retaining wall.	Conflict with proposed services & paver path.	**X**
86	Yes	On-site	**No**	Plum	*Prunus spp.*	14	1.7	4	Moderate	Good	Fair	Unsuitable	Pruned from hydro lines	Conflict with proposed paver path.	**X**
87	No	On-site	**No**	Plum	*Prunus spp.*	10	1.2	2	Moderate	Good	Fair	Unsuitable	Suppressed	Conflict with proposed paver path.	**X**
88	Yes	On-site	**No**	Plum	*Prunus spp.*	18, 17	3.4	4	Moderate	Good	Fair	Unsuitable		Conflict with proposed paver path.	**X**
NT1	No	Off-site	**Yes**	Japanese maple	*Acer palmatum*	14,13,10,6	3.3	8	Moderate	Good	Fair	N/A	Branches overhang fence 1m. Measured at 1.3m from existing fence near PL.	Possible impacts from underground parking.	**Retain***
NT4	Yes	On-site	**No**	Plum	*Prunus spp.*	5, 3	0.8	2	Moderate	Fair	Poor	Unsuitable	Decay at base		**X**
NT5	Yes	On-site	**No**	Plum	*Prunus spp.*	7	0.8	2	Moderate	Fair	Fair	Unsuitable			**X**
NT6	Yes	Municipal	**Municipal**	Paper birch	*Betula papyrifera*	15	2	4	Poor	Good	Fair	N/a	Hydro clearance pruning, codominant stems with included bark, surface root next to sidewalk.	Municipal tree (ID#: 15809).	**Retain**
NT7	Yes	Municipal	**Municipal**	Northern European hawthorn	*Oxadagus oxyacantha*	36	3.6	8	Good	Good	Fair-good	N/A		Municipal tree (ID#: 15810).	**Retain**
NT8	No	Off-site	**Yes**	Douglas-fir	*Pseudotsuga menziesii*	~35	5.3	7	Good	Fair	Fair	N/A	Surface roots; ~2.5m from PL (1.5m from fence).	Possible impacts from fence installation.	**Retain***
M1	No	Municipal	**Municipal**	Crabapple	*Malus spp.*	4 caliper	0.5	1	Moderate	Good	Good	N/A		Recently planted.	**Retain**

Existing Trees Legend:



NOTE
3 Trees are required by the Tree Protection Bylaw.
6.0 Trees are proposed (limited due to site space constraints)

Soil VolumeTable

Planting Area ID	Area (M2)	Soil Volume multiplier*	A Estimated soil Volume	Replacement Trees Proposed: B # Small	C # Medium	D # Large	Soil Volume Required (m3): E Small	F Medium	G Large	Total **
Onsite										
A1	35.70	1.00	35.70	1.0			8.00			8.00
A2	30.00	1.00	30.00		2.0			30.00		30.00
A3	64.20	0.70	45.00		3.00			45.00		45.00
Offsite (Excluding City Property)										
Planting Area OSA X										
Offsite (Excluding City Property)							**E**	**F**	**G**	**TOTAL**
						Calculation	If B = 1, B x 8 If B = 1, B x 6	If C = 1, C x 20 If C = 1, C x 10	If D = 1, D x 30 If D = 1, D x 30	E + F + G

* On ground (excluding exposed bedrock); use 1, On structure: use depth of soil, On soil cells: use 0.92, On structural soil: use 0.2
** Total must not exceed A, If Total exceeds A, then the number or size of proposed replacement trees must be reduced.

NOTES:

1. Street trees must have one dominant central leader or single straight trunk, 6-8 cm diameter caliper measured 15 cm above ground, and a well-balanced crown with branching starting at 1.8 m - 2.5 m above ground. Trees must be planted per the City of Victoria Supplemental Drawing SD P4 (Tree Planting in Boulevard) and the Canadian Landscape Standard.

2. Required Parks inspections for street tree planting:
2.1.Inspection of soil and planting area prior to planting.
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3.3. Inspection when the installed turfgrass meets the conditions for total performance as required in the Current Edition of the Canadian Landscape Standard.

4. The *Victoria Subdivision and Development Servicing Bylaw No. 12-042* and the associated Schedules can be found on the City of Victoria Bylaws webpage.

5. 30% vegetation proposed on private property is composed of native plants, food-bearing plants or provides pollinator habitat as outlined in the Design Guidelines for: Multi-Unit Residential, Commercial, and Industrial

NOTE: Site is 36% impervious surface

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#3-864 Queens Ave. Victoria B.C. V8T 1M5
Phone: (250) 598-0105 Fax: (250) 412-0696

Project No: 2041 Jul 31-20

1042 Richardson Street | Tree Management Plan

Friday May 2, 2024

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

Re: Affordable Housing Agreement for 1042/1044 Richardson Street – Rezoning Application No. 00753 and Development Permit with Variances Application No. 00158 (Fairfield-Gonzales)

Attn: Manasvini Thiagarajan and Karen Hoese,

Further to email correspondence related to this project, in addition to the commitment to secure two affordable units at the unit numbers and rent levels suggested by staff (**10% of units in the building (Total of 2 units) to be secured at 95% of CMHC median market rates for 60 years or the life of the building**), to further accessibility objectives of the City of Victoria, and align the project with funding requirements set out by the CMHC, **I also commit via legal agreement, to providing a second fully accessible unit** (a total of 10% of units will be accessible, in addition to 10% of units being affordable).

The two affordable units and two accessible units have been noted on the plans re-submitted May 2, 2024 for Mayor and Council's consideration.

With these commitments, this project meets and exceeds affordability, accessibility, and sustainability requirements for apartment buildings set out by the Federal CMHC Apartment Construction Loan Program, funding which will be sought, should this project be approved. While securing CMHC funding via the Apartment Construction Loan Program is not guaranteed with commitments at the municipal level, it is my hope that a commitment to affordability, accessibility, and sustainability at this time leads to CMHC funding that will be pivotal to the constructability of the project.

Let me know if you have any other questions requiring further clarification.

Thank you,

Bart Johnson
President, 1248330 BC Ltd. (1042-1044 Richardson Street)
E: 1042richardson@gmail.com C: 250-893-9038

1

2024

CITY OF VICTORIA | Sustainable Planning & Community Development

Rezoning and Development Permit with Variances

For 1042-1044 Richardson Street

COMMITTEE OF THE WHOLE | APRIL 25, 2024

CITY OF VICTORIA

1

Aerial Photo

CITY OF VICTORIA

2

Subject Property
(1042-1044 Richardson Street)

3

Neighbouring Properties

1020 Richardson Street

1035 Richardson Street

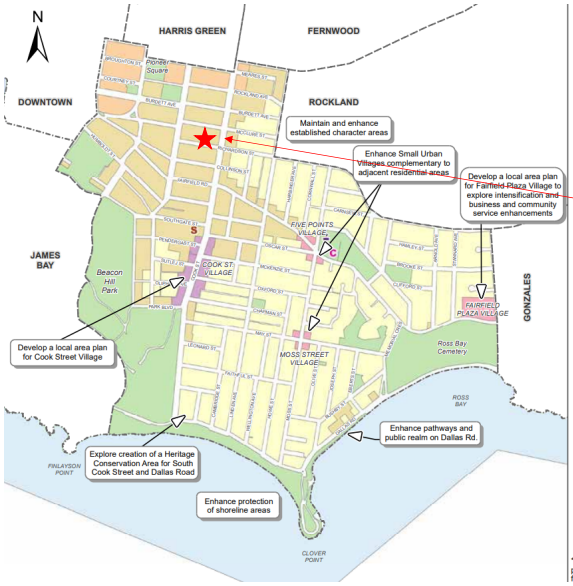
1050 Richardson Street

1051 Richardson Street

1041 Richardson Street

4

Policy Context



Fairfield Neighbourhood

Urban Place Designations*

- Core Residential
- Large Urban Village
- Small Urban Village
- Urban Residential
- Traditional Residential
- Public Facilities, Institutions, Parks and Open Space
- Marine

Public Facilities

- Existing Public School
- Community Centre
- Seniors Centre

Proposal

- Storeys: 6
- Density: 1.76:1 FSR

*Urban Place Designations are provided for information purposes only. Please refer to Map 2 and Figure 8 for designation information.

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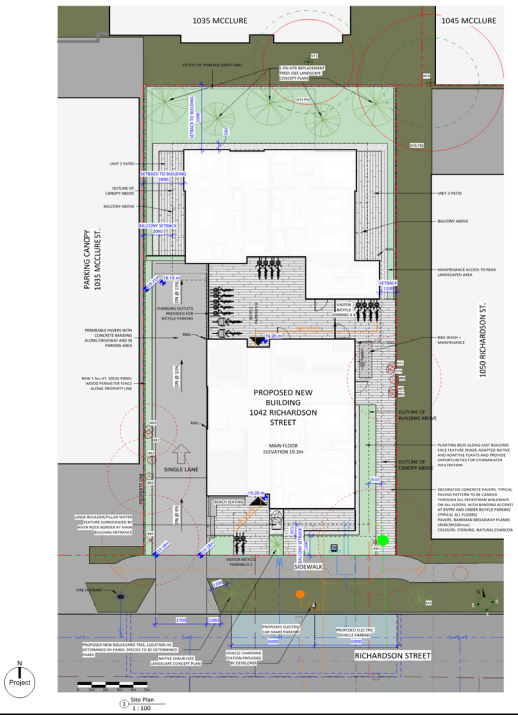
5

Site Plan



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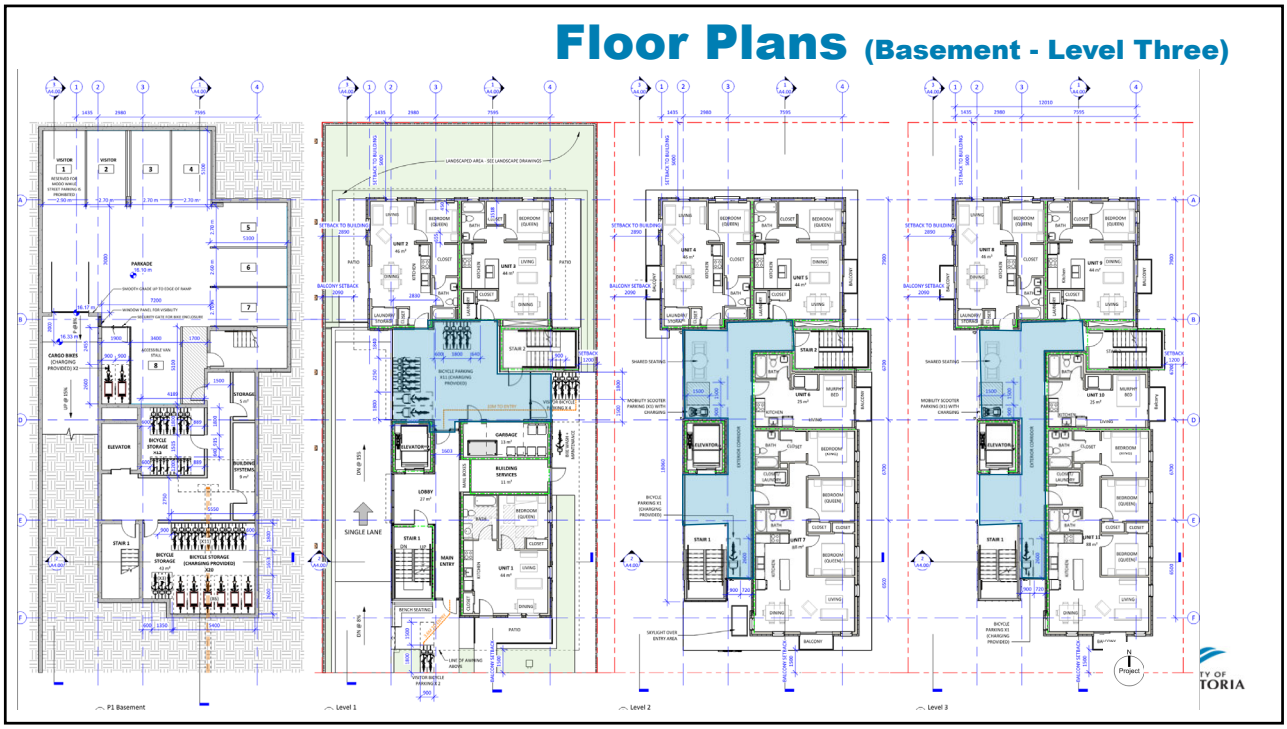
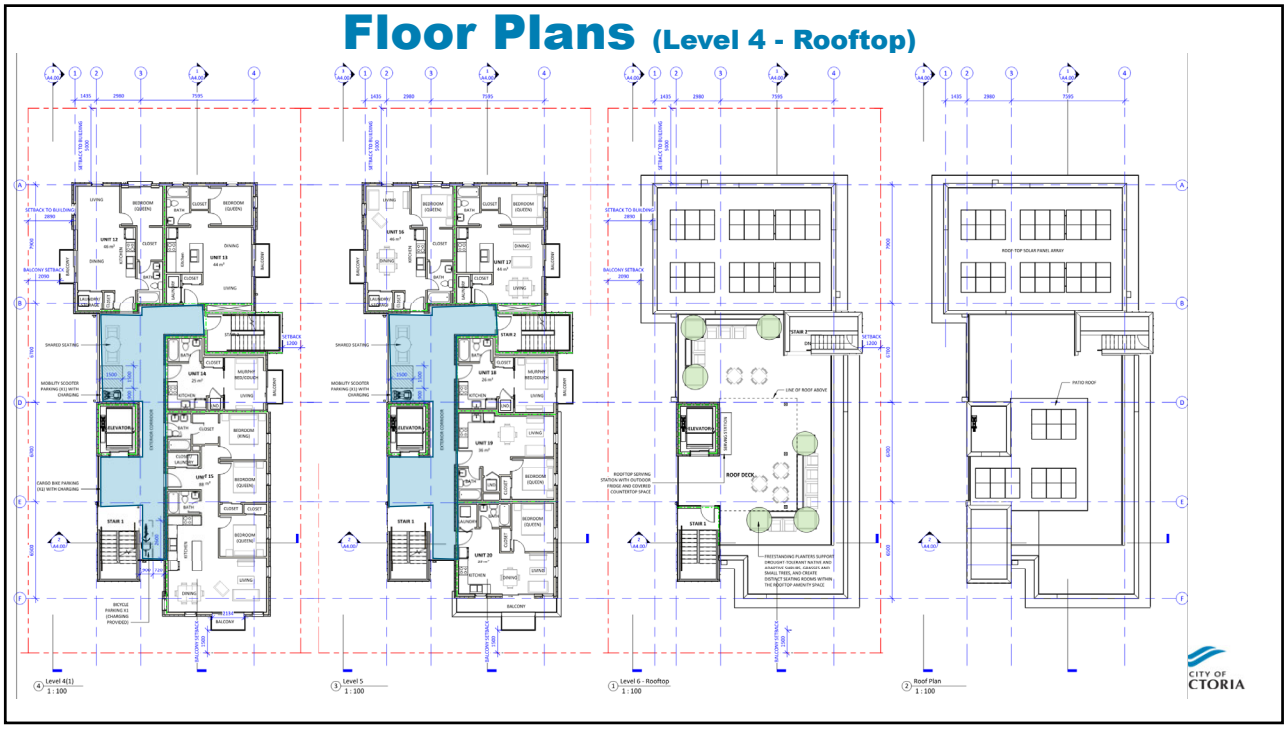
6


Floor Plans (Basement - Level Three)
P1 Basement
Level 1
Level 2
Level 3

7


Floor Plans (Level 4 - Rooftop)
Level 4(1)
Level 5
Level 6 - Rooftop
Roof Plan

8

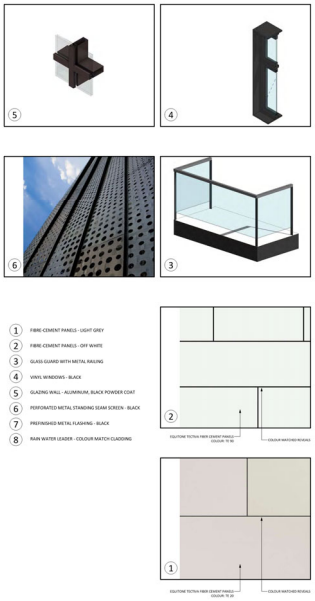
Context Elevation

1020 Richardson St. 1035 McClure St. 1042-1044 Richardson St. 1050 Richardson St.

CITY OF VICTORIA

9

Elevation (Front)



CITY OF VICTORIA

10

Elevation

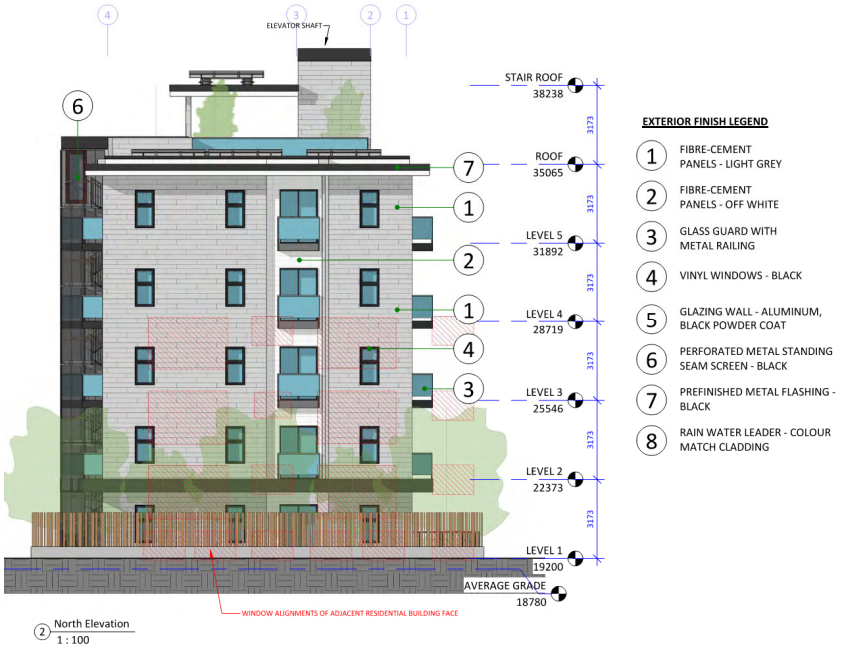
(West Side Elevation Neighboring 1035 McClure St. Parking Lot)

11

Elevation

(East Side Elevation Neighboring 1050 Richardson Street. Parking Lot)

12



EXTERIOR FINISH LEGEND

1. FIBRE-CEMENT PANELS - LIGHT GREY
2. FIBRE-CEMENT PANELS - OFF WHITE
3. GLASS GUARD WITH METAL RAILING
4. VINYL WINDOWS - BLACK
5. GLAZING WALL - ALUMINUM, BLACK POWDER COAT
6. PERFORATED METAL STANDING SEAM SCREEN - BLACK
7. PREFINISHED METAL FLASHING - BLACK
8. RAIN WATER LEADER - COLOUR MATCH CLADDING

Elevation

(Rear Elevation: North – Facing 1035 McClure Street Rear)

CITY OF VICTORIA

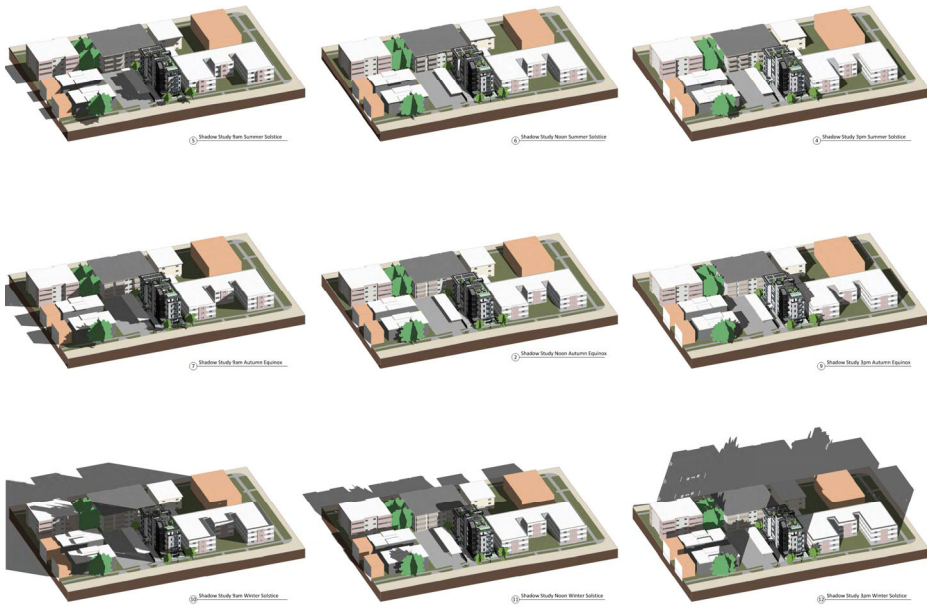
13

Elevations

(Cross-sections)

CITY OF VICTORIA

14



Shadow Study (3D)

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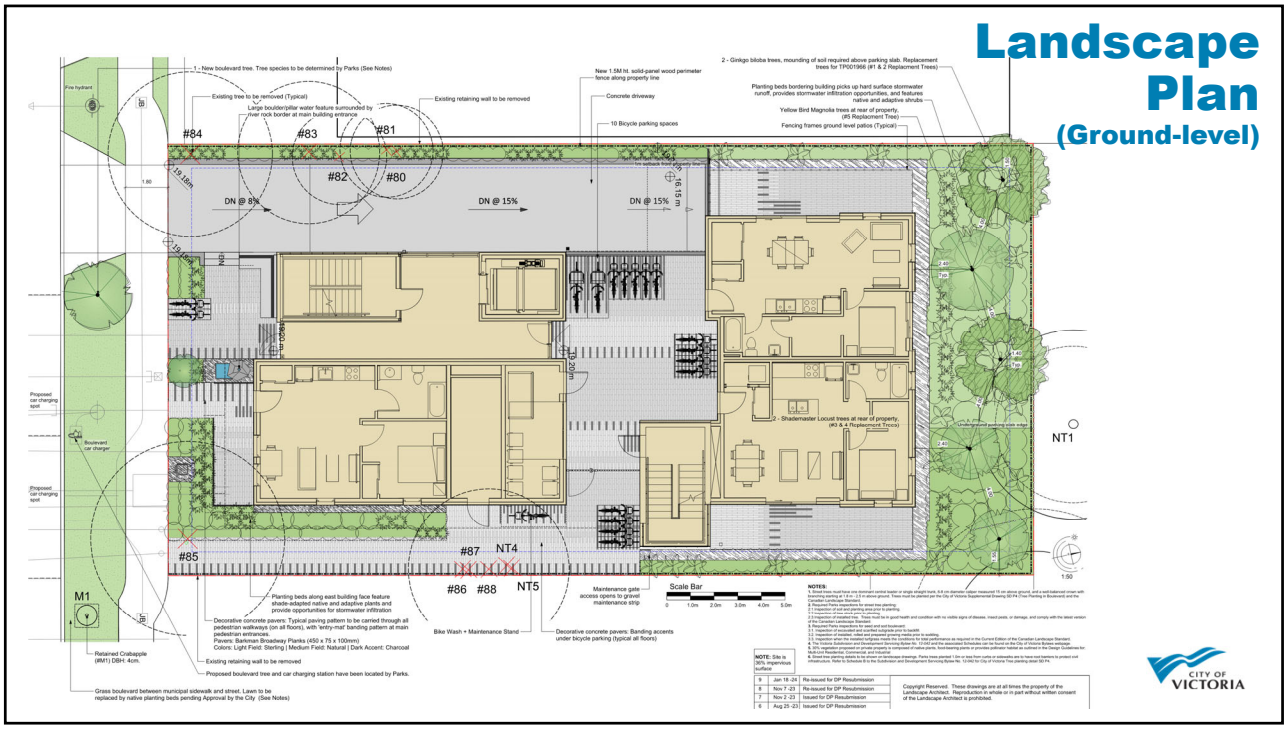
15

