



AGENDA

For the Council Meeting to be Held
At the Saanich Municipal Hall,
770 Vernon Avenue
MONDAY, OCTOBER 24, 2016

I **6:00 P.M., COMMITTEE ROOM NO. 2**

Motion to close the meeting to the public in accordance with Section 90 (1) (c), (i) and (m) of the *Community Charter*.

II **7:30 P.M., COUNCIL CHAMBERS**

A. **ADOPTION OF MINUTES**

1. Council meeting held October 17, 2016
2. Committee of the Whole meeting held October 17, 2016

B. **BYLAWS FOR FINAL READING**

1. **TAX EXEMPTION REAL PROPERTY BYLAW AMENDMENT**
Final reading of "Tax Exemption Real Property Bylaw, 2015, Amendment Bylaw, 2016, No. 9396". To exempt certain lands and improvements from taxation for the years 2017, 2018 and 2019.
2. **57 CADILLAC AVENUE – TAX EXEMPTION BYLAW**
Final reading of "Tax Exemption Bylaw (57 Cadillac Avenue), 2016, No. 9397". To exempt the leased premise at 57 Cadillac Avenue from taxation for the years 2017-2023.
3. **TAX EXEMPTION REAL PROPERTY BYLAW**
Final reading of "Tax Exemption Real Property Bylaw, 2016, No. 9399". To exempt certain lands and improvement from taxation for the years 2017 and 2018.

C. **PUBLIC INPUT (On Business Items D & E)**

D. **RECOMMENDATIONS FROM COMMITTEES**

- P. 3**
1. **REPORT FROM COMMITTEES – FEDERAL TRANS-PACIFIC PARTNERSHIP AGREEMENT**
Reports from the Environment and Natural Areas, Healthy Saanich, and Planning, Transportation and Economic Development Committees providing their recommendations to Council on the matter of the Trans-Pacific Partnership Agreement.

- P. 24**
2. **MOVEMBER**
Recommendation from the September 28, 2016 Healthy Saanich Advisory Committee meeting that Council approve the raising of the Movember flag at the Municipal Hall for the month of November in support of awareness for the Movember 2016 campaign.

- P. 26**
3. **ENVIRONMENTAL BILL OF RIGHTS**
Recommendation from the September 27, 2016 Environment and Natural Areas (ENA) Advisory Committee that Council consider, as part of the Strategic Planning process, providing staff resources to work with ENA related to the Environmental Bill of Rights as outlined in the report.

E. **REPORTS FROM MEMBERS OF COUNCIL**

- P. 31**
1. **UNION OF BC MUNICIPALITIES (UBCM) RESOLUTIONS**
Report of Councillor Brownoff dated October 3, 2016 recommending that Council confirm that all resolutions advanced to UBCM are endorsed by Saanich Council and that Saanich Council write a letter to UBCM requesting they verify that late or emergency resolutions presented to them are endorsed by the local government.

2. **PRESENTATION OF THE PLANS FOR THE HARTLAND LANDFILL FACILITY**
 Further to the Notice of Motion from the October 3, 2016 Council meeting. Report from Councillor Haynes dated October 13, 2016 recommending that Council request staff to invite the Core Area Wastewater Treatment Project Board to present at a future Committee of the Whole meeting on the plans for the Hartland Landfill Facility, bio-solids, pipeline, and any other pertinent information with the intent to allow the public to hear the details, and that the residents of Willis Point be advised of the date of the presentation.

* * * Adjournment * * *

AGENDA

For the Committee of the Whole Meeting
 ** IMMEDIATELY FOLLOWING **
 The Council Meeting in the Council Chambers

REVISED AGENDA

ITEM NO. 2 REMOVED

1. **6187 HUNT ROAD – SUBDIVISION, AGRICULTURAL LAND RESERVE AND HERITAGE REVITALIZATION AGREEMENT**
 Report of the Director of Planning dated September 14, 2016 recommending that Council forward the application to subdivide the land within the Agricultural Land Reserve to the Agricultural Land Commission (ALC) with a recommendation for approval and, if the application is approved by the ALC, that the Heritage Revitalization Agreement be approved.
2. **1581 CHURCH AVENUE – DEVELOPMENT PERMIT AMENDMENT**
 Report of the Director of Planning dated September 15, 2016 recommending that Council approve Development Permit Amendment DPA00878 for a proposed fitness studio. A variance is requested for parking from 18 to 9 spaces.
3. **1780 TOWNLEY STREET – DEVELOPMENT PERMIT AND REZONING**
 Report of the Director of Planning dated October 6, 2016 recommending that Council approve the application to rezone to Zone RM-6 (Residential Mixed), that Development Permit DPR00634 be approved and that final reading of the Zoning Bylaw Amendment and ratification of the Development Permit be withheld pending registration of a housing agreement and a covenant to secure the items as outlined in the report.
4. **REQUEST FROM CRD - ISLAND CORRIDOR FOUNDATION (ICF) REVIEW**
 From the October 12, 2016 Capital Regional District (CRD) Board meeting requesting Council consider the Association of Vancouver Island and Coastal Communities review of the Island Corridor Foundation, and the ICF response to local governments in the CRD and to Songhees and Esquimalt First Nations, and to provide comments and recommendations to the CRD by October 31, 2016.

* * * Adjournment * * *

“IN CAMERA” COUNCIL MEETING IMMEDIATELY FOLLOWS

1581 Church Ave:
 Postponed
 to a Future Meeting

cncl Oct 24/16



LEGISLATIVE SERVICES

Mayor
Councillors
Administrator

Council
Administrator
Media

Memo

To: Mayor and Councillors
From: Donna Dupas, Legislative Manager
Date: October 19, 2016
Subject: Report from Committees: Trans-Pacific Partnership Agreement

File: 1220-01

At a Council meeting held August 15, 2016, Saanich Council heard a delegation from the Victoria Chapter of the Council of Canadians on the Federal Trans-Pacific Partnership Agreement and referred the item to the Environment and Natural Areas, Healthy Saanich, and Planning, Transportation and Economic Development Advisory Committees for comment prior to the public feedback deadline of October 31, 2016. The advisory committees held a public input session on September 13, 2016 and further discussed the matter at their respective committee meetings.

In response, the Healthy Saanich and Environment and Natural Areas Advisory Committees have recommended that Council express opposition to the Trans-Pacific Partnership Agreement while the Planning, Transportation and Economic Development Advisory Committee considered the matter to be outside the purview of the Committee.

The memoranda from the committees and draft meeting minutes are attached for reference. This item is scheduled for the Council meeting on October 24, 2016.

A handwritten signature in blue ink, appearing to read "Dupas".

Donna Dupas,
Legislative Manager

dh

cc: Paul Thorkelsson, CAO
Carrie MacPhee, Director of Legislative Services



CM
D.1



LEGISLATIVE SERVICES

Memo

To: Donna Dupas, Legislative Manager
From: Elizabeth van den Hengel, Committee Clerk
Healthy Saanich Advisory Committee

File: 1220-01

Date: September 28, 2016
Subject: TRANS-PACIFIC PARTNERSHIP AGREEMENT

At the September 28, 2016 meeting of the Healthy Saanich Advisory Committee the Committee discussed the Trans-Pacific Partnership Agreement. The Committee resolved as follows:

“That the Healthy Saanich Advisory Committee requests that Council express opposition to the Trans-Pacific Partnership Agreement and to send a letter to the federal government stating opposition to the Trans-Pacific Partnership Agreement.”

An excerpt from the September 28, 2016 minutes along with the supporting documents, are attached for your information.

EvandenHengel
Elizabeth van den Hengel
Committee Clerk

e-copy: Mayor Atwell
Paul Thorkelsson, CAO
Councillor Plant, Chair, HS

/ev
Attachments (2)



TRANS-PACIFIC PARTNERSHIP AGREEMENT

The Chair gave the Committee an update on the Trans-Pacific Partnership Agreement (TPP), and requested feedback from the Committee. The following was noted:

- The TPP appears to be just representative of large corporations.
- With a large agreement like the TPP all stakeholders should have been invited to the table during discussions.
- Canada has agreed to the TPP but has not ratified the agreement yet.

MOTION: **Moved by N. Rajan and Seconded by D. Rosenberg:** “That the Healthy Saanich Advisory Committee requests that Council express opposition to the Trans-Pacific Partnership Agreement and to send a letter to the federal government stating opposition to the Trans-Pacific Partnership Agreement.”

CARRIED

DRAFT



LEGISLATIVE SERVICES

Memo

To: Donna Dupas, Legislative Manager
From: Elizabeth van den Hengel, Committee Clerk
Environment and Natural Areas Advisory Committee

File: 1220-01

Date: September 29, 2016
Subject: TRANS-PACIFIC PARTNERSHIP AGREEMENT

At the September 27, 2016 meeting of the Environment and Natural Areas Advisory Committee the Committee discussed the Trans-Pacific Partnership Agreement. The Committee resolved as follows:

“That the Environment and Natural Areas Advisory Committee requests that Council express opposition to the Trans-Pacific Partnership Agreement for its restriction on the ability of Saanich to protect the natural environment.”

An excerpt from the September 27, 2016 minutes along with the supporting documents, are attached for your information.

A handwritten signature in cursive script that reads "Elizabeth van den Hengel".

Elizabeth van den Hengel
Committee Clerk

e-copy: Mayor Atwell
Paul Thorkelsson, CAO
Director of Planning
Manager Environmental Services
Councillor Murdock, Chair, ENA

/ev
Attachments (2)



TRANS-PACIFIC PARTNERSHIP AGREEMENT

The Chair gave the Committee an update on the Trans-Pacific Partnership Agreement (TPP), and requested feedback from the Committee. The following was noted:

- The Committee has four areas of concern with the TPP:
 - Legal
 - Environmental
 - Food Security
 - Investor-State Dispute Settlement Process.
- Consideration should be given to the costs of not being part of the TPP.

MOTION: **Moved by G. Klima and Seconded by A. Charania: “That the Environment and Natural Areas Advisory Committee requests that Council express opposition to the Trans-Pacific Partnership Agreement for its restriction on the ability of Saanich to protect the natural environment.”**

CARRIED



Memo

To: Donna Dupas, Legislative Manager
From: Elizabeth van den Hengel, Committee Clerk
Date: October 14, 2016
Subject: TRANS-PACIFIC PARTNERSHIP AGREEMENT

File: 1220-01

At the October 13, 2016 Planning, Transportation and Economic Development Advisory Committee meeting the Committee discussed the Trans-Pacific Partnership Agreement. Accordingly the Committee resolved as follows:

“That the Planning, Transportation and Economic Development Advisory Committee considers that the discussion on the Trans-Pacific Partnership Agreement is beyond the purview of the Planning, Transportation and Economic Development Advisory Committee.”

An excerpt from the minutes are attached for your information.

Elizabeth van den Hengel
Committee Clerk

/evdh

e-copy: Mayor Atwell
Paul Thorkelsson, CAO
Director of Planning
Director of Finance
Fred Haynes, Chair PTED

Attachments (1)

TRANS-PACIFIC PARTNERSHIP AGREEMENT

The Chair gave the Committee an update on the Trans-Pacific Partnership Agreement (TPP), and requested feedback from the Committee. The following was noted:

- The scope of the PTED Committee does not encompass reviewing international trade agreements.
- Free trade of any kind is a good thing for Canada.
- Free trade brings jobs, higher wages and more trade to Canadians.
- The dispute mechanism within the TPP seems to be the contentious issue. Members of the PTED Committee do not have the depth of knowledge to comment on the TPP dispute mechanism.
- Consideration should be given to the costs of not being part of the TPP.

MOTION: **Moved by J. Schmuck and Seconded by B. Mumford: “That the Planning, Transportation and Economic Development Advisory Committee considers that the discussion on the Trans-Pacific Partnership Agreement is beyond the purview of the Planning, Transportation and Economic Development Advisory Committee.”**

CARRIED

INFORMATION SESSION
PUBLIC INPUT ON THE
FEDERAL TRANS-PACIFIC PARTNERSHIP AGREEMENT (TPP)

Hosted By:
Environment and Natural Areas Advisory Committee
Healthy Saanich Advisory Committee
Planning, Transportation and Economic Development Advisory Committee

Held at Saanich Municipal Hall, Council Chambers
Tuesday, September 13, 2016 at 7:00 p.m.

WELCOME AND INTRODUCTIONS

Councillor Murdock, Chair, Environment and Natural Areas Advisory Committee advised that he would be chairing the information session and welcomed members of the public and Advisory Committee members who were in attendance.

Councillor Murdock also advised that the purpose of the information session was to receive a presentation from the Victoria Chapter of the Council of Canadians in relation to the TPP and hear public input on the matter. The notes from the information session would be provided to the Advisory Committees to review and based on each committees' discussions, recommendations would be forwarded to Council. Committee recommendations would be considered at the October 24, 2016 Council meeting and, at that time, members of the public would have another opportunity to provide input if they wished.

Councillor Plant, Chair, Healthy Saanich Advisory Committee introduced himself and advised that the information session was a result of a Delegation that presented at the August 15, 2016 Council meeting. The Council Procedure Bylaw gives Council the ability to refer a Delegation to an Advisory Committee, therefore the item was referred to the Environment and Natural Areas (ENA); Healthy Saanich (HS); and Planning, Transportation and Economic Development (PTED) Advisory Committees. It was decided that one joint information session of the Advisory Committees was preferred rather than having three separate committee meetings. The input received from the public at the information session would be brought back to the Advisory Committees for discussion. He indicated that while the decision to opt into the TPP is a Federal decision, it does have local ramifications and therefore it is not unreasonable to ask residents for feedback.

Councillor Haynes, Chair, Planning, Transportation and Economic Development Advisory Committee introduced himself. He advised that there is a history of Saanich standing up to protect the rights of residents at the federal level. He also advised that the notes from the information session would be provided to the Advisory Committees and the public would have the opportunity to provide further input at the committee level.

DELEGATION

T. Woynilowicz and N. Mussell, Victoria Chapter of the Council of Canadians, highlighted the following:

- TPP negotiations commenced in 2009; negotiations were held in secret.
- It is called a free trade agreement but has little to do with trade; it is a transfer of power away from local governments.
- The Investor-State Dispute Settlement (ISDS) replaces courts with rigged tribunals and no right to appeal.
- It poses a threat to municipalities in that corporations could sue local governments to change laws such as: local voting laws, environmental laws, laws that protect environmentally sensitive areas or that encourage sustainability laws; it could also affect food safety standards and local food production.
- It vaguely mentions climate change.
- The TPP undermines democratic authority of local governments; it benefits large corporations and individuals and could be seen as a corporate bill of rights.
- The Council of Canadians asks the District of Saanich to pass a resolution requesting the Federal Government not ratify the TPP.
- Other countries have stated that if ISDS is part of the TPP, they would not take part.

PUBLIC INPUT

J. Schmuck, Member of PTED, stated:

- He strongly supports food safety rules and buying local whenever possible.
- The TPP would open up markets tariff-free to Canadian producers and create environmental standards; it establishes fair labour standards that may not currently exist.
- Protectionism isolates economies and starves economic growth; agreements are regularly negotiated in secret.
- He wonders if making the request to the Federal Government is part of Saanich's mandate; dealing with current local issues are more important.

G. Holloway, Rosehill Road, stated:

- He is grateful that the topic is being discussed.
- The TPP has implications to all levels of government.
- It is appropriate to have the Advisory Committees consider the issue and is worthy of further discussion; the definition and the authority of the ISDS should be reviewed.
- Revisions cannot be made to the agreement; the risks of the TPP outweighs the benefits.
- It is appropriate to have Saanich pass a resolution requesting the Federal Government not support the TPP.

G. Klima, Member of ENA, stated:

- He is concerned with the fact that a municipality would be addressing an international trade agreement and wonders whether the Federal Government would have any reason to listen.
- If enough municipalities notify the Federal Government, they may listen.
- Municipalities may incur massive costs during a TPP proceeding, because they would have to hire lawyers who would know how to address themselves to the ISDS.
- The TPP would affect buying local purchasing decisions; the language in the TPP to protect the environment and for public consultation is weak.

- The idea that the municipality should oppose the TPP is supportable but it is important to frame the opposition in terms that are relevant to the municipality; some of the issues that may be relevant include regulations around pesticides, the EDPA, building permits, water and land use, and the integrity of our bylaws.

H. Wolf, Kincaid Street, stated:

- The TPP is not about free trade; most of the trade addressed in the TPP is already free.
- He thanks Saanich for the opportunity to provide feedback on this item; the ISDS process is a concern.
- A specific local issue that needs to be addressed is a proposed pipeline to process LNG in the Saanich inlet; this falls under Investor-State Protection under NAFTA.
- If TPP goes through we would not be able to stop oil tankers in the Strait of Juan de Fuca.

H. Gibbard, Member of ENA, stated:

- Environmental issues and food security are concerns.
- Some of the words in the TPP are chilling; the TPP is not concerned about people, politics or the environment.
- It is important to look closely at the TPP; he is not sure if the municipality has the power to ask the Federal Government to oppose the TPP or if the Federal Government will listen.
- The Federal Government did not give residents the opportunity to provide feedback into the TPP.

R. Hasselgrave, Member of ENA, stated:

- The proposed resolution asks that local government autonomy be protected; if nothing further can be done to modify the TPP, that may not be possible.
- A lot of the initiatives that protect the environment and health come from the local levels of government; municipalities are leading the way in climate change initiatives.
- The TPP has the potential in putting a chilling effect on the local level of government and the initiatives that start at that level; the TPP may affect drug pricing controls.

J. Gaylord, Member of BIPED, stated:

- The TPP is extremely concerning; she appreciates the opportunity to provide input.
- Saanich is within its rights to make recommendations to the Federal Government on what may affect the municipality; the Federal Government has not given the public an opportunity to provide feedback.
- Trade protectionism can be a bad idea; this is not a trade agreement.
- As long as it has the ISDS clause in it, the TPP should not proceed.

N. Mussel, Victoria Chapter of the Council of Canadians, stated:

- The Comprehensive Economic and Trade Agreement (CETA) and the TPP have the same investor-state protectionisms and many of the same provisions.
- The town of Hudson, Quebec banned pesticide use in the city; the town was sued under Chapter 11 of the NAFTA Agreement and lost.

CLOSING REMARKS

Councillor Haynes stated:

- He appreciated the comments and insights provided and invited members of the public to attend the upcoming Advisory Committee meetings.
- The TPP is a long and complicated document; the ISDS could mean the loss of local government authority.

Councillor Plant stated:

- He thanked the presenters and members of public for attending; he supports free trade, but not at the cost of democracy.
- The TPP as it exists, is not supportable; the ISDS is concerning and should be removed from the TPP.

Councillor Murdock stated:

- He thanked the audience for attending and providing feedback.
- He advised that the next step would be for each committee to deliberate and make a recommendation to Council; the item will be brought forward at the October 24, 2016 Council meeting and the public would have the opportunity to speak to the item or provide comments in writing.

The information session adjourned at 8:10 p.m.

Recording Clerk: L. Merry



Memo

File: 1410-02

To: Councillor Fred Haynes,
Chair, Planning, Transportation and Economic Development Advisory Committee
Councillor Dean Murdock,
Chair, Environment and Natural Areas Advisory Committee
Councillor Colin Plant,
Chair, Healthy Saanich Advisory Committee

From: Donna Dupas, Legislative Manager

Date: August 17, 2016

Subject: **Federal Trans-Pacific Partnership Agreement**

This memorandum will confirm that Council, at their meeting on August 15, 2016, considered a presentation from the Victoria Chapter of the Council of Canadians further to the above, and resolved as follows:

"That the topic of the Federal Trans-Pacific Partnership Agreement (TPP) be referred to Environment and Natural Areas, Healthy Saanich and the Planning and Transportation Economic Development Advisory Committees for further discussion and to forward recommendations to Council."

A copy of the presentation materials and excerpt of the Council minutes are attached for your reference. Please place this item on your September meeting agendas.



Donna Dupas
Legislative Manager

dh

cc: Kelli-Ann Armstrong, Senior Manager, Recreation Services
Elizabeth van den Hengel, Secretary, Planning, Transportation and Economic Development, Environment and Natural Areas, and Healthy Saanich Advisory Committees

1410-02
Delegation

VICTORIA CHAPTER OF THE COUNCIL OF CANADIANS
Subject: Federal Trans-Pacific Partnership Agreement (TPP)

Mr. T. Woynillowicz and Mr. N. Mussell presented to Council and requested that Council pass a resolution requesting that the Federal Government not ratify the Trans-Pacific Partnership Agreement. They advised that the TPP will adversely affect local governments in that foreign corporations could challenge zoning and environmental laws and laws that protect environmentally sensitive areas or that encourage sustainable development. They also advised that the TPP undermines democratic authority of local governments.

MOVED by Councillor Plant and Seconded by Councillor Haynes: "That the topic of the Federal Trans-Pacific Partnership Agreement (TPP) be referred to Environment and Natural Areas, Healthy Saanich and the Planning, Transportation and Economic Development Advisory Committees for further discussion and to forward recommendations to Council."

Councillor Plant stated:

- Referring the item to the Advisory Committees would be appropriate; members of the public would be able to attend and provide feedback.
- The Advisory Committees would forward any recommendations that they may have to Council.

In response to a question, Mr. Woynillowicz stated that October 31, 2016 is the deadline for feedback from the public.

In response to a question from Council, the Legislative Manager stated:

- The item could be scheduled for the September meetings of the Advisory Committees and recommendations be forwarded to an October Council meeting; further discussion would be needed to coordinate a joint Advisory Committee meeting.

Councillor Brownoff stated:

- She requests that the report in relation to the Canada-Europe Union Comprehensive Economic and Trade Agreement dated May 1, 2012 and the minutes of the May 7, 2012 Council meeting be forward to the Advisory Committees for reference.
- Staff are also requested to consult with Federation of Canadian Municipalities' joint working group for background information.

Councillor Derman stated:

- The TPP is not a trade agreement; it is a transfer of power to specific corporate interests.
- There is value in the Federal Government receiving letters from Canadian municipalities outlining concerns.

Councillor Murdock stated:

- This is an opportunity to discuss the effects the TPP may have on Saanich; a resolution may have an effect on federal decision makers.

The Motion was then Put and CARRIED

REPORTS FROM MEMBERS OF COUNCIL

1300-20
FCM

CANADA-EUROPEAN UNION COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT

Report from Councillor Brownoff dated May 1, 2012 recommending Council adopt the motion outlined regarding the Canada-European Union Comprehensive Economic and Trade Agreement.

MOVED BY Councillor Brownoff and Seconded by Councillor Derman;
"That:

- a) **Saanich Council endorse the Federation of Canadian Municipalities (FCM) seven Municipal principles for the Federal Government to apply to the Canada-European Union Comprehensive Economic and Trade Agreement (CETA) and future trade deals; and**
- b) **Saanich Council request the Government of Canada protect the powers of Saanich to create local jobs, protect the environment, and provide services and programs as it sees fit, from any restrictions to those powers in the CETA; and**
- c) **Saanich Council request the Government of Canada and the provinces and territories solicit comments from all the parties that will potentially be affected by the proposed trade agreement before finalizing any such agreement; and**
- d) **Saanich Council communicate its position to the Government of Canada, the Province of British Columbia and the Federation of Canadian Municipalities."**

Councillor Brownoff stated:

- The potential impact of this agreement on municipalities is not clear due to the confidential negotiation process; however, municipal procurements are to be included and municipalities such as Saanich may be affected. Municipal procurement was excluded from previous trade agreements.
- Stringent rules will apply; the Canada-European Union Comprehensive Economic and Trade Agreement (CETA) will prohibit a "Buy Canadian" policy as an offset; local policies which promote local job creation and local foods are among those which may be affected.
- It appears the CETA provisions may not be consistent with our Saanich Vision.

Councillor Murdock stated:

- Local food security and production are written into Saanich's Official Community Plan.
- He supports the seven municipal principles of free and fair trade but this agreement has implications unlike other trade agreements for local governments; we may not be able to look out for our own local interests.

Councillor Derman stated:

- All affected parties should be consulted during negotiations for such trade agreements.
- There could be unnecessary additional costs incurred by the municipality as a result.
- It would appear to put an unreasonable constraint on our ability to act for the citizens of our area.



Victoria Chapter of The Council of Canadians

August 3, 2015

Dear Mayor Atwell and Council,

On behalf of the Victoria Chapter of The Council of Canadians we wish to appear on Monday August 15th, 2015 (pending confirmation) as a delegation to address our concerns regarding the Trans-Pacific Partnership Agreement (TPP) and the effect it will have on the ability of local governments to serve their constituents.

As details of the proposed agreement emerge, citizens and elected officials are beginning to have concerns with the TPP that they are communicating to the federal government.

Some of the concerns that have been raised include the following:

- **The TPP has been negotiated in complete secrecy**
- **The TPP is not really a trade agreement**
- **It may violate our most fundamental principles of democracy**
- **The TPP will likely impact city planning, a major function of city government**
- **Increase global warming and costly extreme weather events**
- **Create a new regulatory bureaucracy that overrides local laws**
- **May rob local government of the ability to protect local jobs**
- **Could inflate healthcare costs**

Please find enclosed information that includes: the spring 2016 magazine Canadian Perspectives and two information sheets for your perusal.

You are also invited to visit our website for more information on the TPP:
www.canadians.org/tpp

Additional information will be emailed to you by Tuesday, August 9th, 2016.

Respectfully submitted by:

Ted Woynillowicz, Co-chair Victoria Chapter of the Council of Canadians

Neil Mussell, Board Member, Victoria Chapter of The Council of Canadians

Contact: Ted at [REDACTED]

The Trans-Pacific Partnership: Expanding the power of corporations

The Trans-Pacific Partnership (TPP) is a multilateral investment and corporate rights agreement involving 12 Pacific Rim countries. Canada joined the negotiations in 2012.

The text of the agreement was developed in secret. Parliamentarians were kept out of the loop. Corporate lobbyists, on the other hand, were given full access. The deal is now finalized and cannot be modified as it awaits ratification of the signatories. The countries involved (Australia, Brunei Darussalam, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, United States of America and Vietnam) make up approximately 40 per cent of the global economy.

The TPP is a “docking” agreement, meaning that other countries can join the existing deal without negotiations, which is significant due to the failure of previous multilateral efforts. Countries, such as the Philippines, Thailand, South Korea, Colombia and Taiwan, are considering joining.

Of the 30 chapters in the TPP only six relate to trade issues. The TPP is not a “trade” agreement – it is about entrenching and expanding the rights of corporations.

Here are a few examples of what we can expect from the TPP:

- **Increases in some drug costs.** The TPP includes the expansion of patent regimes to support pharmaceutical companies. Consumers and public health care providers will see higher prices. For communities in the global South who rely on low-cost generic drugs, this can be a matter of life and death.
- **A global race to the bottom in wages.** Lax corporate rules will mean continuously lower wages everywhere. Union organizing will be undermined while the exploitation of more temporary foreign workers and of workers in the Global South will increase. Ultimately this leads to increased profits for corporations while many workers are paid less.
- **Softening country of origin rules.** This makes it easier for corporations to produce product components in countries outside of the TPP and still have preferential tariffs. These rules of origins are weaker than those in NAFTA.
- **Deregulation of financial institutions.** TPP rules would require domestic law to conform to the now-rejected model of deregulation. The TPP would undermine bans on particularly risky financial practices, such as the derivatives that led to big bank bailouts during the 2008 financial crisis.
- **Undermining community and government efforts to buy local.** Corporations in the TPP must have access to bid on most government contracts. This means a country cannot give preference to local suppliers or enact “buy local” policies.
- **Encouraging a carbon-intensive economy.** Trade agreements encourage the expansion of a shipping-based export economy. They also promote large, global transnational agriculture instead of locally produced food. These are important factors in creating climate change. The TPP text does not have a single reference to climate change.



What's in the TPP?

The TPP will affect issues as wide ranging as internet freedoms, food sovereignty, health care costs, environmental standards and banking regulations. In all of these instances the rights of corporations are promoted at the expense of the rights of communities.

(Examples - con't)

- **Reducing environmental protection and indigenous sovereignty.** The TPP includes special rules for corporations that allow them to take environmental policies and laws to court. Environmentally destructive companies, such as oil companies or mining companies, are particular users of these rules. Indigenous lands, which are on the front lines of mining and oil resources, are often impacted by these environmentally damaging projects.
- **Canadian dairy markets opened to more rBGH milk.** The TPP will open up the Canadian market to U.S. milk as part of harmonizing dairy standards. Canada has banned recombinant Bovine Growth Hormone, produced by Monsanto, while the U.S. has not. Cows injected with rBGH, pushed to yield unnaturally large quantities of milk, suffer from more stress and a higher incidence of udder infections, reproductive disorders, swollen legs and premature death.
- **Restrictions on internet freedoms.** People's internet freedom would be restricted through expanded copyright terms, new rules for enforcement of the intellectual property rights of corporations online and the protection of digital locks, which prevent downloads. People will be limited in using and creating digital content and the protection of "trade secrets" could impede whistleblowers working in the public interest. Few privacy protections for users are provided.