Shadow Study
(Aerial)

CITY OF VICTORIA

16


Landscape Plan
(Ground-level)
1 - New boulevard tree. Tree species to be determined by Parks (See Notes)
Existing tree to be removed (Typical)
Large boulder/pillar water feature surrounded by river rock border at main building entrance
Existing retaining wall to be removed
New 1.5M ht. solid-panel wood perimeter fence along property line
Concrete driveway
10 Bicycle parking spaces
2 - Ginkgo biloba trees, mounding of soil required above parking slab. Replacement trees for TP001966 (#1 & 2 Replacment Trees)
Planting beds bordering building picks up hard surface stormwater runoff, provides stormwater infiltration opportunities, and features native and adaptive shrubs
Yellow Bird Magnolia trees at rear of property, (#5 Replacment Tree)
Fencing frames ground level patios (Typical)
2 - Shademaster Locust trees at rear of property, (#3 & 4 Replacment Trees)
Fire hydrant
Proposed car charging spot
Boulevard car charger
#84
#83
#81
#82
#80
#85
#87
NT4
#86
#88
NT5
NT1
M1
DN @ 8%
DN @ 15%
DN @ 15%
Planting beds along east building face feature shade-adapted native and adaptive plants and provide opportunities for stormwater infiltration
Decorative concrete pavers: Typical paving pattern to be carried through all pedestrian walkways (on all floors), with 'entry-mat' banding pattern at main pedestrian entrances.
Pavers: Barkman Broadway Planks (450 x 75 x 100mm)
Colors: Light Field: Sterling | Medium Field: Natural | Dark Accent: Charcoal
Retained Crabapple (#M1) DBH: 4cm.
Existing retaining wall to be removed
Proposed boulevard tree and car charging station have been located by Parks.
Grass boulevard between municipal sidewalk and street. Lawn to be replaced by native planting beds pending Approval by the City (See Notes)
Bike Wash + Maintenance Stand
Maintenance gate access opens to gravel maintenance strip
Decorative concrete pavers: Banding accents under bicycle parking (typical all floors)
Scale Bar
0 1.0m 2.0m 3.0m 4.0m 5.0m
NOTES:
NOTE: Site is 90% impervious surface
9 Jan 18 -24 Re-issued for DP Resubmission
8 Nov 7 -23 Re-issued for DP Resubmission
7 Nov 2 -23 Issued for DP Resubmission
6 Aug 25 -23 Issued for DP Resubmission
Copyright Reserved: These drawings are at all times the property of the Landscape Architect. Reproduction in whole or in part without written consent of the Landscape Architect is prohibited.
CITY OF VICTORIA

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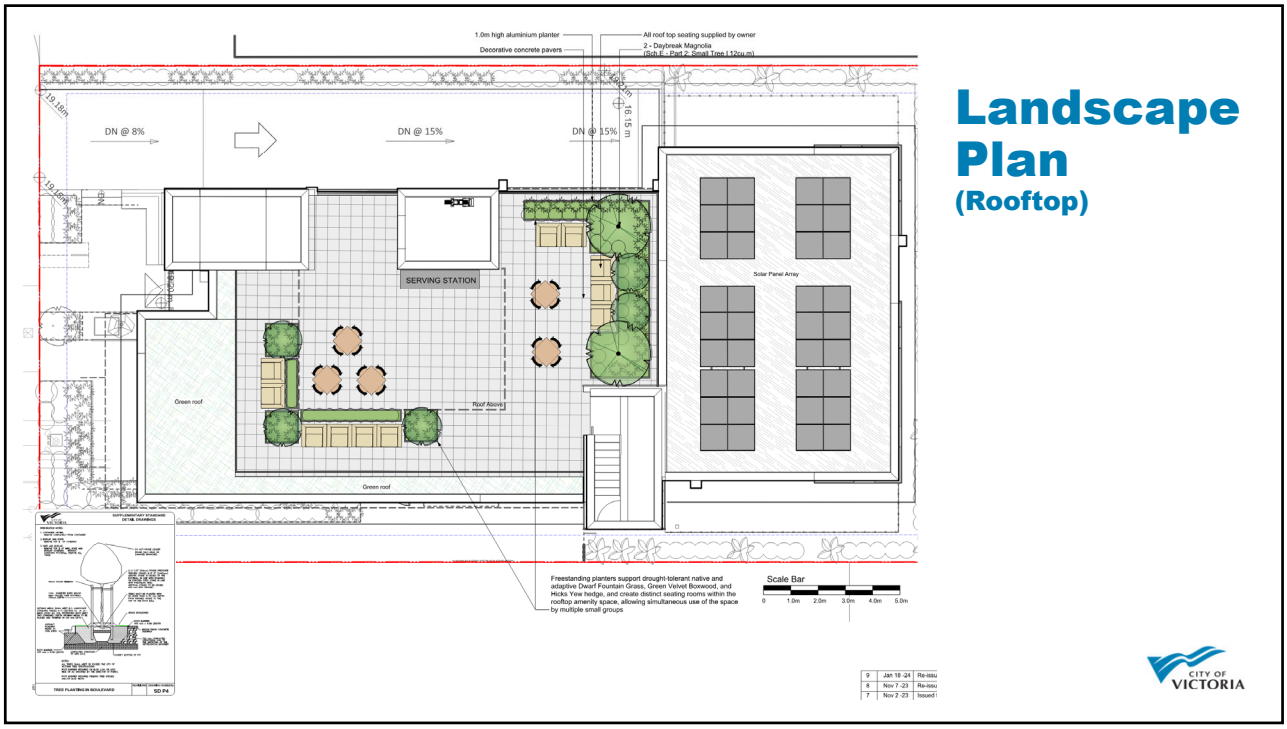
Landscape Plan
(Rooftop)
1.0m high aluminium planter
Decorative concrete pavers
All roof top seating supplied by owner
2 - Daybreak Magnolia
(Sch.E - Part 2: Small Tree | 12cu.m)
DN @ 8%
DN @ 15%
DN @ 15%
SERVING STATION
Solar Panel Array
Green roof
Roof Above
Green roof
Freestanding planters support drought-tolerant native and adaptive Dwarf Fountain Grass, Green Velvet Boxwood, and Hicks Yew hedge, and create distinct seating rooms within the rooftop amenity space, allowing simultaneous use of the space by multiple small groups
Scale Bar
0 1.0m 2.0m 3.0m 4.0m 5.0m
9 Jan 18 -24 Re-issu
8 Nov 7 -23 Re-issu
7 Nov 2 -23 Issued f
CITY OF VICTORIA

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Renderings
(Richardson Street)

"That the Advisory Design Panel recommend to Council that Development Permit with Variances Application does not sufficiently meet the applicable design guidelines and policies and should be declined (and that the key areas that should be revised include):

- *Variances are not supportable. The proposal has only a third of the site area required in this zone.*
- *The architectural expression, particularly the stair tower, has a more institutional rather than a residential expression as outlined in the guidelines.*
- *Open space requirement is 50% and the project proposed 28.7% (now 39.8%).*
- *Maximum site coverage required is 40% and the project proposed 60.02% (now 52.7%).*
- *Re-examination of the materiality particularly regarding the exterior cladding."*

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Renderings
(Richardson Street)

On July 14, 2022, Council passed the following motion at the Committee of the Whole meeting :

"*That the matter be referred to staff, to work with the applicant on a revised application that achieves greater consistency with the Fairfield Neighbourhood Plan and other City of Victoria policies, particularly as it relates to liveability of future residents on this parcel as well as liveability of residents on neighbouring parcels*".

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Renderings
(Perspective: From Richardson Street)

21

Renderings
(Perspective: Aerial)

22

Perspective: From Cook Street Sidewalk behind 1050 Richardson Street

23

Perspective: Richardson Street Front Entry

24

THANK YOU

CITY OF VICTORIA

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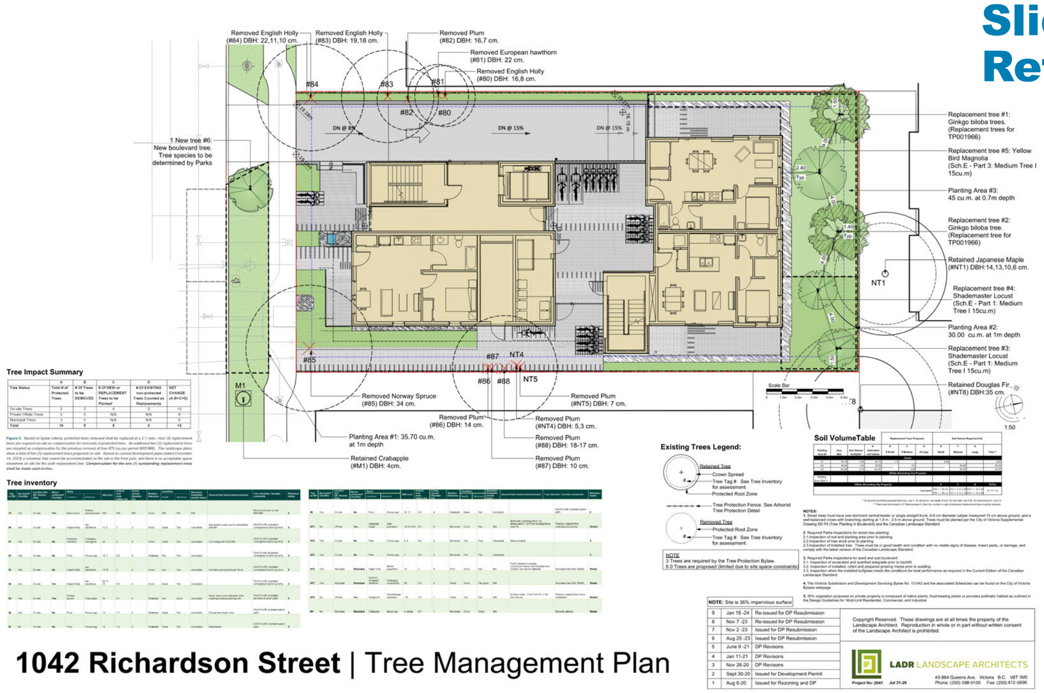
Slides for Reference



CITY OF VICTORIA

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Committee of the Whole Report
For the Meeting of May 9, 2024

To: Committee of the Whole **Date:** April 26, 2024

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

Subject: **Progress Report on Provincial Housing Targets**

RECOMMENDATION

That Council pass the following motion and bring it forward for ratification at the May 9, 2024 daytime Council meeting:

1. That Council:
    a. Receive the Provincial Housing Targets Progress Report for reporting period 1.1 (October 1, 2023 – March 31, 2024) for information.
    b. Request that the Mayor submit a copy of this report to the Provincial Minister of Housing.

EXECUTIVE SUMMARY

This is the first Progress Report on Victoria's Provincial Housing Targets, for the period of October 1, 2023 to March 31, 2024. The report summarizes the number of homes completed across the city during this period based on occupancy permits issued and provides an overview of in-progress applications and actions taken by the City towards meeting the Provincial housing targets, as set out in the housing target order issued in September 2023.

Records indicate that Victoria has already exceeded the 659-unit housing target for year one, with 753 net new units completed over the initial six-month period. This includes 761 new units added and eight units lost due to demolition or conversion, meaning the City is 15 per cent of the way to meeting the five-year Provincial Housing target for the City.

Victoria has also made important progress toward achieving the Province's guidelines based on estimated housing need by unit size, tenure, rental affordability and rental units with on-site supports. Key policy projects emphasized in this report which highlight the City's ongoing efforts in these areas include: the 10-year Update of the Official Community Plan and Zoning Bylaw Modernization Project, the Rental Incentives Project, the Family Housing Policy, the Land Delivery Strategy, the Development Process Modernization Initiative, as well as updates to the Missing Middle Housing Regulations.

Additionally, with 1,628 new homes approved through rezoning and/or development permit by Council or delegated staff approvals, and building permits issued for 316 homes in this reporting period, Victoria is well-positioned to meet or exceed the Province's five-year targets.

PURPOSE

To present Council with the first Progress Report on Victoria's Provincial Housing Targets, for the period of October 1, 2023 to March 31, 2024, in accordance with the housing target ministerial order issued by the Province in September 2023.

BACKGROUND

On September 26, 2023, the Government of British Columbia issued Ministerial Orders to ten local governments, including the City of Victoria, which set out five-year housing targets to be met by September 30, 2028, alongside annual progress targets and reporting requirements (see Attachment B).

Housing targets outlined in these orders reflect 75 per cent of the total estimated housing need for each municipality according to provincial analysis which took into consideration the existing unmet housing need as well as anticipated population growth over the next five years. Annual targets are initially lower with larger increases in years four and five. The Province also provided guidelines to accompany these targets that reflect the goal of providing housing that meets various community needs. For example, the guidelines provide targets based on size, tenure, market rate, and presence of on-site supports (see Attachment C). However, municipalities are primarily assessed on the total number of net new homes completed.

Progress reporting requirements outlined in the Ministerial Order begin initially at six months, followed by annually after the first year, and require the City to receive the progress report by council resolution within 45 days of the end of each reporting period, as well as ensure each report is posted to the municipal website and submitted to the Minister of Housing as soon as possible. Reporting requirements include completion of a housing target progress report form, which is appended to this report as Attachment A.

In preparing for this progress report, the provincial approach to tracking housing target performance has presented some challenges, particularly from a resourcing and data collection perspective. Through the Victoria Housing Strategy, the City has established its own ambitious housing targets and reports progress annually based on building permits issued; building permit issuances have been favoured by the City as the best indicator to track housing progress as it offers a good balance between timeliness as well as certainty. The Province, however, instead of using building permits, focuses on completed projects. Further, prior to receiving these housing targets by Ministerial Order, the City did not track the number of bedrooms, tenure, or level of affordability in completed homes.

Nevertheless, over the past six months permit application and tracking processes have been adapted to align with the housing target reporting expectations that were shared by the Province through the Ministerial Order and Housing Target Guidelines. The collection of some supplemental information at the level of detail requested in the Interim Housing Target Report Form (published March 27, 2024) was not possible due to the reporting deadline imposed by the Province.

ISSUES & ANALYSIS

Progress Toward Achieving the Annual Cumulative Housing Target

Records indicate that a total of 753 net new dwelling units were completed in Victoria between October 1, 2023 and March 31, 2024 consisting of 761 newly completed units and eight units demolished. This represents 15 per cent of the 2028 cumulative target and exceeds the prescribed year one target of 659 units by 14 per cent with six months remaining.

With respect to the housing target guidelines, units constructed since October 1, 2023 are also demonstrating strong alignment with the recommended unit breakdown, as outlined in the table and chart below. However, weaker performance is noted among below-market rentals as well as three or more-bedroom units completed.

		Units by size			Units by tenure		Rental units by market rate		
	Total Units Completed	Studio/ 1-bed	2-bed	3-bed +	Rental	Owned	Below-Market	Market	Supportive Rental Units (with on-site supports)
Completed	761	501	223	37	385	376	8	377	0
Demolished	8	5	2	1	3	5	0	3	0
Net Completions	753	496	221	36	382	371	8	374	0
Net as % of 2028 Target	15%	15%	28%	5%	11%	26%	0%	22%	0%

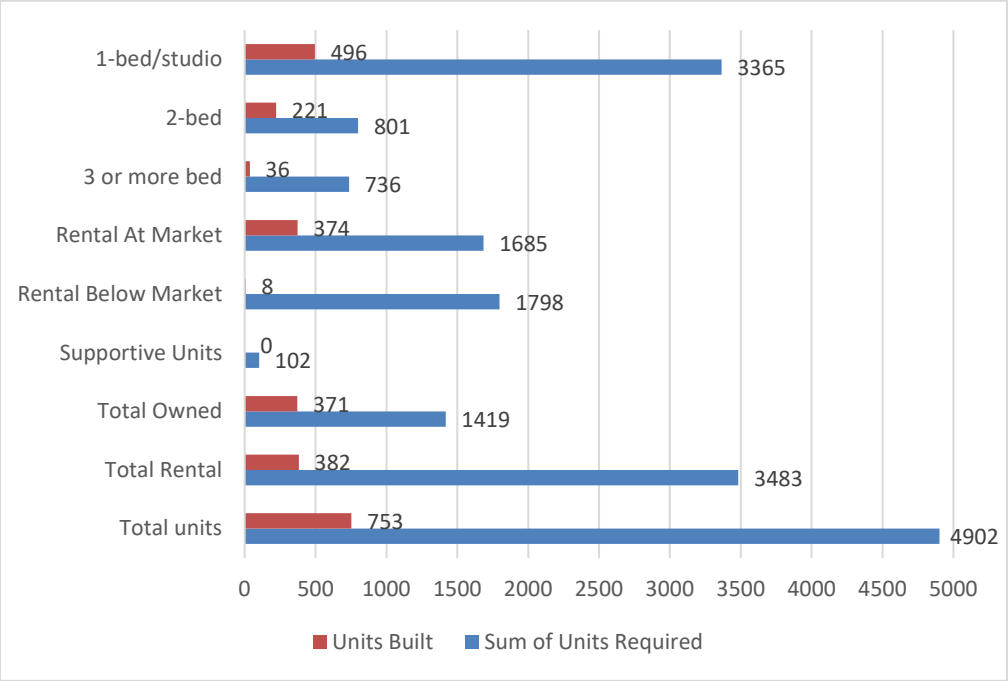


Figure 1: Units constructed between October 2023 and March 31, 2024 versus 2028 provincial targets

Municipal Actions Taken Toward Meeting the Housing Target Order

The following table summarizes actions taken to update land use planning policies, regulations, procedures, and other on-going work that will help the City achieve the provincial housing targets.

Housing Target Supportive Action	Description	Status
Missing Middle Housing Initiative	Following a six-month review of the Missing Middle regulatory framework, on December 7, 2023, Council approved changes to the Missing Middle Regulations to make it easier to establish this type of housing. These changes will help to achieve the City's overall housing completion targets. They will also support guidelines related to family housing options by retaining the requirement for at least two, or 30% of total dwellings, to contain a minimum of three bedrooms while removing other requirements to encourage more of this type of housing is constructed.	Completed
Updates to Victoria Housing Reserve Fund Guidelines	On October 26, 2023, Council directed staff to update the Victoria Housing Reserve Fund Guidelines to provide additional support to non-market rental housing projects. Updates include: • introduction of a new grant amount for larger family-friendly units (4+ bedrooms), • establishing a below-market funding stream, • adjusting the grant payment schedule to provide a greater portion of funds (80%) prior to construction, and • removing the $500,000 cap for the maximum grant to equalize support for larger projects. These updates will support the delivery of more below-market rentals homes, including those with four or more bedrooms.	Completed
MOU re: HEART and HEARTH with BC Housing	In February 2024, a Memorandum of Understanding between the Province and the City of Victoria was formalized. The agreement affirms a shared commitment to work together to address homelessness in Victoria through the Homeless Encampment Action Response Teams (HEART) and the Homeless Encampment Action Response Temporary Housing (HEARTH) programs. This agreement aligns with provincial housing target guidelines related to below-market and supportive rental housing for Victoria. It includes a commitment by the Province, through BC Housing, to provide oversight and support in the development of permanent housing options for people experiencing homelessness or living in temporary supportive housing, and commits the City to identify appropriate and feasible land/space and expedite land use decisions necessary for the rapid provision of such housing, among other duties.	Completed
OCP Update and ZBL Modernization	Through updates to the *Official Community Plan*, the City is advancing a new approach to increase Victoria's capacity to accommodate the housing supply needed for next 25 years. The approach emphasizes a meaningful response to the housing crisis through city-wide policy updates alongside modernization and alignment of the City's zoning regulation bylaw and other implementation tools. On February 8th, Council endorsed the draft directions and emerging policy framework, as well as the proposed	Underway

Housing Target Supportive Action	Description	Status
	zoning bylaw modernization approach. Provincial housing targets informed the 2050 Growth Goal Posts that were used to inform housing capacity needs. Broad public engagement for these updates is underway and will run until fall of 2024, with a public hearing for the final product anticipated in 2025.	
Rental Incentives	Council directed staff to prepare regulations to implement a new Rental Incentives Program on October 26, 2023. The program will incentivize the development of market and non-market purpose-built rental housing and support the inclusion of units affordable to households with median incomes in market rental projects. Eligible rental projects would be exempt from the increase in property taxes arising from redevelopment for a period of 10 years where 10% of units secured as rental homes are affordable to median income households. The Revitalization Tax Exemption (RTE) Bylaw will be presented to Council in Q2 of 2024.	Underway
Family Housing Policy	A study examining the feasibility of securing more two and three-bedroom units in new multifamily housing through land use policy has been completed and the results will be presented to Council in Q2 2024.	Underway
Development Process Review	Starting in 2023, the City has been engaged in a project to review city development processes and to identify the highest-priority opportunities for short and longer-term improvement. Several key projects have been undertaken as part of this initiative, which focus primarily on: • adding new support systems for applicants • simplifying approvals and internal procedures • introducing new software for application intake, review and processing as well as to facilitate better data collection and analysis • developing staff capacity and knowledge sharing related to development processes • fostering an internal culture of continuous improvement through training and mentorship opportunities. The initial projects identified as part of this initiative are anticipated to be completed in November 2024, though additional efforts are expected to be ongoing. Key outcomes associated with this project are anticipated to include improved process efficiency and faster development approval timelines to help reduce development costs and expedite the delivery of new homes of all types.	Underway
City-owned Sites for Affordable Housing Partnerships	In partnership with BC Housing and the Capital Region Housing Corporation, a 205-unit affordable housing development proposed for City-owned land at 926-930 Pandora Avenue was approved for rezoning and a development permit in Q4 2023. This project was exempted from rezoning and council approvals and instead approved by staff through a delegated development permit review. This was the first submission and approval under the City's Fast Track for Affordable Housing Process – designed to reduce risk and improve timelines for non-market proposals.	Ongoing
Leveraging City Lands for Housing	On March 7th, through its public purchasing portal, the City issued a Request for Proposals from qualified consultants to complete a feasibility and conceptual design study exploring opportunities to	Underway

Housing Target Supportive Action	Description	Status
	utilize City-owned sites to achieve various strategic goals and public benefits, including affordable housing. This project is part of the City's Housing Accelerator Fund Action Plan and aligns with provincial housing targets for overall housing supply, rental housing, and below-market rental housing.	

Rezoning, Development, and Building Permit Approvals

In addition to the 753 net new units completed, the City has approved roughly 1,942 new units across 43 applications through either combined rezoning and development permit or building permit approvals since October 1, 2023. It should be noted that new units approved through rezoning and development permits are estimates only, as project unit counts and composition can fluctuate as building designs are refined leading up to final building permit approval.

Between October 1, 2023 and March 31, 2024 there were also seven applications, representing approximately 40 proposed units which were considered withdrawn and closed after a period of six to 12 months of inactivity by the applicant. There were no projects that were not approved by staff or Council during this reporting period.

OPTIONS & IMPACTS

Accessibility Impact Statement

There are no accessibility impacts associated with the adoption of this resolution.

2023 – 2026 Strategic Plan

This work aligns with the Council priorities related to Housing.

Impacts to Financial Plan

This report does not have any impacts to the Financial Plan.

Official Community Plan Consistency Statement

This report is consistent with the OCP, particularly Section 13: Housing and Homelessness.

CONCLUSIONS

Overall, Victoria has demonstrated solid performance toward the provincial housing targets over the first six months. Records indicate that more three or more-bedroom units, below-market rentals and supportive rental units are needed; however, work is underway to encourage the development of more three-bedroom units through a new Family Housing Policy. The City is also committed to enabling the delivery of more below-market and supportive rental units, as demonstrated through updates to the Victoria Housing Reserve Fund Guidelines and efforts to leverage City-owned sites for affordable housing partnerships.

As the City of Victoria does not build housing, ongoing investments in capital and operating funding for non-market housing from senior levels of government will be essential to ensure that these efforts translate into completed homes in the next four years.

Respectfully submitted,

Julie Edney Housing Planner, Community Planning	Ross Soward Manager of Housing, Community Planning	Karen Hoese, Director Sustainable Planning and Community Development Department

Report accepted and recommended by the City Manager

List of Attachments

- Attachment A: Interim Progress Report Form (Reporting Period 1.1)
- Attachment B: Ministerial Order
- Attachment C: Housing Target Guidelines

BRITISH COLUMBIA

HOUSING TARGET PROGRESS REPORT FORM

Housing Targets Branch
BC Ministry of Housing

PURPOSE

This reporting template presents the required and supplemental information that a municipality needs to provide to the Province under the *Housing Supply Act* (Act).

BACKGROUND

The objectives of the Act are to increase the supply of housing in communities with the greatest housing need and deliver more housing options for individuals and families in B.C. The Act allows the Province to set housing targets, establish progress reporting requirements, and undertake compliance measures for specified municipalities in the *Housing Supply Regulation*.

Part 3 – Section 4 of the Act states that municipalities which have been issued a Housing Target Order (HTO) must prepare a housing target progress report, in the form required by the minister, for each period specified in the order. The housing target progress report must contain information about the progress and actions taken by the specified municipality toward meeting each housing target established in the HTO. Completing and submitting this progress report satisfies that requirement.

REPORT REQUIREMENTS

Part 3 – Section 4 of the Act and Section 5 of the Regulation requires that the progress report must be received in a meeting that is open to the public and by Council resolution 45 days after the end of the reporting period to which the report applies. If a municipality has not met the housing target for the reporting period, it must provide information about any actions that it intends to take toward meeting the housing target within the 2-year period with the progress report.

Please submit this report to the minister and post it to your municipal website as soon as practicable after Council receives it.

ASSESSMENT

Part 3 – Section 5 of the Act requires the Minister of Housing to review the progress report to assess if housing targets have been met and, if not, whether the municipality has made satisfactory progress toward meeting the housing targets.

Progress reports will be evaluated against the performance indicators described in Schedule B of the HTO. If satisfactory progress has not been made, compliance action may be taken in accordance with Part 4 of the Act.

INSTRUCTIONS

Please complete the attached housing target progress report for your municipality and ensure it is received by Council resolution within 45 days of the end of the reporting period and submit to the Minister of Housing Housing.Targets@gov.bc.ca

Section 1: MUNICIPAL INFORMATION	
Municipality:	Victoria
Housing Target Order Date:	September 23, 2023
Reporting Period:	October 1, 2023 – March 31, 2024
Date Received by Council Resolution:	
Date Submitted to Ministry:	
Municipal Website of Published Report:	
Report Prepared By:	☒ Municipal Staff ☐ Contractor/External
Municipal Contact Info:	*Ross Soward, Manager of Housing* *rsoward@victoria.ca 250.361.0476*
Contractor Contact Info	☒ N/A *(name, position/title, email, phone)*

Section 2: NET NEW UNITS

This is a count of net new units during the reporting period, and cumulatively since the effective date of the HTO. Net new units are calculated as completions (occupancy permits issued) minus demolitions. Legalizing existing unpermitted housing units does not count towards completions.

	Completions (Reporting Period)	**Demolitions** (Reporting Period)	**Net New Units** (Reporting Period)	**Net New Units** (Since HTO Effective Date)
Total	761	8	753	753

Section 3: UNIT BREAKDOWN (Supplemental Information as per Interim Guidelines)

Refer to the definitions provided at the end of the report and specify information below for the reporting period and cumulatively since the effective date of the HTO.

	Completions (Reporting Period)	**Demolitions** (Reporting Period)	**Net New Units** (Reporting Period)	**Net New Units** (Since Effective HTO Date)
Units by Size				
Studio	146	0	146	146
One Bedroom	355	5	350	350
Two Bedroom	223	2	221	221
Three Bedroom	27	1	26	26
Four or More Bedroom[1]	10	0	10	10
Units by Tenure				

Rental Units[2] – Total	385	3	382	382
Rental – Purpose Built	364	3	366	366
Rental – Secondary Suite	16	0	16	16
Rental – Accessory Dwelling	5 (Garden Suites)	0	5	5
Rental – Co-op	0	0	0	0
Owned Units	376	5	371	371
Units by Rental Affordability				
Market	377	3	374	374
Below Market[3]	8	0	8	8
Below Market Rental Units with On-Site Supports[4]	0	0	0	0

Section 4: ACTIONS TAKEN BY MUNICIPALITY

Describe actions in the last 12 months that have been taken to achieve housing targets. This may include updated Official Community Plan bylaws, land use zoning, Housing Needs Report, new housing policies and initiatives, and/or partnerships (e.g., BC Housing, CMHC, First Nations and private and non-profit housing organizations). Each entry should include a description of how the action aligns with achieving the housing target, the date of completion, and links to any publicly available information.

1. **Missing Middle Housing Initiative** - Following a six-month review of the Missing Middle regulatory framework, on December 7, 2023, Council approved changes to the Missing Middle Regulations to make it easier to establish this type of housing. These changes will help to achieve the City's overall housing completion targets as well as guidelines related to family housing options by retaining the requirement for at least two, or 30% of total dwellings, to contain a minimum of three bedrooms while removing other requirements to ensure more of this type of housing is constructed.
2. **Updates to Victoria Housing Reserve Fund Guidelines** - On October 26, 2023, Council directed staff to update the Victoria Housing Reserve Fund Guidelines to provide additional support to non-market rental housing projects. Updates were completed by October 31st and include:
   - introduction of a new grant amount for larger family-friendly units (4+ bedrooms),
   - establishing a below-market funding stream,
   - adjusting the grant payment schedule to provide a greater portion of funds (80%) prior to construction, and
   - removing the $500,000 cap for the maximum grant to equalize support for larger projects.

   These updates will support the delivery of more below-market rentals homes, including those with 4 or more bedrooms.
3. **MOU with BC Housing to address homelessness through HEART and HEARTH programs** – In February 2024 a Memorandum of Understanding between the Province and the City of Victoria was formalized. The agreement affirms a shared commitment to work together to address homelessness in Victoria through the Homeless Encampment Action Response Teams (HEART) and the Homeless

Encampment Action Response Temporary Housing (HEARTH) programs. The agreement includes a commitment by the province, through BC Housing, to provide oversight and support in the development of permanent housing options for people experiencing homelessness or living in temporary supportive housing, and commits the City to identifying appropriate and feasible land/space and expedite land use decisions necessary for the rapid provision of such housing, among other duties. This agreement aligns with provincial housing target guidelines related to below-market and supportive rental housing for Victoria.

4. **10-year OCP Update and Zoning Modernization** - Through updates to the Official Community Plan, the City is advancing work to enhance housing capacity to meet housing supply needs for next 25 years. The approach emphasizes a meaningful response to the housing crisis through a city-wide lens for long-range policy updates alongside modernization and alignment of the City's zoning regulation bylaw and other implementation tools to realize policy objectives. On February 8th, Council endorsed the draft directions and emerging policy framework, as well as the zoning bylaw modernization approach for the project. The City's proposed land use framework and the 25-year Growth Goal Posts for the OCP update align with the Provincial Housing Targets as well as the proactive planning legislation. Broad public engagement for these updates is currently underway and will run until fall of 2024, with a Public Hearing for the final product anticipated in Q2 of 2025.
5. **Rental Incentives Project** - Council directed staff to prepare regulations to implement a new Rental Incentives Program on October 26, 2023. The program will incentivize the development of market and non-market purpose-built rental housing and support the inclusion of units affordable to households with median incomes in market rental projects. Eligible rental projects would be exempt from the increase in property taxes arising from redevelopment for a period of 10 years, as long as 10% of units secured as rental homes affordable to median income households. This level of affordability aligns with provincial housing targets for below-market rental units. The Revitalization Tax Exemption (RTE) Bylaw will be presented to Council in Q2 of 2024.
6. **Development Process Review** – Starting in 2023, the City has been engaged in a project to review city development processes and to identify the highest-priority opportunities for short and longer-term improvement. Several key projects have been undertaken as part of this initiative, which focus primarily on:
   - Adding new support systems for applicants
   - Simplifying approvals and internal procedures
   - Introducing new software for application intake, review and processing as well as to facilitate better data collection and analysis
   - Developing staff capacity and knowledge sharing related to development processes
   - Fostering an internal culture of continuous improvement through training and mentorship opportunities

   The initial projects identified as part of this initiative are anticipated to complete in November 2024, though additional efforts are expected to be ongoing. Key outcomes associated with this project are anticipated to include improved process efficiency and faster development approvals timelines to help reduce development costs and expedite the delivery of new homes of all types.
7. **Family Housing Policy** - A study examining the feasibility of securing more 2 and 3-bedroom units in new multifamily housing in Victoria through land use policy has been completed, and the results will be presented to Council in Q2 2024.
8. **City-owned Sites for Affordable Housing** - In partnership with BC Housing and the Capital Region Housing Corporation, a 205-unit affordable housing development proposed for City-owned land at 926-930 Pandora Ave was approved for rezoning and a development permit in Q4 2023. This

project was exempted from rezoning and council approvals and instead approved by staff through a delegated development permit review. This was the first submission and approval under the City's Fast Track for Affordable Housing Process – designed to reduce risk and improve timelines for non-market proposals.

9. **Land Delivery Strategy** – On March 7th, through its public purchasing portal, the City issued a Request for Proposals from qualified consultants to complete a feasibility and conceptual design study exploring opportunities to utilize City-owned sites to achieve a variety of strategic goals and public benefits, including affordable housing. This project is part of the City's Housing Accelerator Fund Action Plan and aligns with provincial housing targets for overall housing supply, rental housing, and below-market rental housing.

Section 5: APPROVED DEVELOPMENT APPLICATIONS

Provide the information below to establish the quantity of new housing currently proposed based on completed development applications. For each housing project in progress, please report on the most recent development approval which has been issued since the effective date of your Housing Target Order. Each housing project should only be captured once through the **most current** development application type, and units which have received occupancy permits should not be included *(see Section 2 above for occupancy permits).*

	Rezoning	Development Permit	Building Permit	Total
Applications	0 (all approved Rezonings in this reporting period had an associated DP)	21	22	43
New Units	0	1,628	316	1,942
Unit Breakdown (Supplemental Information as per Guidelines)				
Units by Size				
Studio	-	-	-	-
One Bedroom	-	-	-	-
Two Bedroom	-	-	-	-
Three Bedroom	-	-	-	-
Four or More Bedroom[1]	-	-	-	-
Units by Tenure				
Rental Units[2] – Total[2]	-	-	-	-
Rental – Purpose Built	-	-	-	-
Rental – Secondary Suite	-	-	-	-

Rental – Accessory Dwelling	-	-	-	-
Rental – Co-op	-	-	-	-
Owned Units	-	-	-	-
Units by Rental Affordability				
Market	-	-	-	-
Below Market[33]	-	-	-	-
Below Market Rental Units with On-Site Supports[44]	-	-	-	-

Section 6: WITHDRAWN OR NOT APPROVED DEVELOPMENT APPLICATIONS

A) Indicate the number of applications (and associated proposed units) that have been withdrawn by applicants, and the same information for applications not approved by staff or Council during this reporting period. Please capture rezoning applications, development permits, and building permits.

	Applications Withdrawn	Applications Not Approved
Applications	7	0
Proposed Units	41	n/a

B) For each project that was withdrawn or not approved, provide a summary of relevant project information, including application type and reasons why each project was withdrawn or not approved. Please capture rezoning applications, development permits, and building permits.

1. **DDP00589 for 1048 Richmond Avenue** - Delegated Development Permit to convert existing accessory building to a garden suite (1 unit). File closed due to over 6 months of inactivity.
2. **DVP00253 for 1171 Rockland Avenue** - Development Variance Permit application to allow for multiple dwelling units in an existing heritage building with a variance (8 units). File closed due to over 12 months of inactivity.
3. **REZ00788/HAP00247 for 149 Rendall Street** - Rezoning and Heritage Alteration Permit application to allow for a triplex and addition at the rear of the heritage-designated building (1 unit). File closed due to over 12 months of inactivity.
4. **REZ00594 for 1663 Oakland Avenue** - Rezoning application for two new small lots while retaining the existing building on one of the lots (1 unit). File closed due to over 12 months of inactivity.
5. **REZ00760/HD000198 for 1734 Hollywood Crescent** - Rezoning application to convert a SFD to multiple dwellings (4 units) and Heritage Designation of the existing building. Applicant withdrew application to pursue Missing Middle application instead (7 units).
6. **REZ00587/DPV00041 for 1802 Chambers Street & 1147-1163 North Park Street** - Rezoning and Development Permit applications to construct a multiple dwelling and duplex on the subject property, as well as retain and convert the existing teacherage into dwelling units (25 units). Applicant withdrew application to explore alternate building forms (apartment instead of townhouses - no application received yet).

7.	**DDP00680 for 431 Stannard Avenue** - Delegated Development Permit application to convert the existing garage to a garden suite (1 unit). File closed due to over 6 months of inactivity.

Section 7: OTHER INFORMATION
Provide any other information not presented above that may be relevant to your municipality's effort and progress toward achieving the housing target.
Re: unit breakdown information for Section 5: In the City's experience the unit mix, total number of units as well as tenure for development applications may change between development permit issuance and completion due to market demand fluctuations, shifts in financing or investment strategies, and unforeseen construction challenges or delays impacting project delivery. As a result, these characteristics have not been a part of the city's formal rezoning and development permit tracking system to date and the figures provided are estimated by staff based on available information. Further to this, and in order to meet the reporting deadline, staff have focused on providing the requested supplemental information based on completed units over the past six months. **Re: performance on Units by Affordability:** As noted in Section 4, the City of Victoria has taken significant steps to support the delivery of below-market and supportive housing. However, as the City of Victoria does not build housing, urgent and on-going investments in the form of capital grants and operating subsidies for non-market housing from senior levels of government will be essential to ensure that these efforts translate into completed homes in the next four years.

[1] If needed due to data gaps, you may report "Three Bedroom" and "Four or More Bedroom" as one figure in the "Three Bedroom" row.
[2] **Rental Units** include purpose built rental and secondary rental (e.g., secondary suites, accessory dwellings, etc.).
[3] **Below Market Units** are units rented at or below 30% of the local Housing Income Limits (HIL) per unit size.
[4] **Below Market Rental Units with On-Site Supports** are units rented at the Income Assistance Shelter rate providing permanent housing and on-site supports for people to transition out of homelessness.

PROVINCE OF BRITISH COLUMBIA

Ministerial Order No. M286

ORDER OF THE MINISTER RESPONSIBLE FOR THE

Housing Supply Act

WHEREAS

A. The minister has, prior to making this Housing Target Order, considered the information set out in section 3 (1) *Housing Supply Act*, SBC 2022, c.38, in relation to the City of Victoria.

B. In accordance with section 3(2) and (3), *Housing Supply Act*, SBC 2022, c. 38, the minister has consulted with the City of Victoria regarding this housing target order.

C. The minister has:

   i. provided a description of the proposed Housing Target Order to the City of Victoria; and

   ii. in accordance with section 4(1), Housing Supply Regulation, B.C. Reg. 133/2023, provided the City of Victoria an opportunity to provide written comments to the minister.

D. An extension to the consultation period, if any, granted by the minister to the City of Victoria, pursuant to section 4(2), Housing Supply Regulation, B.C. Reg. 133/2023, has elapsed.

NOW THEREFORE Pursuant to section 2, *Housing Supply Act*, SBC 2022, c. 38, the Minister of Housing orders as follows:

1. A housing target order is made for the City of Victoria, effective October 1, 2023 (the "**Effective Date**").

2. The housing targets for the City of Victoria under this housing target order are set out in the attached **Schedule A** (*Housing Targets*).

September 23, 2023

Date

Minister of Housing

(*This part is for administrative purposes only and is not part of the Order*)

Authority under which Order is made:

Act and section: *Housing Supply Act*, S.B.C. 2022, c. 38, s 2

Other: Housing Supply Regulation, B.C. Reg. 133/2023

3. The performance indicators by which progress by the City of Victoria toward meeting each housing target is to be assessed are described in the attached **Schedule B** (*Performance Indicators*).

4. This Housing Target Order begins on the Effective Date and ends on September 30, 2028 (the "**End Date**").

5. The City of Victoria must prepare and submit a housing target progress report at the intervals set out in the attached **Schedule C** (*Housing Targets Progress Reporting*).

SCHEDULE A
Housing Targets

1. The five-year housing target for the City of Victoria is **4,902 Units**, which is the total minimum number of net new completed housing units required to comply with this Provincial Housing Target Order.

2. The above housing targets reflect 75% of the total Provincial Housing Needs Estimate for the City of Victoria.

3. For each Progress Reporting Period as set out in Schedule C, the net new number of completed housing units will be measured annually and cumulatively, as follows:
    a. Year 1: 659
    b. Year 2: 1,425
    c. Year 3: 2,352
    d. Year 4: 3,493
    e. Year 5: 4,902

SCHEDULE B
Performance Indicators

1. The performance indicators to measure annual progress toward achieving the housing target are set out in Table 1 and are based on:
    a. Progress toward achieving the annual cumulative housing target; and
    b. Actions taken by municipality toward meeting the annual housing target.

Table 1 - Performance Indicators

Category	Performance Indicator	Data to Measure
Annual cumulative housing target	Satisfactory progress to meet annual cumulative housing target, measured by completed net new housing units.	Total number of new completed housing units (minus demolitions) during the reporting period.
Actions taken by the municipality toward meeting the annual cumulative housing target	Satisfactory progress demonstrated by: 1. update of land use planning documents to align with housing targets; 2. adoption of policies and initiatives to meet housing targets; and 3. residential approvals complete and/or in progress that met or will meet housing targets.	1. Relevant information about updates to land use planning documents such as the Official Community Plan, Zoning Bylaw, Housing Needs Report, Housing Action Plan/Strategy (other documents, e.g., Strategic Plan) including date of last update, and related polices that align with achieving annual housing targets. 2. Description of new/amended bylaws & policies adopted to achieve housing targets. 3. The number of applications received and permits issued in relation to residential development such as development, building and rezonings.

SCHEDULE C
Housing Targets Progress Reporting

The City of Victoria must receive the progress report by resolution within 45 days of the end of the reporting period:

Reporting Period 1.1: October 1, 2023 – March 31, 2024
Reporting Period 1.2: October 1, 2023 – September 30, 2024
Reporting Period 2: October 1, 2024 – September 30, 2025
Reporting Period 3: October 1, 2025 – September 30, 2026
Reporting Period 4: October 1, 2026 – September 30, 2027
Reporting Period 5: October 1, 2027 – September 30, 2028

Progress Report Forms must be posted to the municipal website and submitted to the Minister as soon as practicable after being received.

BACKGROUNDER

For Immediate Release

Ministry of Housing

Sept. 26, 2023

Housing Target Guidelines

Housing targets include guidelines for the different types of units to support delivering the right type of housing in each community, including a recommended number of below market rental units.

COMMUNITY	TOTAL UNITS*	UNITS BY SIZE			UNITS BY TENURE		RENTAL UNITS BY MARKET RATE		SUPPORTIVE RENTAL UNITS (with on-site supports)
		Studio /1-bed	2-bed	3 or more bed	Rental	Owned	Below Market	Market	
Abbotsford	7240	3991	1213	2034	3753	3487	2331	1421	198
Delta	3607	2021	682	904	2030	1577	830	1199	95
District of North Vancouver	2838	1605	534	698	1541	1297	657	884	78
Kamloops	4236	2642	739	854	2227	2009	1320	907	115
Oak Bay	664	446	100	118	246	418	141	104	20
Port Moody	1694	903	328	462	704	989	238	466	30
Saanich	4610	3001	780	828	2495	2115	1161	1334	131
Vancouver	28900	17459	5231	6209	20886	8015	7894	12992	583
Victoria	4902	3365	801	736	3483	1419	1798	1685	102
West Vancouver	1432	854	256	321	985	446	435	551	39

Contacts:

Ministry of Housing
Media Relations
236 478-0251

*Breakdown totals may not add up exactly to total units, due to rounding.