Investor state dispute settlement (ISDS) provisions

Investor-state dispute settlement (ISDS) provisions are included in the TPP as well as many other international "trade" agreements. These provisions are the most obvious example of how trade deals are a corporate bill of rights. The ISDS provisions allow corporations to sue governments for policy decisions or regulations that cut into their corporate investments or profits.

Say, for example, a company invested in a mine or an oil field. The communities whose health and safety are affected could ask the government to stop the project to protect their health and safety. But if the government changes policy or rules that affect a TPP country's investment, the company can sue for lost profit – and not just what it invested, but also the "future profits" the company projects it would lose.

With ISDS provisions communities are likely to be bombarded with investment in resources extraction and infrastructure projects even though unresolved land claims, indigenous title and environmental opposition would otherwise be major risks to investment. These investments leave lands vulnerable to plunder and displacing people.

Public resources as corporate insurance

It used to be corporations that assumed the risks of doing business in another country. Now, with ISDS provisions, corporations are ensuring that bad investments and questionable projects are compensated for by governments. The funds used to compensate these multinational corporations could otherwise be used for spending on housing, public health, education and other social services.

The chill effect on public interest policy

Governments faced with continuous financial losses to ISDS claims may be discouraged to pass policies in the public interest that can impact the profits of multinational corporations. We have seen corporations challenge pesticide bans, public health labeling on cigarettes, the rejection of pipeline projects, fracking bans and much more. Governments will either continue to pay these corporations for their ISDS claims, or they will stop enacting policies and regulations in the public interest in order to save money. Either way people and the environment will suffer.

To learn more about what you can do to stop the Trans-Pacific Partnership visit www.canadians.org/tpp or call toll-free 1-800-387-7177.



300-251 Bank Street
Ottawa, ON, K2P 1X3
canadians.org | 1-800-387-7177



HOW WILL THE TPP AFFECT YOU?

The Trans-Pacific Partnership (TPP) is a "free" trade deal between Canada, the United States, Mexico and nine other countries, representing 40% of the global economy.



diminished sovereignty

Corporations will have the right to sue governments for changes in policies that threaten profit.



gold-plated corporate rights

Corporations are accorded privileged legal rights not given to citizens or states.



unfair competition

Restrictions imposed on Crown corporations will not give them "preferential" treatment.



local jobs at risk

Foreign companies have the same rights as local companies to government contracts, erasing any buy local programs.



food insecurity

Our ability to protect our own production and markets will be significantly diminished.



higher drug costs

Pharmaceutical patents will be extended, which means that some cheaper generic drugs will be less available.



decreased wages

Corporations benefit from new rights while workers in all countries will see lower wages and job losses.



environmental risks

Corporate lawsuits are often used to challenge policies that protect the environment. In these disputes, corporations almost always win.



who benefits?

Studies show that trade deals like the TPP and their corporate lawsuits benefit very large corporations and wealthy individuals. Experts are now saying that the TPP will result in job losses and only minimal economic growth in Canada.



Trade Deals Give Corporations the Power to Sue



by Brent Patterson

The Trans-Pacific Partnership contains the controversial investor-state dispute settlement (ISDS) provision.

In short, ISDS gives corporations the power to sue national governments for lost future profits related to public interest legislation, most commonly related to the protection of the environment. This provision is known as Chapter 11 in the North American Free Trade Agreement (NAFTA). It is in the yet-to-be ratified Canada-European Union Comprehensive Economic and Trade Agreement (CETA) and in the recently signed Trans-Pacific Partnership (TPP), and it is the subject of debate and reform proposals in the United States-European Union Transatlantic Trade and Investment Partnership (TTIP).

The Trudeau government is defending this provision in the TPP. Global Affairs Canada (Prime Minister Trudeau's department of foreign affairs and international trade) says, "With respect to ISDS, the TPP will not impair the ability of Canada or its partners to regulate and legislate in areas such as the environment, culture, safety, health and conservation. Our experience under NAFTA demonstrates that neither our investment protection rules nor the ISDS mechanism constrain any level of government from regulating in the public interest."

In fact, Canada's experience under NAFTA has been the complete opposite of that. Since NAFTA came into force on January 1, 1994, Canada has been subject to 35 NAFTA investor-state claims. Sixty-three per cent of those claims have involved challenges to environmental protection or resource management measures. A notable example includes the Delaware-registered, Calgary-based Lone Pine Resources' \$250-million Chapter 11 challenge against Canada over Quebec's moratorium on fracking for

oil and gas underneath the St. Lawrence River.

Toronto Star columnist Thomas Walkom has cautioned, "Ottawa says the TPP does not remove the right of governments to 'legislate and regulate in the public interest.' That's what was said about NAFTA originally. But those claims proved to be false. With the TPP, as with NAFTA, all will depend on how the final text is worded and how the dispute settlement panels interpret this wording. In the end, the new Trans-Pacific deal is essentially a renegotiated NAFTA with Japan and a couple of cheap-labour countries (Vietnam, Malaysia) thrown in."

The ISDS provision threatens both climate policy and Indigenous rights.

As Friends of the Earth highlights, "The ISDS mechanism included in the TPP investment chapter grants foreign investors access to a secret tribunal if they believe actions taken by a government will affect their future profits. This provision is a ticking time-bomb for climate policy because many government policies needed to address global warming are subject to suits brought before international investment tribunals... Other TPP chapters, like the one covering trade in goods, can be the basis for state-to-state suits challenging climate policies."

Council of Canadians National Chairperson Maude Barlow has called for a provision in global climate agreements that would protect government measures reducing greenhouse gas emissions from ISDS challenges. She stated, "The central problem is that many of the same countries pledging to take serious action on climate change are also party to, or are aggressively negotiating, trade and investment deals that contain a mechanism that gives large corporations the right to challenge any changes to the

current rules under which they operate." United Nations Special Rapporteur for Indigenous Rights Victoria Tauli-Corpuz has warned that "the clause of non-discrimination between a local and an international investor ... grants more rights to transnational firms, often at the expense of indigenous rights." She says this is a crucial issue because most remaining natural resources are located on Indigenous lands.

In a January 2016 op-ed published in the *Winnipeg Free Press*, Council of Canadians Regional Organizer Brigitte DePape and Winnipeg chapter activist Jobb Arnold wrote "[The ISDS provision] could affect the First Nations on Lelu Island, B.C. ... There, the battle is against Petronas, a company that wants to exploit liquefied natural gas. It's not just the land and water, but also the fishing economy at stake for future generations. Under the TPP, Petronas, a Malaysian company, could sue the Canadian government if it were to limit LNG exploitation on the island. In this way, the TPP gives multinational corporations more power and grassroots land-defenders less."

The Trans-Pacific Partnership includes the 12 countries that produce nearly 40 per cent of the monetary value of all the finished goods and services in the world. There is a mixture of countries within it, including G7 "major advanced economies" (the United States, Canada and Japan), G20 "major economies" (Australia and Mexico), relatively smaller economies (New Zealand and Singapore), and "developing economies" (Brunei, Chile, Malaysia, Peru and Vietnam).

Giving the transnational corporations that operate in these countries the power to sue government over public interest legislation is the wrong way to go.

Brent Patterson is the Political Director for the Council of Canadians.

TPP 'worst trade deal ever,' says Nobel-winning economist Joseph Stiglitz

Trans-Pacific Partnership should be revised to advance interests of citizens, not corporations, he says

[CBC News](#) Posted: Mar 31, 2016 8:45 PM ET Last Updated: Apr 01, 2016 4:51 PM ET

Nobel Prize-winning economist Joseph Stiglitz says the Trans-Pacific Partnership may well be the worst trade agreement ever negotiated, and he recommends Canada insist on reworking it.

"I think what Canada should do is use its influence to begin a renegotiation of TPP to make it an agreement that advances the interests of Canadian citizens and not just the large corporations," he said in an interview with CBC's [The Exchange](#) on Thursday.

- [Highlights: What's in Trans-Pacific Partnership?](#)
- [EU quietly asks Canada to rework trade deal](#)

Stiglitz, a professor at Columbia University in New York, was a keynote speaker at a conference at the University of Ottawa on Friday about the complex trade deal.

International Trade Minister Chrystia Freeland put Canada's signature on the Trans-Pacific Partnership trade deal, but it has yet to be ratified here. The House of Commons trade committee is studying the TPP — a process that Freeland said could take up to nine months.

Stiglitz described Freeland as "old friend" in an interview with The Canadian Press and said he has explained some of the pitfalls of the TPP to her, among them its potential to reduce workers' rights.

Stiglitz takes issue with the TPP's investment-protection provisions, which he says could interfere with the ability of governments to regulate business or to move toward a low-carbon economy.

Multinationals have right to sue

It's the "worst part of agreement," he says, because it allows large multinationals to sue the Canadian government.

"It used to be the basic principle was polluter pay," Stiglitz said. "If you damaged the environment, then you have to pay. Now if you pass a regulation that restricts ability to pollute or does something about climate change, you could be sued and could pay billions of dollars."

There were similar provisions in North American Free Trade Agreement that led to the Canadian government being sued, but the TPP goes even further.

He said the provision could be used to prevent raising of minimum wages or to overturn rules that prevent usury or predatory lending practices.

Stiglitz argues the deal, which is a 6,000-page mammoth and extremely complex, should have been negotiated openly.

"This deal was done in secret with corporate interests at the table," he said.

He also forecasts the deal will have little impact on trade volumes, especially in advanced countries like the U.S. and Canada, where mostly capital-intensive goods are exported and labour-intensive goods are imported.

Rules of origin provisions

But it will change the basic legal framework that governs society, shifting power to corporations, he said.

Stiglitz said the "rules of origin" provisions have the ability to hurt North American employment, because they allow "very clever ways of hiding what's going on."

- [Trans-Pacific Partnership divides auto parts industry](#)
- [Canada, Mexico share concerns about TPP impact](#)

"You could have an automobile where the vast majority of the automobile was actually made in China and Thailand [which did not sign the TPP] but it comes into Canada as a Japanese good," he said.

All the presidential candidates now are speaking out against the deal and it may never be passed in the U.S.

"I'm a little surprised that Canada would seriously consider going through the political fight that is associated with getting this agreement ratified until the U.S. adopts it," he said.

He recommended Canada work with the Europeans, who have also objected to the investment protection provisions, to rework the deal.

With files from The Canadian Press

CR01 Oct 24/16



LEGISLATIVE SERVICES

Memo

To: Donna Dupas, Legislative Manager
From: Elizabeth van den Hengel, Committee Clerk
Healthy Saanich Advisory Committee

File: 1420-30

Date: September 28, 2016
Subject: MOVEMBER

Mayor
Councillors
Administrators
Council
Administrator
Media

At the September 28, 2016 meeting of the Healthy Saanich Advisory Committee heard a presentation on the Movember campaign to promote awareness of the health needs of men. The Committee resolved as follows:

“That the Healthy Saanich Advisory Committee requests that Council approve the raising of the Movember flag at the Municipal Hall for the month of November 2016 in support of awareness for the Movember 2016 campaign.”

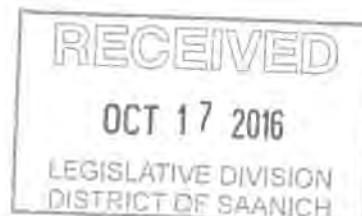
An excerpt from the September 28, 2016 minutes are attached for your information.

Elizabeth van den Hengel

Elizabeth van den Hengel
Committee Clerk

e-copy: Mayor Atwell
Paul Thorkelsson, CAO
Councillor Plant, Chair, HS

/ev
Attachments (1)



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D.2

MOVEMBER

The Planning Graphic Technician presented an overview of the work done by the Movember Organization in promoting awareness of the health needs of men. Movember campaigns have raised significant funds for men's cancer research and this year, in addition to men's cancer research funding, a new focus on mental health care for men is being supported.

MOTION: Moved by M. Davis and Seconded by N. Rajan: "That the Healthy Saanich Advisory Committee requests that Council approve the raising of the Movember flag at the Municipal Hall for the month of November 2016 in support of awareness for the Movember 2016 campaign."

CARRIED

DRAFT

CNCI Oct 24/16



LEGISLATIVE SERVICES

Council
Administrator
Media

Mayor
Councillors
Administrator

File: 2650-50

Memo

To: Donna Dupas, Legislative Manager

From: Elizabeth van den Hengel, Committee Clerk
Environment and Natural Areas Advisory Committee

Date: September 29, 2016

Subject: ENVIRONMENTAL BILL OF RIGHTS

At the September 27, 2016 meeting of the Environment and Natural Areas Advisory Committee, the Committee discussed the Environmental Bill of Rights, adopted by Council resolution at their meeting of January 26, 2015. The Committee resolved as follows:

“That the Environment and Natural Areas Advisory Committee in support of Council resolution #2560-50: Health of the Environment, requests that Council consider as part of the Strategic Planning process, providing staff resources to work with the Environment and Natural Areas Advisory Committee on the following:

- 1) To catalogue current District of Saanich environmental actions;
- 2) To conduct a gap analysis by reviewing Council Resolution #2560-50 objectives, targets, timelines and actions (information to be provided by District of Saanich staff, and deliberations of the Environment and Natural Areas Advisory Committee);
- 3) To develop a list of model environmental rights provisions including, but not limited to, substantive and procedural rights;
- 4) To provide recommendations on new objectives, targets, timelines and actions as it pertains to the right to a healthy environment; and
- 5) To consult District of Saanich residents and other key stakeholders as part of this process.”

An excerpt from the September 27, 2016 minutes along with the supporting documents, are attached for your information.

Elizabeth van den Hengel
Committee Clerk

e-copy: Mayor Atwell
Paul Thorkelsson, CAO
Director of Planning
Manager Environmental Services
Councillor Murdock, Chair, ENA

/ev
Attachments (2)



CM
D.3

ENVIRONMENTAL BILL OF RIGHTS

Committee member A. Charania led a discussion on the evaluation of the progress towards fulfilling Council Resolution #2560-50: Healthy Environment as passed on January 26, 2015. The following was noted:

- MOTION:** **MOVED by A. Charania and Seconded by K. Brown: “That the Environment and Natural Areas Advisory Committee in support of Council resolution #2560-50: Healthy Environment, requests that Council consider as part of the Strategic Planning process, providing staff resources to work with the Environment and Natural Areas Advisory Committee on the following:**
- 1) To catalogue current District of Saanich environmental actions;**
 - 2) To conduct a gap analysis by reviewing Council Resolution #2560-50 objectives, targets, timelines and actions (information to be provided by District of Saanich staff, and deliberations of the Environment and Natural Areas Advisory Committee);**
 - 3) To develop a list of model environmental rights provisions including, but not limited to, substantive and procedural rights;**
 - 4) To provide recommendations on new objectives, targets, timelines and actions as it pertains to the right to a healthy environment; and**
 - 5) To consult District of Saanich residents and other key stakeholders as part of this process.”**

CARRIED

District of Saanich Environmental and Natural Areas Committee

Environmental Bill of Rights Working Group: Proposed Plan of Action: August 2016

Working Group Members: Al-Nashir Charania, Jude Coates, Kevin Brown, Philip He

FOR DISCUSSION AND COMMENT

Objective

- To evaluate progress towards fulfilling Council resolution #2560-50: Health Environment as passed on January 26, 2015¹.

Goals

- To catalogue current District of Saanich environmental actions by working with District of Saanich staff.
- To conduct a gap analysis by reviewing Council resolution #2560-50 objectives, targets, timelines and actions (see attached), information provided by District of Saanich staff, and deliberations of the EBR working group.
- To develop a list of model environmental rights provisions including, but not limited to, substantive and procedural rights (see attached).
- To provide recommendations on new objectives, targets, timelines, and actions as it pertains to the right to the healthy environment.
- To consult District of Saanich residents and other key stakeholders as part of this process.

¹ District of Saanich, Council Meeting Minutes – January 26, 2015. See:
[http://www.saanich.ca/assets/Local~Government/Documents/2015-01-26-council-minutes.pdf](http://www.saanich.ca/assets/Local%20Government/Documents/2015-01-26-council-minutes.pdf)

Environmental Bill of Rights
Environmental Rights Provisions Model Developed by EBR Working Group: July 2016



District of Saanich, Council Meeting Resolution #2560-50: January 26, 2015

DECLARATION OF THE RIGHT TO A HEALTHY ENVIRONMENT MOVED by Councillor Brownoff and Seconded by Councillor Brice:
"That the following resolution be approved:

WHEREAS the David Suzuki Foundation Blue Dot Tour has inspired many Canadians to request that the right to a healthy environment be enshrined in the Charter of Rights and Freedoms through support of the following motion;

AND WHEREAS the District of Saanich understands that people are part of the environment and that a healthy environment is inextricably linked to the well-being of our community;

AND WHEREAS the Saanich Official Community Plan provides a strong policy foundation to pursue actions and initiatives that contribute toward a healthy environment;

AND WHEREAS Saanich has the opportunity to endorse the Declaration of the Right to a Healthy Environment, joining other Canadian cities in reaffirming our commitment to social, environmental and economic sustainability;

THEREFORE BE IT RESOLVED THAT the District of Saanich endorse the following declaration:

That all people have the right to live in a healthy environment, including:

- ❖ The right to breathe clean air;
- ❖ The right to drink clean water;
- ❖ The right to consume safe food;
- ❖ The right to access nature;
- ❖ The right to know about pollutants and contaminants released into the local environment;
- ❖ The right to participate in decision-making that will affect the environment.

The District of Saanich has the responsibility within its jurisdiction to respect, protect, fulfill and promote these rights;

The District of Saanich will apply the precautionary principle; where threats of serious or irreversible damage to human health or the environment exist, Saanich will take cost effective measures to prevent the degradation of the environment and protect the health of its citizens.

Lack of full scientific certainty shall not be viewed as sufficient reason for Saanich to postpone such measures.

The District of Saanich shall apply full cost accounting; when evaluating reasonably foreseeable costs of proposed actions and alternatives, Saanich will consider costs to human health and the environment.

By December 31, 2015, Saanich will consider objectives, targets, timelines and actions within its jurisdiction to fulfill residents' rights to a healthy environment , including options to:

- ❖ Ensure equitable distribution of environmental benefits and burdens within the municipality;
- ❖ Ensure infrastructure and development projects protect the environment including air quality;
- ❖ Address Climate Change by reducing greenhouse gas emissions and implementing adaptation measures;
- ❖ Responsibly increase density;
- ❖ Prioritize walking, cycling and public transit as preferred modes of transportation;
- ❖ Ensure adequate infrastructure for the provision of safe and accessible drinking water;
- ❖ Promote the availability of safe foods;
- ❖ Reduce solid waste and promote recycling and composting;
- ❖ Establish and maintain accessible green spaces in all residential neighbourhoods;

The District of Saanich shall review these objectives, targets, timelines and actions every five years, and evaluate progress towards fulfilling this declaration;

The District of Saanich will consult residents as part of this process.

AND BE IT FURTHER RESOLVED THAT Council forward this resolution to the Annual Meeting of the Association of Vancouver Island and Coastal Communities, the Union of British Columbia Municipalities and the Federation of Canadian Municipalities, requesting favourable consideration by delegates at the 2015 annual meetings of these Associations."

1410-04 Council
X: 1300-20 UBCM

encl Oct 17/16



Report

To: Mayor and Councillors
From: Councillor Judy Brownoff
Date: October 3, 2016
Subject: Union of BC Municipalities (UBCM) Resolutions

Mayor
Councillors
Administrator

Council
Administrator
Media

The 2016 UBCM convention, which is the second UBCM convention for this Council's term, concluded with several Saanich resolutions being adopted.

"**LR2 Building New Student Housing**", was submitted as an 'emergency' resolution published in the UBCM Policy Book as a Saanich Council endorsed resolution. This item was not reviewed, debated or voted on at a Saanich Council meeting and so was not an endorsed resolution by Saanich Council.

Our CAO checked with UBCM staff to find out about the late resolution and then spoke with Councillor Haynes who had submitted it. According to UBCM, their procedures set out that "...local governments may submit Council- or Board-endorsed resolutions directly to UBCM". Furthermore, UBCM includes in the Resolutions Book how resolutions are handled at the convention. An emerging issue coming up through convention can be presented to delegates, from the floor, but must follow UBCM convention procedures and are delegate not Council sponsored.

All Saanich resolutions adopted by Council are transmitted by the Legislative Division to ensure the submission complies with UBCM procedures. The CAO is also available to assist members of Council to provide guidance with respect to the proper process to follow.

RECOMMENDATION:

WHEREAS based on recent 2016 UBCM convention experience in which a resolution was advanced to UBCM without the approval or endorsement of Saanich Council and published in the UBCM Policy Book;

AND WHEREAS UBCM should be requested to review its processes and make any necessary changes to ensure the democratic process is respected;

THEREFORE BE IT RESOLVED that Saanich Council confirm that all resolutions advanced to UBCM be endorsed by Saanich Council as set out by UBCM procedures;

AND BE IT FURTHER RESOLVED that Saanich Council write a letter to UBCM requesting they verify late or emergency resolutions presented to them are endorsed by the local government.

A handwritten signature in black ink that reads "Judy Brownoff".
Judy Brownoff



CM
E.1



Mayor
Councillors
Administrator
Council
Administration
Media

Report



To: Mayor and Councillors

From: Councillor Fred Haynes

Date: October 13, 2016

Subject: Presentation on the Plans for the Hartland Landfill Facility (Notice of Motion Introduced October 3, 2016)

I would like to provide the following considerations in support of the motion coming to Council on October 24, 2016 regarding the Core Area Wastewater Treatment Project Board (CAWTPB) presenting at a future Committee of the Whole meeting describing the plans for the Hartland Landfill Facility, biosolids, pipeline, and any other pertinent information with the intent to allow the public to hear the details.

While this is a project of the Capital Regional District (CRD), and while it is clearly going ahead, the use of Hartland brings significant long lasting physical and fiscal impacts to the residents of Saanich. Walking the streets of Prospect Lake and Hartland, where I live, I have had direct contacts from residents on this issue. Our residents have observed that the CAWTPB have presented at two Committee of the Whole meetings in Esquimalt at the invitation of Esquimalt Council.

On this basis, I believe Saanich residents expect to be kept informed. This motion, if supported, is intended to provide a clear mechanism to enable the delivery of information from the CAWTPB and/or CRD Staff in a format within Saanich. It also clarifies that Council recognizes the value of this information for our residents, and is prepared to initiate a Saanich based format for this.

As we can recall, the community information and consultation strategy around the Seaterra project caused residents around Hartland and Prospect Lake to feel aggrieved by the information process. The consternations around this process also enabled a turn by our residents towards other information that was incomplete, misleading or poorly understood. This further added to the public concerns.

Providing the CAWTPB with the public format of a Committee of the Whole meeting in Saanich to update our residents and Council of the plans for the Hartland facility and how this may impact its neighbours will help inform an accurate and responsive public engagement.

The intent is not to have Saanich Council alter the clear processes and decisions established at the CRD and the CAWTPB for the liquid waste project. The intent is to enable an opportunity for Saanich residents to hear firsthand the details of the plans for Hartland and any other direct impacts in Saanich.

**CM
E.2**

RECOMMENDATION:

That:

- a) staff be requested to invite the Core Area Wastewater Treatment Project Board to present at a future Committee of the Whole meeting on the plans for the Hartland Landfill Facility, bio-solids, pipeline, and any other pertinent information with the intent to allow the public to hear the details; and
- b) the residents of Willis Point be advised of the date of the presentation.

A handwritten signature in cursive script, appearing to read "F. Haynes", with a long horizontal flourish underneath.

Councillor Fred Haynes

2110-20 Hunt

C/W OCT 24 2016



The Corporation of the District of Saanich

Report

To: Mayor and Council
From: Sharon Hvozanski, Director of Planning
Date: September 14, 2016
Subject: Subdivision, Agricultural Land Reserve and Heritage Revitalization Agreement Application
File: SUB00749; ALR00011; HER00042 • 6187 Hunt Road

Mayor
Councillors
Administrator
Com. Assoc.
Applicant

Council
Administrator
Media

PROJECT DETAILS

Project Proposal: The applicant is seeking to subdivide the property to create one additional lot within the Agricultural Land Reserve (ALR) under the existing A-1 zoning. A Heritage Revitalization Agreement is also being sought to allow for: the existing heritage dwelling to be retained on the newly created lot (proposed Lot A); the existing second dwelling to be removed; and a new dwelling to be built at the eastern edge of the original parcel (proposed Lot B).

Address: 6187 Hunt Road

Legal Description: Lot 1, Section 18, Range 6E, South Saanich District, Plan VIP63380

Owner: Genevieve Phyllis Fatt

Applicant: Strongitharm Consulting Limited (Deane Strongitharm)

Parcel Size: 10.34 ha

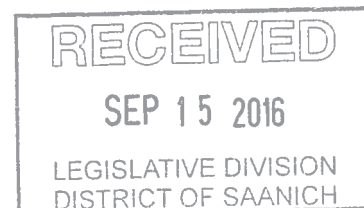
Existing Use of Parcel: Rural/Agriculture

Existing Use of Adjacent Parcels: North: A-1 (Agriculture) Zone, District of Central Saanich
South: A-2 (Rural) Zone (Two Dwelling)
East: P-1 (Assembly) Zone, Haro Strait
West: A-1 (Rural) Zone

Current Zoning: A-1 (Rural) Zone

Minimum Lot Size: 2.0 ha

Proposed Zoning: A-1 (Rural) Zone



Proposed Minimum**Lot Size:** 0.39 ha**Local Area Plan:** Cordova Bay**LAP Designation:** Rural/Agriculture/ALR to be retained**Community Assn Referral:** Cordova Bay Association for Community Affairs • Referral sent on March 9, 2016. No response has been received to date.**PROPOSAL**

The applicant is seeking to subdivide the property to create one additional lot within the Agricultural Land Reserve (ALR) under the existing A-1 zoning. A Heritage Revitalization Agreement is also being sought to allow for: the existing heritage dwelling to be retained on the newly created lot (proposed Lot A); the existing second dwelling to be removed; and a new dwelling to be built at the eastern edge of the original parcel (proposed Lot B) (see Figures 1 and 2).

The proposed subdivision is intended to facilitate the inter-generational transfer of the farm operation, to a next generation family member to allow the current farmer to retire. The smaller lot containing the original manor home would be retained on the site and would continue to be occupied by the retired farmer. The balance of the land would be transferred to the son who intends to live on and continue to operate the farm.

**Figure 1: Proposed Subdivision**



Figure 2: Overall Site Plan

PLANNING POLICY

Official Community Plan (2008)

- 4.2.5.1. "Support the retention of rural and farm lands through adherence to the Urban Containment Boundary policy and preservation of the Agricultural Land Reserve."
- 4.2.5.2. "Maintain farming, food production, and large lot residential as the predominant land use on rural lands."
- 4.2.5.3. "Maintain a minimum parcel area of 2.0 ha for the A-1 (Rural) zone and 4.0 ha for the A-4 (Rural) zone."
- 5.1.1.3. "Do not forward applications to the Agricultural Land Commission to subdivide land within the Agricultural Land Reserve unless:
- the owner has continuously owned and occupied the property as a principal residence since December 21, 1972 and no subdivision has occurred since that date; or
 - there are already two dwellings on the parcel; or
 - it would facilitate changes to an existing public institution; or
 - it would increase the agricultural capability of an existing farm as defined by the BC Assessment Authority and there is on-site evidence of keeping animals or land cultivation at a commercial level."
- 5.1.1.18. "Support the preservation and enhancement of the soil's agricultural capability on rural and ALR lands."
- 5.2.4.1. "Monitor and encourage preservation of heritage resources according to the Saanich Heritage Resources Management Plan and Heritage Action Plan."
- 5.2.4.4. "Consider incentives to encourage preservation and designation of privately owned heritage buildings."

Cordova Bay Local Area Plan (1998)

- 3.1 "Preserve the public visibility of heritage resources in Cordova Bay and encourage design compatibility when considering rezoning, subdivision, and development permits in their vicinity."
- 7.1 "Maintain a minimum lot area of 2 ha outside the Urban Containment Boundary."

DISCUSSION

Neighbourhood Context

The 10.34 ha, A-1 zoned, parcel is located within the Agricultural Land Reserve on the east side of Hunt Road, adjacent to the municipal boundary with the District of Central Saanich. The site contains a heritage registered dwelling in the northwest corner of the property, a smaller farm worker dwelling in the southwest corner of the property, and five outbuildings which shelter farm equipment, a paddock and processing areas necessary for the full-time farm operation.