2024

CITY OF VICTORIA | Sustainable Planning and Community Development

Provincial Housing Targets

Progress Report for Reporting Period 1.1 (October 1, 2023 – March 31, 2024)

Committee of the Whole | May 9, 2024

CITY OF VICTORIA

1

Background

- Victoria one of 10 municipalities selected for provincial housing targets
- Ministerial orders issued in September 2023, targets for the next five years based on 75% of the identified housing need
- Initial report required by Council resolution after six months, then annually in November after the first year
- Completion of housing target progress report form required

CITY OF VICTORIA

2

Victoria Provincial Housing Targets

	Year 1	Year 2	Year 3	Year 4	Year 5
Net Completed Units	659	1,425	2,352	3,493	4,902
% of 5-year target	13%	29%	48%	71%	100%

Guidelines

	Total Units	Units by Size			Units by Tenure		Rental Units by Market		Supportive Rental
		Studio/ 1-bed	2-bed	3+ bed	Rental	Owned	Below-market	Market	w/ on-site supports
5-year	4,902	3,365	801	736	3,483	1,419	1,798	1,685	102

CITY OF VICTORIA

3

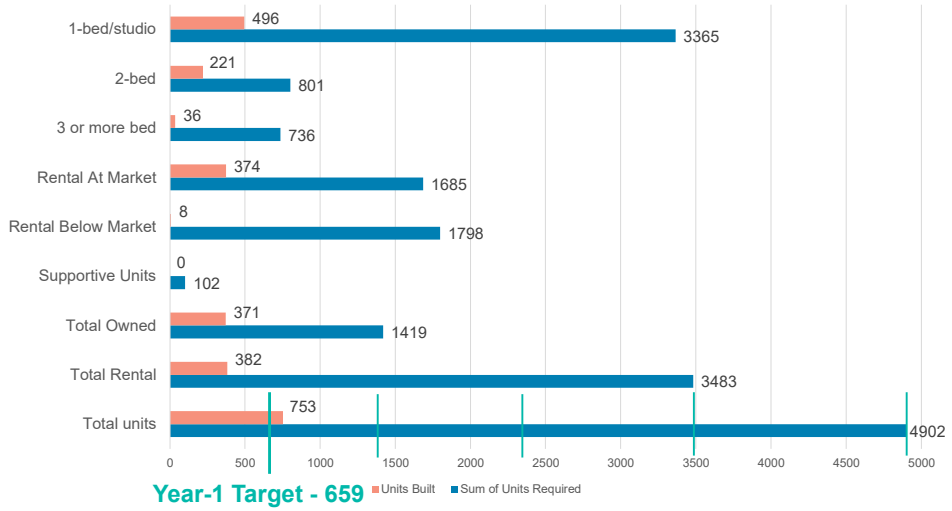
Six-month Progress

	Total Units Completed	Units by size			Units by tenure		Rental units by market rate		
		Studio/ 1-bed	2-bed	3-bed +	Rental	Owned	Below-Market	Market	Supportive Rental Units (with on-site supports)
Completed	761	501	223	37	385	376	8	377	0
Demolished	8	5	2	1	3	5	0	3	0
Net Completions	**753**	**496**	**221**	**36**	**382**	**371**	**8**	**374**	**0**
Net as % of 2028 Target	15%	15%	28%	5%	11%	26%	0%	22%	0%

CITY OF VICTORIA

4

Six-month Progress



5

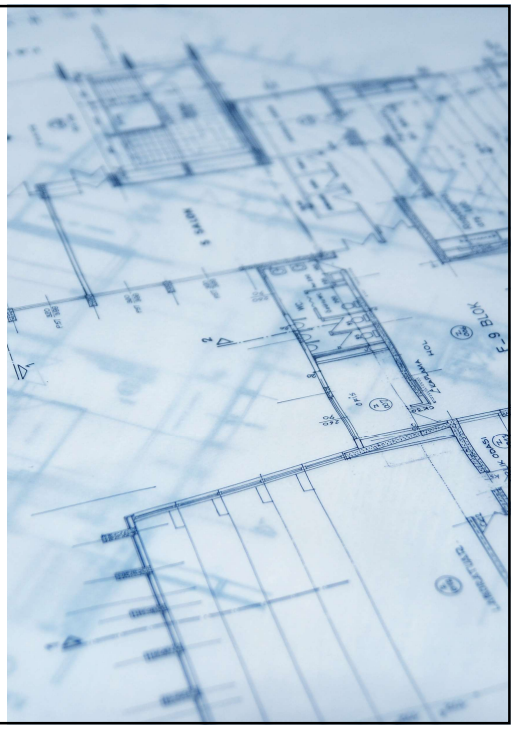
Actions Taken Towards Meeting Targets

1. Missing Middle Housing Initiative
2. Updates to Victoria Housing Reserve Fund Guidelines
3. MOU re: HEART and HEARTH with BC Housing
4. 10-year OCP Update and Zoning Bylaw Modernization
5. Rental Housing Incentives
6. Family Housing Policy
7. Development Process Review
8. Affordable Housing Partnerships
9. Leveraging City Lands for Housing

6

New Homes in Development

- Approx. **1,942 new units across 43 applications** approved since October 1st (rezoning and development permit or building permit issued)
- 40 units across seven applications considered withdrawn & closed
- No projects were not approved by staff or Council



7

Conclusion

- Strong performance, exceeding Year 1 target
- More 3+ bedroom, below-market and supportive rental needed
- Family housing policy will address 3+ bedroom supply
- Need for funding from senior governments for below-market and supportive rentals

CITY OF VICTORIA

8

Recommendation

In accordance with the Government of BC's Housing Target Order for Victoria, staff recommend that council:

a. Receive the Provincial Housing Targets Progress Report for reporting period 1.1 (October 1, 2023 – March 31, 2024) for information.
b. Request that the Mayor submit a copy of this report to the Provincial Minister of Housing.

And that this motion be brought forward for ratification at the May 9, 2024 daytime council meeting.

CITY OF VICTORIA

Committee of the Whole Report
For the Meeting of May 9, 2024

To:	Committee of the Whole	**Date:**	April 25, 2024
From:	Karen Hoese, Director, Sustainable Planning and Community Development		
Subject:	**Land Use Procedures Bylaw Amendment No. 22, 2024 - Prohibition on Certain Public Hearings following Bill 44 – Housing Statutes (Residential Development) Amendment Act**		

RECOMMENDATION

That Council:

1. Amend the Land Use Procedures Bylaw as proposed in Attachment 1, to align the City's public hearing procedures with Bill 44 – *Housing Statutes (Residential Development) Amendment Act, 2023* that placed a prohibition on certain public hearings.
2. Give first three readings to the *Land Use Procedures Bylaw*, Amendment Bylaw (No. 22) at Council to follow this Committee of Whole meeting.
3. Direct staff to conduct additional review of the City's *Land Use Procedures Bylaw,* described as Phase 2 in this report, based on the scope and guiding values outlined in Attachment 3, and bring forward an amended bylaw for Council's consideration along with any feedback received through consultation with the Urban Development Institute and Community Association Land Use Committees.
4. Direct staff to report back to Council on Phase 3 items, including information on scoping, timing, and resource implications.

EXECUTIVE SUMMARY

In response to the Provincial Government's recent legislative changes regarding housing and development, amendments are proposed to the City's *Land Used Procedures Bylaw* (LUPB) to ensure the City's public hearing process is consistent with the *Local Government Act*. The proposed bylaw amendments relate specifically to rezoning applications for housing that are consistent with the Official Community Plan.

Additionally, staff are seeking direction from Council with regards to conducting a comprehensive review of the LUPB. The intent of the review is to simplify and streamline development processes as well as bring the bylaw into further alignment with provincial legislation.

As part of the review process, it is recommended that the City seek focused input from the Urban

Development Institute and the Community Association Land Use Committees to inform the proposed changes to the Land Use Procedures Bylaw.

PURPOSE

The purpose of this report is to propose amendments to the *Land Use Procedures Bylaw* (LUPB) in alignment with Bill 44 – *Housing Statutes (Residential Development) Amendment Act, 2023*. These amendments will prohibit public hearing requirements for certain residential development applications that are consistent with the Official Community Plan, to align with provincial legislation.

In addition, staff are seeking direction related to further review and changes to the LUPB as part of a broader effort to update and improve the City's development processes. The review is outlined in three phases based on the complexity of the potential changes.

- This report, with the public hearing amendments constitutes the first phase.
- Phase 2 involves modernization amendments that require minimal research and engagement as they are generally focused on creating alignment with legislation and updating bylaw language to create more clarity.
- Phase 3 changes could revise the pre-application process and community involvement in application submissions, review and adjust application fees, and update the delegation table and delegated authorities. As these changes would be more resource intensive, additional scope and details about Phase 3 actions would be provided to Council in a subsequent report.

BACKGROUND

The *Local Government Act* and *Community Charter* legislates the specific provisions and procedures for considering the following types of bylaw changes:

- official community plan bylaws
- zoning bylaws
- certain bylaws authorizing temporary use permits
- phased development agreement bylaws
- bylaws for the early termination of land use contracts
- bylaws for heritage revitalization agreements and designation of heritage properties.

Historically, as a part of Council's consideration and deliberation, municipalities were required to hold public hearings prior to final adoption of all zoning bylaw amendments. However, recent legislative changes, specifically through Bill 26 (November 2021) and Bill 44 (November 2023), have revised these requirements to streamline the development approvals process, particularly in response to the housing crisis.

With Bill 44 – *Housing Statutes (Residential Development) Amendment Act, 2023,* the *Local Government Act* was revised to prohibit local governments from holding a public hearing for rezoning applications that meet the following criteria:

(a) an official community plan is in effect for the area that is the subject of the zoning bylaw
(b) the bylaw is consistent with the official community plan
(c) the sole purpose of the bylaw is to permit a development that is, in whole or in part, a residential development
(d) the residential component of the development accounts for at least half of the gross floor

area of all buildings and other structures proposed as part of the development.

This legislative change came in effect on November 30, 2023 and builds upon existing authority under the *Local Government Act* to not hold public hearings for zoning amendment bylaws that are consistent with the Official Community Plan. The prohibition on public hearings for residential developments applies to all residential zoning amendment bylaws that have not yet received first reading from Council by the date of Royal Assent (November 30, 2023).

With the public hearing prohibition in place, the *Local Government Act* will only require public hearings for the following land use changes:

- OCP bylaws and amendments
- Zoning bylaws that are not consistent with an OCP
- phased development agreement bylaws
- bylaws for the early termination of land use contracts
- bylaws for heritage revitalization agreements and designation of heritage properties.

The *Local Government Act* also requires local governments (that have adopted an OCP or Zoning Bylaw) to define the procedures by which owners of land may apply for an amendment to the plan or bylaw. Most commonly a procedures bylaw would describe who is entitled to make an application, the information required to make an application, details about application forms, application fees, sign posting requirements, and reapplication restrictions. A procedures bylaw must, at minimum, comply with other statutory requirements set out in the *Act* (such as notification distances or public hearing requirements). Procedures bylaws are not required to specify the sequencing of steps in the application process, or time limits for each step.

The City of Victoria's *Land Use Procedures Bylaw* (LUPB) was adopted in 2016. In addition to what is required under the *Local Government Act*, the City's LUPB includes non-statutory requirements specific to the City. For example, pre-application consultation and Community Association Land Use Committees (CALUC) processes, Opportunities for Public Comment, and varied notification distances for different application types are all specific to the City of Victoria and are not required by legislation.

ISSUES & ANALYSIS

<u>Public Hearing Changes</u>

Under the current *Local Government Act,* the City must establish procedures for land development applications. As a result of changes to Provincial legislation, the LUPB requires updating to remain consistent with the *Local Government Act*. The following sections have been identified for the proposed bylaw amendment (see Attachment 1).

- **Section 29 - Public Hearing:**
  The proposed bylaw amendment adds wording to clarify when a public hearing must be held, is not permitted to be held, or is optional, consistent with the *Local Government Act*.
- **Section 30 - Right to Waive a Public Hearing**
  The proposed bylaw amendment clarifies that Council may only waive the holding of a public hearing for zoning amendment bylaw applications that are consistent with the Official Community Plan and where the hearing is not already prohibited.
- **Section 32 - Notice of Public Hearing**

Notification requirements are still included in the *Local Government Act*, and public notice requirements will continue to apply (including publishing and mailing of rezoning notices) and will need to be completed before first reading of the rezoning bylaw in cases where no public hearing is required or permitted. The proposed bylaw amendment adds wording to clarify that the notification distance is 100 m for zoning bylaw amendment applications when the public hearing has been waived, as well as for zoning bylaw amendment applications when a public hearing is not permitted.

The proposed amendments ensure alignment with the enabling legislation and clarify the circumstances under which a public hearing may be held or waived by Council for zoning bylaw amendments.

Additional Review of Land Use Procedures Bylaw

As the City's needs have changed since its adoption, the LUPB has been amended nineteen times, resulting in a complex bylaw that is challenging to understand and implement. Therefore, the bylaw could benefit from additional review to modernize and simplify the structure and language, as well as ensure alignment with Provincial legislation.

Phasing
Identifying the scope and objectives for further review requires Council direction for staff to implement. Three phases have been outlined in Attachment 3 for this purpose, recognizing that some aspects of the bylaw could be revised quickly, with minimal research and engagement, while other aspects of the bylaw are more complex, requiring additional resourcing and consultation.

The additional review options are described as Phase 2 and Phase 3 below, and these would be in addition to the immediate changes (described in Phase 1) that address changes to the *Local Government Act* public hearing procedures.

Phase 1 – Immediate Procedural Public Hearing Changes (Recommendations 1 and 2)

- These bylaw amendments, which are recommended for immediate adoption, will align the LUPB with the new Provincial legislation prohibiting public hearing requirements for certain residential development applications that are consistent with the Official Community Plan.

Phase 2 –Simple Modernization Changes (Recommendation 3)

- The goal of this phase of bylaw updates would be to be simplify wording and processes across the bylaw, provide more flexibility and clarity for applicants and the public, and create more consistency with the *Local Government Act.*
- Areas of consideration include creating consistent notification distances, modifying the refund and sign posting sections, assessing Opportunity for Public Comment, and identifying other sections of the bylaw for updates to streamline the development application review process.
- These amendments would require minimal research and external engagement as they are generally straightforward technical updates.

Phase 3 – Additional Complex Changes (Recommendation 4)

- Some of the remaining sections of the LUPB would be more complex and could involve changes to the pre-application process, adjustment of application fees, and opportunities for further delegation.

- As these amendments may have additional resourcing requirements staff would report back on scoping, timing, and resource implications, to facilitate additional Council direction prior to implementation.

Development Process Review
The City's Development Process Review project is currently underway as well. The intent of this project is to review the Rezoning, Development and Building Permitting processes, identify the highest-priority opportunities for short and longer-term improvements, and build internal capacity for making continuous improvements. This project has been supported through an interdepartmental working group that will lead future process improvement efforts as identified.

Specific projects implemented and underway as part of the Development Process Review project have a strong customer service focus and include new tools and software to support application intake and review. In addition, staff are working on a priority review process for affordable and rental housing projects, an enhanced pre-application process to provide greater certainty for applicants and reduce the number of steps in the development approval process, and new training for staff to support these changes. These projects are intended to make the City's development process more effective and accelerate housing development. Several of these projects also align with the City's Housing Accelerator Fund work related to Process and Approvals Modernization, such as expanding e-apply, creating a new online customer portal and virtual assistant, and replacing legacy software.

It is anticipated that this project may also result in changes to the LUPB as part of Phase 2 particularly with regards to aspects of the bylaw that deal with application processing.

Guiding Values and Objectives
Overall, the bylaw review process would strive to promote cooperation, responsibility, and efficiency throughout the evaluation. Based on the City's Guiding Values and Objectives identified in the 2023-2026 Strategic Plan and policy objectives in the Official Community Plan (2012) and the principles applied in the review of the City of Victoria's governance structures and processes (Governance Review), the following values are proposed to guide the review process (see additional details in Attachment 3).

1. **Alignment with Legislation:** Ensuring that the Land Use Procedures Bylaw is consistent with the *Local Government Act* and other relevant legislation.

2. **Innovation:** Seeking new and creative solutions to improve the development process, while incorporating best practices from other jurisdictions, leading industry standards, and the advancement of new technologies.

3. **Consistency and Clarity:** Ensuring that the bylaw is clear and coherent in its language and application.

4. **Efficiency:** Streamlining the development process to reduce processing times and improve service delivery.

5. **Inclusivity:** Ensuring that the development process is inclusive and accessible to all members of the community.

6. **Transparency:** Providing clear and transparent information about the development process to the public, staff, and applicants.

Consultation
It is recommended that the City seek targeted feedback from the Urban Development Institute (UDI) and the Community Association Land Use Committees (CALUCs) to inform the final recommended changes to be included in the Phase 3 related bylaw amendments. Phase 2 and Phase 3 changes could be brought forward to Council concurrently, though this would delay Phase 2 changes.

OPTIONS & IMPACTS

Option One (Recommended) - Amend the *Land Use Procedures Bylaw* as proposed to address immediate procedural public hearing changes, initiate Phase 2 amendments and report back on Phase 3 amendments. **See recommendations 1-4.**

Advantages:
- This approach quickly advances the changes required to be consistent with the Local Government Act and enables additional procedural changes to further simplify and streamline city development processes.
- With the OCP review, zoning modernization and other ongoing initiatives to improve development processes there is an opportunity to integrate this project to ensure policy alignment across all land use bylaws.
- A modernized bylaw would be written and structured to ensure ease of use.
- Aligns with City's housing objectives and could be reported as part of the progress towards meeting provincial and federal housing targets.

Disadvantages:
- Additional review will have implications for various departments including Development Services, Legal Services, and Legislative Services.
- Depending on Council's direction about the scope of the review for Phase 3, allocation of resources may be required to support research and consultation activities.

Option Two – Amend the *Land Use Procedures Bylaw* as proposed to address immediate procedural public hearing changes and conduct Phase 2 additional review of the bylaw with the intent of updating sections of the *Land Use Procedures Bylaw*. **See recommendations 1-3.**

Advantages:
- Quickly advances the changes required to be consistent with the Local Government Act.
- Enables some additional changes to the bylaw to further simplify and streamline city development processes.
- Resource implications are limited if Phase 3 scope is not considered for the review process, as Phase 2 requires no additional resources.

Disadvantages:
- The Phase 3 subjects for review may have some of the most significant impact on the development process and would not be addressed.

Option Three – Amend the *Land Use Procedures Bylaw* as proposed to address immediate procedural public hearing changes, but do not conduct any further review of the City's development procedures. **See recommendations 1 & 2.**

Advantages:

- Quickly advances the public hearing changes required to be consistent with the Local Government Act.
- Staff time required to facilitate the review process will be allocated to other tasks and projects.

Disadvantages:

- Does not enable additional procedural changes to further simplify and streamline city development processes.
- Does not allow for broader research or engagement with key stakeholders to facilitate improved processes.

2023 – 2026 Strategic Plan

Reviewing the *Land Use Procedures Bylaw* aligns with the City's goal to "Simplify City processes to accelerate housing development" and to "Streamline permitting and development processes to support small businesses and to reduce costs".

Impacts to Financial Plan

The proposed scope of work will not impact the Financial Plan.

Official Community Plan Consistency Statement

Modernizing the City's land use procedures supports effective, transparent, and consistent implementation of the OCP and may help facilitate increased housing construction by reducing development application processing times. This project also aligns with several of the 13 values that inform the goals, broad objectives, policies, and implementing actions identified within the OCP.

CONCLUSIONS

It is recommended that Council amend the *Land Use Procedures Bylaw*, as proposed, to align with the directives of Bill 44 – *the Housing Statutes (Residential Development) Amendment Act, 2023.*

It is also recommended that additional review of the City's LUPB be conducted and that an updated or new bylaw be brought forward for Council's consideration. The objective of this project would be to further simplify and streamline City development processes.

Respectfully submitted,

Katelyn McDougall
Manager of City Development Processes

Karen Hoese, Director
Sustainable Planning and Community

Sustainable Planning and Community Development Department
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment 1: Bylaw Amendment No. 22
- Attachment 2: Consolidated *Land Use Procedures Bylaw* No. 16-028 with Amendments
- Attachment 3: Detailed Overview of Phases for LUPB Review

NO. 24-021

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Land Use Procedures Bylaw to align the City's public hearings procedures with amendments to the *Local Government Act* from Bill 44 – *Housing Statutes (Residential Development) Amendment Act*, 2023.

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

1 This Bylaw may be cited as the "Land Use Procedures Bylaw, Amendment Bylaw (No. 22)".

2 The Land Use Procedures Bylaw, 2016 is amended as follows:

(a) in the Table of Contents at section 32 by adding the words "or zoning bylaw amendment" after "Notice of public hearing";

(b) in section 29,

(i) subsection (a), by adding ", subject to section 29A and 29B" between "zoning bylaw" and the semicolon;

(ii) subsection (d), by deleting the period and inserting the words "or alter the zoning bylaw in relation to residential rental tenure;" after "applicable zoning";

(iii) by adding a new subsection (e):

"(e) heritage designate a property."

(c) by inserting the following two sections immediately after section 29:

"29A. A public hearing on a proposed zoning amendment bylaw is not permitted if:

1. (a) the bylaw is consistent with the OCP,

(b) the sole purpose of the bylaw is to permit a development that is, in whole or in part, a residential development, and

(c) the residential component of the development accounts for at least half of the gross floor area of all buildings and other structures as part of the development; or

2. the sole purpose of the bylaw is to comply with section 481.3 of the *Local Government Act.*

29B. A public hearing is not required on a proposed zoning amendment bylaw if the bylaw is consistent with the OCP."

(d) in section 30, by inserting "and does not meet the criteria in section 29A." after "OCP".

(e) in the heading above section 32, by inserting "**or zoning bylaw amendment"** after "**public hearing**";

(f) in section 32(d), by adding “or heritage designation bylaw” after “agreement bylaw”; and

(g) by inserting the following section immediately after section 32:

3 “32A. The distance specified for the purpose of notification of a zoning amendment bylaw where a public hearing is not permitted or has been waived is 100 metres.”

This bylaw comes into effect on adoption.

READ A FIRST TIME the	day of	2024
READ A SECOND TIME the	day of	2024
READ A THIRD TIME the	day of	2024
ADOPTED on the	day of	2024

CITY CLERK MAYOR

LAND USE PROCEDURES BYLAW

BYLAW NO. 16-028

This consolidation is a copy of a bylaw consolidated under the authority of section 139 of the *Community Charter*. (Consolidated on October 5, 2023 up to Bylaw No. 23-085)

This bylaw is printed under and by authority of the Corporate Administrator of the Corporation of the City of Victoria.

NO. 16-028

LAND USE PROCEDURES BYLAW

A BYLAW OF THE CITY OF VICTORIA

(Consolidated to include Bylaws No.16-059, No.17-006, No.17-012, No.17-023, No.17-054, No.17-107, No. 18-018, No.18-090, No.19-037, No.19-067, No.20-076, 21-055, 22-014, 22-021, 22-072, 22-057, 22-026, 23-066, 23-085)

A Bylaw to define procedures under which an owner of land may apply for an amendment to the Official Community Plan, Zoning Bylaw 2018, or the Zoning Regulation Bylaw, for the issuance of a permit, to impose application fees, to specify notification distances, and to delegate Council's authority to make decisions in certain circumstances.

WHEREAS:

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

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

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

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

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

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

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PART 1 – INTRODUCTORY PROVISIONS

Title

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

Repeal

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

Severability

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

Definitions

4. In this bylaw,

“**affordable housing**” means

any housing unit which is:

(a) part of a development wholly owned and operated by a registered non-profit residential housing society or government agency, or operated by a registered non-profit residential housing society or government agency pursuant to a legally binding arrangement with the property owner; and

(b) subject to a housing agreement with the City, or a covenant in favour of the City, securing its use as a below-market housing unit in perpetuity”,

"**ADP**" means
the City's Advisory Design Panel

“**anchor rod**” means

any steel or other rod, pipe or thing an intended purpose of which is to shore or support an excavation face or to prevent subsidence

“CALUC” means
Community Association Land Use Committee

“**Committee**” means

a select or standing committee of Council

“**Community Meeting**” means

a public meeting held in association with a Community Association Land Use Committee operating under the Community Association Land Use

Committee Procedures for Processing Rezoning and Variance Applications as approved by a resolution of Council

"**development permit**" or "**DP**" means
a permit authorized by Section 490 of the *Local Government Act*

"**development variance permit**" or "**DVP**" means

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

"**Director**" means

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

"**Engineer**" means

the City's Director of Engineering and Public Works or a person acting under his authority

"**HAPL**" means

the City's Heritage Advisory Panel;

"**heritage alteration permit**" means

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

"**heritage conservation area"** or "**HCA**" means

an area designated pursuant to section 614(1) of the *Local Government Act*

"heritage registered property" means

property listed on the community heritage register under section 598 of the *Local Government Act*

"heritage revitalization agreement" means
an agreement authorized by Section 610 of the *Local Government Act*

"**Official Community Plan**" or "**OCP**" means

the City's Official Community Plan Bylaw, 2012

"public comment" means

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

"public hearing" means

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

"**temporary use permit**" or "**TUP**" means – new as per 17-054

a permit authorized by Section 493 of the *Local Government Act*

"TRG" means

the Technical Review Group composed of City of Victoria staff

"zoning bylaw" means

the City's Zoning Regulation Bylaw and Zoning Bylaw 2018

Applications subject to this bylaw

5. This bylaw establishes fees and procedures in relation to applications for:

(a) an amendment to the zoning bylaw;

(b) an amendment to the OCP;

(c) an amendment to a land use contract;

(d) a temporary use permit;

(e) a heritage revitalization agreement;

(f) a development variance permit;

(g) a development permit;

(h) a heritage alteration permit.