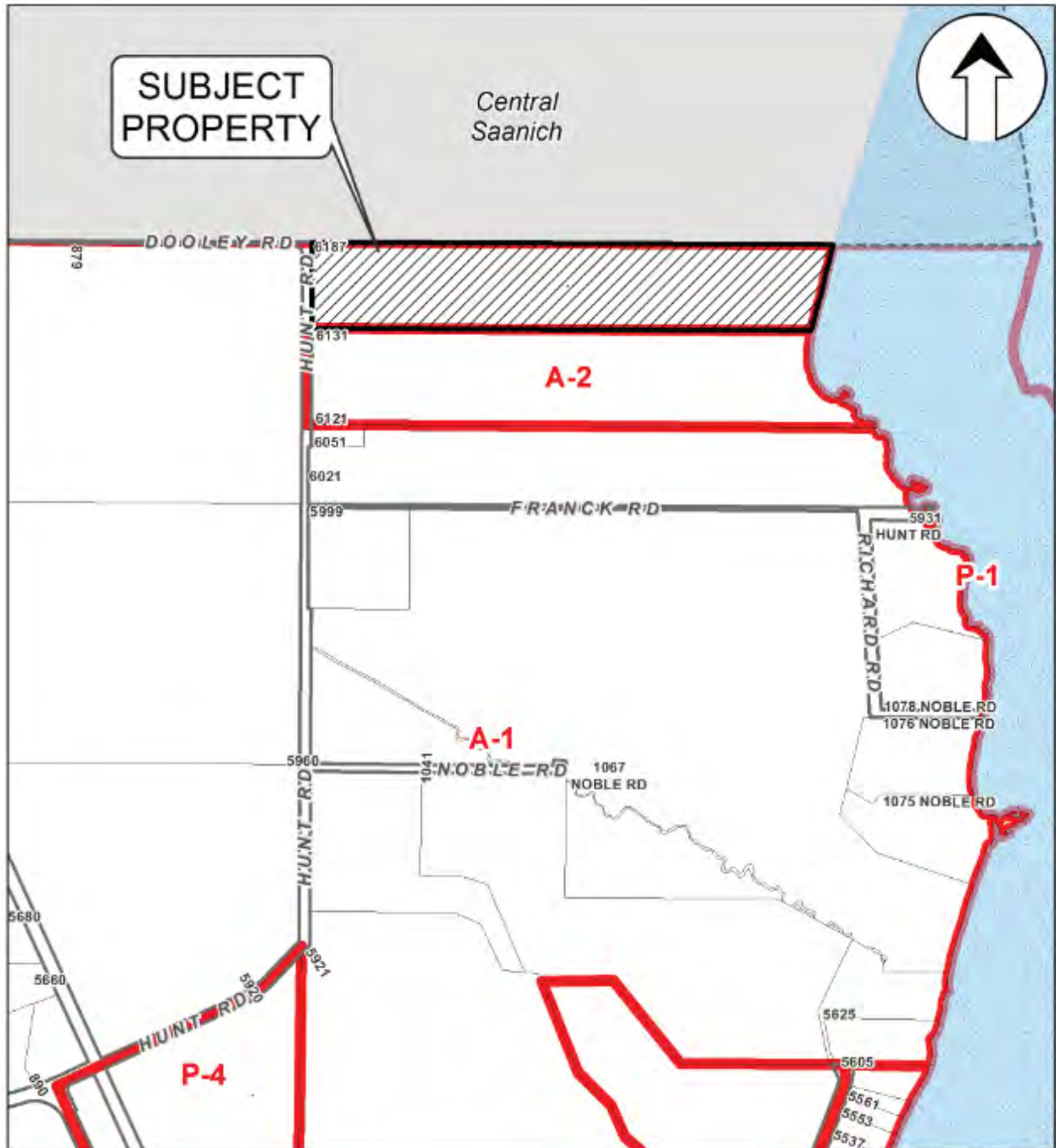


Figure 3: Context Map

The site is currently being used for rotation cropping and sheep forage. Surrounding land use is mostly rural residential and agricultural uses within the ALR. Haro Strait is to the east.

Land Use

Official Community Plan policies require a minimum parcel area of 2 ha for the A-1 zone. The Official Community Plan supports retention of Agricultural Land Reserve land by discouraging fragmentation through subdivision. Subdivision within the Agricultural Land Reserve requires Agricultural Land Commission approval.

Subdivision Bylaw No. 7452 s. 5.1(d) provides that an Approving Officer may approve a plan of subdivision which creates a parcel or parcels which do not comply with the minimum parcel size or width requirements of the Zoning Bylaw where at least one of the parcels in the proposed subdivision is within the ALR and the Provincial Agricultural Land Commission has approved the subdivision, in which case one of the new parcels may be smaller than the smallest existing parcel.

Theoretically, the 10.34 ha parcel has sufficient area to create 4 additional lots under the current zoning. Official Community Plan policy 5.1.1.3 provides that applications for subdivision within the ALR may be forwarded to the Agricultural Land Commission where there are already two dwellings on the parcel, which is currently the case. One of the dwellings would be removed and replaced elsewhere on the parcel to provide accommodation for the owner's son who would continue to farm the land.

Agricultural Land Reserve

The Agricultural Land Commission has policies which provide retiring farmers with the opportunity to remain on the land while passing the farm operation on to family members or other farmers who would continue to farm the land. Inter-generational transfer of farm operations is a type of subdivision that allows for the transfer of a farm operation, including farm assets and property, to a next generation family member to allow the current farmer to retire.

The Fatt family owns the farm. They have been farming in the Capital Region for more than 100 years. The family operates both Islands West Produce and Portofino European Bakery, a wholesale operation that produces and distributes bakery products. The subdivision and subsequent transfer of the remainder parcel would permit the next generation family member to live on the land and cultivate the land for products that can be used in the preparation of its bakery products. The adjacent parcel to the south is also owned and cultivated by a family member and is an integral part of the overall family farm operation.

A Land Capability Assessment was undertaken for the site by Madrone Environmental Services Ltd. The assessment states that soils in the area are a mix of both Quamichan and Tagner soil associations, which have developed from fluvial and marine deposits. Soils in the area consist of weakly differentiated layers of sandy loam to loamy sand. The Land Capability for Agriculture (LCA) rating for these soils is a mix of 4A, 3A, 3D and 2P on a scale of 1 to 7, Class 1 being the highest capability and Class 7 having limited or no agricultural capability. In this case, the designations indicate generally high quality soils with limitations due to aridity, moisture holding capacity and stoniness. The Class 4 seasonal aridity limitation can be improved by irrigation, but the cost and low soil moisture holding capacity of the identified soil unit would result in non-viable agricultural operation under 3A aridity limitations. Improvement through deep ploughing would increase the Class 3D area to Class 1 if necessary for the intended crop type. Improvements through stone-picking would increase Class 2P area to Class 1.



Figure 4: Land Capability Assessment

In addition to subdividing to allow the retiring farmer to continue to live in the family home on a smaller parcel, the proposal includes demolition of the existing farm worker dwelling and construction of a larger dwelling, better suited to the needs of the next generation family, elsewhere on the site. Removal of the existing farm worker dwelling and associated out-building would allow for reclamation of ±860 m² of arable (Class 3A) land where the house now stands. The new dwelling would be constructed in the lowest-productivity (Class 4A), northeast portion of the property and would be accessed via the existing farm road along the south boundary of the property. It is anticipated that construction of a new house, driveway and parking could result in the loss of up to 4000 m² of arable land.

Proposed Subdivision

The intent of the subdivision is to maintain the existing heritage dwelling on the smallest lot possible in order to maximize the area of the remainder parcel that would continue to be farmed (proposed Lot A).

The minimum parcel size for the A-1 zone is 2 ha. Subdivision Bylaw No. 7452 s. 5.1(d) provides that an Approving Officer may approve a plan of subdivision which creates a parcel which would not comply with the minimum parcel size or width requirements of the Zoning Bylaw where the parcel is within the ALR and the Provincial Agricultural Land Commission has approved the subdivision.

The proposed new 3942 m² lot to be located in the northwest corner of the parcel, would have a depth of 87.8 m and a width of 44.9 m which would accommodate the existing heritage house, gardens and septic field. Siting of the heritage dwelling on the new lot would comply with the siting requirements for the A-1 zone.

The remainder parcel (proposed lot B) would have the existing house removed, and a new house would be built at the eastern edge of the property.

Heritage Revitalization Agreement

The existing dwelling to be retained on the proposed new lot is listed in the Saanich Heritage Register. The heritage home, constructed circa 1916, is a cross-gabled farmhouse with features typical of the British Arts and Crafts style; including half-timbering and multi-paned casement windows on the upper level of the main floor, cedar shingles and diamond-paned leaded lights on the main level and a jettied upper level on the west side.

In approximately 1912, the one-storey section on the east side was built as a summer cottage for Herbert and Harriet Burbidge. The two-storey main section was built circa 1916. When Herbert came to Canada in 1910, he became the store's commissioner for the Hudson's Bay Company and, as such, was the individual responsible for "The Bay" building at 1701 Douglas Street in Victoria. In 1921, he retired to Hunt Road and became a breeder of outstanding Jersey cattle. His property was called Babbacombe Farm.

The building appears well-maintained and has country-style gardens and grounds consistent with its architectural style. The applicant proposes a Heritage Revitalization Agreement (HRA) to protect and preserve the heritage home and its immediate garden area so that, in the future, it can be sold to owners motivated to preserve the rural heritage values of the house. A HRA carries the same weight as a protection covenant or a Heritage Designation Bylaw. In addition, a HRA may contain provisions regarding the phasing and timing of the commencement or completion of actions required by the agreement. It may also vary or supplement provisions of

a Zoning Bylaw, Subdivision Bylaw, Development Permit or Development Variance Permit, including bylaw provisions respecting land use and density. A HRA may only be amended by bylaw with the consent of the owner and Council.



Figure 5: Babbacombe Farm Burbidge Residence (from Saanich Heritage Registry 2008)

The HRA, which would be registered on Title, would contain provisions to require protection and on-going maintenance of the dwelling and grounds. A preliminary plan of subdivision forms part of the Heritage Revitalization Agreement. The HRA also requires that the farm worker dwelling must be removed from the property and the land must be returned to an arable state prior to the issuance of a Building Permit for the new dwelling to be constructed on proposed Lot B. Changes to the exterior of the heritage dwelling would require review by the Saanich Heritage Foundation and Council approval of a Heritage Alteration Permit.

Environment

The subject property includes two watercourses and a pond/wetland identified in the Streamside Development Permit Atlas. The two watercourses have a 5 m no disturbance buffer and the pond a variable 15 to 30 m setback. Any development within 30 meters of the subject watercourses will require a Streamside Development Permit issued by the Manager of Environmental Services, including but not limited to new road crossings. Agricultural use within the ALR is exempt from the Streamside Development Permit Area requirements.

The property also faces the ocean and lies within the Environmental Development Permit Area (EDPA) with a designation of Marine Backshore and Coastal Bluff. The minimum setback from the marine backshore is 15 m as measured from the natural boundary. The minimum setback from the edge of the coastal bluff is 10 m. A new house constructed within 10 m of the coastal bluff or 30 m of the marine backshore (whichever is closer) would require an Environmental Development Permit issued by the Manager of Environmental Services. The applicant has

stated that the new house would be constructed outside of the Environmental Development Permit Area.



Figure 6: Location of Proposed Future Residence

Servicing

The site is outside of the Sewer Service Area. Sewer service for both lots would be by conventional septic tank and disposal field in accordance with the requirements of the Vancouver Island Health Authority. The existing dwelling to be retained on proposed Lot A is serviced with water supply from Central Saanich. The existing water service would be retained. The new dwelling to be constructed on proposed Lot B would be provided with a new water service from Central Saanich or a well would be drilled on site.

CLIMATE CHANGE AND SUSTAINABILITY

Policy Context

The Official Community Plan (OCP) adopted in 2008 highlights the importance of climate change and sustainability. The OCP is broadly broken down into the pillars of sustainability including environmental integrity, social well-being and economic vibrancy. Climate change is addressed under the environmental integrity section of the OCP and through Saanich's Climate Action Plan.

Climate change is generally addressed through mitigation strategies and adaptation strategies. Climate change mitigation strategies involve actions designed to reduce the emissions of greenhouse gasses, primarily carbon dioxide from combustion, while climate change adaptation involves making adjustments and preparing for observed or expected climate change, to moderate harm and to take advantage of new opportunities.

The following is a summary of the Climate Change and Sustainability features and issues related to the proposed development.

Climate Change

This section includes the specific features of a proposal related to mitigation and adaptation strategies. Considerations include: 1) Project location and site resilience, 2) Energy and the built environment, 3) Sustainable transportation, 4) Food security, and 5) Waste diversion.

The proposed development includes the following features related to mitigation and adaptation:

- The proposal is able to use existing roads and infrastructure to service the development.
- The proposal would facilitate the inter-generational transfer of an existing farm operation to a next generation family member who would continue to operate the farm.
- Removal of the existing farm worker dwelling and associated out-building would allow for reclamation of ±860 m² of arable (Class 3A) land where the house now stands. It is anticipated that construction of a new house, driveway and parking could result in the loss of ±4000 m² of less productive (Class 4A) arable land.
- To minimize the loss of arable land the existing farm road would be used to access the new dwelling on proposed Lot B.
- The family operates both Islands West Produce and Portofino European Bakery. The proposal would permit the next generation family member to live on the land and cultivate the land for products that can be used in the preparation of its bakery products.

Sustainability

Environmental Integrity

This section includes the specific features of a proposal and how it impacts the natural environment. Considerations include: 1) Land disturbance, 2) Nature conservation, and 3) Protecting water resources.

The proposed development includes the following features related to the natural environment:

- Removal of the existing farm worker dwelling and associated out-building would allow for reclamation of ±860 m² of arable (Class 3A) land where the house now stands. It is anticipated that construction of a new house, driveway and parking could result in the loss of ±4000 m² of less productive (Class 4A) arable land.
- The property faces the ocean and lies within the Environmental Development Permit Area (EDPA) with a designation of Marine Backshore and Coastal Bluff. The applicant has stated that the new house would be constructed outside of the Environmental Development Permit Area.

Social Well-being

This section includes the specific features of a proposal and how it impacts the social well-being of our community. Considerations include: 1) Housing diversity, 2) Human-scale pedestrian oriented developments, and 3) Community features.

The proposed development includes the following features related to social well-being:

- Based on the Provincial requirements, dedication of a public access to the ocean would be required as a condition of subdivision because the nearest existing access is more than 200 m away. If a trail were constructed within the dedicated highway, it would result in the loss of nearly 1.6 ha of productive farm land and could result in potential conflicts between normal farm activities and trail users. Relief from the requirement was granted by the Provincial Approving Officer.
- A proposed Heritage Revitalization Agreement would contain provisions to require protection and on-going maintenance of the existing heritage dwelling and grounds.

Economic Vibrancy

This section includes the specific features of a proposal and how it impacts the economic vibrancy of our community. Considerations include: 1) Employment, 2) Building local economy, and 3) Long-term resiliency.

The proposed development includes the following features related to economic vibrancy:

- The development is expected to create short-term jobs during construction of the new house on proposed Lot B. Operation of the farm by a next generation family member would continue to provide employment for workers on the farm and in farm related businesses.

CONSULTATION

Cordova Bay Community Association

A referral was sent to the Cordova Bay Association for Community affairs on March 9, 2016. No response has been received to date.

District of Central Saanich

A referral was also sent to the District of Central Saanich on April 25, 2016, because the development is adjacent to the common boundary between Saanich and Central Saanich. No response has been received to date.

Peninsula and Area Agricultural Commission

The Peninsula and Area Agricultural Commission (PAAC) considered the application at its meeting on May 12, 2016. PAAC indicated no major concerns about the subdivision given the fact that the Fatt family have not had a home-severance before and have been farming for over 100 years. There was a minor concern that another house may eventually be built on the property, taking away more agricultural land (Note: Construction of a second dwelling on proposed Lot B would require rezoning the site to the A-2 (Rural) Zone (Two Dwelling) and approval of the ALC.)

Saanich Heritage Foundation

The Saanich Heritage Foundation considered the application at its meeting held April 12, 2016. The discussion noted that a survey plan showing proposed setbacks for the heritage dwelling should form part of the Heritage Revitalization Agreement. Setbacks should be adequate so as not to impact the building's façade. The Heritage Revitalization Agreement should also include heritage designation of the registered dwelling.

Staff have considered whether or not a Heritage Designation Bylaw would be required in addition to the Heritage Revitalization Agreement. The Heritage Revitalization Agreement includes similar wording to Saanich's Heritage Designation Bylaw and would provide an equivalent level of protection. A preliminary plan of subdivision forms part of the Heritage Revitalization Agreement. The HRA also requires that the farm worker dwelling must be removed from the property and the land must be returned to an arable state prior to the issuance of a Building Permit for the new dwelling to be constructed on proposed Lot B.

SUMMARY

The proposed subdivision is intended to facilitate the inter-generational transfer of an existing farm operation, to a next generation family member to allow the current farmer to retire. An existing heritage dwelling would be retained on proposed Lot A and would continue to be occupied by the retired farmer. As there are already two dwellings on the property, Official Community Plan policy 5.1.1.3 supports forwarding the application to the Agricultural Land Commission.

The Land Capability for Agriculture (LCA) rating for the site indicates generally high quality soils with limitations due to aridity, moisture holding capacity and stoniness. These limitations can be improved by irrigation, deep ploughing and stone-picking if necessary for the intended crop type. Removal of the existing farm worker dwelling would allow for reclamation of the high

quality arable land where the house now stands. The new dwelling would be constructed in an area of less-productive soils and would be accessed via the existing farm road at the south boundary of the property to minimize the loss of arable land.

The applicant proposes a Heritage Revitalization Agreement (HRA) to protect and preserve the heritage home and its immediate garden area so that, in the future, it can be sold to owners motivated to preserve the rural heritage values of the house. The building appears well-maintained and has country-style gardens and grounds consistent with its architectural style. The HRA, which would be registered on Title, would contain provisions to require protection and on-going maintenance of the dwelling and grounds.

The property includes two watercourses and a pond/wetland which are within the Streamside Development Permit Area (SDPA). Agricultural use within the ALR is exempt from the SDPA requirements. Also, part of the site facing the ocean lies within the Environmental Development Permit Area (EDPA). A new house constructed within 10 m of the coastal bluff or 30 m of the marine backshore (whichever is closer) would require an Environmental Development Permit issued by the Manager of Environmental Services. The applicant has stated that the new house would be constructed outside of the Environmental Development Permit Area.

RECOMMENDATION

1. That the application to subdivide within the Agricultural Land Reserve to facilitate the inter-generational transfer of an existing farm operation be forwarded to the Agricultural Land Commission with a recommendation for approval.
2. If the application is approved by the Agricultural Land Commission, that the Heritage Revitalization Agreement be approved.

Report prepared by: 

 Neil Findlow, Senior Planner

Report reviewed by: 

 Jarret Matanowitsch, Manager of Current Planning

Report reviewed by: 

 Sharon Hvozdzanski, Director of Planning


NDF/si
 H:\TEMPEST\PROSPERO\ATTACHMENTS\SUB\SUB00749\REPORT.DOCX

Attachment

cc: Paul Thorkelsson, CAO

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation of the Director of Planning


 Paul Thorkelsson, CAO



Memo

To: Subdivision Office
From: Jagtar Bains – Development Coordinator
Date: March 29, 2016
Subject: Servicing Requirements for Development

PROJECT: APPLICATION FOR SUBDIVISION TO CREATE ONE ADDITIONAL PARCEL WITHIN THE AGRICULTURAL LAND RESERVE (ALR)

SITE ADDRESS: 6187 HUNT RD

PID: 023-450-452

LEGAL: LOT 1 SECTION 18 SOUTH SAANICH DISTRICT PLAN

DEV. SERVICING FILE: SVS02000

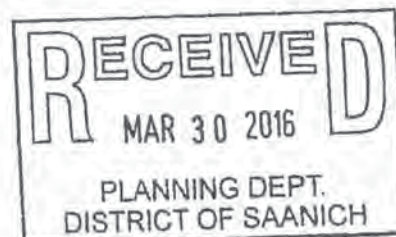
PROJECT NO: PRJ2015-00430

The intent of this application is to subdivide the above referenced parcel to create one additional lot. Some of the more apparent Development Servicing requirements are as listed on the following pages(s).

A handwritten signature in black ink, appearing to read "Jagtar Bains".

Jagtar Bains
DEVELOPMENT COORDINATOR

CC: Harley Machielse, DIRECTOR OF ENGINEERING
Catherine Mohoruk, MANAGER OF TRANSPORTATION & DEVELOPMENT



ENTERED
IN CASE

Development Servicing Requirements

Development File: SVS02000
Civic Address: 6187 HUNT RD
Page: 1

Date: Mar 29, 2016

Gen

1. THIS PROPOSAL IS SUBJECT TO THE PREVAILING MUNICIPAL DEVELOPMENT COST CHARGES.

Road

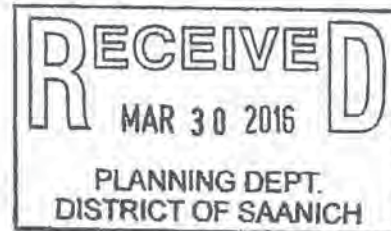
1. THERE ARE NO ROAD REQUIREMENTS.

Sewer

1. PROOF IS REQUIRED THAT PROPOSED LOT A HAS THE CAPABILITY OF BEING PROVIDED WITH A CONVENTIONAL SEPTIC TANK AND DISPOSAL FIELD TO MEET THE REQUIREMENTS OF THE VANCOUVER ISLAND HEALTH AUTHORITY.
2. CONFIRMATION IS REQUIRED FROM THE VANCOUVER ISLAND HEALTH AUTHORITY THAT THE EXISTING SEAWGE DISPOSAL FIELDS ON PROPOSED LOT B ARE IN ACCTABLE CONDITION.

Water

1. THE EXISTING SERVICE, WHICH IS SERVICED WITH WATER SUPPLY FROM CENTRAL SAANICH, MAY BE RETAINED PROPOSED LOT A.
2. A NEW WATER SERVICE MAY BE OBTAINED FROM CENTRAL SAANICH TO SERVE PROPOSED LOT B OR A WELL MUST BE DRILLED ON SITE.



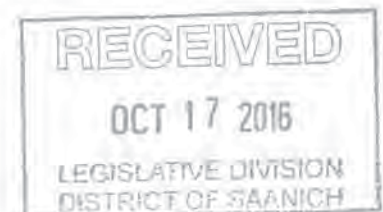
From: "David" [REDACTED]
To: <clerksec@saanich.ca>
CC: "neil findlow" <neil.findlow@saanich.ca>
Date: 10/14/2016 6:29 PM
Subject: 6187 Hunt Road

Sharon/Neil

The Cordova Bay Community Association Board does not have any objection to this proposal as long as it was approved by the Agricultural Land Commission .

David Cronkhite

CBCA Planning Co Chair



Liz Gudavicius - Request for Relief for Section 75(1)(c) of the Land Title Act - Lot 1, Plan VIP63380

From: "Moore, Jeffrey TRAN:EX" <Jeffrey.Moore@gov.bc.ca>
To: "'Liz Gudavicius (Liz.Gudavicius@saanich.ca)'" <Liz.Gudavicius@saanich.ca>
Date: 7/15/2016 11:44 AM
Subject: Request for Relief for Section 75(1)(c) of the Land Title Act - Lot 1, Plan VIP63380
Attachments: 2016-02359 Letter.pdf

MoTI File: [2016-02359](#)

Your File: SUB00749

Good afternoon Liz,

Attached please find my letter regarding the above noted application.

If you have any questions, please contact me.

Thanks.

Jeffrey Moore, ASCT
Provincial Approving Officer
BC Ministry of Transportation and Infrastructure
Lower Mainland District

Address: 310 – 1500 Woolridge Street, Coquitlam, BC V3K 0B8
Telephone: [\(604\) 527-2233](tel:(604)527-2233)
Facsimile: [\(604\) 527-2222](tel:(604)527-2222)



Your File #: SUB00749
eDAS File #: 2016-02359
Date: Jul/15/2016

District of Saanich
770 Vernon Avenue
Victoria, BC V8X 2W7

Attention: Liz Gudavicius
Subdivision Coordinator/Approving Officer

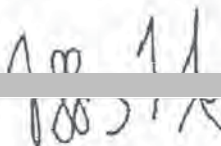
**Re: Request for Relief from Section 75(1)(c) of the
Land Title Act for PID: 023-450-452, Lot 1, Section 18,
Range 6 East, South Saanich District, Plan VIP63380**

I have reviewed the information provided in your letter of May 5, 2016 and your e-mail of July 8, 2015 and advise that I have no objections to the granting of relief as requested, subject to the following:

- The plan image shall include the appropriate notation and the Application to Deposit Plan at Land Title Office shall include the required signature block for the Approving Officer pursuant to Section 76(5) of the *Land Title Act*.
- An affidavit pursuant to Section 76(4) of the *Land Title Act* requesting relief from the requirement of public access to water outlining the reasons why the plan need not comply with the provisions of the Act must be submitted. The requirements for the affidavit are attached.

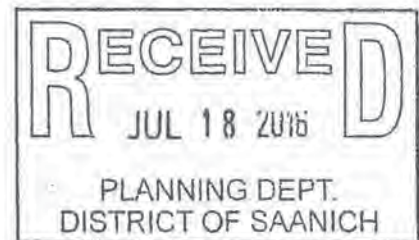
If you have any questions, please contact the undersigned at (604) 527-2233.

Yours truly,



JMOORE

Jeffrey Moore, ASCT
Provincial Approving Officer



Attachment

Local District Address
<p>Saanich Area Office 240-4460 Chatterton Way Victoria, British Columbia V8X 5J2 Canada Phone: (250) 952-4515 Fax: (250) 952-4508</p>



Requirements for an Affidavit to Support Relief from Access to Water Provisions

The affidavit should be executed by either of the surveyor, the subdivider or the subdivider's solicitor. It should contain the following:

- The deponent's full name, address, occupation.
- A statement that the deponent is personally familiar with the land in question. The statement should make reference to the owner of the land.
- A statement that the land to which the declaration pertains is that described on the plan attached thereto.
- The reasons why the requirements of Section 75(1)(c) of the *Land Title Act* or Section 8(1) of the *Strata Property Act Regulation 75/78* should be waived or not strictly complied with.
- Alternative accesses or facilities that are being provided in lieu of those called for by the legislation, if applicable.
- The distance from the border of the land to be subdivided to the nearest public access within 400 meters (for rural areas) or 200 meters (for urban areas), together with the width of the access.
- A sketch to scale showing the entire area together with the access, if the entire area of the subdivided land or the location of any access within 400 meters (for rural areas) or 200 meters (for urban areas) is not shown on the attached plan.
- The purpose of the subdivision: residential, farming, resort, industrial, etc.

In addition to the affidavit, a letter from the municipal approving officer supporting the subdivision must be provided. This letter shall include the approving officer's reasons for supporting the subdivision.

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 54666

Application Status: Under LG Review

Applicant: Genevieve, Phyllis Fatt

Agent: deane strongitharm

Local Government: District of Saanich

Local Government Date of Receipt: 11/26/2015

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Subdivision

Proposal: Subdivision and intergenerational transfer of land. Subdividing off of a small area containing the original manor home leaving the balance of the land to be owned [REDACTED] upon which he will live and farm. See report submitted to the District of Saanich for greater detail

Agent Information

Agent: deane strongitharm

Mailing Address:

400 - 1207 Douglas St

victoria , BC

V8W 2E7

Canada

Primary Phone: (250) 889-1862

Email: dstrongitharm@cityspaces.ca

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 023-450-452

Legal Description: Lot 1 Section 18 Range 6East VIP63380

Parcel Area: 10.4 ha

Date of Purchase: [REDACTED]

Farm Classification: Yes

Owners

1. **Name:** Genevieve, Phyllis Fatt

Address:

[REDACTED]

Canada

Phone: [REDACTED]

Email: [REDACTED]

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

There are two homes and farm outbuildings on the site. Currently the farmland is used mostly for the growing of hay. An application for a land-use amendment has been made to the District of Saanich Heritage Revitalization Agreement.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

See report that has been submitted to the District of Saanich. The intention is to subdivide the manor house and move second home and more intensively farm those parts of the land that have the highest agricultural capability. A soils report, prepared by Madrone Environmental has been conducted within the last two months

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

The intention is to subdivide off the heritage manor home, to retained by the family in the short term and transfer the balance of the farm lands to [REDACTED] who will build a new house on the poorest quality lands and then cultivate the balance of the lands. A detailed report has been submitted to the District of Saanich

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: horses and hay

East

Land Use Type: Other

Specify Activity: water (Cordova Bay)

South

Land Use Type: Agricultural/Farm

Specify Activity: hay and grains

West

Land Use Type: Agricultural/Farm

Specify Activity: mostly horse farms

Proposal

1. Enter the total number of lots proposed for your property.

0.4 ha

10 ha

2. What is the purpose of the proposal?

Subdivision and intergenerational transfer of land. Subdividing off of a small area containing the original manor home leaving the balance of the land to be owned by [REDACTED] upon which he will live and farm. See report submitted to the District of Saanich for greater detail

3. Why do you believe this parcel is suitable for subdivision?

It achieves at least three core objectives: 1. Old Manor house to be designated heritage desired by the

municipality 2. second house on the parent parcel to be removed and area cultivated for crops 3. main farmland to remain as a large whole parcel and continued to be farmed by the family and more intensively farmed than in recent years 4. a new home will be built on the remaining large parcel and the lowest quality soils

4. Does the proposal support agriculture in the short or long term? Please explain.

Supports long term use of the land for agriculture. The main farm will be transferred to the next generation (intergenerational transfer) for a family that has farmed in the capital region for more than 100 years.