PART 2 - APPLICATIONS

Pre-application requirements

6. Before submitting an application to initiate changes to the OCP or zoning bylaw, the applicant must:

(a) pay to the City the pre-application notification fee as calculated in accordance with Schedule A of this Bylaw;

(b) arrange and participate in a Community Meeting not more than six months in advance of the application submission date;

(c) submit plans for the proposed development to the City to post online for public comment not less than 30 days and not more than six months in advance of the application submission date; and

(d) post signage in accordance with Schedule C-1 of this Bylaw.

6A. The pre-application notification fee under section 6(a) does not apply where the requirements of section 6(b), (c) and (d) have all been waived pursuant to section 8.

6B. The Director may require the applicant to repeat the requirements in section 6 if the plans for the proposed development has had the following revisions:

(a) additional uses added;

(b) increase in height or density; or

(c) decrease in setbacks or increase in site coverage equal to or greater than 20%.

6C. In the event section 6B is triggered and the requirements under 6(b), (c) and (d) have not been waived pursuant to section 8, the applicant must pay the pre-application notification fee as calculated in accordance with Schedule A.

Notification Distance

7. The City will provide owners and occupiers within the areas specified in Section 7A with notification of the date of the processes under section 6(b) and (c), if applicable.

7A. The notification under section 7 will be provided to the owners and occupiers of properties located within:

(a) 100 metres of the property that is the subject of the application (the "subject property") if the application is for one of the matters listed in Section 27 of this Bylaw;

(b) 200 metres of the property that is the subject of the application if the application is to amend the zoning bylaw and also requires an amendment to the Urban Place Designation for the subject property in the *Official Community Plan*; or

(c) 200 metres of the property that is the subject of the application if the application is to amend the zoning bylaw and requires the creation of or amendment to guidelines in the *Official Community Plan* for one or more Development Permit Areas or Heritage Conservation Areas.

Waiving Pre-application Requirements

8. The requirement under section 6(b) may be solely waived or the requirements under sections 6(b), (c) and (d) may be waived altogether, by:

(a) Council;

(b) in writing by the CALUC in the area in which the proposed development is located; or

(c) by the Director, if, in the Director's opinion:

i. the applicant has made reasonable attempts to hold a Community Meeting; or

ii. extraordinary circumstances exist that make it unsafe or impractical to hold a Community Meeting.

Application Forms

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

Application requirements

10. All applications must be submitted to the Director on the form provided by the City for the purpose of the application, and must be accompanied by:

(a) all of the information and supporting documents specified in the application form;

(b) the fees set out in Schedule A to this Bylaw.

Evidence of participation in a Community Meeting

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

Receipt of applications

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

Incomplete applications

13. If a person submits an incomplete application to the Director, the Director may:

(a) process the application; or

(b) refuse to process the application.

Notification of incomplete applications

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

Application Referral

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

Application Review Summary

16. When processing an application the Director may provide an applicant with a summary of any feedback the Director receives following the referrals contemplated in Section 15.

Council Referral

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

Application fee

18. The application fee for an application under this Bylaw is the sum of the following amounts, each of which is set out in, or must be calculated in accordance with, Schedule A:

    (a) the pre-application fee for giving notice;

    (b) the base application fee;

    (c) the administration fee; and

    (d) the resubmission fee.

Affordable Housing application fee

19. Notwithstanding Section 18, for an application under this Bylaw where all of the dwelling units proposed in the development are affordable housing dwelling units, no base application fee or variance fee is required.

20. Notwithstanding Section 18, for an application under this Bylaw where a portion of the dwelling units proposed in the development are affordable housing dwelling units, the base application fee and variance fee are reduced based on the floor area of affordable housing units as a percentage of the total floor area of the building. Fees are not reduced for floor areas associated with common areas, parking or amenity space.

Refund

21. An applicant who has paid the base application fee is entitled to:

    (a) a 90% refund if the application is withdrawn or cancelled within 15 business days from the date of submission; or

    (b) a 75% refund if the application is withdrawn or cancelled within 40 business days from the date of submission.

22-057 21A. An applicant who has paid the base application fee pertaining to a proposed development in Development Permit Area 15F and complied with the applicable provisions of the City's Tenant Assistance Policy and a Tenant Assistance Plan consistent with such Policy is entitled to a refund of $5000 of that fee after the City has issued an occupancy permit for the development.

Refund of administration fee

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

Landscape security

23. The City may require the applicant to provide landscape security calculated in accordance with Schedule E of this Bylaw, and if landscape security is required, it must be provided to the City before issuance of a building permit.

Cancellation of Applications

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

(b) If an application is declined by Council resolution, the file will be closed.

Reapplication - cancelled file

25. (a) An applicant wishing to reopen a cancelled file under Section 24(a) must submit a new application and pay the applicable fee prescribed in Schedule A of this Bylaw, but the one year waiting period for reapplications under Section 35 of this Bylaw does not apply.

(b) An applicant wishing to reopen a closed file under Section 24(b) must submit a new application in accordance with the timeline under Section 35 and pay the application fee prescribed in Schedule A of this Bylaw.

Application Sign Posting Requirements - Permits

26. If Council is providing an opportunity for public comment in relation to any of the following, the applicant must post signage in compliance with Schedule B of this Bylaw:

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(a) development variance permit;

(b) development permit with variances;

(c) heritage alteration permit with variances;

(d) a temporary use permit.

Application Sign Posting Requirements – Other applications

27. A person who submits an application for any of the following must post signage in compliance with Schedule C of this Bylaw:

    (a) A zoning bylaw amendment;

    (b) an *Official Community Plan Bylaw* amendment;

    (c) an application to amend a land use contract, if the amendment relates to the use or density of an area covered by the contract;

    (d) a heritage revitalization agreement bylaw if the agreement or an amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning.

28. Section 27 does not apply to City-initiated amendments:

    (a) that involve ten or more parcels; or

    (b) where, in the opinion of the Director, the posting of signage is not practical because the owner of the affected site does not consent and there is no suitable public property for the signage in sufficiently close proximity to the affected site.

Public hearing

29. In accordance with the *Local Government Act,* a public hearing is required before Council adopts a bylaw to:

    (a) amend the zoning bylaw, subject to section 29A and 29B;

    (b) amend the OCP;

    (c) amend a land use contract, if the amendment relates to density or use of an area covered by the contract;

    (d) enter into or amend a heritage revitalization agreement, if the agreement or amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning or alter the zoning bylaw in relation to residential rental tenure;

    (e) heritage designate a property.

29A. A public hearing on a proposed zoning amendment bylaw is not permitted if:

    1. (a) the bylaw is consistent with the OCP,

       (b) the sole purpose of the bylaw is to permit a development that is, in whole or in part, a residential development, and

       (c) the residential component of the development accounts for at least half of the gross floor area of all buildings and other structures as part of the development; or

2. the sole purpose of the bylaw is to comply with section 481.3 of the *Local Government Act.*

29B. A public hearing is not required on a proposed zoning amendment bylaw if the bylaw is consistent with the OCP.

Right to waive a public hearing

30. Council may waive the holding of a public hearing in relation to a zoning amendment bylaw if the proposed amendment is consistent with the OCP and does not meet the criteria in section 29A.

Opportunity for public comment

31. Council may provide an opportunity for public comment before passing a resolution to issue:

(a) a development variance permit, other than a permit that varies a bylaw under Section 526 of the *Local Government Act*;

(b) a development permit with variances;

(c) a heritage alteration permit with variances; or,

(d) a temporary use permit.

Notice of public hearing or zoning bylaw amendment

32. The distance specified for the purpose of the notification of a public hearing required in relation to any of the following is 100 metres:

(a) an amendment to the zoning bylaw;

(b) an amendment to the OCP;

(c) an amendment to a land use contract, if the amendment relates to density or use of an area covered by the contract;

(d) a heritage revitalization agreement bylaw or heritage designation bylaw.

32A. The distance specified for the purpose of notification of a zoning amendment bylaw where a public hearing is not permitted or has been waived is 100 metres.

Notice of opportunity for public comment

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

Notice requirements for temporary use permits

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34. For the purposes of Section 494 of the *Local Government Act*, if Council proposes to pass a resolution to issue a temporary use permit, the distance

specified for the purpose of notification is all parcels that are the subject of, or that are adjacent to, the parcels that are the subject of the permit in relation to which Council proposes to make a decision.

Reapplications

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

PART 3 – DELEGATION AND RECONSIDERATION

Types of permits

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

Referral

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

Referral consideration

38. If the Director refers an application as contemplated in Section 37 above, the Director must consider but is not bound to accept any recommendations or comments of the body or bodies to which the Director has referred the application.

Landscape security delegation

39. Council delegates to the Director the authority to require landscape security in accordance with Section 23, which amount shall be calculated in accordance with Schedule E of this Bylaw.

Council reconsideration

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

Time limit for reconsideration

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

Notice of reconsideration

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

Representation to Council

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

Council's authority

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

PART 4 – ENCROACHMENTS IN DELEGATED APPROVALS

Encroachments for decorative features

45. Council delegates to the individual provided in section 46 the authority to approve an encroachment on the terms provided in sections 48 and 49, if all of the following requirements are satisfied:

    (a) the application has been delegated to the Director in accordance with section 36 of this Bylaw;

    (b) the proposed development does not require any approvals by Council;

    (c) the application includes any awning, canopy, siding, sign or other decorative architectural feature that encroaches upon, under or over City property; and

    (d) in the Engineer's opinion, the encroachment can be removed without affecting the support or stability of the building.

46. The delegated authority to approve an encroachment pursuant to section 45 is the following person (the "Delegated Authority"):

    (a) for an encroachment upon, under or over City street, to the Engineer;
    (b) for an encroachment upon, under or over City park, to the City's Director of Parks, Recreation and Facilities; and

    (c) for an encroachment upon, under or over any other City property, to the City's Head of Strategic Real Estate.

47. The delegation authority in section 45 does not apply to any encroachment that contains habitable space, including balconies and bay windows.

48. Any owner of real property desiring permission to excavate for, construct, use or maintain any encroachment permitted by section 45 upon, under or over City property appurtenant to such real property, or desiring permission to continue the

existence, maintenance or use of any encroachment permitted by section 45 on City property appurtenant to such real property previously existing, maintained or used without City permission, shall submit to the Delegated Authority a written application accompanied by such plans as the Delegated Authority may require showing the details of such encroachment, to the satisfaction of the Delegated Authority; and the Delegated Authority, upon being satisfied as to the safety and advisability of such encroachment, may grant permission for such encroachment.

49. (a) Before proceeding with the excavation for or construction of or continuing the existence, use or maintenance of an encroachment for which permission has been granted by the City pursuant to section 48, the owner shall first enter into an agreement with the City in the form of Schedule F.

(b) The Delegated Authority is authorized to execute the agreement in the Form of Schedule F if permission has been granted pursuant to section 48.

Encroachments for anchor rods

50. Council delegates to the Engineer the authority to approve an encroachment on the terms provided in sections 51 to 53, if both of the following requirements are satisfied:

(a) the proposed development has already been approved by Council or under the Director's delegated authority; and

(b) the application includes any installation of anchor rods that encroach upon, under or over City property.

51. A person intending the installation of anchor rods under any City property shall, before commencing the installation, submit to the Engineer a written application for permission accompanied by plans sealed by a professional engineer indicating the proposed:

(a) depth, length and number of anchor rods;

(b) area of excavation face abutting City property;

(c) details of which anchor rods will be removed, de-tensioned or fully grouted and the time by which they will be removed, de-tensioned or fully grouted; and

(d) such other details as the Engineer may require.

52. The Engineer, if of the opinion that the use of anchor rods will not adversely affect the City's property or interests, may permit the installation of anchor rods pursuant to section 50 in accordance with plans submitted under section 51, if the owner of the real property to which the anchor rods will be appurtenant first:

(a) pays the City a non-refundable fee of $750;

(b) pays the City a one-time charge of $25 per square metre of area of the proposed excavation face that will be supported by anchor rods and abuts a street or lane as calculated by the Engineer; and

(c) enters into an agreement with the City in the form of Schedule G.

53. The Engineer is authorized to execute the agreement in the Form of Schedule G if permission has been granted pursuant to section 52.

General

54. Council delegates to the Engineer and the City Solicitor the authority to grant permission for and authorize the execution by the Engineer of:

    (a) a termination of any agreement authorized under this Part 4 pertaining to an encroachment when such encroachment has been removed to the satisfaction of the Engineer;

    (b) the assignment of an existing encroachment agreement authorized under this Part 4 to a new property owner; and

    (c) the release of an existing encroachment agreement authorized under this Part 4 when such agreement is to be replaced by a new agreement.

READ A FIRST TIME on the	**10th**	day of	**March**	2016.
READ A SECOND TIME on the	**10th**	day of	**March**	2016.
READ A THIRD TIME on the	**24th**	day of	**March**	2016.
ADOPTED on the	**24th**	day of	**March**	2016.

"CHRIS COATES"	**"LISA HELPS"**
CORPORATE ADMINISTRATOR	MAYOR

City of Victoria

Bylaw No. 16-028

Schedule A

APPLICATION FEES

1. Pre-application fee

The pre-application fee for giving notice, is:

(1) $800 if notice must be given to owners and occupiers of properties within 100 metres of the subject property; or,

(2) $2400 if notice must be given to owners and occupiers of properties within 200 metres of the subject property.

2. Base application fee

(1) The base application fee for an application to amend the Official Community Plan is $2500.

(2) The base application fee described in paragraph (3) applies to the following applications:

(a) a zoning bylaw amendment;

(b) an application to amend a land use contract, if the amendment relates to density or use of an area covered by the contract;

(c) a heritage revitalization agreement bylaw if the agreement or an amendment would permit a change to the use or density of use that is not otherwise authorized by the applicable zoning;

(d) a temporary use permit.

(3) The base application fee for the applications listed in paragraph (2) is calculated as follows, plus $250 for each variance that is requested or proposed in the application:

(a) For an application in which the proposed development is exclusively residential use:

(i) Proposal for one duplex: $3000;

(ii) Proposal for one triplex: $4000;

(iii) Proposal for one, two or three dwelling units that are not captured by paragraph (3)(a)(i) or (ii): $2000 per dwelling unit proposed;

(iv) Proposal pertaining to more than three dwelling units (regardless of dwelling unit type): $6000 plus $0.50 per square metre of floor area.

(b) For an application in which the proposed development is non-residential use or mixed use:

(i) Proposal equal to or under 500 square metres: $3000 plus $0.50 per square metre of floor area;

(ii) Proposal over 500 square metres: $6000 plus $0.50 per square metre of floor area.

(c) For an application in which the proposed development is not captured by paragraph (3)(a) or (b): $2000.

(d) For an application described in paragraph (3)(a), (b), or (c), in which any accessory dwelling units are proposed, the accessory dwelling units are not counted as dwelling units for the purposes of calculating the base application fee.

(e) Notwithstanding paragraph (3)(d), an application in which only accessory dwelling unit(s) are proposed shall have a base application fee of $2000.

(4) The base application fee described in paragraph (5) applies to the following applications:

(a) a development permit;

(b) a heritage alteration permit.

(5) The base application fee for the applications listed in paragraph (4) is calculated as follows, plus $250 for each variance that is requested or proposed in the application:

(a) For an application in which the proposed development is exclusively residential use:

(i) Proposal for one duplex: $3000;

(ii) Proposal for one triplex: $4000;

(iii) Proposal for one, two or three dwelling units that are not captured by paragraph (5)(a)(i) or (ii): $2000 per dwelling unit proposed;

(iv) Proposal pertaining to more than three dwelling units (regardless of dwelling unit type): $6000 plus $2.50 per square metre of floor area;

22-057 (v) Notwithstanding the previous subparagraphs (i) – (iv), the following fees apply for proposed developments in Development Permit Area 15F:

(A) Proposal for up to six dwelling units: $12,000,

(B) Proposal for more than six dwelling units: $15,000.

(b) For an application in which the proposed development is non-residential use or mixed use:

(i) Proposal equal to or under 500 square metres: $3000 plus $2.50 per square metre of floor area;

(ii) Proposal over 500 square metres: $6000 plus $2.50 per square metre of floor area.

(c) For an application in which the proposed development is not captured by paragraph (5)(a) or (b): $2000.

22-057 (d) With the exception of applications described in paragraph (5)(a)(v), for an application described in paragraphs (5)(a), (b), or (c), in which any accessory dwelling units are proposed, the accessory dwelling units are not counted as dwelling units for the purposes of calculating the base application fee.

(e) Notwithstanding paragraph (5)(d), an application in which only accessory dwelling unit(s) are proposed shall have a base application fee of $2000.

(f) If a development permit or heritage alteration permit application is submitted under paragraph 5(a)(i), (ii) or (iii) in conjunction with an application under paragraph 2 for the same project:

(i) only one base application fee is payable, calculated in accordance with paragraph (3); and

(ii) only one variance fee is payable for each proposed variance, calculated in accordance with paragraph (3).

(6) The base application fee for a development variance permit is $750 (includes one variance), plus $250 for each additional variance that is requested or proposed in the application beyond the first.

(7) The base application fee for a development permit for subdivision only is $250 for each new lot that is proposed to be created in the application.

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(8) Notwithstanding paragraphs (4) and (6), the base application fee for a permit which the Director is authorized to issue is as follows:

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(a) the base application fee for a development permit in

(i) Development Permit Area 16 for buildings over 100 m2 is 50% of the development permit fee as provided in paragraph (5);

(ii) Development Permit Area 15E is 50% of the development permit fee as provided in paragraph (5);

(iii) Development Permit Area 15F for a proposal for up to six dwelling units is $10,000;

(iv) Development Permit Area 15F for a proposal for more than six dwelling units is $13,000;

(b) the base application fee for a heritage alteration permit for a single family dwelling or duplex is $0; and

(c) the base application fee for a permit not addressed in subparagraph (a) or (b) is $200.

23-085

(9) Notwithstanding paragraph (4), the base application fee is $500 for an application:

(a) proposing only emergency preparedness container(s) and equipment that are collectively under 100 m2 in floor area; and

(b) that does not fall within paragraph (8).

(10) Notwithstanding paragraph (4), no base application fee is payable for a heritage alteration permit for a single family dwelling or duplex; however, where a variance is proposed, a fee of $250 for each variance applies.

(11) Notwithstanding paragraph (2), the base application fee to allow any “storefront cannabis retailer” use is the greater of $7500 and the application fee calculated in accordance with paragraph (3).

3. Administration Fee

(1) The administration fee for an application that requires a public hearing, payable when the Council forwards the bylaw to a public hearing, is as follows:

(a) For an application for heritage designation: No fee;

(b) For all other applications: $1800.

(2) The administration fee for an application in respect of which Council provides an opportunity for public comment, payable when Council determines the date of the opportunity for public comment, is as follows:

(a) For a temporary use permit: $1800;

(b) For all other applications: $200.

4. Resubmission fee

(1) If the plans submitted in support of the application require revisions as set out in an Application Review Summary as provided by the TRG, revised plans will be reviewed by City staff and no additional fees will be charged.

(2) If plans are revised as a result of changes proposed by the applicant, and not requested by staff, Committee, Council, ADP or HAPL, then an additional fee of $500 shall be required for each new submission.

(3) There is no resubmission fee when an applicant resubmits revised plans in response to comments arising from City staff, Committee, Council, ADP or HAPL.

5. Amendments to existing legal agreements

The fee to have an existing legal agreement with the City amended is $500 plus the City's legal costs to complete the amendment.

6. Request Council authorization

The fee to request staff to prepare and present a report to Council in order to request Council authorization is $1000.

7. Site profile for contaminated sites

If a site profile for contaminated sites is required in conjunction with an application, the fee is $100.

City of Victoria

Bylaw No. 16-028

Schedule B

PROCEDURES FOR SIGN POSTING – PERMITS

1. Where a notice or sign is required pursuant to section 26 of this Bylaw, a sign or signs
23-085 shall be posted on the property or properties subject to the application in compliance with this Schedule.

2. The City shall determine the specifications, format, and information content of the sign or signs.

3. The applicant shall:

   (a) obtain the sign or signs from the City or obtain the specifications for the sign from the City:

   (b) post the sign or signs on the subject property for a minimum of 10 days prior to the date of the Council's meeting concerning the application;

   (c) post additional meeting notices and additional signs if required;

   (d) maintain the sign or signs on the subject property for the required time period.

4. The applicant shall post the sign or signs in a prominent location, clearly visible from the street, and on the site that is subject to the application. The City shall determine the required number and location of the sign or signs, taking into account the configuration of the site and visibility to the public.

City of Victoria

Bylaw No. 16-028

Schedule C

PROCEDURES FOR SIGN POSTING – OTHER APPLICATIONS

1. Where a notice or sign is required pursuant to section 27 of this Bylaw, a sign or signs
23-085 shall be posted on the property or properties subject to the application in compliance with this Schedule.

2. The City shall determine the specifications, format, and content of the sign or signs, and provide the specifications to the applicant or the applicant's agent.

3. The applicant shall, at its sole expense:

   (a) prepare the sign or signs in accordance with the specifications provided by the City;

   (b) post the sign or signs on the subject property for a minimum of 10 days prior to the initial Committee meeting;

   (c) post additional meeting notices and additional signs if required by the City;

   (d) maintain the sign or signs on the subject property until the Public Hearing for the application has been held.

4. The applicant shall post the sign or signs in a prominent location, clearly visible from the street, and on the site that is subject to the application. The City shall determine the required number and location of the sign or signs, taking into account the configuration of the site and visibility to the public.

City of Victoria

Bylaw No. 16-028

Schedule C-1

PROCEDURES FOR SIGN POSTING – PRE-APPLICATION PUBLIC INPUT

1. The City shall determine the specifications, format, and content of the sign or signs, and provide the specifications to the applicant or the applicant's agent.

2. The applicant shall, at its sole expense:

   (a) prepare the sign or signs in accordance with the specifications provided by the City;

   (b) post the sign or signs on the subject property for 30 consecutive days and no longer than 35 days, with such period of time to be calculated starting from the same day the plans are posted online by the City for public input;

   (c) post additional signs if required by the City;

   (d) maintain the sign or signs on the subject property for the duration of the notice period under section 1.