5. Are you applying for subdivision pursuant to the ALC Homesite Severance Policy? If yes, please submit proof of property ownership prior to December 21, 1972 and proof of continued occupancy in the "Upload Attachments" section.

No

Applicant Attachments

- Proposal Sketch - 54666
- Certificate of Title - 023-450-452

ALC Attachments

None.

Decisions

None.



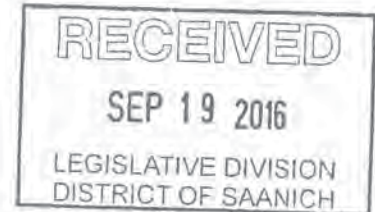
The Corporation of the District of Saanich

Mayor
Councillors
Administrators
Comm. Assoc.
Applicant

Council
Administrator
Media

Report

To: Mayor and Council
From: Sharon Hvozdanski, Director of Planning
Date: September 15, 2016
Subject: Development Permit Amendment Application
File: DPA00878 • 1581 Church Avenue



PROJECT DETAILS

Project Proposal: The applicant wishes to amend Development Permit DPR89-0048 to allow for a parking variance from 18 to 9 spaces. The existing building is currently vacant, but was previously occupied as an office with 9 on-site parking spaces. The applicant proposes to operate a fitness studio (yoga, spin cycle and wellness), which has a higher parking requirement than office use. The property is zoned C-4 (Office and Apartment Zone) and the proposed use is permitted.

Address: 1581 Church Ave

Legal Description: Lot 1, Section 39, Victoria District, Plan 49223

Owner: First Street Holdings Ltd., Inc. No. BC0272612

Applicant: In Balance Services Ltd.

Parcel Size: 577 m²

Existing Use of Parcel: Commercial

Existing Use of North: C-3 (Shopping Centre) Zone and C-4 (Office and Apartment) Zone

Adjacent Parcels: South: C-2 (General Commercial) Zone and P-1 (Assembly) Zone
East: C-2 (General Commercial) Zone
West: RS-6 (Single Family Dwelling) Zone

Current Zoning: C-4 (Office and Apartment) Zone

Minimum Lot Size: n/a

Proposed Zoning: n/a

Proposed Minimum Lot Size: n/a

Local Area Plan: Shelbourne

LAP Designation: Existing Commercial / Office

Community Assn Referral: Mount Tolmie Community Association • Referral sent May 30, 2016. No referral response received to date.

PROPOSAL

The applicant wishes to amend Development Permit DPR89-0048 to allow for a parking variance from 18 to 9 spaces. The existing building is currently vacant, but was previously occupied as an office with 9 on-site parking spaces. The applicant proposes to operate a fitness studio (yoga, spin cycle and wellness), which has a higher parking requirement than office use. The property is zoned C-4 (Office and Apartment Zone) and the proposed use is permitted.

PLANNING POLICY

Official Community Plan (2008)

- 4.2.1.1 “Support and implement the eight strategic initiatives of the Regional Growth Strategy, namely: Keep urban settlement compact, Protect the integrity of rural communities; Protect regional green and blue space; Manage natural resources and the environment sustainably; Build complete communities; Improve housing affordability; Increase transportation choice; and Strengthen the regional economy.”
- 4.2.1.2 “Maintain the Urban Containment Boundary as the principal tool for growth management in Saanich, and encourage all new development to locate within the Urban Containment Boundary.”
- 4.2.2.3 “Consider the use of variances to development control bylaws where they would achieve a more appropriate development in terms of streetscape, pedestrian environment, view protection, overall site design, and compatibility with neighbourhood character and adjoining properties.”
- 4.2.3.1 “Focus new multiple family residential, commercial, institutional and civic development in Major and Neighbourhood “Centres”, as indicated on Map 4.”
- 4.2.3.6 “Encourage the retention of corner stores and local service centres (e.g. development at Burnside and Rolston) as a means to improve the cycle/ walk – ability of neighbourhoods.”
- 4.2.9.10 “Require bicycle parking / storage, and encourage change and shower facilities where appropriate, in commercial, institutional, public, recreational, and multi-family residential buildings.”
- 4.2.9.37 “Consider parking variances where one or more of the following apply:
- transportation demand strategies (TDM) are implemented;
 - a variety of alternative transit options exist within the immediate vicinity of the proposed development;

- there is a minimal reduction in required parking;
- the development is located in a “Centre”;
- availability of on-street parking.”

5.1.4.1 “Foster the development of a community that is safe, diverse and inclusive and where social interaction, physical activity, sense of place, and neighbourliness are actively promoted and supported.”

6.2.4 “Support a balanced economy by encouraging a broad range of commercial, service, research, high tech and industrial uses.”

6.2.5 “Focus new commercial development primarily to “Centres” and “Villages” (Map 4.)

Shelbourne Local Area Plan (1998)

9.4 “Encourage improvement or enhancement of the pedestrian environment on private and public lands within the commercial area identified on Map 9.1. Improvements could include soft landscaping (trees, shrubs, and flowers), screening of garbage containers, provision of benches, safe pedestrian linkages through parking lots, and pedestrian refuges within crosswalks.”

Shelbourne Valley Action Plan (In Progress)

The subject property is within the study area for the draft Shelbourne Valley Action Plan (SVAP). Although the SVAP has not yet been adopted, draft policies relevant to this proposal should be considered.

5.7.2 “Locate all surface parking to the rear of new development and screen from view.”

5.7.3 “Locate short-term bicycle parking in convenient locations near primary building entrances.”

5.7.4 “Consider parking variances where contributions are made to enhance cycling, walking and transit infrastructure.”

6.2.8 “Require bicycle parking / storage, and encourage change and shower facilities, where appropriate, in commercial, institutional, public and recreational buildings and facilities.”

6.5.11 “Consider parking variances where contributions are made to enhance cycling, walking and transit infrastructure.”

Development Permit Area Guidelines

The development proposal is subject to the Shelbourne/McKenzie Development Permit Area. Relevant guidelines include: retaining native vegetation wherever possible, screening of parking areas, commercial buildings at a human scale to increase social interaction and create a vibrant pedestrian environment, balancing all modes of transportation and encouraging public transit bicycle use.

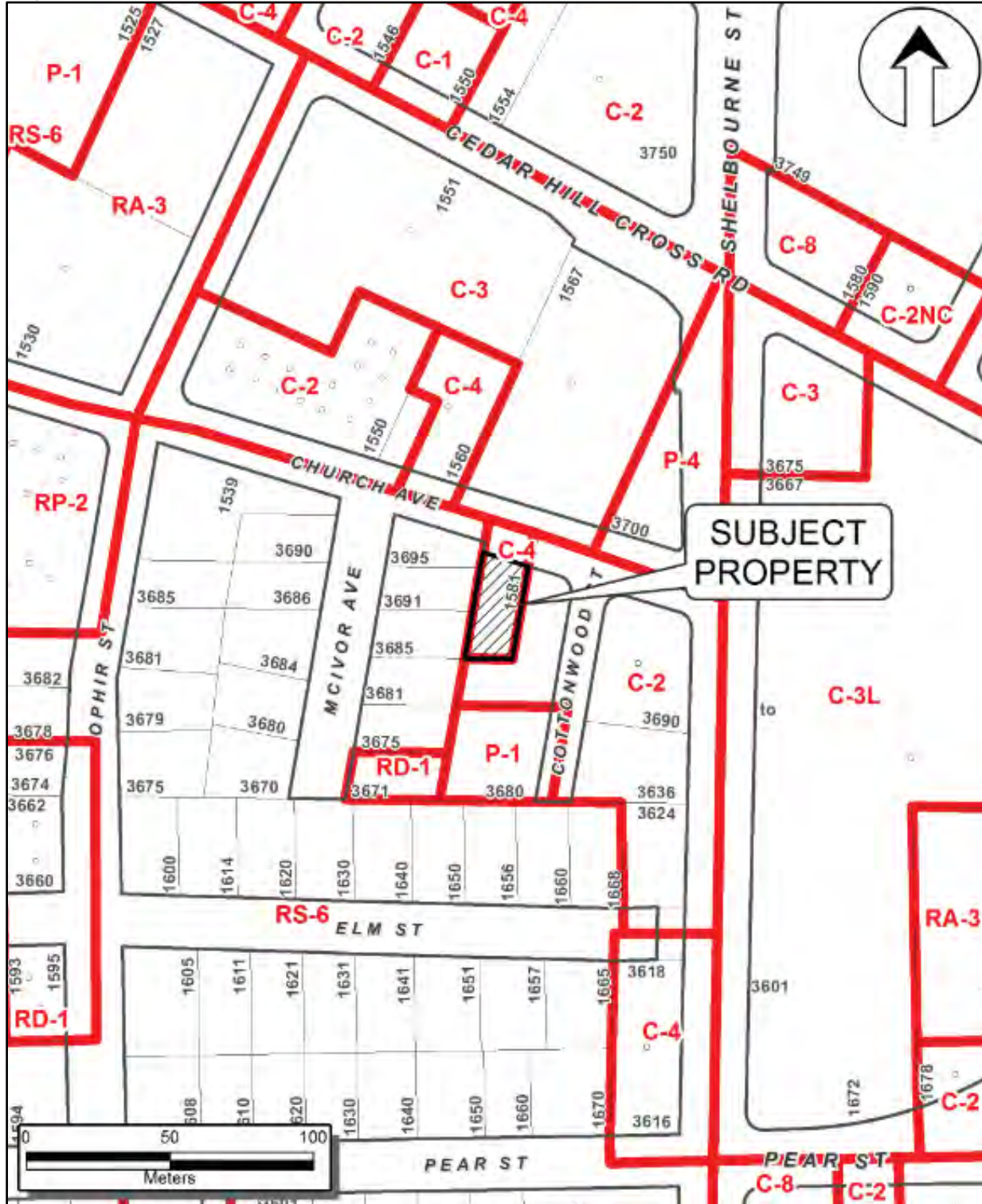


Figure 1: Context Map

DISCUSSION

Neighbourhood Context

The 577 m² site is located on Church Avenue within the Cedar Hill Neighbourhood “Centre” and Shelbourne Valley Corridor. The site is approximately 60 m from Shelbourne Street. The property is currently developed with one office building, and nine parking spaces are located at in the rear yard.

Surrounding properties reflect the diversity of land uses expected within a Neighbourhood “Centre” and currently the site is the most westerly extent of commercial properties along the south side of Church Street. The sites location reflects the transition between commercial and public assembly uses to the north and east, and residential use to the west and further south. Assembly uses in the immediate area include the Guide and Scout Hall and the Jewish Community Centre, both located south of the site at the terminus of Cottonwood Street.

The Shelbourne Valley Action Plan identifies the properties along Church Avenue, between Cottonwood Street and McIvor Avenue, as transitioning to 4-storey mixed use/commercial developments, as future growth of the Cedar Hill Neighbourhood “Centre” occurs.

The subject property is bounded by parking areas immediately to the east and south of the lot.

Land Use and Density

The property was rezoned from residential to commercial in 1989-90 and a Development Permit was issued for an office building on the site. The C-4 (Office and Apartment) Zone permits an assembly use such as a yoga/fitness studio, however the proposed change from office to an assembly use requires additional parking.

The Zoning Bylaw requires 18 parking spaces for an assembly/fitness use whereas there are only 9 parking spaces existing on the site. As there are no feasible options to provide additional on-site parking, a parking variance is requested in order for the proposed business to operate at this location.

Site and Building Design

The current proposal is to undertake interior renovations for a yoga, spin cycle and wellness studio. The floor area used for assembly (fitness area) would be limited to approximately 65% of the gross floor area with the remaining area used for change rooms, washrooms, and reception. No changes to the site layout or exterior of the building are proposed with the exception of signage for the new business. An existing patio area at the front of the building would be converted to a bicycle parking area.



Figure 2: Site Plan

Requested Variance

The Zoning Bylaw requires 18 parking spaces for an assembly/fitness use whereas there are only 9 parking spaces existing on the site. The variance would be for 9 spaces. Requesting a parking variance is the only option available for the proposed business to operate on this site in the existing building due to there being no options for additional on-site parking.

The site is located within a Neighbourhood “Centre” where pedestrian oriented environments and alternative transportation are encouraged and, over the course of time, should become predominant.

The applicants would be running scheduled classes throughout the week, between the hours of 6 a.m. and 8 p.m. Yoga classes could accommodate a maximum of 35 patrons, while spin cycle classes would be limited to 20. Yoga and spin cycle classes would not be scheduled concurrently.

There are no on-going parking or traffic issues identified by Bylaw Enforcement or Engineering staff. The applicant would be providing bicycle parking spaces and a fitness studio is a suitable business to arrive by bike.

On-street parking is available in the area with limitations. In front of the subject property Church Avenue is designated for Commercial Vehicles between 9 a.m. and 6 p.m. with no parking permitted elsewhere on the south side of the street. On the north side of Church Avenue on-street parking is available for regular vehicles, but commercial vehicles and buses are prohibited.

The applicants have an agreement in principle with the adjacent property at 3690 Shelbourne Street to rent eight parking spaces on a monthly basis in order to offset the requested variance.

The adjacent property is a hooked property across Cottonwood Street that currently contains four restaurant businesses and three offices. One of the restaurants provides take-away or delivery service only. The site has been managed by the same Property Manager for more than 20 years who has confirmed that the current parking supply exceeds the demand. Based on his observations there are generally 20 to 30 parking spaces vacant at any time (approximately 50% of the spaces), which was noted as significantly higher than any of the other commercial sites they manage. The businesses operating on the site have complimentary parking demands with their peak business times ranging from early morning through the evening. The Property Manager does not believe that allowing the applicants to occupy up to 8 of their parking spaces would negatively impact their tenants' business operations or create parking issues in the area.

Since the adjacent owners would provide a parking agreement it indicates the current parking supply is underutilized and there is a surplus based on the current business operations. The property owners do not want to jeopardize their parking supply long-term by registering an easement as their parking demands may increase if businesses operating in the area change. Although shared parking arrangements can maximize efficient use of the available parking supply, the variance request should be considered on the merits of the subject property only, since the rented parking spaces would not be secured in perpetuity.

Given that the site is located within a Neighbourhood "Centre", is conveniently accessible by alternative transportation, on-street parking is available in the area, and the applicants have an agreement to use parking on the adjacent property, the variance is supportable.

Environment

No environmental or habitat concerns have been raised. The existing landscaping would remain and no additional hard surfacing is proposed.

CONSULTATION

Applicant Consultation

The applicants met with the Mount Tolmie Community Association and subsequently held an open house on June 30, 2016. The open house was advertised and flyers were distributed throughout the neighbourhood. No concerns or issues were brought to the applicant's attention.

Community Association

The application was referred to the Mount Tolmie Community Association, no referral response has been received to date.

SUMMARY

The purpose of the application is to amend DPR89-0048 for a parking variance from 18 spaces to 9. The vacant site was previously occupied as an office with 9 on-site parking spaces. The applicants proposed to operate a fitness studio (yoga, spin cycle and wellness), which has a higher parking requirement than office use. The property is zoned C-4 (Office and Apartment) Zone and the proposed use is permitted. As there are no feasible options to provide additional on-site parking, a parking variance is required for the proposed business to operate at this location.

The site is located within a Neighbourhood "Centre", is conveniently accessible by alternative transportation, and on-street parking is available in the area. The applicants have an agreement in principle with the adjacent property to rent eight parking stalls in order to offset the requested variance. A parking agreement would maximize efficient use of existing parking areas by sharing between various commercial services with a range of peak operating times and parking demands. Although shared parking arrangements can maximize efficient use of the available parking supply, the variance request should be considered on the merits of the subject property, only since the rented parking spaces would not be secured in perpetuity.

RECOMMENDATION

That Development Permit Amendment DPA00878 be approved.

Report prepared by:


Andrea Pickard, Planner

Report prepared and reviewed by:


Jarret Matanowitsch, Manager of Current Planning

Report reviewed by:


Sharon Hvozdzanski, Director of Planning

APK/gv
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Attachment

cc: Paul Thorkelsson, CAO
Graham Barbour, Manager of Inspection Services

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation of the Director of Planning


Paul Thorkelsson, CAO

DISTRICT OF SAANICH

**NO. DPA00878
AMENDS DPR89-0048**

AMENDMENT TO DEVELOPMENT PERMIT

**TO: First Street Holdings Ltd., Inc. No. BC0272612
201- 2377 Bevan Avenue
Sidney BC V8L 4M9**

(herein called "the Owner")

1. This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied by this Permit.
2. This Development Permit applies to the lands known and described as:

Lot 1, Section 39, Victoria District, Plan 49223

1581 Church Avenue

(herein called "the lands")

3. This Development Permit further regulates the development of the lands as follows:
 - (a) By varying the provisions of the Zoning Bylaw 2003, Section 7.3 to permit a total of 9 parking spaces for the duration that a permitted use, or combination of permitted uses, operate on the property requiring 18 parking spaces or less.
 - (b) By requiring the buildings and lands to be constructed and developed in accordance with the plans date stamped received May 27, 2016 and July 12, 2016 having a maximum floor area used for assembly/fitness area of 180 m², copies of which are attached to and form part of this permit
4. The Owner shall substantially start the development within 24 months from the date of issuance of the Permit, in default of which the Municipality may at its option upon 10 days prior written notice to the Owner terminate this Permit and the Permit shall be null and void and of no further force or effect.
5. Notwithstanding Clause 4, construction of driveways and parking areas, and delineation of parking spaces shall be completed prior to the issuance of an Occupancy Permit.
6.
 - (a) All existing landscaping is to be retained.
 - (b) In the event that any tree identified for retention is destroyed, removed or fatally injured, a replacement tree shall be planted in the same location by the Owner in accordance with the replacement guidelines as specified within the Saanich Tree and Vegetation Retention, Relocation and Replacement Guidelines. The

replacement tree shall be planted within 30 days of notice from the Municipality in default of which the Municipality may enter upon the lands and carry out the works and may apply the security provided herein in payment of the cost of the works. For the purpose of this section, existing trees identified for retention and new trees planted in accordance with the landscape plan attached to and forming part of this permit shall be deemed to be "trees to be retained".

- 7. The lands shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and shall comply with all Municipal bylaws except for those provisions specifically varied herein. Minor variations which do not affect the overall building and landscape design and appearance may be permitted by the Director of Planning or in her absence, the Manager of Current Planning.
- 8. Notwithstanding the provisions of Section 7 of this Permit the following changes will be permitted and not require an amendment to this Permit:
 - (a) When the height or siting of a building or structure is varied 20 cm or less provided, however, that this variance will not exceed the maximum height or siting requirements of the Zoning Bylaw.
 - (b) Changes to the relative location and size of doors and windows on any façade which do not alter the general character of the design or impact the privacy of neighbouring properties following consultation with the Director of Planning, or Manager of Current Planning in her absence.
 - (c) Where items noted under Section 8(b) are required to comply with the Building Code and/or the Fire Code and those changes are not perceptible from a road or adjacent property.
 - (d) Changes to soft landscaping provided the changes meet or exceed the standards contained on the landscape plans forming part of this Permit.
- 9. The terms and conditions contained in this Permit shall enure to the benefit of and be binding upon the Owner, their executors, heirs and administrators, successors and assigns as the case may be or their successors in title to the land.
- 10. This Permit is not a Building Permit.

AUTHORIZING RESOLUTION PASSED BY THE MUNICIPALCOUNCIL ON THE

_____ DAY OF _____ 20 _____
 ISSUED THIS _____ DAY OF _____ 20 _____

Municipal Clerk

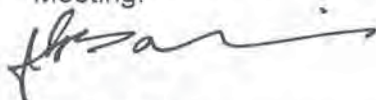
Memo

To: Planning Department
From: Jagtar Bains – Development Coordinator
Date: June 16, 2016
Subject: Servicing Requirements for the Proposed Development

PROJECT: TO AMEND DPR89-0048 FOR A PARKING VARIANCE

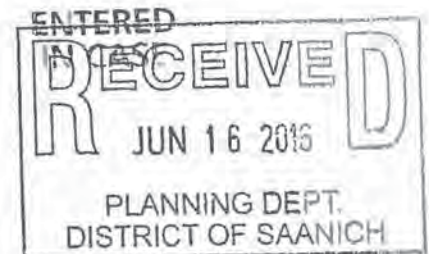
SITE ADDRESS: 1581 CHURCH AVE
PID: 014-890-992
LEGAL: LOT 1 SECTION 39 VICTORIA DISTRICT PLAN 49223
DEV. SERVICING FILE: SVS02013
PROJECT NO: PRJ2016-00323

The above noted application for Development Permit Amendment has been circulated to the Engineering Department for comment. A list of servicing requirements has been attached on the following page(s). To allow Council to deal effectively with this application, we would appreciate confirmation, prior to the Committee of the Whole Meeting that the applicant agrees to complete the servicing requirements. Should there be any disagreement with any of these requirements, it should be discussed with the undersigned prior to the Committee of the Whole Meeting.



Jagtar Bains
DEVELOPMENT COORDINATOR

cc: Harley Machielse, Director of Engineering
Catherine Mohoruk, Manager of Transportation & Development



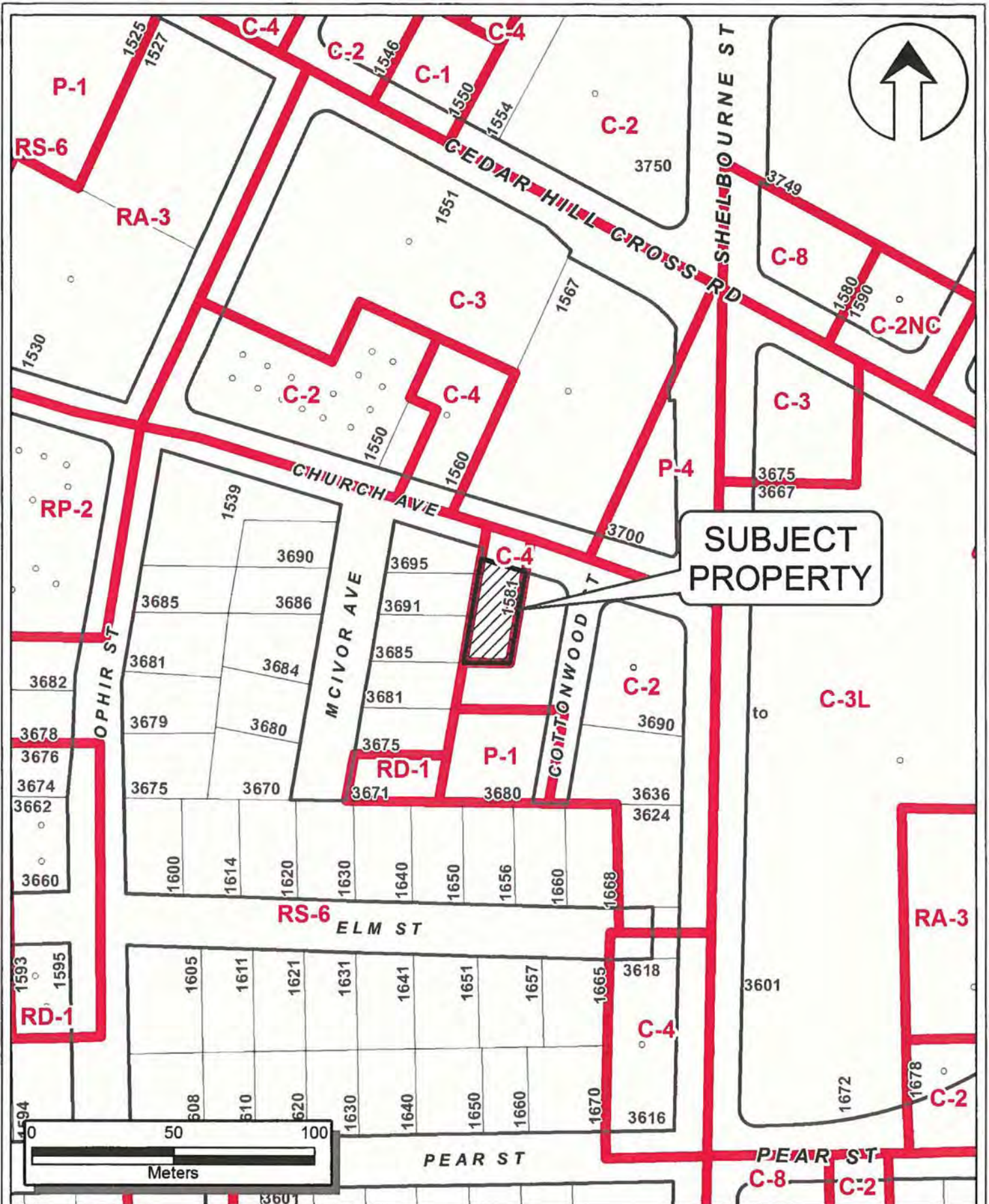
Development Servicing Requirements

Development File: SVS02013
Civic Address: 1581 CHURCH AVE
Page: 1

Date: Jun 16, 2016

Gen

1. PROOF OF PARKING AGREEMENT IS REQUIRED FOR USE OF 8 PARKING STALLS BY THIS PROPERTY ON THE ADJACENT EASTERN PROPERTY.



1410-04 Planning
4: 2570-30 Townley

CW OCT 24 1/6



The Corporation of the District of Saanich

Mayor
Councillors
Administrator
Com. Assoc
Applicant

Council
Administrator
Media

Report

To: Mayor and Council
From: Sharon Hvozanski, Director of Planning
Date: October 6, 2016
Subject: Development Permit and Rezoning Application
File: DPR00634; REZ00565 • 1780 Townley Street



PROJECT DETAILS

Project Proposal: To rezone from the RA-1 (Apartment) Zone to the RM-6 (Residential Mixed) Zone to construct a 4-storey, 51 unit apartment building for affordable seniors/persons with disabilities housing, and 16 affordable townhouse units for low to moderate income families. A Development Permit with variances is requested.

Address: 1780 Townley Street

Legal Description: Parcel A (DD387967-1) of Lot 133, Section 26, Victoria District, Plan 11000, Except Part in Plan 32539

Owner: Greater Victoria Housing Society, Inc. No. S-0005025

Applicant: Cityspaces Consulting Ltd; Miko Betanzo & John Gauld

Parcel Size: 5,328 m²

Existing Use of Parcel: Apartment

Existing Use of Adjacent Parcels:
North: RS-6 (Single Family Dwelling) Zone
South: P-1 (Assembly) Zone (School), & RA-1 (Apartment) Zone
East: P-1 (Assembly) Zone (Church) & RS-6 (Single Family Dwelling) Zone
West: RS-6 (Single Family Dwelling) Zone & RA-1 (Apartment) Zone

Current Zoning: RA-1 (Apartment Zone)

Minimum Lot Size: n/a

Proposed Zoning: RM-6 (Residential Mixed) Zone

CW
3

Local Area Plan: Shelbourne

LAP Designation: General Residential

Community Assn Referral: Camosun Community Association ● Referral sent December 22, 2015. Informal response received February 25, 2016 indicating concerns but noting that a more detailed response would follow further consultation. The community association most recently considered the proposal at their September 15, 2016 meeting and intended to provide a written response following that meeting. The association president has verbally stated they do not support the application, however a written response has not been provided at the time of completion of this report.

PROPOSAL

The application is to rezone from the RA-1 (Apartment) Zone to the RM-6 (Residential Mixed) Zone to construct a 4-storey, 51 unit apartment building for affordable seniors or persons with disabilities housing, and 16 affordable townhouse units for low to moderate income families. A Development Permit with variances is requested.

The applicant proposes to replace the existing 39 unit building, which was constructed in 1967, with 67 units distributed throughout one apartment building and three blocks of townhouses.

The site is currently zoned RA-1 (Apartment Zone) which does not allow an increase in the number of units on the property. A zoning amendment is required to allow the proposed density, as well as the proposed mix of housing form with both townhouses and apartment.

PLANNING POLICY

Official Community Plan (2008)

- 4.2.1.1 “Support and implement the eight strategic initiatives of the Regional Growth Strategy, namely: Keep urban settlement compact, Protect the integrity of rural communities; Protect regional green and blue space; Manage natural resources and the environment sustainably; Build complete communities; Improve housing affordability; Increase transportation choice; and Strengthen the regional economy.”
- 4.2.1.2 “Maintain the Urban Containment Boundary as the principal tool for growth management in Saanich, and encourage all new development to locate within the Urban Containment Boundary.”
- 4.1.2.18 “Encourage new development to achieve higher energy and environmental performance through programmes such as “Built Green”, LEED or similar accreditation systems.”
- 4.2.1.20 “Require building and site design that reduce the amount of impervious surfaces and incorporate features that will encourage ground water recharge such as green roofs, vegetated swales and pervious paving material.”
- 4.2.2.3 “Consider the use of variances to development control bylaws where they would achieve a more appropriate development in terms of streetscape, pedestrian

environment, view protection, overall site design, and compatibility with neighbourhood character and adjoining properties.”