3. The applicant shall post the sign or signs in a prominent location, clearly visible from the street, and on the site that is subject to the application. The City shall determine the required number and location of the sign or signs, taking into account the configuration of the site and visibility to the public.

City of Victoria

Bylaw No. 16-028

Schedule D

DELEGATED APPROVALS

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

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
1	DP for new buildings, building additions, structures and equipment	DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 16: General Form and Character	Permit valid for two years from the date of issuance.
2	HAP without variances for a single family dwelling or duplex	All DP Areas and all HCAs	The Director is satisfied that the application is consistent with any applicable guidelines in the OCP. Permit valid for two years from the date of issuance.
3 23-085	DP , HAP, or DVP authorizing minor amendments to plans attached to or referenced in an existing approved permit	All DP Areas and all HCAs	The Director is satisfied that the proposed amendments are substantially in accord with the terms and conditions of the original approved permit, including variances and are consistent with the guidelines under the OCP. The expiry date of the original permit applies.
4 23-085	DP or HAP for the renewal of an existing valid DP or HAP	All DP Areas and all HCAs	The permit being renewed must be: ○ unlapsed at the time of application; ○ unchanged from the original application, unless the changes are for consistency with new policies or regulations. Permit valid for two years from the date of issuance.

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
5	DP for new buildings, building additions, structures and equipment	DPA 8: Victoria Arm - Gorge Waterway	The guidelines set out in the OCP must be satisfied. Permit is valid for two years from the date of issuance.
6	DP for new buildings, building additions, structures and equipment that are less than 100 m^2 in floor area	DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed-Use Residential DPA 4: Town Centres DPA 5: Large Urban Villages DPA 6A: Small Urban Villages DPA 6B (HC): Small Urban Villages Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 11: James Bay and Outer Harbour DPA 12 (HC): Legislative Precinct DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct	Permit is valid for two years from the date of issuance.
7	DP for an accessory building or buildings	DPA 15A: Intensive Residential - Small Lot DPA 15B: Intensive Residential - Panhandle DPA 15D: Intensive Residential – Duplex DPA 15E: Intensive Residential – Garden Suites	Permit is valid for two years from the date of issuance.
8	DP for floating buildings, floating building additions or floating structures of any size	Fisherman's Wharf Marine District Zone within DPA 11: James Bay and Outer Harbour	Permit is valid for two years from the date of issuance.
9	DP for floating buildings, floating building additions and	All DP Areas and all HCAs	Permit is valid for two years from the date of issuance.

22-057

	Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
		floating structures that do not exceed 100 m^2 in floor area		
	10	DP or HAP for the replacement of exterior materials on existing buildings	All DP Areas and all HCAs	Permit is valid for two years from the date of issuance.
22-057 22-026 23-085	11	DP or HAP for landscaping changes where there is an approved DP or HAP where no occupancy permit has been issued	All DP Areas and all HCAs, except: DPA 16A: General Urban Design, DPA 17 (HC): North Park Village Area, and HCA 2: Robert Street Heritage Conservation Area	The proposed landscaping must comply with applicable design guidelines or be in accordance with a landscape plan that is attached to and forms part of an approved permit.
22-026	12	DP or HAP for landscaping changes where there is an approved DP or HAP after the occupancy permit has been issued	DPA 1 (HC): Core Historic DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed Use-Residential DPA 4: Town Centres DPA 5: Large Urban Village DPA 6A: Small Urban Village DPA 6B (HC): Small Urban Village Heritage DPA 7A: Corridors DPA 7B (HC): Corridors Heritage DPA 8: Victoria Arm-Gorge Waterway DPA 9 (HC): Inner Harbour DPA 10A: Rock Bay DPA 10B (HC): Rock Bay Heritage DPA 11: James Bay and Outer Harbour DPA 12 (HC): Legislative Precinct DPA 13: Core Songhees DPA 14: Cathedral Hill Precinct HCA 1: Traditional Residential	The proposed landscaping must comply with applicable design guidelines or be in accordance with a landscape plan that is attached to and forms part of an approved permit

	Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
			HCA 2: Robert Street	
22-026 23-085	13	DP or HAP for landscaping changes without an approved Development Permit or Heritage Alteration Permit	DPA 1 (HC): Core Historic DPA 2 (HC): Core Business DPA 3 (HC): Core Mixed Use-Residential DPA 4: Town Centres DPA 6B (HC): Small Urban Villages Heritage DPA 7B (HC): Corridors Heritage DPA 8: Victoria Arm - Gorge Waterway DPA 9 (HC): Inner Harbour DPA 10B (HC): Rock Bay Heritage DPA 12 (HC): Legislative Precinct HCA 1: Traditional Residential HCA 2: Robert Street	The proposed landscaping must comply with applicable guidelines. Permit is valid for two years from the date of issuance.
23-085	14	DP or HAP for temporary buildings and structures that do not exceed 100 m^2 in floor area	All DP Areas and all HCAs	Temporary buildings and structures located on private property. Covenant in place to ensure removal of temporary buildings or structures within two years from the date of issuance of the Development Permit for the temporary building or structure.
22-085	15	DP or HAP for temporary construction trailers and temporary residential unit sales trailers	All DP Areas and all HCAs	Temporary construction trailers and temporary residential unit sales trailers located on private property. Covenant is in place to ensure removal of temporary construction trailers and temporary residential unit sales trailers subject to the following time frame:

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
			○ Six months after the date the City issues an Occupancy Permit for the principal building or structure on the property; or ○ Six months after the date that the principal building or structure on the property is no longer the subject of a valid and subsisting Building Permit; or ○ If neither a Building Permit or Occupancy Permit is required or will be issued for the principal building on the property, then two years from the date of issuance of the Development Permit for the temporary construction trailers and temporary residential unit sales trailer.
16	DP for new buildings and building additions that are less than 150m^2 in floor area.	CD-9 Zone, Dockside District within DPA 13: Core Songhees	The proposed building and building addition must comply with applicable guidelines Permit is valid for two years from the date of issuance.
17	DP for changes to landscaping previously approved under a Development Permit or Heritage Alteration Permit	CD-9 Zone, Dockside District within DPA 13: Core Songhees	The proposed landscaping must comply with applicable guidelines or be in accordance with a landscape plan that is attached to and form part of an approved permit. Permit is valid for two years from the date of issuance.
23-085 18	A DP or HAP with a parking variance, where: i) the DP or HAP is delegated elsewhere in this table; and ii) the change of use is permitted in the zoning bylaw; and iii) the variance does not exceed 20 motor vehicle parking stalls; and iv) the total variance of long-term and/or short-	All DP Areas and all HCAs	The Director is satisfied that the proposal associated with the proposed parking variance does not adversely impact the neighbourhood by unduly contributing to curb or on-street parking issues and that suitable Transportation Demand Management measures are

	Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
		term bicycle parking stalls does not exceed 6 stalls.		secured by legal agreement as required. Permit is valid for two years from the date of issuance.
22-085	19	A DP or HAP with a parking variance, where: i) the DP or HAP is delegated elsewhere in this table; and ii) the change of use is permitted in the zoning bylaw; and iii) the existing number of parking stalls is lawfully non-conforming pursuant to section 525 and 529 of the *Local Government Act*; and iv) the proposed new use requires no more than 20 additional motor vehicle parking stalls, even if the total variance for the building exceeds 20 motor vehicle parking stalls; and v) the proposed new use requires no more than 6 additional bicycle parking stalls, even if the total variance for the building exceeds 6 bicycle parking stalls.	All DP Areas and all HCAs	The Director is satisfied that the proposal associated with the proposed parking variance does not adversely impact the neighbourhood by unduly contributing to curb or on-street parking issues and that suitable Transportation Demand Management measures are secured by legal agreement as required. Permit is valid for two years from the date of issuance.
23-085	20	A DVP for a minor parking variance, where the criteria to determine if a variance is minor is as follows: i) the change of use is permitted in the zoning bylaw; and ii) the variance does not exceed 20 motor vehicle parking stalls; and iii) the total variance of long-term and/or short-term bicycle parking stalls does not exceed 6 stalls.	N/A	The Director is satisfied that the proposed variance is in accordance with the following guidelines: i) the proposed parking variance does not adversely impact the neighbourhood by unduly contributing to curb or on-street parking issues, and ii) suitable Transportation Demand Management

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
			measures are secured by legal agreement as required. Permit is valid for two years from the date of issuance.
21	A DVP for a minor parking variance, where the criteria to determine if a variance is minor is as follows: i) the change of use is permitted in the zoning bylaw; and ii) the existing number of parking stalls is lawfully non-conforming pursuant to section 525 and 529 of the *Local Government Act*; and iii) the proposed new use requires no more than 20 additional motor vehicle parking stalls, even if the total variance for the building exceeds 20 motor vehicle parking stalls; and iv) the proposed new use requires no more than 6 additional bicycle parking stalls, even if the total variance for the building exceeds 6 bicycle parking stalls.	N/A	The Director is satisfied that the proposed variance is in accordance with the following guidelines: i) the proposed parking variance does not adversely impact the neighbourhood by unduly contributing to curb or on-street parking issues, and ii) suitable Transportation Demand Management measures are secured by legal agreement as required. Permit is valid for two years from the date of issuance.
22	DP, with or without variances, for new buildings, building additions, structures and equipment for residential developments with secured affordability	All DP Areas	The proposed development complies with the applicable guidelines. The proposed development is: 1. subject to a legal agreement securing affordability and rental tenure for a minimum period of 60 years, and is either: a. wholly owned and operated by a public housing body, as prescribed in the *Residential Tenancy Act*, or

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
			b. operated by a public housing body, as prescribed in the *Residential Tenancy Act,* pursuant to a legally binding arrangement with the property owner; or 2. subject to a legal agreement securing affordability for a minimum period of 60 years and is either wholly owned and operated by a housing cooperative meeting the below requirements, or operated by a housing cooperative that meets the below requirements and operates the development pursuant to a legally binding arrangement with the property owner: a. the housing cooperative must i. be a housing cooperative pursuant to the *Cooperative Association Act*, ii. have purposes including the provision of affordable housing to low- or moderate-income households, and iii. have constating documents preventing the remuneration of directors and providing for the disposition of assets on dissolution or wind-up to an organization with similar purposes and restrictions. Permit is valid for two years from the date of issuance.

	Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
22-072 23-085	23	A Development Variance Permit, a DP with a variance or a HAP with a variance where the variance relates to: i) the number of accessible parking spaces or van accessible parking spaces ii) the design specifications of spaces described in i) above iii) the number of motor vehicle parking stalls resulting from a requirement to install accessible parking spaces or van accessible parking spaces	All DP Areas	The proposed development complies with the applicable guidelines The applicant has provided evidence to the satisfaction of the Director that demonstrates that site conditions prevent: i) the number of required accessible or van accessible parking spaces from being installed; ii) full compliance with the design specifications; and that all reasonable efforts have been made to maximize the provision of accessible or van accessible parking spaces and/or to comply with the design specifications. Where the provision of accessible parking results in a variance relating to motor vehicle parking stalls, including visitor stalls, the Director is satisfied that this variance does not adversely impact the neighbourhood by unduly contributing to on-street parking issues. Permit is valid for two years from the date of issuance.
22-057 23-085	24	DPs for new buildings, building additions, structures, landscaping and equipment	DPA 15F: Missing Middle Housing	The proposed development complies with the applicable guidelines. Permit is valid for two

	Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
				years from the date is issuance.
23-085	25	DPs or HAPs, with or without variances, for new buildings, building additions, structures and equipment for child care facilities	All DP Areas	The proposed development complies with the applicable guidelines Permit is valid for two years from the date of issuance.
23-085	26	A DP or HAP with minor variance(s) related to size, siting, or dimensions of a building, structure or use that is permitted on the land, where: i) the DP or HAP is delegated elsewhere in this table; and ii) the criteria to determine if a proposed variance is minor is in Schedule D-1.	All DP Areas and all HCAs	The proposed development complies with the applicable guidelines. Permit is valid for two years from the date of issuance.
	27	A DVP for minor variance(s) related to size, siting, or dimensions of a building, structure or use that is permitted on the land, where the criteria to determine if a proposed variance is minor is in Schedule D-1.	N/A	The Director is satisfied that the proposed variance is in accordance with the guidelines in Schedule D-2. Permit is valid for two years from the date of issuance.
	28	A DP or HAP with minor variance(s) related to design standards of parking, where: i) the DP or HAP is delegated elsewhere in this table; and ii) the criteria to determine if a proposed variance is minor is when the variance is related to any of the following: • Sections 2-3 of Schedule C of the Zoning Regulation Bylaw; or • Sections 5.1.2-5.1.5 of Zoning Bylaw 2018.	All DP Areas and all HCAs	The Director is satisfied that the proposed variance would not result in any safety or accessibility concerns or operational issues. Permit is valid for two years from the date of issuance.

Row #	A. Permit Types	B. DPAs and HCAs	C. Conditions
29	A DVP for minor variance(s) related to design standards of parking, where the criteria to determine if a proposed variance is minor is when the variance is related to any of the following: • Sections 2-3 of Schedule C of the Zoning Regulation Bylaw; or • Sections 5.1.2-5.1.5 of Zoning Bylaw 2018.	N/A	The Director is satisfied that the proposed variance is in accordance with the following guidelines: the proposed variance would not result in any safety or accessibility concerns or operational issues. Permit is valid for two years from the date of issuance.

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Schedule D-1

CRITERIA FOR MINOR VARIANCES

23-085 A permit for or with minor variances related to size, siting, or dimensions of a building, structure or use that is permitted on the land, may be considered by the Director if the variance is minor pursuant to the following criteria.

A variance is minor if:

1. the applicant has demonstrated to the satisfaction of the Director that:

    a. they have explored all reasonable alternative solutions to the variance and none are available; and

    b. any possible mitigations to issues related to the variance have been incorporated into the proposal; and

2. the Director is satisfied based on evidence provided by the applicant and the particular circumstances of the application, that the variance would:

    a. be unnoticeable by a typical user of the site, and nearby private and public property; or,

    b. not have a substantial negative impact on the livability and functionality of any of the subject site, nearby private property, or nearby public property, including impacts on:

        i. Shadowing

        ii. Privacy

        iii. Usable outdoor space

        iv. Natural features and vegetation

        v. Access, connectivity or function for any pedestrians or vehicles (motorized and non-motorized)

        vi. Access to or operations of underground infrastructure

        vii. Street Vitality

City of Victoria

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Schedule D-2

GUIDELINES FOR DEVELOPMENT VARIANCE PERMITS

23-085 These guidelines are intended to provide a framework for the Director when reviewing a development variance permit for minor variances related to siting, size, and dimensions of a building, structure, or use permitted on the land, in conjunction with the specific circumstances of the proposal including the site conditions, constraints, and context.

The Director shall consider the following guidelines when deciding whether to issue any development variance permit application for minor variances:

a. For applications within the *Downtown Core Area Plan* (2011) boundaries:

   i. Downtown Core Area Plan (2011) – with special attention to the following sections:

      1. Appendix 1: Public Outward View Guidelines

      2. Appendix 2: Public External View Guidelines

      3. Appendix 3: Sidewalk Width Guidelines

      4. Appendix 4: Building Design Guidelines

b. For applications located outside of the *Downtown Core Area Plan* (2011) boundaries related to:

   i. mixed-uses, uses other than residential, or residential with seven or more dwelling units:

      1. General Urban Design Guidelines (2022).

   ii. residential uses with less than seven dwelling units:

      1. Missing Middle Design Guidelines (2022).

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Schedule E

LANDSCAPE SECURITY

1 Landscape security amount

The landscape security shall be calculated at 120% of the total landscaping cost, based on an estimate of the landscaping costs that the applicant provides to the Director, with a minimum landscape security of $2000.

2 Landscaping costs

(a) The landscaping costs that must be included within the estimate provided to the Director include but are not limited to the following:

(1) Tree protection measures;

(2) Landscape grading;

(3) Landscape retaining walls;

(4) Landscape paving including structural bases;

(5) Landscape structures, such as fences, screen walls, living walls, built-in planters, and shade structures;

(6) Landscape furnishings, such as benches and seating, bicycle parking facilities, waste and recycling containers, recreational equipment, and play equipment;

(7) Plant materials, such as trees, shrubs, perennials, grasses or other ground cover;

(8) Green roofs;

(9) Sod and seeding;

(10) Growing medium;

(11) Structural soil cells;

(12) Water features;

(13) Site lighting;

(14) Labour;

(15) Irrigation; and

(16) Other landscape materials.

(b) All estimated costs provided under subsection (a) must include applicable taxes.

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Schedule F

ENCROACHMENT FOR DECORATIVE FEATURES

EASEMENT (ENCROACHMENT) AGREEMENT

THIS AGREEMENT dated for reference the __th day of ___, _____

BETWEEN:

_____

_____

(the "**Owner**")

AND:

CITY OF VICTORIA
1 Centennial Square, Victoria, British Columbia, V8W 1P6

(the "**City**")

WHEREAS:

A. The Owner is the owner of the Lands (as defined in this Agreement);

B. The Owner has requested that the City grant its permission for the use of the Easement Area (as hereinafter defined), which areas are portions of City property in the City of Victoria, for the purposes of erecting and maintaining a part of a building such part being _____[*insert description of encroaching structures*] and all support structures related thereto (the "**Structures**") over City property as shown on the Easement Area (as hereinafter defined);

C. The City agrees to grant the Owner's request to encroach on the Easement Area, subject to the provisions of the City's bylaws as amended from time to time and subject to the terms and conditions of this Agreement, and the City agrees to grant the Owner an easement in that regard;

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of permission to encroach herein granted, the sum of ONE DOLLAR ($1.00) of lawful money of Canada paid by the Owner to the City, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by both parties, the Owner hereby covenants, promises and agrees with the City as follows:

1. LANDS

1.1 The Owner owns lands situated in Victoria, British Columbia, which is more particularly described as:
Parcel Identifier: _____

_____

(the "**Lands**");

1.2 The City is the owner of that portion of _____ [*insert legal description or name of street if roadway*] comprising an area of _____ square meters as more particularly identified on Plan _____ [*insert specifics of Plan or sketch*] as the easement (the "**Easement Area**"), a reduced copy of which is attached hereto as Schedule "A" (the "**Servient Tenement**").

2. EASEMENT - PERMISSION TO ENCROACH

2.1 Subject to the terms of this Agreement, the City as owner of the Servient Tenement, does hereby grant, convey and confirm unto the Owner as owner of the Lands (as Dominant Tenement) for the benefit of the Lands and to be appurtenant to the Lands for the use and enjoyment of the Owner and its servants, agents, tenants, invitees and licensees and the owner or owners of all or any part of the Lands an easement for the non-exclusive use from time to time in common with the City as owner of the Servient Tenement and its servants, agents, tenants, invitees and licensees, any other persons to whom the City has granted rights to use the Easement Area for the purposes of constructing, installing maintaining, repairing and replacing the Structures (the "**Works**") including the right on the part of the Owner to allow the Structures to remain in and encroach upon the Easement Area in accordance with the terms of this Agreement.

2.2 The Owner shall not erect any work or encroachment in the Easement Area other than the Structures. The Owner shall not permit the Structures to encroach on any City property other than the Easement Area.

3. TERM

3.1 This Agreement commences on the date that it is fully signed by both parties and, subject to Part 13 hereof, expires when the building which the Owner has constructed on the Lands (the "**Building**") is demolished or significantly structurally altered such that the Easement Area is no longer required for the purposes of erecting and maintaining the Structures. For certainty, the easement herein granted will terminate, and will be of no further effect in the event the Building is demolished or removed from the Lands or in the event that the Building is modified such that it no longer encroaches on the Servient Tenement.

4. TITLE

4.1 This Agreement does not give the Owner any legal or equitable interest of any kind in the Easement Area or any exclusive right to occupy the Easement Area. The Easement Area retains its status as a _____[*highway, park, City property*].

5. MAINTENANCE

5.1 The Owner will carry out the Works in a proper and workmanlike manner so as to do as little injury to the Servient Tenement as possible.

5.2 The Owner shall at all times and at its own expense keep and maintain the Structures and the Easement Area in good and sufficient repair and in a neat and clean condition and in a manner which does not pose any risk to persons or property, all to the satisfaction of the City (without any obligation on the part of the City to determine what is sufficient repair or a safe condition).

5.3 The Owner shall make good at its own expense, all damage or disturbance which may be caused to the surface of the Servient Tenement in the exercise of their rights hereunder.

5.4 The Owner shall not make any structural alterations to any Structures in the Easement Area without the prior written consent of the City, which consent will not be unreasonably withheld or delayed, but provided that the Owner may make temporary alterations to any Structures in the event of an emergency in order to prevent or avoid risks to persons or property and that the Owner so soon thereafter as is reasonable in the circumstances applies for the consent of the City with respect to any necessary permanent structural alterations to such Structures.

5.5 If the Owner fails to keep the Structures and Easement Area in good repair and maintenance to the satisfaction of the City, the City may give notice to the Owner demanding that repairs and maintenance be done within the time specified by the City and if the Owner fails to do so, to the City's satisfaction, the City may, in its sole discretion (without any obligation to do so), cause such repairs to be made, including structural changes, as it deems necessary at the Owner's expense. The Owner shall pay the costs of the repairs to the City forthwith on demand.

5.6 In making repairs or doing maintenance, the City may bring and leave upon the Lands and the Easement Area, the necessary materials, tools and equipment and the City shall not be liable to the Owner for any inconvenience, annoyance, loss of business or other injuries suffered by the Owner by reason of the City effecting the repairs or maintenance or doing any work hereunder.

6. DESIGN SPECIFICATIONS

6.1 The Owner shall ensure that any Structures placed in the Easement Area conform to the requirements and specifications of the British Columbia Building Code and all other applicable statutes, regulations, bylaws and codes.

7. ENVIRONMENTAL PROTECTION

7.1 The Owner shall not do or permit to be done anything which may or does contaminate the Easement Area or any surrounding area and the Owner shall be solely responsible to remove all such contamination and remediate it to residential standards.

8. COMPLIANCE WITH LAWS

8.1 The Owner shall in respect of its use of the Easement Area and in relation to the Works and the use of the Structures comply with all applicable statutes, laws, regulations, bylaws, orders and other requirements of every governmental authority having jurisdiction.

9. INDEMNITY AND INSURANCE

9.1 The Owner shall indemnify and hold harmless the City and its elected and appointed officials, officers, employees and agents from all suits, proceedings, losses, damages, expenses, demands, claims, costs (including actual costs of professional advisors and costs associated with remediation of contamination) and harm of any kind, howsoever caused, whether related to death, bodily injury, property loss, property damage or consequential loss or damage, arising out of or in any way connected with:

(a) The permission to encroach granted by this Agreement;

(b) The existence and use of the Easement Area for the purposes of the Works;

(c) Construction, maintenance, existence, use or removal of the Structures;

(d) The Owner's occupation or use of the Servient Tenement or the ground below or the air above for the purpose of such encroachment by the Building;

(e) Any failure to pay for labour and materials relating to the Structures;

(f) Any breach or default by the Owner under this Agreement; and

(g) Any wrongful act, omission or negligence of the Owner, its members, directors, officers, employees, contractors, subcontractors, licensees, invitees, customers and others for whom it is responsible.