- 4.2.4.1 “Foster sustainable and pedestrian and cycling friendly neighbourhoods (Map 6) by:
- Ensuring different travel modes work together (e.g. key transit stops connected to trail network);
 - Continuing to improve the cycling and walking network, and end of trip facilities;
 - Providing basic commercial services within walking/cycling distance;
 - Supporting a range of housing choices, by type tenure and price;
 - Ensuring adequate green space, including play areas, meeting places, tree cover and natural areas;
 - Continuing to work with BC Transit to improve services;
 - Employing appropriate traffic calming techniques.”
- 4.2.4.2 “Evaluate zoning applications for multiple family developments on the basis of neighbourhood context, site size, scale, density, parking capacity and availability, underground service capacity, adequacy of parkland and visual and traffic impacts.”
- 4.2.4.3 “Support the following building types and land uses in Neighbourhoods:
- Single family dwellings;
 - Duplexes, tri-plexes, and four-plexes;
 - Townhouses;
 - Low-rise residential (up to four storeys); and
 - Mixed-use (commercial/residential) (up to four storeys).”
- 4.2.2.5 “Encourage accessibility through incorporation of “universal design” in all new development and redevelopment.”
- 4.2.4.2 “Evaluate zoning applications for multiple family developments on the basis of neighbourhood context, site size, scale, density, parking capacity and availability, underground service capacity, adequacy of parkland and visual and traffic impacts.”
- 4.2.4.3 “Support the following building types and land uses in Neighbourhoods:
- single family dwellings;
 - duplexes, tri-plexes, and four-plexes;
 - townhouses;
 - low-rise residential (up to 4 storeys); and
 - mixed-use (commercial/residential) (up to 4 storeys).”
- 5.1.2.1 “Focus new multi-family development in “Centres” and “Villages” (Map 4).”
- 5.1.2.2 “Evaluate applications for multi-family developments on the basis of neighbourhood context, site size, scale, density, parking capacity and availability, underground service capacity, school capacity, adequacy of parkland, contributions to housing affordability, and visual and traffic/ pedestrian impact.”
- 5.1.2.9. “Encourage the creation of affordable and special needs housing by reviewing regulatory bylaws and fee structures to remove development barriers and provide flexibility and incentives.”

- 5.1.2.13 “Encourage the retention of older multiple family rental accommodation by considering higher density redevelopment proposals on these sites, if the same number of rental units are maintained, and the units are secured through a housing agreement.”
- 5.1.2.16 “Integrate seniors and special needs housing into the community where there is good access to public transit and basic support services.”
- 5.1.2.17 “Support the provision of a range of seniors housing and innovative care options within “Centres”, “Villages” and Neighbourhoods, to enable people to “age in place”.”

Shelbourne Local Area Plan (1998)

- 6.1 “Protect and maintain the stability and character of Shelbourne by maintaining single family dwellings as the predominant land use.”
- 6.4 “Apply the development guidelines, identified on Map 6.2 when considering rezoning and/or development permit applications for multi-family dwelling use.”

Note: The subject property is not identified on Map 6.2 as a potential multi-family site; however the guidelines noted on the Map include:

- Building height and design should acknowledge adjacent development;
- Consider underground parking;
- Garbage receptacle must be screened from view from adjacent single family; and
- Adequate open space amenity area should be incorporated into the design.

- 6.5 “Ensure redevelopment of existing multi-family developments is compatible with adjacent land use when considering development permit applications.”
- 6.6 “Require multi-family developments to provide adequate private open space amenity areas on-site.”

Development Permit Area Guidelines

The development proposal is within the Saanich General Development Permit Area. Relevant guidelines include: retaining existing trees and native vegetation where practical; designing buildings to reflect the character of surrounding developments with special attention to height; providing high quality architecture; balancing the needs of all transportation modes; reducing impervious site cover; designing above grade parking to be complementary to the surroundings; and encouraging pedestrian activity.

DISCUSSION

Neighbourhood Context

The 5,328 m² subject property is located near Saanich’s southern boundary in the Shelbourne Local Area, approximately 200 m west of Richmond Road. The District of Saanich/City of Victoria boundary is approximately 200 m to the west (Shelbourne Street) and south (Newton Street) of the property.

The site is approximately at the midpoint between the Hillside Shopping Centre and the Royal Jubilee Hospital, both being within 1 km of the property. The former Richmond Elementary School, which is being used as a temporary location for other schools during major renovations, is across the street. Lansdowne Middle School is approximately 600 m north and Camosun College is approximately 1 km north.

A segment of Bowker Creek is located to the southwest of the property where it transects a multi-family development and the Richmond school site in an open channel, before being diverted underground at both ends of this segment.

The subject property is one of four that form a cluster of multi-family and institutional uses primarily surrounded by single family dwellings. A church is immediately to the east, a school is to the south-east and a multi-family apartment complex is to the south-west. Shelbourne Street to the west is entirely within the City of Victoria and primarily includes a mix of single family dwellings and multi-family developments, with a few small commercial properties. To the north of the subject property is a single family dwelling neighbourhood.

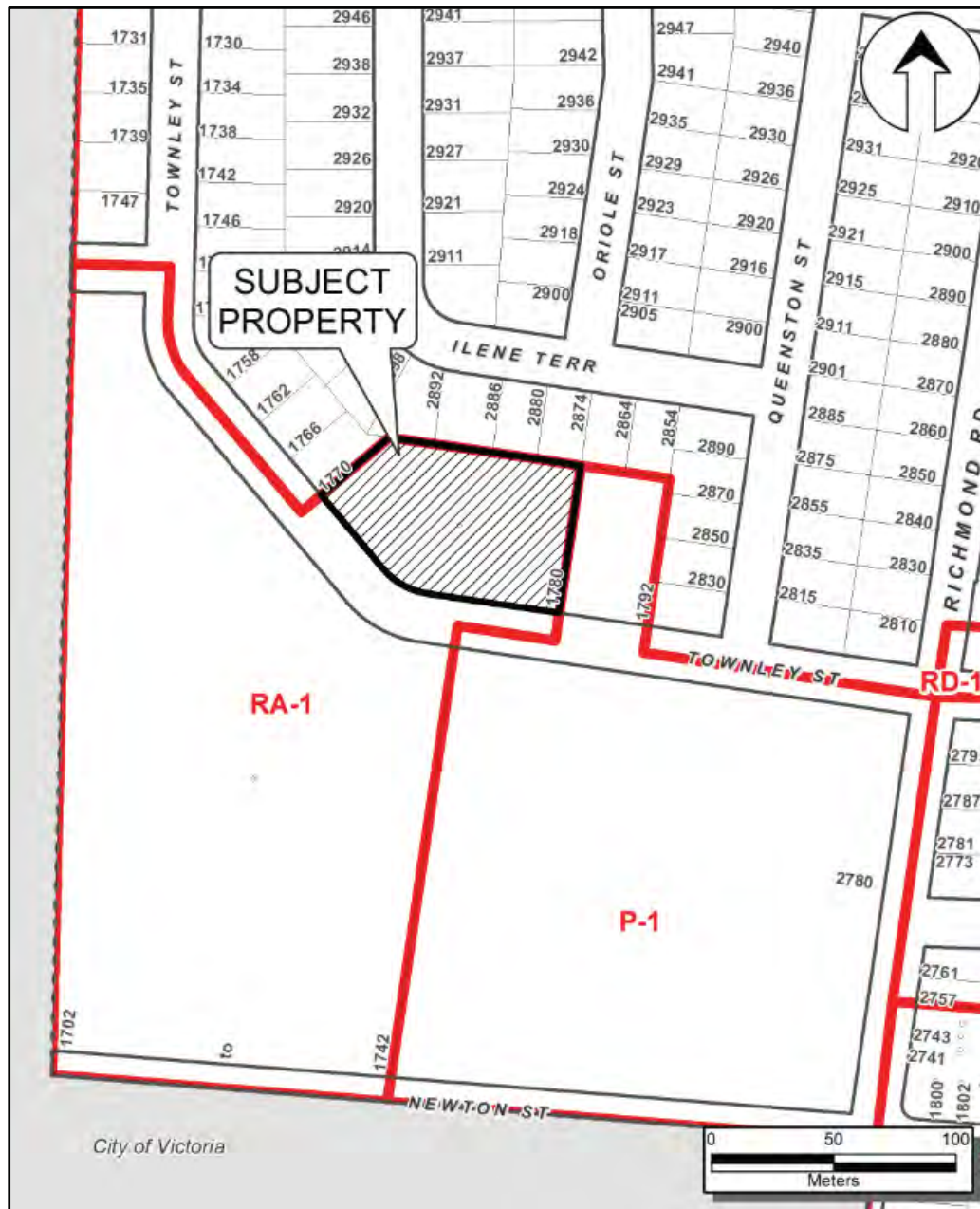


Figure 1: Location Plan



Figure 2: Aerial Photo of Surrounding Area

Land Use and Density

The applicant proposes to redevelop the site by replacing the existing 39 unit building constructed in 1967, with 67 new units distributed in the following housing types:

- A 4-storey apartment building with 51 units, underground parking included;
- A 3-storey townhouse block (TH C) containing 5, 4-bedroom units;
- A 2-storey townhouse block (TH D) containing 6, 3-bedroom units; and
- A 2-storey townhouse block (TH B) containing 5, 3-bedroom units (See Figure 3).

The existing development has a Floor Space Ratio (FSR) of 0.42:1, the proposed FSR is 0.93:1. Lot coverage would increase from the existing 23% to 33%. The Greater Victoria Housing Society projects a total population of 120 residents with 56 seniors/persons with disabilities in the apartment and 64 family members in the townhouses.

A zoning amendment is required to allow the proposed density, as well as the proposed mix of housing form with both townhouses and apartment. Where there are existing multi-family sites located within neighbourhoods, such as the subject property, redevelopment applications would be anticipated as those buildings age. Due to the increased cost of land and development since the time of original construction, a request for higher density would often be anticipated in order for the redevelopment to be economically sustainable, especially in a non-market housing situation. However, even with the redevelopment of an existing site, consideration must be given to neighbourhood concerns, and often those concerns can be addressed through good design.

Although the subject property is not within an identified “Centre” or “Village”, it is within 700 m of the Hillside major “Centre”. The Official Community Plan (OCP) supports a range of housing types within neighbourhoods, including townhouses and low-rise residential up to four storeys. The site is conveniently located and many services are within a walkable distance, it has good accessibility to public transit, and the relatively flat topography in this area supports the use of bicycles and scooters.

The proposed development would fulfil a number of OCP policies, particularly those supporting the creation of affordable housing and the retention of existing rental units. The Greater Victoria area has historically had lower rental vacancy rates than many other parts of the province, which is compounded for residents with special needs or financial constraints. The proposed development would provide affordable housing for seniors, persons with disabilities, and families. The proposal would also remove social barriers by supporting a demographic mix of residents on the site, which can be particularly beneficial for single seniors who may not have relatives in the area and can be prone to increasing social isolation.

However, a proposal to rezone to a higher density in order to address a housing need for vulnerable sectors of society should strive to achieve a balance between the potential impacts on the existing neighbourhood with the broader community benefit. The applicant has tried to achieve this balance through site and building design, which will be discussed later in this report.

Affordable Housing

The site is owned and managed by the Greater Victoria Housing Society (GVHS) and all of the dwelling units are for rental purposes only. A housing agreement would restrict occupancy to seniors, persons with disabilities, or families, as well as secure affordable rental rates below the average market rental rates.

Some housing providers choose to gear rent to income (30% of total income) or alternatively where rental rates are fixed, subsidies may be available for residents paying more than 30% of their gross monthly income towards housing. The proposed development would have a fixed rental rate with the expectation that many residents would qualify for subsidies. GVHS anticipates that many of their senior residents would qualify for rent subsidies through the provincial Shelter Aid for Elderly Renters (SAFER) program, if they have a monthly income of \$2,223 or less. Working families may qualify for the provincial Rental Assistance Program (RAP) if they have an annual household income of \$35,000 or less and at least one child.

Criteria used to select residents for the apartment are: age and/or disability, size of household, income below set threshold, and a positive landlord reference.

Criteria used to select residents for the townhouses are: size of household, they must have at least one child under 19 years of age, or a dependent attending college or university under 24 years of age, income below set threshold, positive landlord reference, and household car ownership limited to one.

All residents would need to have income below the BC Housing limit for “low to moderate income”, which is the median income based on Statistics Canada data. The GVHS anticipates that tenants would actually have income much lower than the BC Housing threshold and as part of their selection process qualifying individuals or families with the lower incomes would be prioritized.

GVHS has confirmed that rental rates for all unit types would meet Canadian Mortgage and Housing Corporation (CMHC) Affordability Level 1, which is 80% of the average market rental rate. This commitment would be secured through a housing agreement. GVHS anticipates that most rental rates would be even lower than expected since any cost savings would be reflected in the actual rental rates achieved. The rental rates achieved would be dependent upon the final construction costs and interest rates.

Tenant Relocation Plan

The GVHS is currently working with residents one-on-one to develop a relocation plan. The GVHS has over 500 units they operate and they hope to accommodate all tenants within one of their other locations, or alternatively a unit operated by another non-profit agency. If any current tenant wishes to return to this property they would be given the right of first refusal.

Site and Building Design

The proposed redevelopment of the site would include deconstruction of the current building and construction of an apartment building with underground parking and three blocks of townhouses.

The proposed apartment has been designed to meet Passive House standard for energy performance, and the townhouses would meet BUILT GREEN® Gold. All buildings would be constructed solar ready. A low pitch, asymmetrical roof slope is proposed for all buildings. The roof shape is designed for solar orientation, particularly for the townhouses. The apartment uses a similar design to create a cohesive design theme for the site.



Figure 3: Site plan

Massing of the buildings is designed to integrate with the surroundings by having the highest portion of the development (4-storey apartment) aligned with and adjacent to the church to the east. In an effort to mitigate potential massing impacts on adjacent neighbours to the north, the apartment building is stepped back on the fourth floor at the rear by 6.4 m from the main exterior wall. Likewise, the front of the building is stepped back by 6.1 m in order to reduce massing impacts on the streetscape. The stepping back at the front of the building allows for a 3rd floor south facing roof deck which would be constructed as a common outdoor terrace. No active use is proposed on the rear roof deck.

To the west of the apartment building the height steps down to the 3-storey townhouse fronting onto Townley Street, with the remaining 2-storey townhouses sited to the west and north of the 3-storey townhouse (see Figure 4).

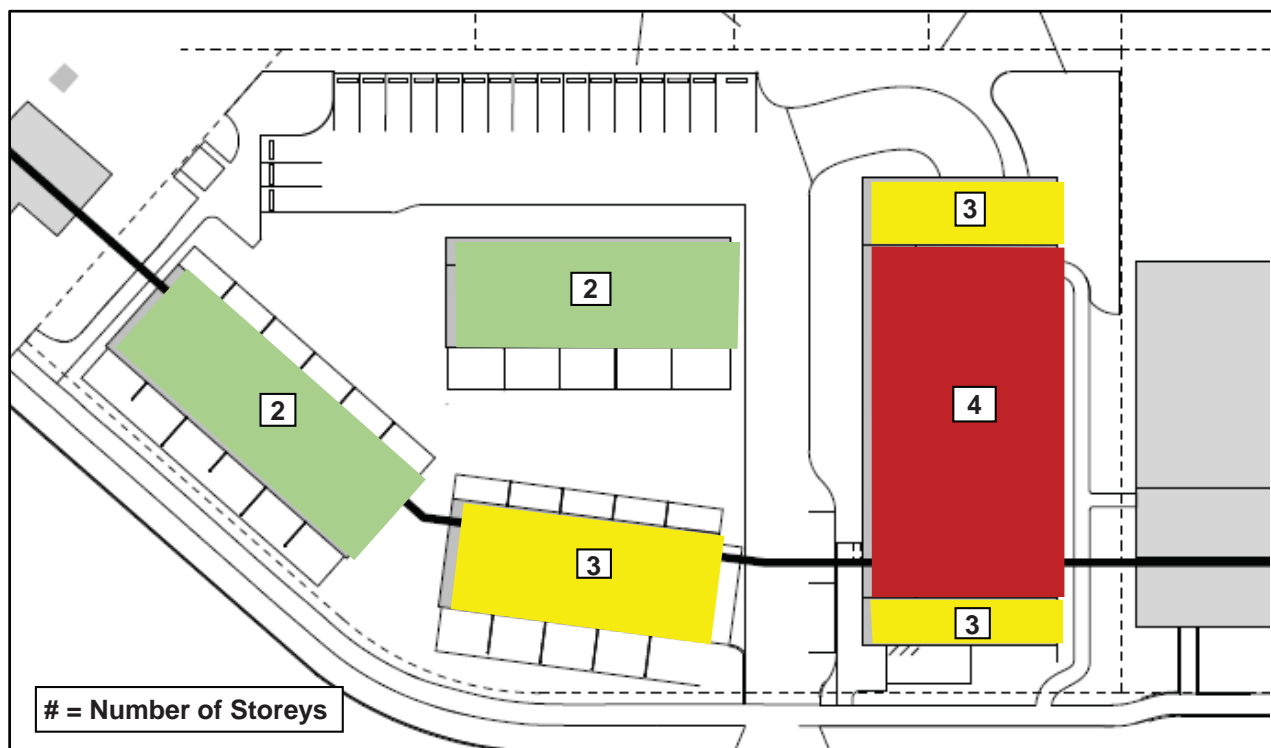


Figure 4: Building Mass as Represented by Number of Storeys

A variance to the front setback is requested in order to site the buildings further away from the rear property line, as well as to enliven the streetscape. The apartment building would be sited 12 m from the rear property line. The townhouse sited in the centre of the lot would be approximately 18 m from the rear property line, with a parking area between the centre townhouse block and the rear property line. By siting the buildings further from the rear lot line, it helps to mitigate potential impacts on adjoining single family neighbours to the north.

The location of the proposed surface parking at the rear has been raised as a concern by the neighbours. There are no setback requirements for parking areas that do not abut a street, however the proposed surface parking is sited 2 m from the rear lot line. A portion of the proposed parking area has been lowered in elevation with a retaining wall to help mitigate impacts from vehicle lights and activity.

With the proposed development, the Zoning Bylaw requires a landscape screen or opaque fence between 1.5 m and 1.9 m in height along property lines that do not abut a street. The

applicant proposes a 1.8 m wood fence along the property line, however they have been working with individual neighbours to install a fence or landscaping of their preference.

Although the design incorporates a stepping down of the building mass, the homes immediately to the north of the apartment building would have the most impacts from shadowing (see Figure 10). The rear of the apartment has fewer windows and no active use is proposed on the rear roof deck to mitigate privacy concerns. Setbacks of the existing and proposed development are summarized in the table below.

Setback	Existing Building	Existing RA-1 Zone	Proposed Building	Proposed RM-6 Zone
Rear	13.32 m	10.5	12 m (apartment) 18 m (townhouse)	10.5
East side	6.89 m	7.5	6 m (apartment)	7.5
West side	7.67 m	7.5	6 m (townhouse)	7.5
Front	9.6 m	7.5	4.5 m	7.5

Table 1: Setback Comparison

Siting the apartment building beside the adjacent church and oriented in a north-south direction is proposed to minimize impacts from shading. The apartment building does not include balconies, however full openings with small Juliet balconies help maximize natural lighting and air flow.

Common areas designed to encourage social interaction within the apartment building include:

- Large communal laundry rooms;
- Seating nooks at the end of corridors;
- A south facing roof deck (approximately 70 m²); and
- A common room near the front entry with an adjacent south facing patio (approximately 32 m²).

Common outdoor areas on the site include:

- An outdoor gathering and play area (approximately 245 m²);
- Raised garden beds;
- An outdoor seating area and pathway between the townhouses (approximately 252 m²); and
- Approximately 133 m of pedestrian on-site pathways that connect with the proposed sidewalk and drive aisles to create a looped walkway approximately 271 m in total.

Exterior materials include a mix of stucco, metal panels in 3 various colours, aluminum/glass guardrails (roof deck and Juliet balconies), and natural wood siding to highlight the main entrance. Cement board panels would also be used on the townhouses. Fixed sun shades are proposed above windows and doors, and the main entrance to the apartment has a canopy projection that wraps around the southwest corner of the building for shade and weather protection.

The townhouses have been designed with front and rear patio areas. South facing patios at the front of each unit are slightly larger than the rear patios. Bike sheds designed to hold 4 bikes would also be provided for each townhouse unit.

Pedestrian entrances to the townhouses front onto Townley Street with each unit having direct access from a front patio area to the street. The reduced setback and active front yard would

enliven the streetscape with a human scale, pedestrian oriented focus. The adjacent boulevard would be improved with a new separated sidewalk fronting the property and planting of five additional boulevard trees. The applicant has also agreed to extend the sidewalk across the adjacent church property at 1792 Townley Street, to connect at the church driveway.



Figure 5: Apartment Building Elevations



Figure 6: Three Storey Townhouse Elevations



Figure 7: Two Storey Townhouse Elevations

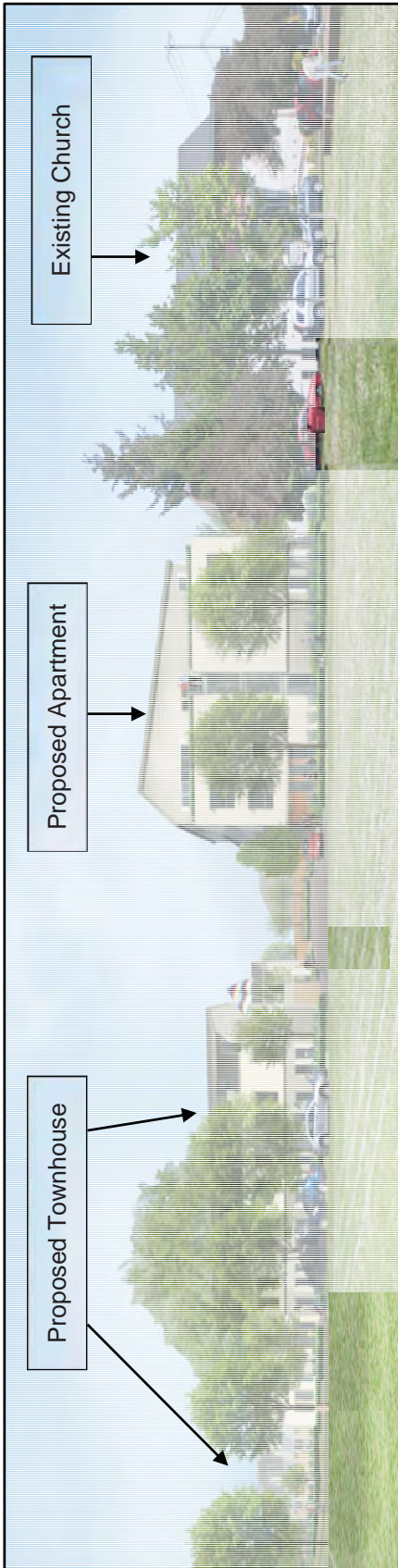


Figure 8: Conceptual Streetscape - Distant (Provided by HCMA Architecture and Design)



Figure 9: Conceptual Streetscape - Close (Provided by HCMA Architecture and Design)

Height and Density

The height and density has been noted as a concern by neighbours, particularly the 4-storey apartment and the potential impacts from shadowing.

The applicant provided a shadow study comparing the existing to proposed development and reflecting the extremes at winter and summer solstice, as well as spring/fall equinox. The impacts at noon during equinox are shown below, however the complete shadow study is attached as a separate document. The applicant has identified three areas where the proposal would have a shading impact on the adjacent properties which is shown in Figure 11.



Figure 10: Shadow Study of Existing and Proposed Development at Noon during Equinox
(Provided by HCMA Architecture and Design)

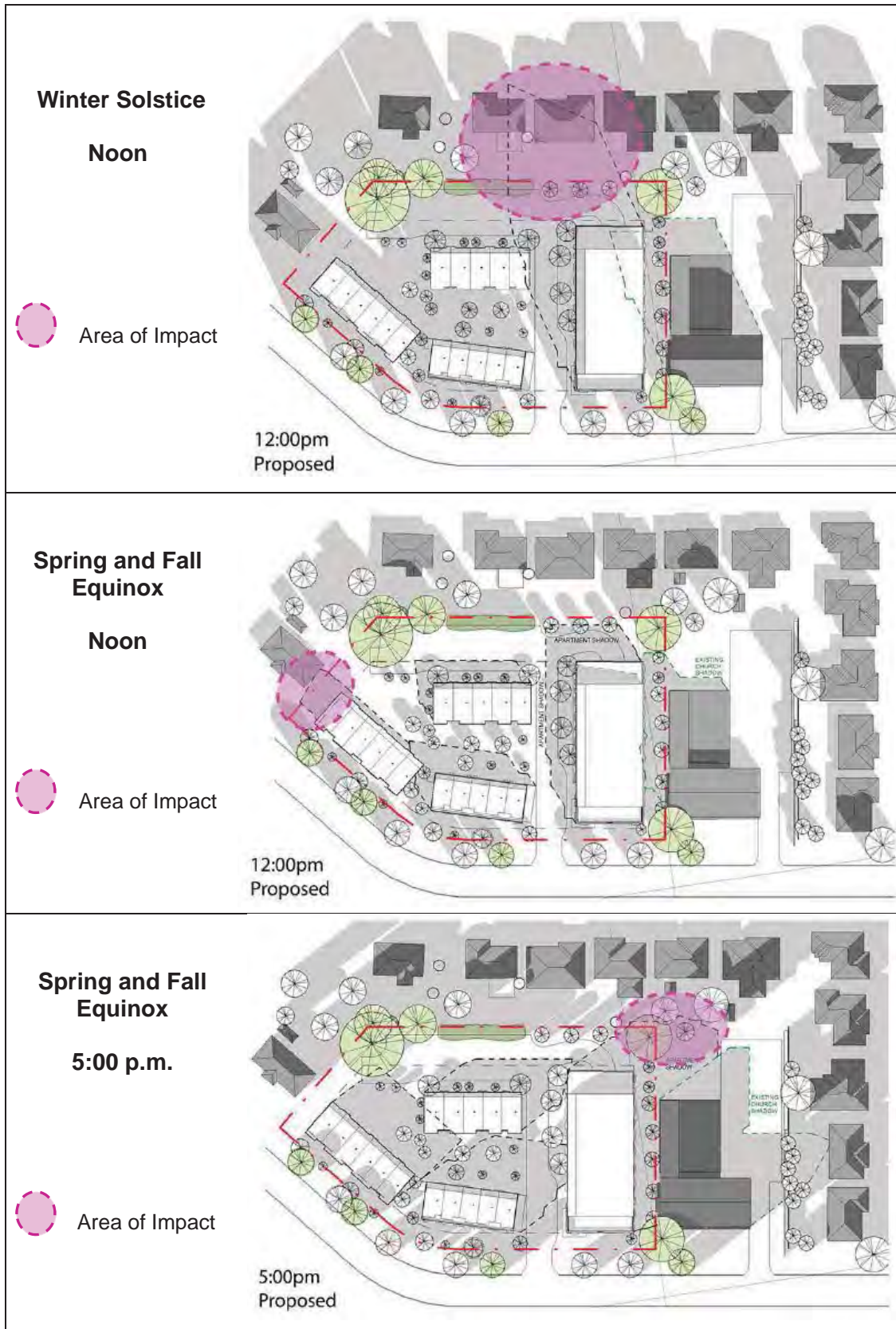


Figure 11: Summary of Shadow Impacts (Provided by HCMA Architecture and Design)

Requested Variances

The proposal includes the following variances to the proposed RM-6 Zone:

- Reduce the setback to the front lot line to 4.5 m (7.5 m required);
- Reduce the setback to the interior lot lines to 6 m (7.5 m required);
- To permit a building separation of 12 m from the centre of windows in a living room (15 m required), and 3.5 m from the outside corners of townhouses (6 m required);
- To permit the apartment building to have a height of 14.4 m (11.5 m permitted) and the townhouses to have a height of 9.9 m (7.5 m permitted);
- To permit a total of 43 off-street parking spaces (50 required); and
- To permit a total of 7 visitor parking spaces, or 0.10 per unit (21 spaces or 0.3 per unit required).

In concert, all of the requested variances would enable the proposed development at the requested density. It would be difficult to eliminate any one of the variances without losing units or significantly revising the proposed site layout. The requested variances are discussed in detail below.

Setbacks:

The proposal would site the buildings 4.5 m from the front property line, 7.5 m is required. The front yard adjacent to the townhouses would be used for individual pedestrian entrances into the units, front patio areas, and landscaping. The front yard adjacent to the apartment would be used for a common patio, and landscaping. The main entrance into the apartment building is on the southwest corner of the building, facing the interior drive aisle. A wrap around canopy and exterior wood siding near the main entrance would enhance the front entrance, with short term bicycle parking conveniently located near the main entrance. The proposal initially considered a 6 m setback, however in response to neighbourhood input the buildings have been sited further south to increase the rear yard setback and mitigate impacts to the adjacent single family dwellings. A reduced front yard setback in conjunction with front yards designed for active use is one method to help enliven the streetscape for a human scale, pedestrian oriented use. This design approach would be complimented by sidewalk improvements along Townley Street. Given the front yard is designed for active use and siting the buildings close to Townley Street allows for a larger rear yard setback, the variance is supportable.