9.2 The indemnity in Section 9.1 survives the expiry or earlier termination of this Agreement.

9.3 The Owner will take out and maintain during the Term, a policy of commercial general liability insurance against claims for bodily injury, death or property damage arising out of the use of the Lands by the Owner in the amount of not less than five million dollars per single occurrence, or such greater amount as the City may from time to time designate and shall provide the City with a certificate of insurance evidencing coverage, or a certified copy of such policy or policies if requested .

9.4 All policies of insurance required under section 9.3 shall:

(a) name the City as an additional insured;

(b) contain a provision requiring the insurer not to cancel or change the insurance without first giving the City thirty (30) days notice in writing;

(c) contain a cross liability clause in favour of the City; and

(d) be in a form and on such terms, including with respect to deductible amounts, as are satisfactory to the City, in the City's sole and absolute discretion.

9.5 If the Owner does not provide or maintain in force the insurance required by this Agreement, then without limiting the City's right to terminate this Agreement, the City may take out the necessary insurance and pay the premium for periods of one year at a time and the Owner shall pay to the City the amount of the premium immediately on demand.

9.6 If both the City and the Owner claim to be indemnified under any insurance required by this Agreement, the indemnity shall be applied first to the settlement of the claim of the City and the balance, if any, to the settlement of the claim of the Owner.

9.7 Maintenance of such insurance shall not relieve the Owner of liability under the indemnity provisions of this Agreement.

9.8 The foregoing provisions shall not limit the insurance required by law, nor relieve the Owner from the obligation to determine what insurance it requires for its own purposes.

9.9 No finding of negligence, whether joint or several, as against the City in favour of any third party shall operate to relieve or shall be deemed to relieve the Owner in any manner from any liability to the City, whether such liability arises under this Agreement, under the provisions of the *Community Charter* as amended from time to time, or otherwise.

10. RELEASE

10.1 The Owner releases the City and its elected and appointed officials, officers, employees and agents from all claims of any kind, whether known or unknown, whether or not relating to negligence, which the Owner now has or at any future time may have, however caused, arising out of or in any way connected with the permission to encroach granted by this Agreement, the existence and use of the Easement Area, the Works, or the exercise by the City of any of its rights pursuant to this Agreement.

10.2 The release in Section 10.1 survives the expiry or earlier termination of this Agreement.

11. REMEDIES

11.1 The City retains the right on the termination of this Agreement to proceed with the enforcement of any indemnity or other remedy provided in this Agreement or otherwise.

12. COMPENSATION

12.1 Notwithstanding any provision of this Agreement, the Owner shall not be entitled to compensation for injurious affection or disturbance resulting in any way from the removal of the Structures in accordance with the terms of this Agreement and, without limitation, shall not be entitled to business losses, loss of profit, loss of market value, relocation costs or other consequential loss by reason of the removal of the Structures or by reason of the termination of this Agreement.

13. TERMINATION

13.1 If the Owner fails to comply with the provisions of this Agreement, including, but not limited to, sections 5.2, 6.1, 7.1, 8.1 and 9.3 of the Agreement, this Agreement shall be terminated and all rights of the Owner hereunder shall thereupon lapse and be absolutely forfeited.

13.2 The City may, at any time, in its sole discretion, but acting in good faith, withdraw the rights it has granted to the Owner in this Agreement and terminate this Agreement on 12 months' written notice.

13.3 On receipt of notice under Section 13.1 or 13.2, the Owner shall, within the time period stated in the notice, at its expense, remove the Structures and otherwise restore the Easement Area to the satisfaction of the City.

13.4 If the Owner fails to remove the Structures as required by the City within the time period specified pursuant to this Agreement, the City may, in its sole discretion, cause the Structures to be removed at the Owner's expense.

13.5 In the circumstances described in Section 13.1, the City may, acting reasonably and in good faith, remove the Structures without notice if the subsistence of the Structures constitutes an immediate hazard to the public and if there is no other practical remedy available to the City to alleviate such immediate hazard, at the sole cost of the Owner.

14. ASSIGNMENT

14.1 The Owner shall not assign any of its rights and obligations arising from this Agreement to any person other than to the then-current owner of the Lands.

14.2 The Owner covenants and agrees not to transfer the Lands, or any portion thereof, without advising the purchaser or transferee of this Agreement and assigning the Owner's rights and obligations pursuant to this Agreement to the new owner of the Lands by mutual agreement.

14.3 In the event that the Owner fails to assign the rights and obligations of this Agreement to a new owner of the Lands as described in Section 14.2, the Owner shall continue to be bound by this Agreement in all respects notwithstanding that the Owner no longer owns the Lands.

15. RIGHT OF ENTRY

15.1 The City's employees or agents shall have the right at any and all times to enter into and upon the Lands and the Building for the purpose of maintaining or removing the Structures under this Agreement.

16. ALTERATION TO CITY PROPERTY AND PUBLIC STRUCTURES

16.1 In the event of any alteration or change made necessary to any present or future meter, water service, sewer, or other public structures or utility in the vicinity of the Lands by the construction, maintenance, use or removal of the Structures, the Owner shall reimburse the City or other utility provider for whatever expenses it may incur in making the alterations or changes that are deemed necessary by the City or the utility provider.

17. CITY'S RIGHTS RESERVED

17.1 This Agreement does not in any way restrict the right of the City at any time to widen, raise or lower, or otherwise alter the Servient Tenement abutting or adjoining the Lands (including by allowing the installation of utilities by various utility providers), or make orders or regulations for the use of the Servient Tenement, even if the effect of the alteration or the order or regulation may be to render the Structures, the Easement Area, or both, useless for the purposes of the Owner.

17.2 Nothing contained or implied in this Agreement will derogate from the obligations of the Owner under any other agreement with the City

17.3 Nothing contained or implied in this Agreement shall prejudice or affect the rights and powers of the City in the exercise of its functions under any public or private statutes, bylaws, order and regulations, all of which may be fully and effectively exercised in relation

to the Easement Area as if this Agreement had not been executed and delivered by the parties.

18. LICENCES AND PERMITS

18.1 The Owner shall, at its own expense, obtain and maintain all permits and authorizations as may be necessary and required to erect and maintain the Structures, including any building permit or electrical permit. Nothing in this Agreement relieves the Owner from the ordinary jurisdiction of the City.

19. OTHER MATTERS

19.1 The waiver by the City of default by the Owner shall not be deemed to be a waiver by the City of any subsequent default by the Owner. All waivers must be in writing.

19.2 Whenever it is required or desired that either party deliver a notice to the other, the delivery shall be deemed to be satisfactory if and deemed to have occurred when the notice has been:

(a) Delivered by hand, on the date of delivery; or

(b) Mailed by Xpresspost (Canada Post) requiring signature of the addressee on delivery, on the date received or on the sixth day after receipt of mailing by any Canada Post Office, whichever is the earlier, except that in the event of a strike or disruption in postal service, the notice shall not be deemed to be received until actually received;

to the address for that party on the first page of this Agreement or to whatever other address that may have, from time to time, been given by that party.

19.3 Whenever the singular or masculine is used in this Agreement, the same is deemed to include the plural or the feminine or the body politic or corporate as the context requires.

19.4 Every reference to each party is deemed to include the heirs, executors, administrators, corporate successors, permitted assigns, employees, agents, officers, elected officials and invitees of such party whenever the context so requires or allows.

19.5 Section headings are included for convenience only. They do not form a part of this Agreement and shall not be used in its interpretation.

19.6 If any part of this Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Agreement.

19.7 This Agreement shall be governed and construed in accordance with the laws of the Province of British Columbia.

19.8 The parties hereto shall execute and do all such further deeds, acts, things, and assurances as may be reasonably required to carry out the intent of this Agreement.

20. TIME OF ESSENCE

20.1 Time is of the essence of this Agreement.

21. INTERPRETATION

21.1 No part of the fee of the soil of the Servient Tenement will pass to or be vested under or by these presents in the Owner or the Owner's invitees, agents or successors in title.

21.2 This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, successors, administrators and permitted assignees.

21.3 All provisions of this Agreement are to be construed as covenants and agreements as though the word importing covenants and agreements were used in each separate paragraph.

21.4 This Agreement is the entire agreement between the parties and the City had made no representations, warranties, guarantees, promises, covenants or agreements (oral or otherwise), to or with the Owner other than those expressed in this Agreement.

IN WITNESS WHEREOF the said Owner has hereunto set his hand and seal the day and year first above written.

The Corporation of the City of Victoria by its authorized signatories:	)
	)
	)
	)
	)
_____	)
	)
[insert name and title of Delegated Authority]	)

_____*[name of owner]*	)
	)
by its authorized signatories:	)
	)
	)
_____	)
Authorized Signatory	)
	)
	)
_____	)
Authorized Signatory	

SCHEDULE “A”

(insert plan)

City of Victoria

Bylaw No. 16-028

Schedule G

ENCROACHMENT FOR ANCHOR RODS

THIS AGREEMENT dated for reference the __th day of ___, _____.

BETWEEN:

_____
_____

(the "**Owner**")

AND:

CITY OF VICTORIA
1 Centennial Square, Victoria, British Columbia, V8W 1P6

(the "**City**")

WHEREAS:

A. The Owner is the owner of:
Parcel Identifier: _____
_____

(the "**Land**")

in the City;

B. The Owner has applied to the City for approval of the construction of a _____ [*describe development*] upon the Land, under the terms and conditions of the City of Victoria _____ [*insert permit type and number*].

C. In connection with the construction of the development referred to in Recital B, the Owner has requested the City to grant it permission to construct, use or continue the use or existence of an encroachment onto highways of which the City has the use and possession, which encroachment is appurtenant to the Land;

D. The City has agreed to grant the Owner's request, subject to the provision of all City bylaws and to the terms and condition herein set forth;

NOW THEREFORE, in consideration of the premises and the covenants herein contained and for other valuable consideration, receipt and sufficiency of which is hereby acknowledged by the parties, the parties hereto covenant and agree each with the other as follows:

1.0 ENCROACHMENT

1.1 The City (so far as it legally can, but not otherwise, and subject to this Agreement and applicable statutes and bylaws), grants unto the Owner permission to construct and maintain an encroachment comprising_____ [insert description of works (e.g. anchor rods, shotcrete, soldier piles)] into those parts of _____ [insert street(s) or intersection] (collectively, the "Highways") in the City of Victoria that adjoin the Land, all in accordance with the plans and specifications attached hereto as Schedule "A", (which encroachment, including all excavation or other work now or hereafter performed in connection therewith, is hereinafter referred to as the "Works").

2.0 USE

2.1 The Owner shall not erect any work or encroachment in the Highways other than the Works, nor shall the Owner use the Highways for any purpose save and except the Works. The Owner shall not permit the Works to encroach on any City property other than those portions of the Highways depicted on Schedule "A".

3.0 TERM

3.1 This Agreement commences on the date that it is fully signed by both parties and, subject to Sections 6.15 and 6.16 hereof, expires on _____[*insert date*].

4.0 CONSTRUCTION OF WORKS

4.1 The Owner shall retain a professional engineer licensed to practice in the Province of British Columbia with experience in the design and construction of works of a similar kind to those proposed to be installed under this Agreement (the said engineer to be referred to herein as the "**Owner's Consultant"**). The Owner's Consultant will be responsible for ensuring that the design and construction of the Works at all times is in accordance with sound engineering and construction practices, and is carried out in accordance with the terms of this Agreement.

4.2 The Owner's Consultant must provide written confirmation to the City, prior to the commencement of the construction of the Works, that it has thoroughly investigated the location of existing services and utilities, and that the installation of the Works in their proposed location will not interfere with or cause damage to any existing underground utilities or services, whether of the City, the Capital Regional District, or any private or public utility. The Owner shall be solely responsible for the cost of the location of all such services for the purpose of obtaining and providing such confirmation.

4.3 Prior to the commencement of construction of the Works, the Owner's Consultant must submit a detailed plan, bearing his professional seal showing in cross section the profile of all underground services within the area of the Highways covered by this Agreement, as well as, in relation thereto, the proposed location of all _____ [*insert description of works*] that are to form part of the Works. The City reserves the right to require that any portion of the Works be relocated, where in the reasonable opinion of the City's Director of Engineering and Public works (the "**Director**"), the proposed location of

the Works or any portion thereof may interfere with or damage underground services of the City, the Capital Regional District or any private or public utility, or may impact the protected root zones of City street trees.

4.4 The Works shall be installed strictly in accordance with the plans and specifications that are attached as Schedule "A" to this Agreement, unless the Director authorizes the modification of such plans or specifications.

4.5 The Owner shall at all times and at its own expense keep and maintain the Works and the Highways in good and sufficient repair and in a manner which does not pose any risk to persons or property, all to the satisfaction of the Director (without any obligation on the part of the Director to determine what is sufficient repair or a safe condition).

4.6 If the Owner fails to keep the Works and the Highways in good repair and maintenance to the satisfaction of the Director, the Director may give notice to the Owner demanding that repairs and maintenance be done within the time specified by the City and if the Owner fails to do so, to the City's satisfaction, the City may, in its sole discretion (without any obligation to do so), cause such repairs to be made, including structural changes or filling up any excavation, as it deems necessary at the Owner's expense. The Owner shall pay the costs of the repairs to the City forthwith on demand.

4.7 The Owner shall in respect of its use of the Highways and in relation to the Works comply with all applicable statutes, laws, regulations, bylaws, orders and other requirements of every governmental authority having jurisdiction.

4.8 If during the course of construction the Owner's Consultant determines that any part of the _____ [*insert description of works*] comprising the Works are required to be placed in a location other than shown on the plans and specifications attached as Schedule "A", or determines that additional _____ [*insert description of works*] are required to be installed within the Highways, the Owner's Consultant must first obtain the authorization of the Director before proceeding with such modification to the Works.

4.9 The City makes no representation or warranty as to the subsurface soil conditions within the area of the Highways within which the Works are to be constructed, including as to whether the soil or groundwater within the Highways contains any contamination, special waste or prescribed substance in a quantity or concentration that exceeds the standards permitted under the provisions of the *Environmental Management Act* and Regulations thereto. The City will not be responsible for any increased or additional costs (including, without limitation, any costs associated with delays in proceeding with the Works), incurred by the Owner in constructing the Works as a result of the presence of any such special waste, contamination or prescribed substance, or any other soil or groundwater contamination within the Highways, environmental consultant's fees, the cost of any permits for removal or disposal of contaminated soils or groundwater, or the removal, disposal or treatment of contaminated soil or groundwater that is required to be removed from the Highways as a result of the Works being undertaken, or any other similar costs.

4.10 When backfilling the excavation made in connection with the Works, the Owner's Consultant will ensure that all anchor rods are de-tensioned prior to backfilling, and that all _____ [*insert description of works*] are removed to a depth of at least 4 feet below grade, or greater if achievable. Backfilling must be brought up to existing grade and completed to City standards and specifications and the satisfaction of the Director.

4.11 After the completion of backfilling, the Owner must provide to the City a set of engineered drawings prepared by the Owner's Consultant that identify in cross section and plan views the location of all anchor rods_____ [*insert any additional works*], as installed (referred to herein as the "**As Built Drawings**"). The Owner must also provide to the City a letter prepared by the Owner's Consultant and bearing his professional seal, certifying that the Works have been installed in accordance with the As Built Drawings hereto modified with the approval of the Director, and that all anchor rods left within the Highways have been de-tensioned.

4.12 The Owner will be responsible throughout the construction of the Works to protect persons and property in the vicinity of the Works from injury, loss or damage.

4.13 The Owner shall not do or permit to be done anything which may or does contaminate the Highways or the surrounding area and the Owner shall be solely responsible to remove all such contamination and remediate it to residential standards.

4.14 The Owner shall at its sole cost arrange to have all of the City's storm drains and sewer mains within the Highways, in the area of the Works, inspected by video camera before commencement and after completion of the Works to ensure that no damage has resulted through construction of the Works. This work shall be coordinated through the City's Underground Utilities Division.

5.0 NO RELIEF

5.1 It is understood, covenanted and agreed by and between the parties hereto that no provision of this Agreement and no act or omission or finding of negligence, whether joint or several, as against the City, in favour of any third party, shall operate to relieve the Owner in any manner whatsoever from any liability to the City in the premises, or under these presents, or under the provisions of the *Community Charter*, or any bylaw of the City and amendments thereto, or otherwise.

6.0 OWNER'S COVENANTS

The Owner further covenants and agrees as follows:

Fee

6.1 That it will pay to the City a non-refundable fee of $750.00 and shall pay a one-time charge of $25 per square meter of area of the proposed excavation face that will be supported by anchor rods and abuts a street or lane as calculated by the Engineer.

_____ [*insert calculation of fee (e.g. 280 m2 x $25.00 / per m2 [Face Area] = $7000.00 + $750.00 = $ 7750.00)*] This fee is to be paid prior to the commencement of the Works.

Save Harmless

6.2 To indemnify and hold harmless the City and its elected and appointed officials, officers, employees and agents from all suits, proceedings, losses, damages, expenses, demands, claims, costs (including actual costs of professional advisors and costs associated with remediation of contamination) and harm of any kind, howsoever caused, whether related

to death, bodily injury, property loss, property damage or consequential loss or damage, arising out of or in any way connected with:

(a) the Works encroaching upon under or over the Highways,

(b) construction, maintenance, existence, use or removal of the Works,

(c) the Owner's occupation or use of the Highways or the ground below or the air above for the purpose of such encroachment by the Works,

(d) the negligence of the Owner or its employees, agents, contractors, subcontractors or consultants, including the Owner's Consultant, in relation to the design or construction of the Works, and

(e) any failure of or damage to the Works at any time, including without limitation, failure due to errors in design of the Works, or faulty or defective materials or workmanship, whether or not the result of negligence on the part of the Owner or it employees, agents, sub-contractors or consultants including the Owner's Consultant.

6.3 That the indemnity in section 6.2 survives the expiry or earlier termination of this Agreement.

6.4 To charge his interest in the Land in favour of the City for the payment of all sums which may at any time hereafter be payable by the City in respect of any claims, loss, damage or expense of whatsoever kind arising:

(a) from the construction, maintenance or existence of the Works, or

(b) from the permission hereby granted,

and to answer any indemnity or payment provided in the bylaws of the City or under the terms of this agreement.

Insurance

6.5 To take out and maintain during the term a policy of commercial general liability insurance against claims for bodily injury, death or property damage arising out of the use of the Land by the Owner in the amount of not less than five million dollars per single occurrence, or such greater amount as the City may from time to time designate and shall provide the City with a certificate of insurance evidencing coverage, or a certified copy of such policy or policies if requested.

6.6 All policies of insurance required under section 6.5 shall:

(a) name the City as an additional insured;
(b) contain a provision requiring the insurer not to cancel or change the insurance without first giving the City thirty (30) days notice in writing;
(c) contain a cross liability clause in favour of the City; and
(d) be in a form and on such terms, including with respect to deductible amounts, as are satisfactory to the City, in the City's sole and absolute discretion.

6.7 That if the Owner does not provide or maintain in force the insurance required by this Agreement, then without limiting the City's right to terminate this Agreement, the City may

take out the necessary insurance and pay the premium for periods of one year at a time and the Owner shall pay to the City as additional licence fees the amount of the premium immediately on demand.

6.8 That if both the City and the Owner claim to be indemnified under any insurance required by this Agreement, the indemnity shall be applied first to the settlement of the claim of the City and the balance, if any, to the settlement of the claim of the Owner.

6.9 That maintenance of such insurance shall not relieve the Owner of liability under the indemnity provisions of this Agreement.

6.10 That the foregoing provisions shall not limit the insurance required by law, nor relieve the Owner from the obligation to determine what insurance it requires for its own purposes.

Release

6.11 To release the City and its elected and appointed officials, officers, employees and agents from all claims of any kind, whether known or unknown, whether or not relating to negligence, which the Owner now has or at any future time may have, however caused, arising out of or in any way connected with the permission to encroach granted by this Agreement, the use of the Highways, the Works, or the exercise by the City of any of its rights pursuant to this Agreement.

6.12 That the release in Section 6.11 survives the expiry or earlier termination of this Agreement.

Remedies

6.13 That the City retains the right on the termination of this Agreement to proceed with the enforcement of any indemnity or other remedy provided in this Agreement or otherwise.

Compensation

6.14 That notwithstanding any provision of this Agreement, the Owner shall not be entitled to compensation for injurious affection or disturbance resulting in any way from the removal of the Works in accordance with the terms of this Agreement and, without limitation, shall not be entitled to business losses, loss of profit, loss of market value, relocation costs or other consequential loss by reason of the removal of the Works or by reason of the termination of this Agreement.

Termination

6.15 That if the Owner fails to comply with the provisions of this Agreement, including, but not limited to, sections 4.5, 4.7, 4.13 and 6.5 of the Agreement, this Agreement shall be terminated and all rights of the Owner hereunder shall thereupon lapse and be absolutely forfeited, but the City, nevertheless, shall be entitled to proceed with the enforcement of any security or indemnity herein provided, or upon any bond or otherwise in satisfaction of any claim, loss or expenses of whatsoever kind arising under this Agreement, or from the permission hereby granted.

6.16 That the City may, at any time, in its sole discretion, but acting in good faith, withdraw the rights it has granted to the Owner in this Agreement and terminate this Agreement on 3 months' written notice.

6.17 That on receipt of notice under Section 6.15 or 6.16, the Owner shall, within the time period stated in the notice, at its expense, remove the Works and otherwise restore the Highways to the satisfaction of the City.

6.18 That if the Owner fails to remove the Works as required by the City within the time period specified pursuant to this Agreement, the City may, in its sole discretion, cause the Works to be removed at the Owner's expense.

Entry

6.19 That the City reserves the right for itself, its servants or agents, at any and all reasonable times, to enter into and upon the Land for the purpose of inspecting the Works so as to determine whether the Owner is in compliance with this Agreement.

Works

6.20 That in the event that the construction, maintenance, use or removal of the Works necessitates any alteration or change to any meter, water service, sewer or other public works or utility in the vicinity of the Works, the Owner will reimburse the City for whatever sums may be incurred by the City in making such alterations or changes as may be deemed necessary by the Director.

7.0 ASSIGNMENT

7.1 The Owner shall not assign any of its rights and obligations arising from this Agreement to any person other than to the then-current owner of the Land.

7.2 The Owner covenants and agrees not to transfer the Land, or any portion thereof, without advising the purchaser or transferee of this Agreement and assigning the Owner's rights and obligations pursuant to this Agreement to the new owner of the Land by mutual agreement.

7.3 In the event that the Owner fails to assign the rights and obligations of this Agreement to a new owner of the Land as described in Section 7.2, the Owner shall continue to be bound by this Agreement in all respects notwithstanding that the Owner no longer owns the Land.

8.0 ALTERATION OF MUNICIPAL WORKS

8.1 This Agreement shall not in any way operate to restrict the right of the City at any time to:

(a) alter the road, curb, gutter, sidewalk or boulevard abutting or adjoining the Land, notwithstanding that the effect of such alteration in width or elevation may be to render the Works useless or of less value for the purposes of the Owner; or

(b) construct or maintain any form of structure or utility on, over or under any portion of the Highways on or in which the Works encroach and for such purpose require that the Works be removed in part or in whole; and

the Owner covenants that, in the event of the City effecting any such alteration or construction or in requiring removal of all or part of the Works, the Owner will release and forever discharge, and hereby releases and forever discharges, the City from all manner of claims of any nature whatsoever, which may arise by reason of such alteration in width

or elevation as aforesaid, or by reason of the discontinuance and removal of the Works, as a result of such alteration in width or elevation or construction.