The proposal would site buildings 6 m from the interior lot lines. The apartment would be adjacent to the eastern interior lot line and the side yard would be used for a pathway accessing a side exit near the rear of the building and landscaping. Records indicate the adjacent church to the east is 1.5 m from the lot line, with limited active use in the side yard. The existing building on the site is sited 6.89 m from the property line, however the building configuration and massing would be significantly different. Figure 12 shows the relative siting and height of adjacent buildings on the eastern property line.

Currently the driveway accessing the property is located in the side yard beside the church. Given the adjacent institutional use, with limited active use in the side yard, and that the existing driveway would be replaced with additional trees, landscaping, and a pathway, the reduced setback is supportable.

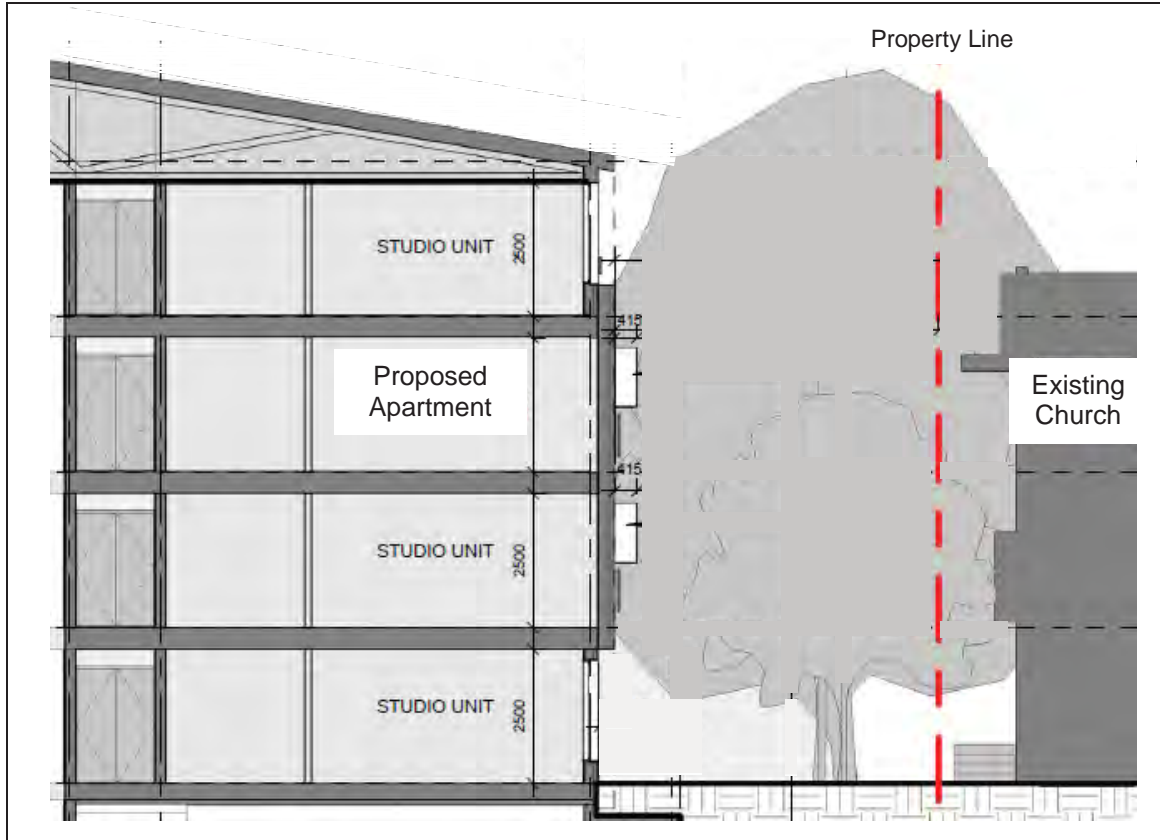


Figure 12: Proposed Setback Eastern Interior Side Lot Line

A 2-storey townhouse would be adjacent to the western interior lot line with a setback of 6 m. The side yard would be used for rain gardens, landscaping and lawn. To the west the side yard of the adjacent single family dwelling is used as a driveway access to the rear yard. The existing apartment is sited 7.67 m from the property line, with a similar massing (length and height) as the proposed townhouse. The proposed townhouse (TH D) that would be adjacent to the lot line would be 2-storeys with a height of 7.5 m. The west elevation of the townhouse blocks would include windows and a mix of exterior finishes so that it would present similar to a single family dwelling. Figure 13 shows the relative siting and height of adjacent buildings on the western property line.

Given the relative siting and height of adjacent buildings and the fact that the townhouse building would be limited to 2-storeys, the variance is supportable.

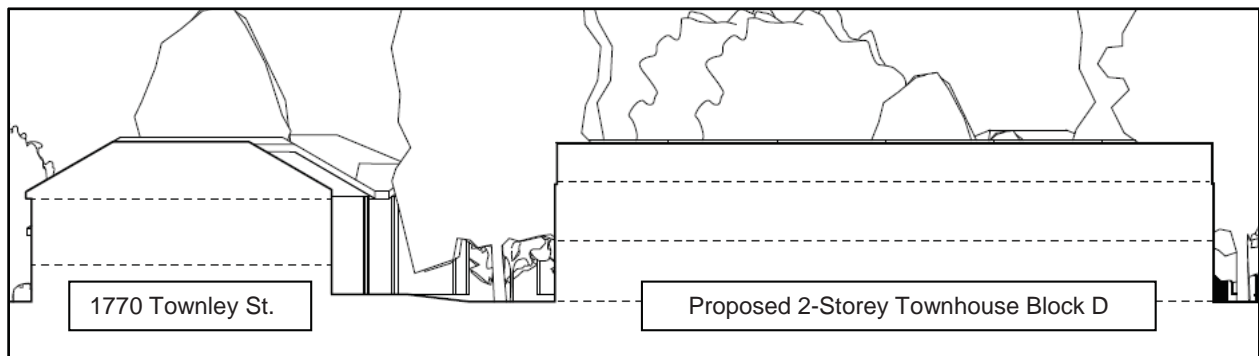


Figure 13: Proposed Setback Western Interior Side Lot Line

Building separations

Building separation requirements are intended to provide privacy and access to daylight through windows. The requested building separation variance from a living room window applies to the townhouse unit in the centre of the site (TH B) and from the apartment building. The proposed siting would provide 12 m separation, 15 m is required. The variance for the apartment would be across the drive aisle, toward the end of a 2-storey townhouse block. The variance for the townhouse units would be across the common pathway and patio areas. In both situations the impact would be minimal and the variance is supportable.

The building separation variance between buildings would apply between the townhouses fronting Townley Street. The variance, in part, is required due to the angle of the front lot line resulting in the two buildings being sited at angles to each other. No windows are proposed for the two affected end walls and the area between would be used for a landscaped rain garden so the impact would be negligible, therefore the variance is supportable.

Height:

The proposed height for the development is 14.4 m for the apartment whereas 11.5 m is permitted, and 9.9 m for the townhouses and 7.5 m is permitted. Due to the low pitch, the requested height represents the highest peak of the roof. The height at the top of the fourth floor roof, or base of the roof pitch, would be 11.6 m. The 9.9 m height requested for the townhouses would apply to the 3-storey block (TH C) and also be measured to the highest peak of the roof. The 2-storey townhouses would be 7.5 m in height.

The proposed height has been raised as a concern by the neighbours primarily due to overshadowing, privacy, and visual impacts. The applicant has attempted to minimize impacts by stepping back the upper floor of the apartment, stepping down the height across the site through the relative placement of the buildings, and siting the buildings away from the rear lot line.

Given that the applicant has worked to mitigate potential impacts on surrounding neighbours through the siting of the buildings, the stepping back at the front and rear of the apartment building, and there is policy support and an overwhelming community need for affordable housing, the variance is supportable.

Parking:

The Zoning Bylaw requirement for parking is based on a non-profit seniors or low income family housing development, which is 0.5 parking spaces per apartment unit and 1.5 for each townhouse unit, resulting in a total of 50 required parking spaces. The proposed development would provide 43 on-site parking spaces, with 7 spaces designated as visitor parking. Parking would be provided with 21 surface parking spaces at the rear of the lot, and 22 underground parking spaces below the apartment building.

As a multi-family development the proportion of visitor parking is 0.3 spaces per dwelling unit of the total number of required spaces. This results in a disproportionate amount of visitor parking spaces in this scenario, or that 60% of the total required parking be designated for visitors. Applying the Zoning Bylaw requirement for visitor parking of 0.3/unit results in 21 parking spaces designated for visitors, the applicant proposes 7 visitor parking spaces or 0.1/unit.

The applicant provided a Transportation Impact Assessment which provided the following comments:

Trip Generation

- The location is well served with respect to public transit and has a variety of commercial amenities within walking distance.
- The net increase in peak hour traffic is estimated at 10-15 two-way vehicle trips per peak hour, to a total of 20 vehicle trips.
- The traffic impact from the increase in vehicle trips is considered negligible.

Parking Supply

- The site currently has a parking supply of 0.33/unit.
- A parking supply of 0.39/unit is recommended for residents in the apartment building, determined by adding 15% to the projected vehicle ownership rate of 0.33/unit, which is proposed.
- A comparison of vehicle ownership rates at five similar seniors apartment sites in the region resulted in an average of 0.36 vehicles per unit.
- A comparable review of similar developments in Greater Vancouver resulted in vehicle ownership of 0.31/unit.
- A parking supply of 1/unit is recommended for residents of the townhouse units.
- In addition to the resident parking, 7 visitor parking spaces are recommended based on a supply ratio of 0.1/unit.
- A visitor supply ratio of 0.1/unit is supported by previous research for residential land use.

Transportation Demand Management

- There are 14 scooter storage spaces in the underground parking, and four bicycle parking spaces in the underground to serve apartment residents.
- Individual bike sheds designed to accommodate up to 4 bicycles would be provided for each townhouse unit.
- To reduce automobile dependence a number of Transportation Demand Management Strategies (TDM) were recommended:
 - Providing a Local Area Transportation Context Information Package to new residents promoting alternative transportation options and the local amenities within walking distance;
 - Providing information packages to new residents about various BC Bus Programs; and
 - Providing a notice board on-site for ride sharing opportunities.

Given the target population residents would not have high vehicle ownership or be daily drivers, and that the Transportation Impact Assessment determined the total number of parking spaces and ratio of visitor parking spaces is suitable for the development, the variances are supportable.

Environment

The proposed apartment would be constructed to the Passive House standard, which focuses on energy efficiency. Using a Passive House design the energy requirements for space heating would be reduced by approximately 80% compared to BC Building Code requirements, therefore lower operating costs would provide significant cost savings on an ongoing basis.

Key elements to a Passive House design include:

- Improved insulation in roof, walls and floors;
- Triple glazed windows and high quality doors;
- Passive solar orientation;
- Reduced air leakage through high quality building envelope and reduced thermal bridging;

- Heat Recovery Ventilation systems; and
- Simple building form to minimize amount of exterior wall space.

The townhouse units would be constructed to meet BUILT GREEN® Gold, or equivalent, performance standard. Both the townhouses and apartment would be constructed solar ready to support the future installation of solar hot water or photovoltaic systems.

A small portion of the property is subject to the Streamside Development Permit Area (SDPA). The requirement for a Streamside Development Permit has been waived based on: a public road intersecting the buffer area, only a minor amount of construction occurring within the SDPA, the applicant has provided an Erosion and Sediment Control Plan, an improved stormwater management plan being implemented for the site, and a Naturescape design for landscaping. The Erosion and Sediment Control Plan is attached to and forms part of the Development Permit.

Impervious area of the site is currently 41% and the storm drainage is connected by the underground system into Bowker Creek without treatment. The proposed stormwater management would include 12 rain gardens throughout the site, permeable pavers and directing flow into absorptive landscape area. Total impervious surfacing would be increased to 64%, however, it would now be treated for both water quality and volume.

CLIMATE CHANGE AND SUSTAINABILITY

Policy Context

The Official Community Plan (OCP) adopted in 2008 highlights the importance of climate change and sustainability. The OCP is broadly broken down into the pillars of sustainability including environmental integrity, social well-being and economic vibrancy. Climate change is addressed under the environmental integrity section of the OCP and through Saanich's Climate Action Plan.

Climate change is generally addressed through mitigation strategies and adaptation strategies. Climate change mitigation strategies involve actions designed to reduce the emissions of greenhouse gases, primarily carbon dioxide from combustion, while climate change adaptation involves making adjustments and preparing for observed or expected climate change, to moderate harm and to take advantage of new opportunities.

The following is a summary of the Climate Change and Sustainability features and issues related to the proposed development. This section is not and cannot be an exhaustive list or examination of the issue. However, this section is meant to highlight key issues for council and keep this subject matter at the forefront of council's discussion.

Climate Change

This section includes the specific features of a proposal related to mitigation and adaptation strategies. Considerations include: 1) Project location and site resilience, 2) Energy and the built environment, 3) Sustainable transportation, 4) Food security, and 5) Waste diversion.

The proposed development includes the following features related to mitigation and adaptation:

- The proposal is located within the Urban Containment Boundary and approximately 700 m walking distance of the commercial services at the Hillside major "Centre" where a range of commercial retail and services are located.
- The proposal is an in-fill development that is able to use existing roads and infrastructure to service the development.

- Lansdowne Middle School is approximately 600 m north and Camosun College is approximately 1 km north.
- Recreation facilities at Cedar Hill Recreation Centre and the Oak Bay Recreation Centre are both within 2 km.
- The site is well connected to a number of neighbourhood parks that include tennis courts, playing fields, play equipment and natural areas, such as Allenby Park, Carnarvon Park, and Oaklands Park.
- Sustainable development practices would be followed and the applicant has committed that construction would meet, or be equivalent to Passive House, or an energy equivalent standard, for the apartment building and BUILT GREEN® Gold for the townhouses. Both of these commitments would be secured through a covenant.
- The proposed development would be constructed solar ready.
- The property is located approximately 200-250 m from public transit stops on Richmond Road and Shelbourne Street.
- The current level of public transit service in the area includes five routes, two available on Richmond Road (Rte # 8, 14) and three routes on Shelbourne Street (Rte # 22, 27, 28). Buses travel along these routes at an average of every 20 minutes during week days.
- The development is readily accessible via all modes of alternative transportation including walking, cycling, and public transit, and the apartment building includes area designated for scooter storage.
- Food security would be improved with a landscaping plan that includes garden beds.
- The waste created by land clearing and demolition of existing structures would be diverted from landfilling by sorting and recycling of building materials with a target for waste diversion of 75%.

Sustainability

Environmental Integrity

This section includes the specific features of a proposal and how it impacts the natural environment. Considerations include: 1) Land disturbance, 2) Nature conservation, and 3) Protecting water resources.

The proposed development includes the following features related to the natural environment:

- The proposal is a compact, infill development in an already urbanized area without putting pressures onto environmentally sensitive areas or undisturbed lands.
- The proposed stormwater management practices includes a rain gardens throughout the site, permeable pavers, and absorbent landscaping.
- Impervious area would be increased from the existing 41% to approximately 64%, however stormwater would now be managed for quality and volume.
- Landscaping would be managed with a high-efficiency irrigation system.
- An Erosion and Sediment Control Plan has been provided for the project to protect Bowker Creek from potential impacts during construction.

Social Well-being

This section includes the specific features of a proposal and how it impacts the social well-being of our community. Considerations include: 1) Housing diversity, 2) Human-scale pedestrian oriented developments, and 3) Community features.

The proposed development includes the following features related to social well-being:

- The proposed development would provide additional non-market housing for our low income seniors, persons with disabilities and low to moderate income working families, a recognized need for these sectors of society.

- The multi-family proposal includes a range of dwelling unit sizes to provide for a variety of household types.
- The residential design incorporates outdoor areas suitable for active use, social interaction and seating.
- The site design has incorporated CPTED (Crime Prevention Through Environmental Design) principles.
- The site is designed to have barrier free accessibility and be welcoming to people of all ages and levels of physical ability.
- Buildings fronting onto public streets have active frontages that allow interaction between users of the private space and people on the street.
- A range of outdoor, community and recreation opportunities are available within reasonable walking/cycling distance.

Economic Vibrancy

This section includes the specific features of a proposal and how it impacts the economic vibrancy of our community. Considerations include: 1) Employment, 2) Building local economy, and 3) Long-term resiliency.

The proposed development includes the following features related to economic vibrancy:

- The development would create short-term jobs during the construction period.
- The proposal would be within the commercial catchment/employment area for the businesses and services located within the Hillside major “Centre”.
- The applicant has demonstrated experience with similar projects that have shown long-term success.
- It is anticipated that the proposed development, in part, would receive financial support through public funding agencies at the regional (CRD), and federal government level (allocated through BC Housing).
- The proposed development has included elements to reduce the long-term operating and maintenance costs particularly for energy and water consumption.

COMMUNITY CONTRIBUTION

The proposed development is by nature a community contribution because it would provide affordable housing for seniors, persons with disabilities, and low to moderate income families.

The applicant has agreed to extend the sidewalk improvements along their frontage approximately 25 m further to connect with the driveway access for the adjacent church.

CONSULTATION

Applicant Consultation

Prior to submitting an application the owners consulted with the Camosun Community Association and surrounding neighbours by hosting two on-site open houses (September 15, 2015 and December 1, 2015) and attending a community association meeting (December 10, 2015). The applicant continued to engage the neighbours with at least two additional community meetings (January 14, 2016 and May 17, 2016) and through direct communications with neighbours.

The application was referred to the Camosun Community Association on December 22, 2015 and resent by request on February 9, 2016. An informal response was received February 25, 2016 indicating concerns but noting that a more detailed response would follow further consultation.

The community association most recently considered the proposal at their September 15, 2016 meeting and intended to provide a written response following that meeting. The association president has verbally stated they do not support the application, however a written response has not been provided at the time of completion of this report.

Neighbourhood Concerns

Concerns have been raised by the neighbours regarding the proposal and the applicant has been meeting with them to discuss the issues throughout the process. Key issues of concern focus on:

- The proposed height and density;
- Visual and overshadowing impacts;
- The number of existing trees to be removed;
- Insufficient open/green areas on the site;
- Location of the proposed surface parking and drive aisle;
- Traffic impacts; and
- The overall impact to neighbourhood character.

In response to the issues the applicant has:

- Removed 2 proposed units and stepped back the fourth floor at the rear with no active use on the roof deck;
- All proposed buildings were shifted toward the front lot line by 1.5 m;
- The proposed 3-storey townhouse was relocated from the centre of the lot to the current location adjacent to Townley Street with the 2-storey townhouses sited adjacent to neighbouring single family dwellings;
- Surface parking shifted away from the rear lot line and lowered in elevation with a retaining wall and fencing added to screen the parking area;
- Additional Arborist Reports were requested to review and assess trees of concern and if they could be retained;
- A common lawn area was revised for more active use by including seating benches, garden beds and natural features; and
- A Traffic Impact Assessment was provided to determine the anticipated impacts resulting from the proposed development.

Although the revisions would reduce overall impacts, the major issue of concern remains to be the proposed height.

With respect to traffic, Saanich Engineering conducted a traffic count at the intersection of Townley Street and Richmond Road in October 2015. The data showed a normal amount of traffic for a residential street during the busiest hours of the day and no changes to the traffic pattern were recommended.

Advisory Design Panel

The application was considered by the Advisory Design Panel (ADP) at their August 3, 2016 meeting. The ADP recommended the proposal be accepted as presented with consideration of the points raised during the discussion. The applicant has responded that the ADP discussion was very positive and insightful, but since there were no substantive requests for change they would like to present the proposal to Council as is.

SUMMARY

The site currently contains a 2-storey, 39 unit apartment owned and operated by the Greater Victoria Housing Society. The applicant proposes to replace the existing 39 unit building, which was constructed in 1967, with 67 units distributed throughout one apartment building and three blocks of townhouses.


The site is currently zoned RA-1 (Apartment) Zone which does not allow an increase in the number of units on the property. A zoning amendment is required to allow both the proposed density, as well as the proposed mix of housing form with both townhouses and apartment. A development permit is required for the form and character of the development.


The application is to rezone from the RA-1 (Apartment) Zone to the RM-6 (Residential Mixed) Zone to construct a 4-storey, 51 unit apartment for affordable seniors/persons with disabilities housing, and 16 affordable townhouse units for low to moderate income families. Variances are requested for setbacks, height, building separation and parking. Registration of a housing agreement is recommended to secure the development is used to provide affordable housing at or below 80% of the average market rental.

RECOMMENDATION

1. That the application to rezone from RA-1 (Apartment) Zone to RM-6 (Residential Mixed) Zone be approved.
2. That Development Permit DPR00634 be approved.
3. That Final Reading of the Zoning Bylaw Amendment and ratification of the Development Permit be withheld pending registration of a housing agreement to secure:
 - That all dwelling units be used to provide rental accommodation;
 - Occupancy of the apartment is restricted to seniors and/or persons with disabilities;
 - Occupancy of the townhouses is restricted to families with at least one dependent child;
 - That all residents have an income at or below the low to moderate income limit established annually by BC Housing; and
 - That the rental rates for all dwelling units would meet Canada Mortgage and Housing Corporation Affordability Level 1 (80% of market rates) based on their Comprehensive Rental Market data.
4. That Final Reading of the Zoning Bylaw Amendment and ratification of the Development Permit be withheld pending registration of a covenant to secure:
 - The design and construction of the apartment building to meet Passive House, or equivalent, energy performance standard;
 - The design and construction of the townhouse units to meet BUILT GREEN® Gold, or equivalent, energy performance standard;
 - That the development be constructed solar ready;
 - Continuation of the required 2 m separated sidewalk fronting the property eastward to terminate at the driveway access for 1792 Townley Street; and
 - Implementation of the recommended Transportation Demand Management Strategies, specifically:
 - Providing a Local Area Transportation Context Information Package to new residents promoting alternative transportation options and the local amenities within walking distance;
 - Providing information packages to new residents about various BC Bus Programs; and
 - Providing an on-site notice board for ride sharing opportunities.

Report prepared by: 
Andrea Pickard, Planner

Report prepared and reviewed by: 
Jarret Matanowitsch, Manager of Current Planning

Report reviewed by: 
Sharon Hvozdzanski, Director of Planning

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Attachment

cc: Paul Thorkelsson, CAO
Graham Barbour, Manager of Inspection Services

CAO'S COMMENTS:

I endorse the recommendation of the Director of Planning.



Paul Thorkelsson, CAO

DISTRICT OF SAANICH

NO. DPR00634

DEVELOPMENT PERMIT

TO: **Greater Victoria Housing Society, Inc. No. S-0005025**
1 - 772 Bay Street
Victoria BC V8T 5E4

(herein called "the Owner")

1. This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied by this Permit.
2. This Development Permit applies to the lands known and described as:

**Parcel A (DD 387967-I), of Lot 133, Section 26, Victoria District, Plan 11000,
Except Part in Plan 32539**

1780 Townley Street

(herein called "the lands")

3. This Development Permit further regulates the development of the lands as follows:
 - (a) By varying the provisions of Zoning Bylaw 2003, Section 625.6 a) i) to permit buildings and structures to be sited 4.5 m from a lot line abutting a street (7.5 m required).
 - (b) By varying the provisions of Zoning Bylaw 2003, Section 625.6 a) ii) to permit buildings and structures to be sited 6 m from an interior side lot line (7.5 m required).
 - (c) By varying the provisions of Zoning Bylaw 2003, Section 625.6 b) to permit an apartment building to have a height of 14.4 m (11.5 m permitted) and attached housing to have a height of 9.9 m (7.5 m permitted).
 - (d) By varying the provisions of Zoning Bylaw 2003, Section 625.5 a) to permit a building separation of 12 m from the centre of windows in a living room (15 m required).
 - (e) By varying the provision of Zoning Bylaw 2003, Section 625.5 c) to permit a building separation of 3.5 m from the outside corners of attached housing (6 m required).
 - (f) By varying the provisions of Zoning Bylaw 2003, Section 7.3 to permit a total of 43 off-street parking spaces (50 required).
 - (g) By varying the provisions of Zoning Bylaw 2003, Section 7.4 to permit a total of 7 visitor parking spaces, or 0.10 per unit (21 spaces or 0.3 per unit required).

- (h) By requiring the buildings and lands to be constructed and developed in accordance with the plans prepared by HCMA Architecture and Design, On Point Project Engineers, and Murdoch deGreeff Landscape Planning and Design, date stamped received July 22, 2016, copies of which are attached to and form part of this permit.
4. The Owner shall substantially start the development within 24 months from the date of issuance of the Permit, in default of which the Municipality may at its option upon 10 days prior written notice to the Owner terminate this Permit and the Permit shall be null and void and of no further force or effect.
5. Notwithstanding Clause 4, construction of driveways and parking areas, and delineation of parking spaces shall be completed prior to the issuance of an Occupancy Permit.
6. (a) Prior to issuance of a Building Permit, the Owner shall provide to the Municipality security by cash, certified cheque, or an irrevocable letter of credit in the amount of \$165,350 to guarantee the performance of the requirements of this Permit respecting landscaping.
- (b) A Landscape Architect registered with the British Columbia Society of Landscape Architects must be retained for the duration of the project until the landscaping security has been released. Written letters of assurance must be provided at appropriate intervals declaring the registered Landscape Architect, assuring that the landscape work is done in accordance with the approved landscape plan, and indicating a final site inspection confirming substantial compliance with the approved landscape plan (BCSLA Schedules L-1, L-2 and L-3).
- (c) All landscaping must be served by an automatic underground irrigation system.
- (d) The owner must obtain from the contractor a minimum one-year warranty on landscaping works, and the warranty must be transferable to subsequent owners of the property within the warranty period. The warranty must include provision for a further one-year warranty on materials planted to replace failed plant materials.
- (e) Any protective fencing of trees or covenant areas must be constructed, installed and signed according to the specifications in Appendix X.
- (f) No site activity shall take place prior to the installation of any required tree of covenant fencing and the posting of "WARNING – Habitat Protection Area" signs. The applicant must submit to the Planning Department a photograph(s) showing the installed fencing and signs. Damage to, or moving of, any protective fencing will result in an immediate stop work order and constitute a \$1,000 penalty.
- (g) The landscaping requirements of this Permit shall be completed within four months of the date of issuance of the Certificate of Occupancy for the development, in default of which the Municipality may enter upon the lands, through its employees or agents, and complete, correct or repair the landscaping works at the cost of the Owner and may apply the security, interest at the rate payable by the Municipality for prepaid taxes.
- (h) In the event that any tree identified for retention is destroyed, removed or fatally injured, a replacement tree shall be planted in the same location by the Owner in

accordance with the replacement guidelines as specified within the Saanich Tree and Vegetation Retention, Relocation and Replacement Guidelines. The replacement tree shall be planted within 30 days of notice from the Municipality in default of which the Municipality may enter upon the lands and carry out the works and may apply the security provided herein in payment of the cost of the works. For the purpose of this section, existing trees identified for retention and new trees planted in accordance with the landscape plan attached to and forming part of this permit shall be deemed to be "trees to be retained".

- 7. The lands shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and shall comply with all Municipal bylaws except for those provisions specifically varied herein. Minor variations which do not affect the overall building and landscape design and appearance may be permitted by the Director of Planning or in her absence, the Manager of Current Planning.
- 8. Notwithstanding the provisions of Section 7 of this Permit the following changes will be permitted and not require an amendment to this Permit:
 - (a) When the height or siting of a building or structure is varied 20 cm or less provided, however, that this variance will not exceed the maximum height or siting requirements of the Zoning Bylaw.
 - (b) Changes to the relative location and size of doors and windows on any façade which do not alter the general character of the design or impact the privacy of neighbouring properties following consultation with the Director of Planning, or Manager of Current Planning in her absence.
 - (c) Where items noted under Section 8(b) are required to comply with the Building Code and/or the Fire Code and those changes are not perceptible from a road or adjacent property.
 - (d) Changes to soft landscaping provided the changes meet or exceed the standards contained on the landscape plans forming part of this Permit.
- 9. The terms and conditions contained in this Permit shall enure to the benefit of and be binding upon the Owner, their executors, heirs and administrators, successors and assigns as the case may be or their successors in title to the land.
- 10. This Permit is not a Building Permit.

AUTHORIZING RESOLUTION PASSED BY THE MUNICIPAL COUNCIL ON THE

_____ DAY OF _____ 20 _____
 ISSUED THIS _____ DAY OF _____ 20 _____

 Municipal Clerk

APPENDIX X

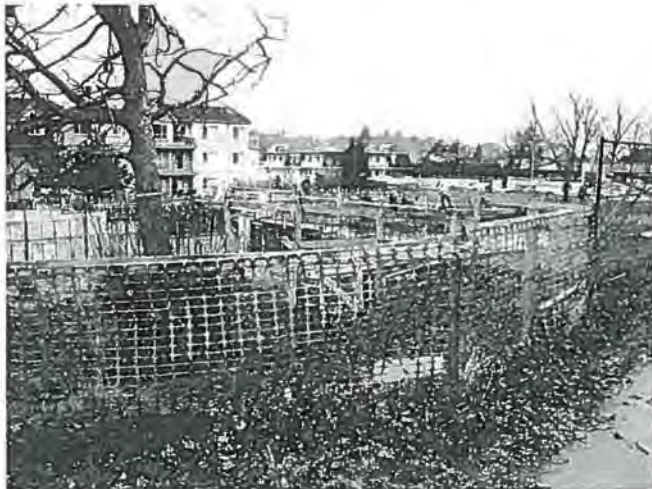
PROTECTIVE FENCING FOR TREES AND COVENANT AREAS

Protective fencing around trees and covenant areas is an important requirement in eliminating or minimizing damage to habitat in a development site.

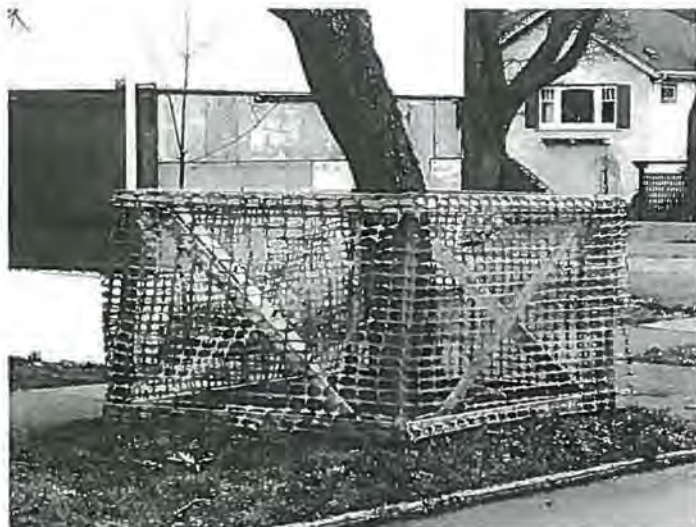
Prior to any activities taking place on a development site, the applicant must submit a photo showing installed fencing and "WARNING – Habitat Protection Area" signs to the Planning Department.

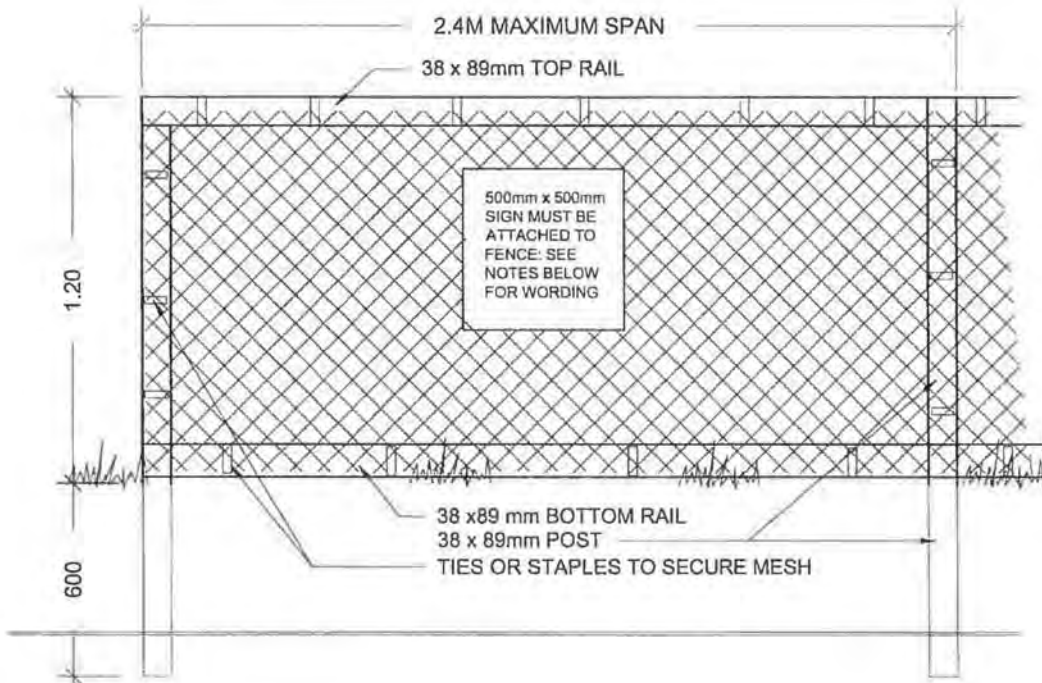
Specifications:

- Must be constructed using 2" by 4" wood framing and supports, or modular metal fencing
- Robust and solidly staked in the ground
- Snow fencing to be affixed to the frame using zip-ties or galvanized staples
- Must have a "WARNING – HABITAT PROTECTION AREA" sign affixed on every fence face or at least every 10 linear metres



Note: Damage to, or moving of, protective fencing will result in a stop work order and a \$1,000 penalty.





TREE PROTECTION FENCING

NOTES:

1. FENCE WILL BE CONSTRUCTED USING 38 X 89 mm (2"X4") WOOD FRAME: TOP, BOTTOM AND POSTS. *
USE ORANGE SNOW-FENCING MESH AND SECURE TO THE WOOD FRAME WITH "ZIP" TIES OR GALVANIZED STAPLES.
2. ATTACH A 500mm x 500mm SIGN WITH THE FOLLOWING WORDING:
WARNING-HABITAT PROTECTION AREA. THIS SIGN MUST BE AFFIXED ON EVERY FENCE FACE OR AT LEAST EVERY 10 LINEAR METRES.

* IN ROCKY AREAS, METAL POSTS (T-BAR OR REBAR) DRILLED INTO ROCK WILL BE ACCEPTED



DETAIL NAME: **TREE PROTECTION FENCING**

DATE: March/08
 DRAWN: DM
 APP'D: RR
 SCALE: N.T.S.

H:\shared\parks\Tree Protection Fencing.pdf

Memo

To: Planning Department
From: Jagtar Bains – Development Coordinator
Date: June 16, 2016
Subject: Servicing Requirements for the Proposed Development- REVISED



**PROJECT: TO REZONE FROM RA-1 (APARTMENT) ZONETO RM-6
(RESIDENTIAL MIXED) ZONE TO CONSTRUCT A 4-STOREY, 53 UNIT**

**SITE ADDRESS: 1780 TOWNLEY ST
PID: 005-132-193
LEGAL: LOT 133 SECTION 26 VICTORIA DISTRICT PLAN 11000
DEV. SERVICING FILE: SVS01985
PROJECT NO: PRJ2015-00735**

The above noted application for rezoning & Development Permit has been circulated to the Engineering Department for comment. A list of servicing requirements has been attached on the following page(s). To allow Council to deal effectively with this application, we would appreciate confirmation, prior to the Public Hearing, that the applicant agrees to complete the servicing requirements. Should there be any disagreement with any of these requirements, it should be discussed with the undersigned prior to the Public Hearing.



Jagtar Bains
DEVELOPMENT COORDINATOR

cc: Harley Machielse, Director of Engineering
Catherine Mohoruk, Manger of Transportation & Development

General Information on Development Servicing

Servicing requirements are stated at this time for the applicant's information. The requirements must be met prior to building permit issuance, including consolidation or subdivision, payments and/or deposits.

Services which must be installed by a developer must be designed by a Professional Engineer hired by the developer and installed under the Engineer's supervision. The design must be approved prior to building permit issuance. The approval process may take up to 30 working days of staff time to complete circulations and request revisions of the Engineer. Certain circumstances can lengthen the approval process.

A Financial sheet is issued with the design drawing which will state:

- 1) The estimated cost of developer installed servicing plus 20% which must be deposited.
- 2) The estimated cost of Municipal installed servicing which must be paid.
- 3) The Development Cost Charges payable.
- 4) Any special conditions which must be met.

This information is not intended to be a complete guide to development procedures. A more complete listing may be found in Section 2 of the Engineering Specifications, Schedule H to Bylaw 7452 (Subdivision Bylaw).

Development File: SVS01985
Civic Address: 1780 TOWNLEY ST
Page: 1

Date: Jun 16, 2016

Drain

1. THE EXISTING 150 MM STORM DRAIN CONNECTION MAY REQUIRE UPGRADING TO SERVE THIS DEVELOPMENT. CALCULATIONS ARE REQUIRED.
2. GREASE/OIL INTERCEPTORS MUST BE INSTALLED ON SITE.
3. ALL PROPOSED BUILDING AND PARKING AREAS MUST BE DRAINED IN ACCORDANCE WITH THE B.C. BUILDING CODE REQUIREMENTS.
4. STORM WATER MANAGEMENT MUST BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF SCHEDULE H "ENGINEERING SPECIFICATIONS" OF SUBDIVISION BY-LAW. THIS SUBDIVISION/DEVELOPMENT IS WITHIN TYPE II WATERSHED AREA WHICH REQUIRES STORM WATER STORAGE, OIL/GRIT SEPARATOR OR GRASS SWALE AND SEDIMENT BASIN. FOR FURTHER DETAILS, REFER TO SECTION 3.5.16, STORM WATER MANAGEMENT AND EROSION CONTROL OF SCHEDULE H "ENGINEERING SPECIFICATIONS" OF SUBDIVISION BY-LAW.

Gen

1. THE BUILDING IS REQUIRED TO COMPLY WITH THE 2012 BC BUILDING CODE AND MUNICIPAL BYLAWS. BUILDING AND PLUMBING PERMITS WILL BE REQUIRED FOR ALL WORKS.
2. BI-DIRECTIONAL AMPLIFICATION SYSTEM IN SUPPORT OF THE CREST RADIO NETWORK, MUST BE INSTALLED TO FUNCTION IN ALL AREAS OF THE PROPOSED BUILDING TO THE SATISFACTION OF THE SAANICH FIRE DEPARTMENT AND CREST OPERATIONS MANAGER. CONTACT TODD CAVE, SAANICH PREVENTION DIVISION AT 250-475-5508 FOR FURTHER DETAILS.
3. THIS PROPOSAL IS SUBJECT TO THE PREVAILING MUNICIPAL DEVELOPMENT COST CHARGES.
4. TWO COPIES OF CONSTRUCTION FIRE SAFETY PLAN, PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE BC BUILDING CODE ARE TO BE SUBMITTED FOR REVIEW/COMMENT TO THE SAANICH FIRE DEPARTMENT ALONG WITH A FEE OF \$100.00 PRIOR TO ISSUANCE OF THE BUILDING PERMIT.
5. ALL RELEVANT PRECAUTIONS IN PART 8 OF THE BC BUILDING CODE "SAFETY MEASURES AT CONSTRUCTION AND DEMOLITION SITES" MUST BE PROVIDED BY THE CONTRACTOR PRIOR TO ISSUANCE OF THE BUILDING PERMIT.

Hydro/tel

1. UNDERGROUND WIRING CONNECTION IS REQUIRED TO SERVE THIS DEVELOPMENT.

Road

1. 2.0 M WIDE SEPARATED CONCRETE SIDEWALK MUST BE CONSTRUCTED ON TOWNLEY STREET FRONTING THIS DEVELOPMENT.
2. PROPOSED DRIVEWAY CROSSING ON TOWNLEY STREET IS TO BE CONSTRUCTED AS PER SAANICH STANDARD DRAWING NO. C7SS.
3. PROPOSED DRIVEWAY IS CONFLICTING WITH AN EXISTING STREET LIGHT ON TOWNLEY STREET. THIS STREET LIGHT MUST BE RELOCATED TO THE EAST OF PROPOSED DRIVEWAY.
4. AN ADDITIONAL STREET LIGHT IS REQUIRED ON TOWNLEY STREET, BETWEEN THE EXISTING TWO LIGHTS FRONTING THIS DEVELOPMENT, TO MEET CURRENT STANDARDS.
5. THE EXISTING DRIVEWAY DROP, NEAR THE EASTERN PROPERTY LINE, MUST BE REPLACED WITH STANDARD SECTION OF GUTTER AND NON-MOUNTABLE CURB.

Development File: SVS01985
Civic Address: 1780 TOWNLEY ST
Page: 2

Date: Jun 16, 2016

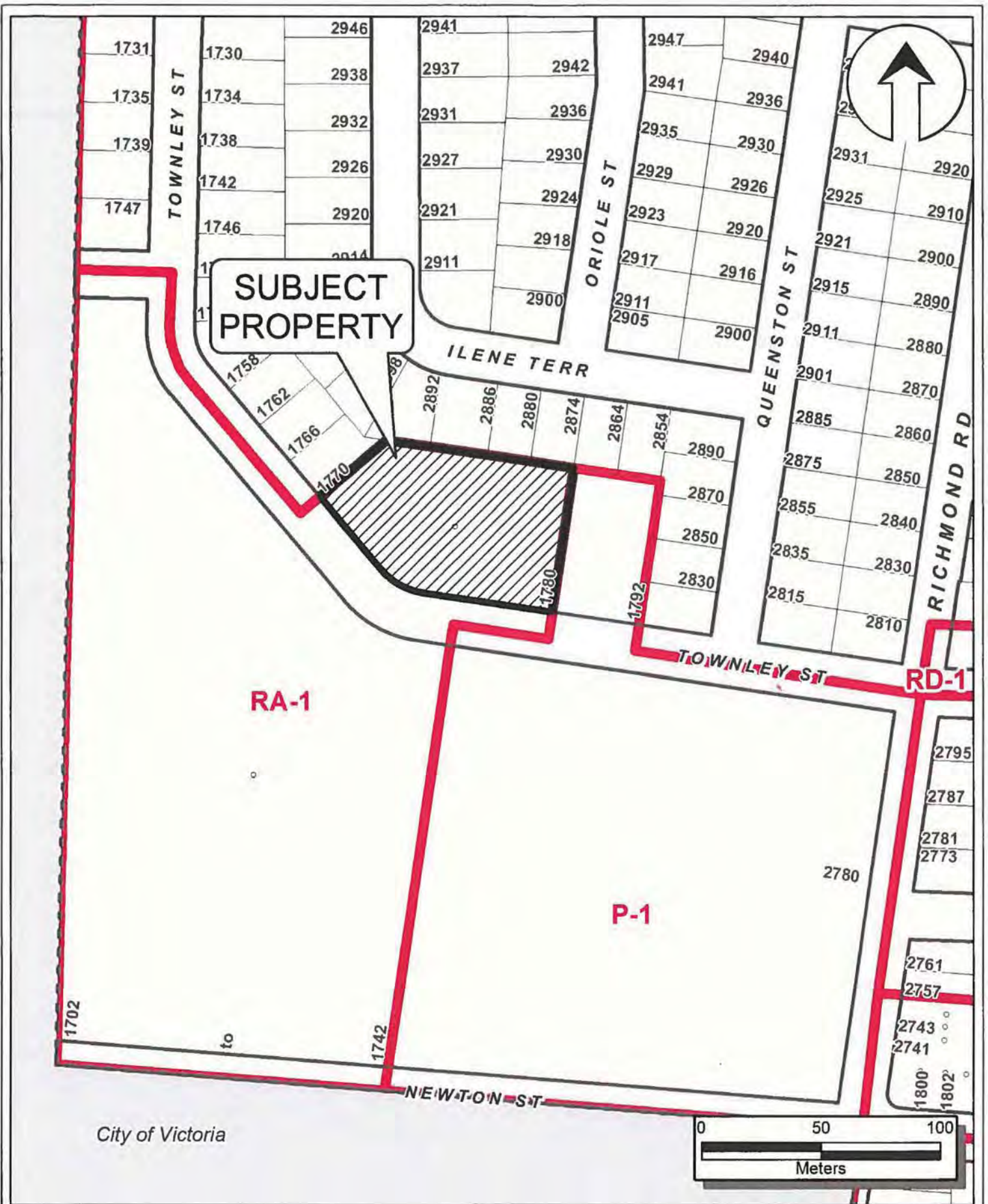
6. THE EXISTING SPEED HUMPS ON TOWNLEY STREET ARE CONFLICTING WITH THE PROPOSED DRIVEWAY. THEY MUST BE RELOCATED EITHER TO THE WEST OR EAST BY 10.0 M.
7. ROLLOVER CURBS ARE RECOMMENDED ALONG THE SOUTH EDGE OF THE PROPOSED AT GRADE PARKING POOL.

Sewer

1. AN APPROPRIATELY SIZED SEWER CONNECTION IS REQUIRED FROM THE EXISTING 400 MM MAIN ON TOWNLEY STREET TO SERVE THIS DEVELOPMENT.
2. SANITARY SEWER LOADING CALCULATIONS ARE REQUIRED FOR THIS PROJECT FROM A CONSULTING ENGINEER, BASED ON THE CURRENT B.C. BUILDING CODE REQUIREMENTS, TO DETERMINE WHETHER THE EXISTING SYSTEM CAN PROVIDE THE REQUIRED FLOW OR UPGRADING IS REQUIRED.

Water

1. 100 LITRES/SECOND IS AVAILABLE FOR FIRE FLOW IN THIS AREA, THEREFORE, THE PROPOSED BUILDINGS MUST BE REDESIGNED WITH ADDITIONAL FIRE PROTECTION MEASURES SO THE REQUIRED FIRE FLOW DOES NOT EXCEED 100 L/S.
2. A PUMPER CONNECTION FOR THE FIRE SPRINKLER SYSTEM MUST BE PROVIDED AT A LOCATION ACCEPTABLE TO THE FIRE DEPARTMENT AND WITHIN 45 M OF A FIRE HYDRANT. THIS PUMPER CONNECTION IS TO BE FREE-STANDING AND OUTSIDE OF COLLAPSE ZONE OF THE BUILDING.
3. A SUITABLY SIZED WATER SERVICE MUST BE INSTALLED TO SERVE THE PROPOSED DEVELOPMENT FROM THE EXISTING MAIN ON TOWNLEY STREET. A SEPARATE FIRE LINE WILL BE REQUIRED.
4. THE EXISTING WATER SERVICE MUST BE DISCONNECTED.



December 17, 2015

RE: TOWNLEY LODGE REPLACEMENT PROJECT - SUSTAINABILITY STATEMENT

Parcel Address: 1780 Townley Street

Proposed Development: Townley Lodge Replacement Project

Applicant: City Spaces Consulting

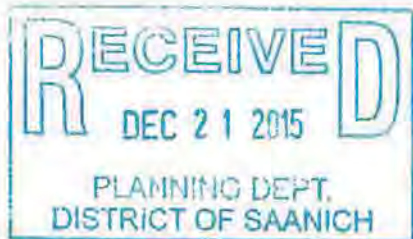
Contact person: John Gauld

ENVIRONMENTAL INDICATORS

Building Design

The proposed 53 unit apartment building to replace the existing Townley is planned to be a high performance building, meeting the Passive House standard. The 16 townhouse units will be built to Passive House standard if the economics permit.

- By following Passive House design and construction principles, the space heating demand will be reduced by roughly 80% from a BC Building Code (BCBC) compliant building, resulting in an overall energy demand reduction of roughly 50% compared against a typical BCBC compliant building. Key Passive House principles:
 - Improved thermal insulation in roof, walls and floor
 - Simple building form (reduces heat loss areas: walls, roof, floor)
 - Triple glazed windows, high quality doors
 - Solar orientation – Solar gains through windows are essential for heating
 - Air tightness – reduced unintended air leakage at windows, doors and through envelope reduces heat loss, improves building envelope performance (no mold)
 - Heat Recovery Ventilation (HRV) – constant 100% fresh outdoor air is filtered, preheated (heat exchanged from exhaust air) and ducted to units.
 - Overall energy demand kept low (daylighting offsets need for lights)
- Construction materials will be selected for low VOC content. Two additional resources will be used for vetting materials:
 - Cradle to Cradle Certified Products Registry
 - Living Building Challenge Red List.
- Durable materials will be specified and detailed on the interior and exterior. The GVHS will continue to operate the facility so durability and maintenance are important considerations.
- Wood construction – The apartment building will be constructed of light wood frame wood, over a one storey underground parking level. The wood is a renewable resource, have



A CORPORATE PARTNERSHIP

Principals

- DARRYL CONDON**
Architect AIBC, AIA, NAA, OAA, PRAE
LEED AP
- KAREN MARLER**
Architect AIBC, AIA, NAA, OAA, PRAE
LEED AP
- STUART ROTHNIE**
Architect AIBC, NAA, OAA, MRAC
LEED AP
- CARL-JAN RUPP**
Architect AIBC, NAA, OAA, MRAC
Dupl Ing. LEED AP

Founding Partner

- ROGER HUGHES**
Architect AIBC, NAA, LEED AP

Associates

- PAUL FOST**
Architect AIBC, MRAC
- ADAM FAWKES**
Architect AIBC, MRAC, LEED AP
- MICHAEL HENDERSON**
Architect AIBC, MRAC
- MELISSA HIGGS**
Architect AIBC, MRAC
- CRANG LANE**
Architect AIBC, MRAC
- JAY LIN**
Architect AIBC, MRAC
- DANIEL PHILIPPOTT**
Architect AIBC, MRAC, LEED AP
- ANNHEKE VAN HOEK**
Architect AIBC, MRAC, LEED AP, BD-1P

HCMA Architecture + Design
300 - 560 Johnson Street
Victoria BC V8W 1M3 Canada

250.382.6650
hcma.ca

superior thermal conductivity and has a low embodied energy. The townhouses will be constructed using the same light wood frame methods.

- Power demand – lighting and appliances will be selected for energy efficiency and durability.
- Water usage – low flow fixtures will be selected to minimize water usage within the buildings.
- Roof slopes of townhouses are oriented to permit future solar thermal or photo voltaic installation.

Site Design

Site planning considers the neighbourhood context of the site; single family houses with multi-unit residential and institutional buildings (school, church) all set within soft landscape and mixed species tree canopy.

- Site planning minimizes 'street wall' and solar shading by orienting the apartment building north/south.
- Townhouse are separated into three smaller buildings to provide for views into the site, opportunity for landscaping. Massing is in scale with the Camosun neighbourhood.
- Parking – underground for apartment and rear yard surface stalls for townhouses, with access at the rear of the lot to fit within single family neighbourhood character.
- Deconstruction of the existing building will incorporate diversion from landfill strategies. It should be possible to achieve a 75% diversion rate.
- The property contains no known ecologically sensitive areas. However, Bowker Creek is situated nearby the site, as such special care has gone into crafting a site plan that addresses the management of rain water runoff in an ecologically sensitive manner.
 - o Source control BMPs have been used throughout the site to clean and slow rain water runoff flows to Bowker Creek.
 - o Landscape plan includes an aggressive tree planting program using a mix of native and adapted tree species.
 - o Lawn areas are minimized and shrub plantings will contain a mix of native and adapted species.
- Ecological Protection and Restoration - the site plan addresses the management of rain water runoff in a comprehensive manner through the application of source control BMPs throughout the site.
 - o Less than 1% of the site will drain directly to Bowker Creek without treatment in a landscape-based BMP.
 - o Drought tolerant plant species selections, reduction of lawn area and use of a high efficiency irrigation system will help to minimize potable water consumption in the landscape.

SOCIAL INDICATORS

- Providing seniors and family housing near to schools, hospital, shopping, public transportation, playgrounds and fields (Carnarvon)
- Places for gathering and social interaction in apartment building are provided at different scales and locations to facilitate opportunity for both planned and unplanned gatherings: communal laundry rooms that are oversized and have exterior windows, small daylight seating

- nook at the end of each communal corridor, south facing roof deck, front common room near front entry, and south/street facing patio.
- Places for gathering on the site are designed for planned and unplanned gatherings. Pathway linking apartment to townhouses, to open space and communal gardens. This pathway varies in width and character with places to stop and rest. Rear parking area is set next to open green space and is designed for active play opportunities.

Community consultation

- The Greater Victoria Housing Society (GVHS) has reached out to the community of the Townley Lodge, immediate neighbours and the Camosun Neighbourhood Association.
- Open houses were held on site, on September 15, and December 1.
- GVHS attended the Camosun Community Association meeting December 10.
- GVHS has engaged in an ongoing dialogue with the specific concerned neighbours, providing additional project information where appropriate and when available.

Location and density

- The high energy efficiency planned contributes to the Saanich Climate Action Plan by greatly reducing GHG production in buildings. This project will be a showcase for what is possible in the building industry.
- The 53 unit apartment building minimizes footprint by going up four storeys. Units are carefully designed and have been optimized to offer residents with liveable spaces in highly efficient layouts.
- 16 townhouse apartments are two and three storeys with efficient layouts to maximize the number of units comfortably fitting on the site while still fitting within the typical massing in the Camosun neighbourhood.
- The project is within walking, biking and electric scooter distance of schools, Jubilee Hospital, retail, services, parks and open space.

Community Character and Liveability

- High quality architecture – Massing, materials and detailing take cues from the Passive House design strategies. Deeply set triple glazed windows are technically required and together with fixed and dynamic sun shading portray a sense of quality and permanence to the buildings. Finish materials are selected for their durability and domestic character. Natural wood cladding at the sheltered south/west corner of the apartment building adds warmth at the main entrance.
- Community spaces within the site – places for planned and unplanned gathering (play and activity) are provided on the site.
- South facing patios of the townhouses will be slightly elevated as well as light screening to provide sufficient privacy, yet connected to the public realm.
- The outdoor spaces have been designed to permit the full range of independence growth suited to young children; private patio, play space within site, expanding to play spaces across Townley Road – all within view of the household.
- Site design is consistent with the concepts of CPTED.
- Adaptable housing standards – All rental units in the apartment will meet Saanich adaptable housing strategies.

- Pedestrian friendly streetscape – separate sidewalk and boulevard trees will be provided along Townley Street. The boulevard landscape will be tied into the site landscaping with pathways, planting and trees between the four buildings.

ECONOMIC INDICATORS

- Affordable seniors and family housing will be provided in the Camosun Neighbourhood.
- Affordable housing – The Townley Lodge will continue to run as an affordable housing opportunity for seniors in the region.
- Affordable family housing will be offered in the townhouses on site if the project economics permit. Possible market rents of the townhouses will offset facility costs, contributing to the overall affordability.

Sincerely,

HCMA Architecture + Design

ADAM FAWKES

Associate Architect AIBC, MRAIC, LEED AP

1780 TOWNLEY ROAD DEVELOPMENT – STORMWATER STATEMENT

Site Context And Stormwater Management Intent:



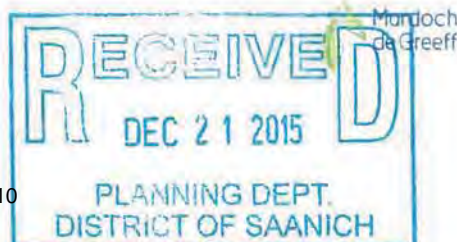
1780 Townley St. Subcatchment Plan



Bowker Creek Watershed Context Plan

Stormwater management for the 1780 Townley Road development project centers on the use of rain gardens to infiltrate water through soil, both cleansing runoff water and slowing runoff delivery to Bowker Creek. The rain gardens have been strategically located to work with existing topography on the site, and to integrate with buildings and programmed open space. The stormwater management plan has also been designed to support natural features (i.e.: existing specimen trees and healthy site soils), mimic the existing hydrological processes and drainage patterns of the site, and protect neighbouring properties from large storm events. Flow paths, stormwater management features and calculations are shown on the Rainwater Management Plan (L1.02). The following figure (below, right) shows the site location in the context of the Bowker Creek watershed. The site is located midway up the watershed, and separated from the channel only by Townley Road. In fact, the 30 meter Riparian Assessment Area for Bowker Creek just clips the southwest edge of 1780 Townley Road. The figure (below, left) also illustrates drainage in the area surrounding the subject property, which is entirely serviced by an underground storm drain network that feeds directly to Bowker Creek.

The site currently consists of an existing multi-unit townhouse building with a large parking lot behind and mostly lawn landscaping throughout. Some mature trees exist on the site. Some will be removed to accommodate new buildings, but key healthy trees will be retained on site. Please see the Landscape Plan (L1.01) for more detail on retained and removed trees.



Building Drainage Management Intent:

Water collected from building roofs will be piped to rain gardens positioned strategically throughout the site (see Sheet L1.02). The rain gardens are sized to accommodate a two year water quality/volume management event (this is more than double the 100m³ of storage per hectare of impervious area required of the District of Saanich Stormwater Bylaw-Schedule H for the Bowker Watershed). Rain gardens will be designed with underdrains and a high-capacity overflow drain or beehive grates that will be connected to the onsite piped drainage system. Although designed with underdrains, the rain gardens are expected to also infiltrate some water into the existing native site soils (albeit clay soils) – this is a positive system process that will aid in supplementing base flows to Bowker Creek and should help to sustain trees planted throughout the site in summer droughty conditions.