9.0 CITY'S RIGHTS RESERVED

9.1 Nothing contained or implied in this Agreement will derogate from the obligations of the Owner under any other agreement with the City.

9.2 Nothing contained or implied in this Agreement shall prejudice or affect the rights and powers of the City in the exercise of its functions under any public or private statutes, bylaws, order and regulations, all of which may be fully and effectively exercised in relation to the Highways as if this Agreement had not been executed and delivered by the parties.

10.0 LICENCES AND PERMITS

10.1 The Owner shall, at its own expense, obtain and maintain all permits and authorizations as may be necessary and required to erect and maintain the Works, including any building permit or electrical permit. Nothing in this Agreement relieves the Owner from the ordinary jurisdiction of the City.

11.0 OTHER MATTERS

11.1 The waiver by the City of default by the Owner shall not be deemed to be a waiver by the City of any subsequent default by the Owner. All waivers must be in writing.

11.2 Whenever it is required or desired that either party deliver a notice to the other, the delivery shall be deemed to be satisfactory if and deemed to have occurred when the notice has been:

(a) Delivered by hand, on the date of delivery; or
(b) Mailed by Xpresspost (Canada Post) requiring signature of the addressee on delivery, on the date received or on the sixth day after receipt of mailing by any Canada Post Office, whichever is the earlier, except that in the event of a strike or disruption in postal service, the notice shall not be deemed to be received until actually received;

to the address for that party on the first page of this Agreement or to whatever other address that may have, from time to time, been given by that party.

11.3 Whenever the singular or masculine is used in this Agreement, the same is deemed to include the plural or the feminine or the body politic or corporate as the context requires.

11.4 Every reference to each party is deemed to include the heirs, executors, administrators, corporate successors, permitted assigns, employees, agents, officers, elected officials and invitees of such party whenever the context so requires or allows.

11.5 Section headings are included for convenience only. They do not form a part of this Agreement and shall not be used in its interpretation.

11.6 If any part of this Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Agreement.

11.7 This Agreement shall be governed and construed in accordance with the laws of the Province of British Columbia.

11.8 The parties hereto shall execute and do all such further deeds, acts, things, and assurances as may be reasonably required to carry out the intent of this Agreement.

12.0 TIME OF ESSENCE

12.1 Time is of the essence of this Agreement.

13.0 INTERPRETATION

13.1 No part of the fee of the soil of the Highways will pass to or be vested under or by these presents in the Owner or the Owner's invitees, agents or successors in title.

13.2 This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, successors, administrators and permitted assignees.

13.3 All provisions of this Agreement are to be construed as covenants and agreements as though the word importing covenants and agreements were used in each separate paragraph.

13.4 This Agreement is the entire agreement between the parties and the City had made no representations, warranties, guarantees, promises, covenants or agreements (oral or otherwise), to or with the Owner other than those expressed in this Agreement.

IN WITNESS WHEREOF the said Owner has hereunto set his hand and seal the day and year first above written.

The Corporation of the City of Victoria by its authorized signatory	)
	)
	)
_____	)
[*Insert name*]	)
Director of Engineering and Public Works	)
	)
	)
_____[*name of owner*]	)
by its authorized signatories:	)
	)
	)
_____	)
Authorized Signatory	)
	)
	)
	)
_____	
Authorized Signatory	

SCHEDULE "A"

(insert plans and specifications)

Detailed Overview of Phases for LUPB Review

Phases	Bylaw Section	Objective	Rationale	Guiding Values
Phase 1 – Immediate Procedural Public Hearing Changes	**29** Public Hearing	Modify to clarify when a public hearing must be held, is not permitted to be held, or is optional so that public hearings will only be conducted when required under the *Local Government Act.*	Changes required to update bylaw to be consistent with the *Local Government Act.*	Alignment with Legislation
	30 Right to Waive Public Hearing	Clarify that Council may only waive the holding of a public hearing for zoning amendment bylaw applications that are consistent with the Official Community Plan and where the hearing is not already prohibited (housing specific developments).	Changes required to update bylaw to be consistent with the *Local Government Act.*	Alignment with Legislation
	32 Notice of Public Hearing	Clarify the notification distance when the public hearing has been waived or for when a public hearing must not be held.	Changes required to update bylaw to be consistent with the *Local Government Act.*	Alignment with Legislation
Phase 2 – Additional Simple Modernization Changes (Staff anticipate that these changes could be completed without additional resources)	**7** Notification Distance	Notification distances currently range between 100-200 metres based on application type. Could establish a consistent public notification distance and ensure purpose of notification achieves intended objective.	Varying notification distances can be confusing. With changes to public hearings and delegations, reviewing purpose of notification will provide greater clarity to applicants and the public.	Alignment with Legislation Consistency and Clarity
	21 Refund	Modify wording about refunds to be more user friendly and identify clear timelines.	Simplify wording and clarify intent of the Bylaw.	Consistency and Clarity
	27 and 28 Application Sign Posting Requirements – Other applications	Simplify complex wording in section 28 by removing subsections (a) and (b) and ending the section with “City-initiated amendments” to indicate the application sign posting requirements (section 27) do not apply to city-initiated projects.	Simplify wording and clarify intent of the Bylaw.	Consistency and Clarity Efficiency Transparency
	31 Opportunity for public comment	The opportunity for public comment on DVPs, DPs, HAPs, and TUPs are set out in legislation and outline the steps local governments must follow.	Authority is already outlined in the *Local Government Act.*	Alignment with Legislation Efficiency

Phases	Bylaw Section	Objective	Rationale	Guiding Values
	33 Notice of opportunity for public comment	Assess section 33. Notification/mailing requirements are set out in legislation and outline the steps local governments must follow.	Authority is already outlined in the *Local Government Act.*	Alignment with Legislation
	12, 13, and 14 Receipt of applications, Incomplete applications Notification of Incomplete Applications	Consider introducing new wording to identify application submission requirements, and what would be deemed an incomplete application.	To establish standardization where possible, while also retaining flexibility to give staff the ability to request information that relates to the site/application specific circumstances.	Innovation Consistency and Clarity
	Schedule A Application Fees	Clarify the Development Permit fees for duplexes within Development Permit Area 15F: Missing Middle Housing. Increase the fees for new Garden Suite applications from $1,000 to $2,000.	Consistent with Council direction given May 2022. Align with Missing Middle policy and regulations and clarify fee structure within Schedule A and Schedule D. More reflective of staff resource requirements.	Consistency and Clarity Efficiency Transparency
	New Section Application Review Timelines	Consider the operational and planning impacts of introducing new wording/sections that would identify timelines for processing land use applications. Review and reflect best practices.	Timelines would provide certainty for applicants, but staff have concerns about impacts of dictating process timelines given the nature of the planning process.	Innovation Efficiency Consistency and Clarity
Phase 3 - Additional Complex Changes (Staff anticipate that additional resources may be required to support review and updates to these sections to support	**6 and 8** Pre-application requirements and Waiving Pre-application Requirement	Review sections and modernize/simplify wording in the bylaw to reconsider the pre-application process, community meetings, and the role of CALUCs in development application review process.	Review and reflect best practices for pre-application consultation and community engagement. The *Local Government Act* does not set out pre-application processes, and only specifies requirements for notification and public hearings.	Alignment with Legislation Efficiency Inclusivity Transparency
	11 Evidence of Participation in a	Update wording to provide greater flexibility and allow for more diverse forms of pre-application consultation based on the specific land use proposal.	The *Local Government Act* does not currently outline pre-application consultation requirements. Providing greater flexibility could	Alignment with Legislation Innovation

Phases	Bylaw Section	Objective	Rationale	Guiding Values
necessary research and consultation)	Community Meeting		be of value to applicants and the broader community.	Efficiency
	Schedule A – Application Fees	Conduct a full fee review and modify Schedule A to make it more user-friendly, reduce fees if appropriate. May also want to establish new fees for resubmitted applications.	To modernize and simplify fees where possible, and to review and reflect best practices.	Best Practices Efficiency Transparency
	Part 3 – Delegation and Reconsideration **Schedule D** - Delegated Approvals	Conduct a full review of Part 3 – Delegation and Reconsideration to further simplify the table in Schedule D to make it more user friendly. Also bring forward additional opportunities for delegation.	Changes would allow staff to further simplify processes, update information to reflect best practices, and assess the status of ongoing changes to the *Local Government Act.*	Innovation Consistency and Clarity Alignment with Legislation

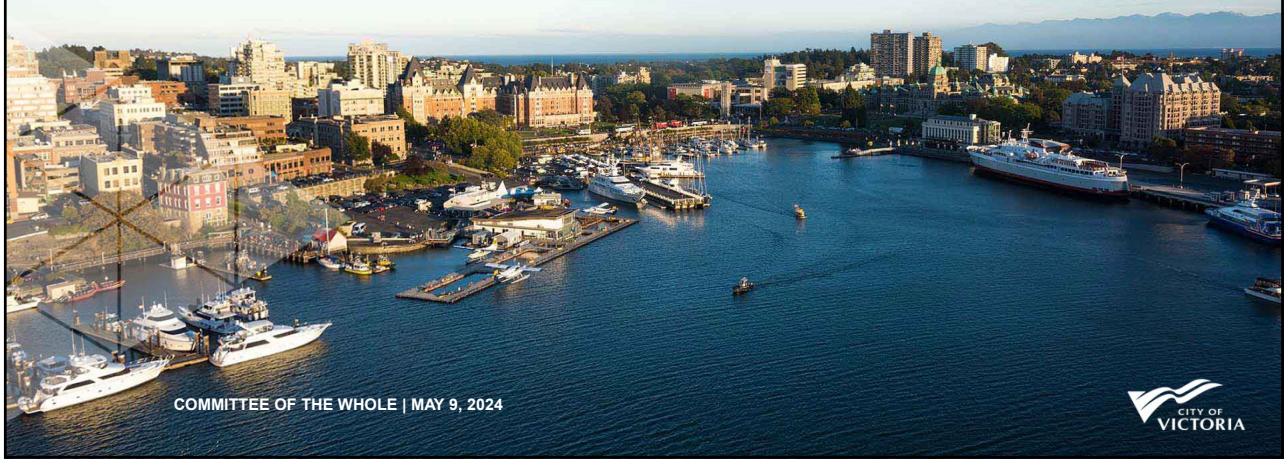
SUMMARY OF PHASES	LIST OF GUIDING VALUES
• **Phase 1:** Immediate amendments related to public hearings that are required to be consistent with the LGA. • **Phase 2:** Simple modernization amendments proposed could require minimal research and engagement as they generally are focused on creating alignment with legislation and cleaning up wording where possible to create more clarity, consider timelines for application review (not recommended), and update other sections of the bylaw. • **Phase 3:** More complex amendments proposed could revise the pre-application process and community involvement in application submissions, review and adjust application fees, and update the delegation table and delegated authorities. These changes would involve more research and consultation with applicants, developers, and CALUCs.	• Alignment with Legislation • Innovation • Consistency and Clarity • Efficiency • Inclusivity • Transparency

2024

CITY OF VICTORIA | SUSTAINABLE PLANNING AND COMMUNITY DEVELOPMENT

Land Use Procedures Bylaw Amendment No. 22, 2024

Prohibition on Certain Public Hearings following Bill 44 – Housing Statutes (Residential Development) Amendment Act



COMMITTEE OF THE WHOLE | MAY 9, 2024

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Purpose

Two matters for discussion - related to the Land Use Procedures Bylaw and development processes:

1. Updates to the Land Used Procedures Bylaw (LUPB)
   - Public hearing procedure changes
   - Rezoning applications for housing developments consistent with Official Community Plan
2. Comprehensive review of LUPB
   - Simplify and streamline development processes in phases
   - Align with provincial legislation
   - Holistic review to evaluate current ways of doing things

2

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2

Background: Bill 44 – Housing Statutes Amendment Act, 2023

- Recent legislative changes:
  - Bill 44 (November 2023)
  - Updated LGA
  - Streamlined development approvals process
  - Stops local governments from holding public hearings
    - Residential rezoning applications consistent with the OCP

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3

Updates to LUPB:

- Following bylaw amendments intended to align with legislation

1) SECTION 29 - PUBLIC HEARING
clarify when a public hearing must be held, is not permitted to be held, or is optional.

2) SECTION 30 - RIGHT TO WAIVE A PUBLIC HEARING
further clarify when Council may waive the holding of a public hearing.

3) SECTION 32 - NOTICE OF PUBLIC HEARING
clarifies that notification distance is 100m for zoning bylaw amendment applications and this still applies when public hearing has been waived or not permitted

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Additional Review of Land Use Procedures Bylaw

- General objectives:
  - Update and simplify wording
  - Review and change processes
  - Align with legislation

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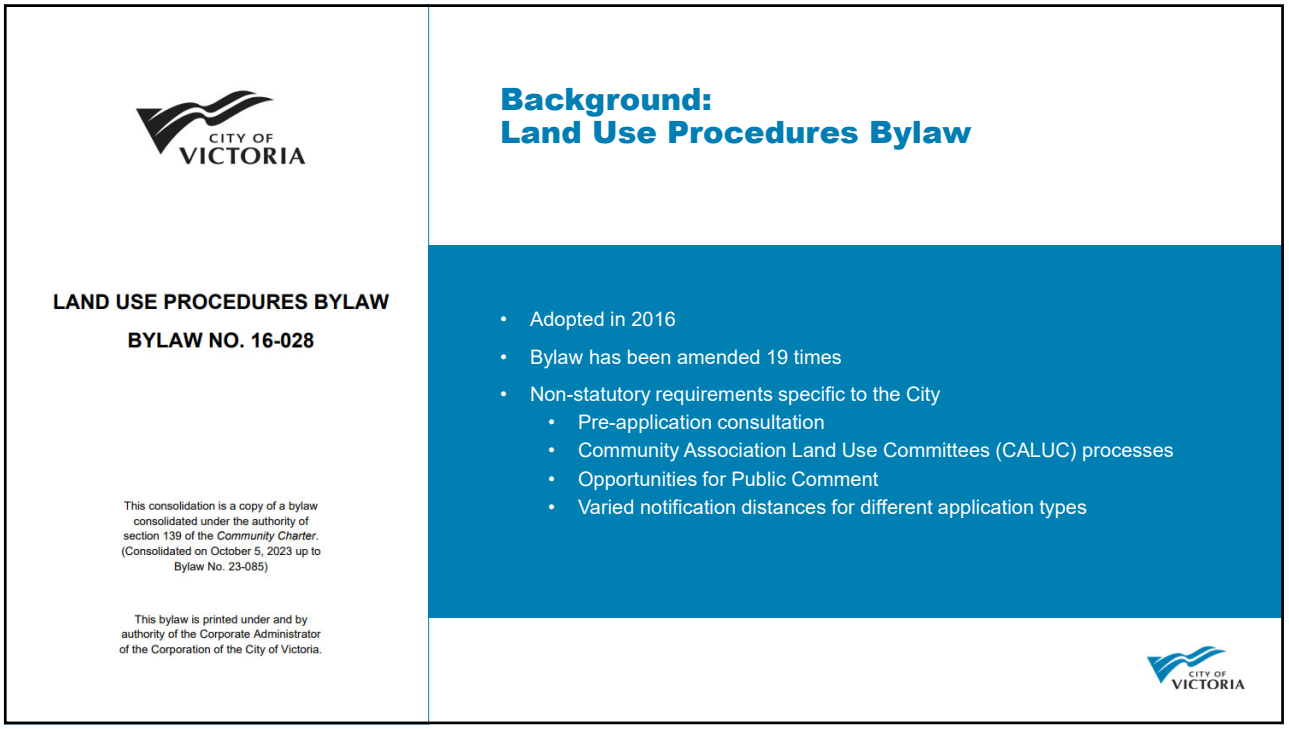

LAND USE PROCEDURES BYLAW

BYLAW NO. 16-028

This consolidation is a copy of a bylaw consolidated under the authority of section 139 of the *Community Charter*. (Consolidated on October 5, 2023 up to Bylaw No. 23-085)

This bylaw is printed under and by authority of the Corporate Administrator of the Corporation of the City of Victoria.

Background: Land Use Procedures Bylaw

- Adopted in 2016
- Bylaw has been amended 19 times
- Non-statutory requirements specific to the City
  - Pre-application consultation
  - Community Association Land Use Committees (CALUC) processes
  - Opportunities for Public Comment
  - Varied notification distances for different application types

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LAND USE PROCEDURES BYLAW

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Phased Approach to the Bylaw Review

- **Phase 1:** Immediate Changes - Public Hearings
- **Phase 2 and 3:** Additional Review Options
- Some aspects can be updated quickly, others require more research and engagement

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Phase 1 - Procedural Public Hearing Changes

- Changes proposed today
- Procedural Public Hearing Changes (Bill 44)

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Phase 2 – Simple Modernization Changes

- Technical review - minimal research and external engagement
  - Simplify wording and processes
  - Consistency across the bylaw
  - Flexibility and clarity - for applicants and the public
- Areas of consideration:
  - Notification distances
  - Refund and sign posting sections
  - Opportunity for Public Comment
  - TBD - other sections of the bylaw

9

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Phase 3 – Additional Complex Changes

- Holistic review of other sections
- Evaluate how things are done:
  - Pre-application process, adjust application fees, and update delegations
- Recommend seeking focused input from the UDI and the CALUC
- Longer term project
  - Report back on scoping, timing, and resource implications

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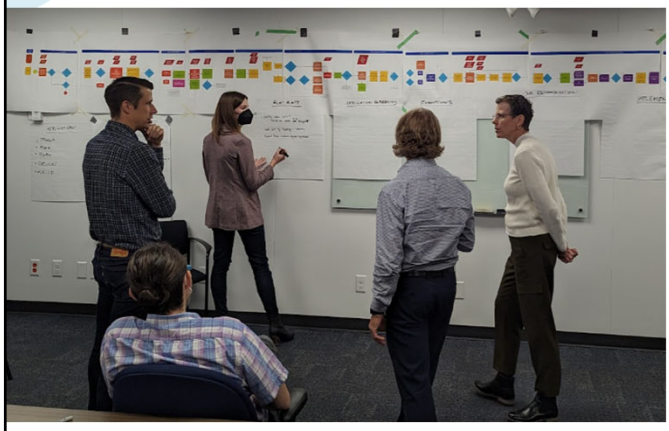
Development Process Review



Ongoing project underway to review rezoning, development, and building permitting processes

Aimed at improving efficiency	Strong customer service focus	New tools and software to support application intake and review

Intended to speed up housing development and aligns with HAF

Will help identify additional updates to bylaw (Phase 2)

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Guiding Values and Objectives

- Bylaw review process will strive to promote cooperation, responsibility, and efficiency
- Guiding values to steer the evaluation:
  1. Alignment with Legislation
  2. Innovation
  3. Consistency and Clarity
  4. Efficiency
  5. Inclusivity
  6. Transparency
- Values come from:
  - 2023-2026 Strategic Plan
  - Official Community Plan (2012)
  - Governance Review

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Recommendation

Option 1:

- Amend LUPB as proposed
- Initiate Phase 2 bylaw amendments
- Direct staff to report back on Phase 3 scope of work

Benefits:

- Further procedural changes and bylaw updates
- Dovetails with OCP review, and Zoning Modernization
- Alignment with Local Government Act
- No anticipated impact to the Financial Plan

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14

Phases	Bylaw Section	Objective	Rationale	Guiding Values
Phase 1 – Immediate Procedural Public Hearing Changes	**29** Public Hearing	Modify to clarify when a public hearing must be held, is not permitted to be held, or is optional so that public hearings will only be conducted when required under the *Local Government Act.*	Changes required to update bylaw to be consistent with the *Local Government Act.*	Alignment with Legislation
	30 Right to Waive Public Hearing	Clarify that Council may only waive the holding of a public hearing for zoning amendment bylaw applications that are consistent with the Official Community Plan and where the hearing is not already prohibited (housing specific developments).	Changes required to update bylaw to be consistent with the *Local Government Act.*	Alignment with Legislation
	32 Notice of Public Hearing	Clarify the notification distance when the public hearing has been waived or for when a public hearing must not be held.	Changes required to update bylaw to be consistent with the *Local Government Act.*	Alignment with Legislation

15

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	Schedule A Application Fees	Clarify the Development Permit fees for duplexes within Development Permit Area 15F: Missing Middle Housing. Increase the fees for new Garden Suite applications from $1,000 to $2,000.	Consistent with Council direction given May 2022. Align with Missing Middle policy and regulations and clarify fee structure within Schedule A and Schedule D. More reflective of staff resource requirements.	Consistency and Clarity Efficiency Transparency
	New Section Application Review Timelines	Consider the operational and planning impacts of introducing new wording/sections that would identify timelines for processing land use applications. Review and reflect best practices.	Timelines would provide certainty for applicants, but staff have concerns about impacts of dictating process timelines given the nature of the planning process.	Innovation Efficiency Consistency and Clarity
Phase 2 – Additional Simple Modernization Changes (Staff anticipate that these changes could be completed without additional resources)	**7** Notification Distance	Notification distances currently range between 100-200 metres based on application type. Could establish a consistent public notification distance and ensure purpose of notification achieves intended objective.	Varying notification distances can be confusing. With changes to public hearings and delegations, reviewing purpose of notification will provide greater clarity to applicants and the public.	Alignment with Legislation Consistency and Clarity
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Phases	Bylaw Section	Objective	Rationale	Guiding Values
Phase 3 - Additional Complex Changes (Staff anticipate that additional resources may be required to support review and updates to these sections to support necessary research and consultation)	**6 and 8** Pre-application requirements and Waiving Pre-application Requirement	Review sections and modernize/simplify wording in the bylaw to reconsider the pre-application process, community meetings, and the role of CALUCs in development application review process.	Review and reflect best practices for pre-application consultation and community engagement. The *Local Government Act* does not set out pre-application processes, and only specifies requirements for notification and public hearings.	Alignment with Legislation Efficiency Inclusivity Transparency
	11 Evidence of Participation in a Community Meeting	Update wording to provide greater flexibility and allow for more diverse forms of pre-application consultation based on the specific land use proposal.	The *Local Government Act* does not currently outline pre-application consultation requirements. Providing greater flexibility could be of value to applicants and the broader community.	Alignment with Legislation Innovation Efficiency
	Schedule A – Application Fees	Conduct a full fee review and modify Schedule A to make it more user-friendly, reduce fees if appropriate. May also want to establish new fees for resubmitted applications.	To modernize and simplify fees where possible, and to review and reflect best practices.	Best Practices Efficiency Transparency
	Part 3 – Delegation and Reconsideration **Schedule D** - Delegated Approvals	Conduct a full review of Part 3 – Delegation and Reconsideration to further simplify the table in Schedule D to make it more user friendly. Also bring forward additional opportunities for delegation.	Changes would allow staff to further simplify processes, update information to reflect best practices, and assess the status of ongoing changes to the *Local Government Act*.	Innovation Consistency and Clarity Alignment with Legislation

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