Road And Landscape Drainage Management Intent:

Water collected from roads and driveways within the site will be directed to the same rain gardens as roof drainage. However, the parking areas are in awkward areas of the site from a grading perspective, so permeable pavement will be used to manage stormwater for parking and drive aisles, as indicated on L1.02. Note that drainage from the parking garage ramp will not be possible to capture in a surface BMP, so it will be managed with an oil/grit separator. Landscape areas are considered to be 'absorptive landscapes' and largely expected to manage rain water inputs, but will also be sloped towards rain gardens. In essence, the vast majority of surface drainage on the site will drain to rain gardens for water quality treatment and volume control, while runoff from parking areas and drive aisles will be managed using a permeable pavement system.

The stormwater system was collaboratively designed with input from the project landscape architects, civil engineers and architects. Wetlands and ponds will not be used since the site is not well suited for this landform. Rain gardens are an ideal infrastructure type for this site from an aesthetic perspective, and also from a functional/hydrological perspective, and we expect that they will provide optimal water quality treatment performance, as well as effective volume management – both important objectives so close to Bowker Creek.

Existing And Proposed Drainage – Key Elements:

- a) The existing site is about 5,330m² and is currently home to a modest-sized two storey townhouse/apartment building. The vast majority of the site landscape is currently lawn that is frequently mowed, and the existing building covers 1301m², or 24% of the site area. Total Existing Impervious Surface Area (ISA) is estimated at 41%, which includes walkways, buildings and parking/driveway areas. All impervious surfaces are currently directly connected to the underground storm drain system that drains directly, without treatment, to Bowker Creek.

- b) With redevelopment of the site, runoff from all impervious surface areas on the site (roofs, roads, and driveways except the parking garage ramp) will be directed into rain gardens or permeable pavement areas, strategically located throughout the site to manage pollution and slow water flow. Runoff from sidewalks and decks/patios will be managed in adjacent absorptive landscape. The rain gardens/permeable pavement will treat runoff water for quality, and will provide storage to meet or exceed Saanich's Schedule H requirements.
- c) The proposed development will have approximately 3,412m² of Impervious Surface Area (or 64% of the site area). Only the parking garage ramp will not be managed in a surface BMP, meaning that 99% of the site's runoff will be treated for both water quality and volume in surface or landscape-based BMPs before being discharged to Bowker Creek.
- d) Native and adapted non-native (non-invasive) plant material will be used in proposed landscape improvements to enhance vegetation cover and increase on-site rainwater interception. Three existing mature on-site trees, three existing mature street trees along Townley Road and several neighbouring property trees, will be retained (see L1.01) and these retained trees will also contribute positively to help reduced site runoff through interception, infiltration and evapotranspiration.



Talbot Mackenzie & Associates

Consulting Arborists

May 3, 2016

City Spaces
5th floor, 844 Courtenay Street
Victoria, BC V8W 1C4

Attention: John Gauld

Re: 1780 Townley Street, Townley Lodge.

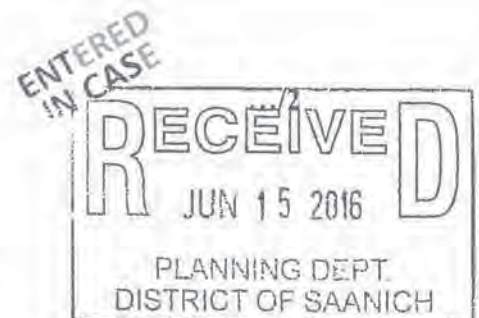
Assignment: To inventory the existing tree resource at the Townley Lodge at 1780 Townley Street and review the plans for the proposed Townley Place project. Identify which trees we recommend for removal based on existing health or structural concerns and trees that we anticipate will be too heavily impacted by the proposed construction activity. Provide recommendations for mitigating any impacts the proposal may have on those trees that are deemed suitable to retain.

Methodology: Information gathered includes: Tag Number, Species, diameter at breast height (d.b.h.), critical root zone (CRZ), Crown Spread (meters), Health Condition, Structural Condition, Relative tolerance to construction impacts and general remarks and recommendations. The plans supplied show proposed building footprints and design, and the survey provided is presumed to be accurate. We inventoried all of the trees shown on the plans provided and any trees within 3 meters of the property line located on neighbouring properties.

Observations: The trees inventoried for the most part are ornamental species with some native trees located within 3 meters of the property line on the neighbouring properties. Construction related activity that we feel will have the greatest impacts on the existing trees will be: The demolition of the existing buildings, the excavation for the proposed new buildings and underground parking and any proposed grade changes or underground services that may be located within the critical root zones of trees to be retained. The trees that will offer the best opportunity for retention will be those trees that are located around the perimeter of the property where that can be isolated from the proposed construction activity.

It is our understanding that the existing grades will have to be lowered to facilitate the proposed driveway and entrance to the underground parking area.

Box 48153 RPO Uptown
Victoria, BC V8Z 7H6
Ph: (250) 479-8733 ~ Fax: (250) 479-7050
Email: treehelp@telus.net



- Trees that we anticipate will have to be removed due to locations of the proposed buildings, patio areas, rain gardens and related construction activity: 58, 59, 60 and 61.
- Trees that we anticipate will have to be removed due to the location of the proposed driveway, parking areas, underground parking entrance and related construction activity: 54, 55, 56 and 62.
- Trees that we anticipate will have to be removed due to the excavation for the proposed underground parking area and related construction activity: 52, 63 and 64.
- The No tag hedge at the North side of the property located on the neighbouring property is a mixture of Western Red Cedar (approximately 25%) and Chamaecyparis (approximately 75%) and will likely require some root pruning and limb pruning to facilitate the proposed parking area and associated grade changes and retaining wall construction. The Western Red cedar portion of the hedge is in good health and has an excellent opportunity for retention. The Chamaecyparis portion of the hedge, although the impacts will be similar, is more susceptible as a species to impacts from root pruning and limb pruning and is highly susceptible to root disease in this area. Much of the foliage is concentrated to the outer extremes of the limbs and if extensive pruning is necessary it may leave bare patches as can be seen in other portions of the hedge. If it is found that extensive root pruning and limb pruning is necessary to achieve the proposed parking area, it may be a better option to remove this portion of the hedge and replant with a more desirable, disease resistant species.
- No tag tree 7 located on municipal property is shown to be removed as part of the new sidewalk construction.
- Maple tree 57 and no tag trees 1, and 2 in the North east corner of the property may be impacted slightly by the proposed parking area, but our understanding is that existing grades are going to be maintained wherever possible within the critical root zones of the tree and floating, permeable construction techniques are going to be employed for the driveway and parking spaces in this area.
- The remaining trees inventoried have a good opportunity for retention providing their critical root zones can be protected during the construction process.
- As the existing tree resource consists mostly of ornamental species, presumably planted as part of the original landscaping for the Townley Lodge, it is our understanding that a strong emphasis is going to be placed on replanting healthy desirable species as part of the proposed new landscape for the Townley Place project.

Recommendations:

- **Barrier fencing:** The areas, surrounding the trees to be retained, should be isolated from the construction activity by erecting protective barrier fencing. Where possible, the fencing should be erected at the perimeter of the critical root zones. The barrier fencing to be erected must be a minimum of 4 feet in height, of solid frame construction that is attached to wooden or metal posts. A solid board or rail must run between the posts at the top and the bottom of the fencing. This solid frame can then be covered with plywood, or flexible snow fencing. The fencing must be erected prior to the start of any construction activity on site (i.e. demolition, excavation, construction), and remain in place through completion of the project. Signs should be posted around the protection zone to declare it off limits to all construction related activity. The project arborist must be consulted before this fencing is removed or moved for any purpose.
- **Demolition of existing buildings:** The demolition of the existing buildings and any services that must be removed or abandoned, must take the critical root zone of the trees to be retained into account. If any excavation or machine access is required within the critical root zones of trees to be retained, it must be completed under the supervision and direction of the project arborist.
- **Arborist supervision:** Any excavation that is proposed within the critical root zone of the trees to be retained must be supervised by the project arborist. Any roots critical to the trees survival must be retained any and non critical roots in direct conflict with the excavation must be pruned to sound tissue to encourage new root growth. It may be necessary to excavate using a combination of hand digging, small machine excavation and hydro excavation to expose roots that are in conflict with the proposed excavation and determined if they can be pruned or not without having a significant impact on the trees. If it is found that large structural roots must be pruned to accommodate the proposed construction, it may be necessary remove additional trees to eliminate any risk associated with them.
- **Servicing:** There are no servicing details shown on the plans provided, but it is our understanding that they are to be located outside of the critical root zone of trees to be retained. If services must be located within the critical root zones of trees to be retained it must be reviewed with the project arborist. Installing services within critical root zones will likely require a combination of hand digging, small machine or hydro excavation. If significant roots are encountered that are critical to the health and stability of the trees and they cannot be retained, it may be necessary to remove additional trees.

.../4

Box 48153 RPO Uptown
Victoria, BC V8Z 7H6
Ph: (250) 479-8733 ~ Fax: (250) 479-7050
Email: treehelp@telus.net

- **Blasting and rock removal** – We do not anticipate that blasting will be required adjacent to the trees that are to be retained. However, if areas of bedrock are encountered, the blasting to level these rock areas should be sensitive to the root zones located at the edge of the rock. Care must be taken to assure that the area of blasting does not extend into the critical root zones beyond the building and road footprints. The use of small low-concussion charges, and multiple small charges designed to pre-shear the rock face, will reduce fracturing, ground vibration, and reduce the impact on the surrounding environment. Only explosives of low phytotoxicity, and techniques that minimize tree damage, are to be used. Provisions must be made to store blast rock, and other construction materials and debris, away from critical tree root zones.
- **Floating permeable parking areas:** Where paved areas encroach into the critical root zones of trees to be retained, we recommend that they be installed using floating permeable techniques (see attached specifications). Given the proposed grades of the parking area this may not be possible and it may require that grades are lowered in these areas. The retention of trees near the parking areas will have to be determined at the time of excavation.
- **Concrete work:** Provisions must be made to ensure that no concrete wash or left over concrete material is allowed to wash into the root zone of the trees. This may involve using plastic or tarps or similar methods to temporarily isolate the root zones of the trees from any of the concrete installation or finishing work.
- **Sidewalk construction:** The construction of the proposed sidewalk must take the critical root zones of the trees to be retained into consideration and must be constructed over the existing critical root zones if the trees are to be retained.
- **Pruning:** Any pruning for building clearances of machine access must be reviewed with the project arborist. We recommend that any pruning be completed by an ISA certified arborist.
- **Arborist Role:** It is the responsibility of the client or his/her representative to contact the project arborist for the purpose of:
 - Locating the barrier fencing
 - Reviewing the report with the project foreman or site supervisor
 - Locating work zones, where required
 - Supervising any excavation for the road upgrades and service footprints that are within the critical root zones of trees to be retained.
 - Reviewing and advising of any pruning requirements for machine clearances.

.../5

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- **Review and site meeting:** Once the project receives approval, it is important that the project arborist meet with the principals involved in the project to review the information contained herein. It is also important that the arborist meet with the site foreman or supervisor before any demolition, site clearing or other construction activity occurs.

Please do not hesitate to call us at 250-479-8733 should you have any further questions. Thank you.

Yours truly,
Talbot Mackenzie & Associates

Graham Mackenzie & Tom Talbot
ISA Certified, & Consulting Arborists

Enclosures: 1-page site survey, 1 page Landscape Plan with tree numbers, 1-page barrier fencing specifications, 2-pages tree resource, 1 page floating permeable surface specifications.

Disclosure Statement

Arborists are professionals who examine trees and use their training, knowledge and experience to recommend techniques and procedures that will improve the health and structure of individual trees or group of trees, or to mitigate associated risks.

Trees are living organisms, whose health and structure change, and are influenced by age, continued growth, climate, weather conditions, and insect and disease pathogens. Indicators of structural weakness and disease are often hidden within the tree structure or beneath the ground. It is not possible for an arborist to identify every flaw or condition that could result in failure nor can he/she guarantee that the tree will remain healthy and free of risk.

Remedial care and mitigation measures recommended are based on the visible and detectable indicators present at the time of the examination and cannot be guaranteed to alleviate all symptoms or to mitigate all risk posed.

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TREE RESOURCE
for
1780 Townley Street

Tree #	d.b.h. (cm)	CRZ	Species	Crown Spread(m)	Condition Health	Condition Structure	Relative Tolerance	Remarks / Recommendations
0052	85	10.0	Scotts pine	16.0	Good	Fair/good	Moderate	Some large limb grafting, recent small limb tearouts. Will be impacted by underground parking area.
0053	49	6.0	Sycamore maple	14.0	Fair	Fair	Moderate	Pruned for utilities, competing with 0052.
0054	50	6.0	Norway maple	13.0	Fair	Fair	Moderate	Decay in old pruning wounds, pruned for utilities.
0055	56	8.5	Weeping willow	13.0	Fair/poor	Fair	Poor	Injured surface roots, deadwood, side pruned for utilities clearance.
0056	42	5.0	Birch	8.0	Fair	Fair/poor	Poor	Side pruned for utilities clearance.
No Tag 1	70	8.0	Douglas-fir	11.0	Fair	Poor	Poor	Topped multiple times, large topping wound.
No Tag 2	20	2.5	Mountain ash	4.0	Fair	Fair	Poor	Heavily pruned for utilities clearance.
No Tag 3	55	6.0	Douglas-fir	12.0	Fair	Fair/poor	Poor	Topped for utilities clearance.
0057	110	12.0	Norway maple	20.0	Good	Fair	Moderate	Some root girdling, narrow stem union on West side.
0058	39	4.5	plum	9.0	Good	Fair	Moderate	Surface rooted, recently pruned.
0059	57	6.0	cherry	10.0	Fair	Fair	Moderate	Measured below d.b.h., heavily surface rooted, large pruning wounds with surface decay.
0060	34	4.5	Blue spruce	5.0	Fair	Fair	Poor	Heavily surface rooted, leaning.

Prepared by:

Talbot Mackenzie & Associates
ISA Certified, and Consulting Arborists
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Fax: (250) 479-7050
email: Treehelp@telus.net

TREE RESOURCE
for
1780 Townley Street

Tree #	d.b.h. (cm)	CRZ	Species	Crown Spread(m)	Condition Health	Condition Structure	Relative Tolerance	Remarks / Recommendations
0061	59	6.0	Douglas-fir	12.0	Good	Fair	Poor	Deflected top.
0062	60	6.5	cherry	12.0	Good	Fair	Moderate	Measured below d.b.h., heavily surface rooted.
0063	88	9.0	Scotts pine	14.0	Good	Fair	Moderate	Recently pruned, history of large tearouts, lawnmower damage to surface roots.
0064	40	4.5	plum	8.0	Good	Fair	Moderate	Abnormal trunk form.
No Tag 4	31	3.5	Red oak	7.0	Good	Fair	Good	Municipal tree, small pruning wounds.
No Tag 5	29	3.5	Red oak	8.0	Good	Good	Good	Municipal tree, small pruning wounds.
No Tag 6	41	4.5	Red oak	9.0	Good	Good	Good	Municipal tree, small pruning wounds.
No Tag 7	35	4.0	Spruce	12.0	Good	Good	Poor	Municipal tree - on neighbouring frontage.
No Tag 8	41	4.5	Red oak	15.0	Good	Good	Good	Municipal tree - on neighbouring frontage.
No Tag 9	46	5.0	Douglas-fir	14.0	Fair	Fair	Poor	Competing with No Tag 7.

BC LAND SURVEYORS SITE PLAN OF:

Civic: 1780 Townley Street

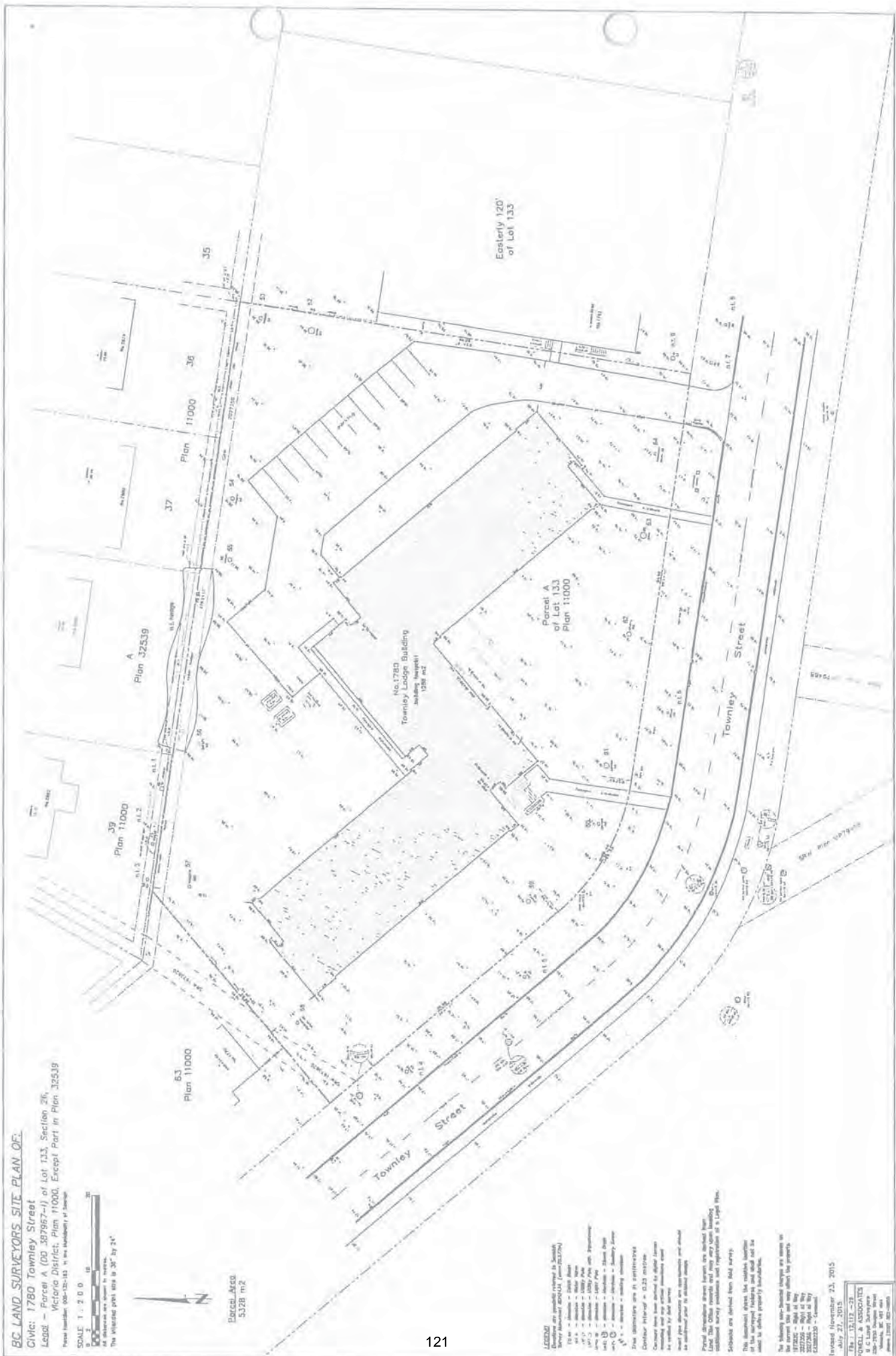
Lead: Parcel A (00 367957-1) of Lot 133, Section 26,
Victoria District, Plan 11000, Except Part in Plan 32539

Parcel A (00 367957-1) in the Municipality of Langley



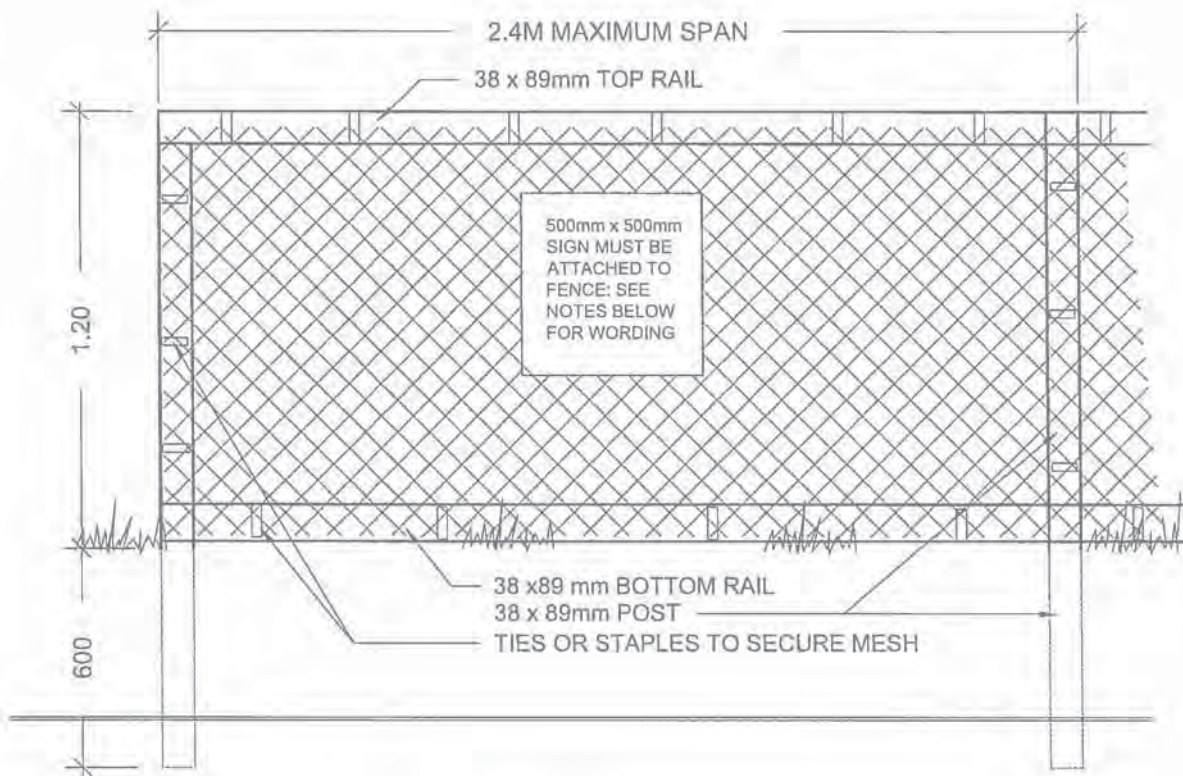
SCALE 1 : 2 0 0

Parcel A
5328 m²



LEGEND
 (00) = 00 367957-1 (Parcel A)
 (1) = 100' x 100' Easement
 (2) = 200' x 200' Easement
 (3) = 300' x 300' Easement
 (4) = 400' x 400' Easement
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 (97) = 9700' x 9700' Easement
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 (99) = 9900' x 9900' Easement
 (100) = 10000' x 10000' Easement

Revised November 23, 2015
 July 27, 2015
 POKEL & ASSOCIATES
 1100 West Broadway
 Vancouver, BC V6H 2M6
 Phone: 604-681-8888



TREE PROTECTION FENCING

NOTES:

1. FENCE WILL BE CONTRUCTED USING 38 X 89 mm (2"X4") WOOD FRAME: TOP, BOTTOM AND POSTS. *
USE ORANGE SNOW-FENCING MESH AND SECURE TO THE WOOD FRAME WITH "ZIP" TIES OR GALVANZIED STAPLES.
2. ATTACH A 500mm x 500mm SIGN WITH THE FOLLOWING WORDING:
WARNING-HABITAT PROTECTION AREA. THIS SIGN MUST BE AFFIXED ON EVERY FENCE FACE OR AT LEAST EVERY 10 LINEAR METRES.

* IN ROCKY AREAS, METAL POSTS (T-BAR OR REBAR) DRILLED INTO ROCK WILL BE ACCEPTED



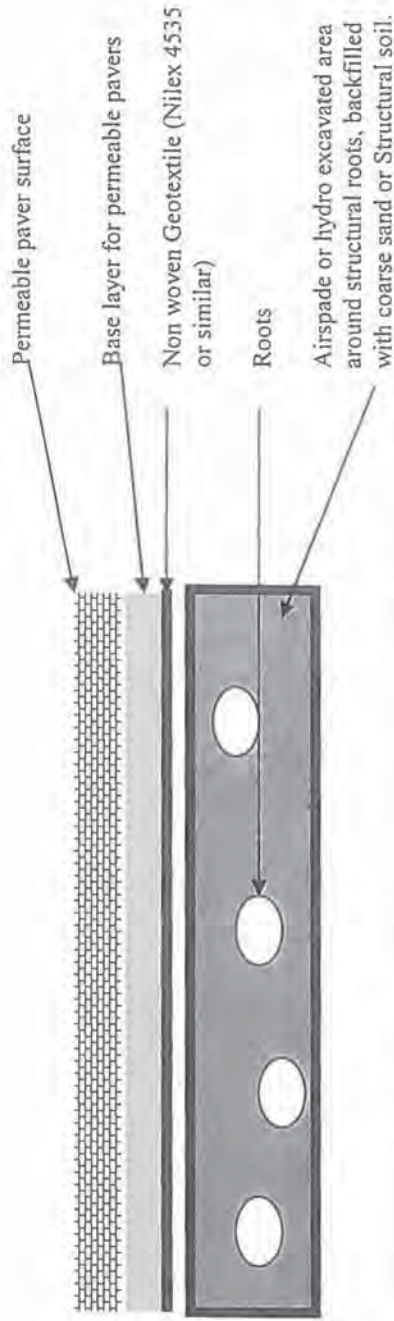
DETAIL NAME:

TREE PROTECTION FENCING

DATE:	March/08
DRAWN:	DM
APP'D:	RR
SCALE:	N.T.S.

H:\shared\parks\Tree Protection Fencing.pdf

Diagram –Permeable paver driveway crossing over Critical Root Zone



Specifications for permeable paver driveway crossing over critical root zone

1. Excavate to a 6-8 inch depth, for the required permeable driveway surface, under the supervision of an ISA Certified Arborist.
2. Excavation for area around structural roots with an Airspade or by Hydro Excavation to bearing layer of soil if required.
3. Backfill area around roots with coarse sand or a structural soil mix
4. A layer of medium weight non woven Geotextile (Nilex 4535 or similar) is to be installed over the backfilled area of the driveway.
5. Construct base layer and permeable surface over Geotextile layer to required grade.

THE CORPORATION OF THE DISTRICT OF SAANICH

TO: MAYOR AND MEMBERS OF COUNCIL
DATE: AUGUST 12, 2016
FROM: ADVISORY DESIGN PANEL
SUBJECT: APPLICATION BY CITY SPACES CONSULTING LTD. TO CONSTRUCT A FOUR-STOREY, 51-UNIT APARTMENT FOR AFFORDABLE SENIORS / PERSONS WITH DISABILITIES HOUSING AND 16 ATTACHED HOUSING UNITS FOR FAMILIES at 1780 TOWNLEY STREET. VARIANCES ARE REQUESTED

**PLANNING FILES: DPR00634 / REZ00565
CASE #2016/007**

BACKGROUND AND PRESENTATION

The above referenced application was considered by the Advisory Design Panel at its meeting of August 03, 2016.

Miko Betanzo, City Spaces Consulting Ltd.; Kaye Melliship, Steve Deglow, Raymond Moss, Greater Victoria Housing Society; Adam Fawkes, Carl Jan Rupp, Francesca Joyce, HCMA Architecture + Design; and Paul De Greeff, Murdock De Greeff Landscape Architecture attended to present design plans and answer questions from the Panel.

Ms. Pickard briefly outlined the proposal:

- The application includes replacing an existing 39-unit apartment building constructed in 1967 with a four-storey, 51-unit apartment building for seniors and persons with disabilities and 16 townhouse units for low to moderate income families.
- The subject property is located in the Shelbourne Local Area near the south end of the panhandle midway between the Royal Jubilee Hospital and Hillside Shopping Centre.
- A zoning amendment is required to allow the proposed density and mix of housing forms.
- The requested variances are as follows:
 - Front Lot Line Setback reduced from 7.5 m to 4.5 m;
 - Interior Side Lot Line Setback reduced from 7.5 m to 6.0 m;
 - Building Height increased from 7.5 m to 9.9 m for the townhomes and from 11.5 m to 14.4 m for the apartment building;
 - Required parking (total) reduced from 50 to 44;
 - Required visitor parking reduced from 21 to 7; and
 - Required building separation between buildings reduced from 6.0 m to 3.5 m and from living room windows reduced from 15 m to 12 m.

The applicant highlighted:

- The Greater Victoria Housing Society (GVHS) is a registered, charitable non-profit that houses 1,200 seniors, people who require assisted living and families. The GVHS owns the subject property.

- The current building does not effectively meet the needs of the tenants; there is no elevator, the bathrooms are too small and there is noise transference. Additionally, there is a current housing crisis in the region; this underutilized land should be used more efficiently by increasing the number of units provided.
- The GVHS would like to build a new, modern facility as opposed to upgrading the existing, outdated building.
- The GVHS is working with Townley Lodge tenants on a case-by-case basis to create customized moving plans. Opportunities also exist for tenants to move to alternative and comparable GVHS housing stock.
- The proposal includes designing to the Passivehouse Standard, which may be the first of its kind in the region. Passivehouse Standards produce high-performance, durable and resilient buildings with up to 90% reduced energy use below code compliance, provide improved air quality levels and result in an increase in comfort by regulating temperature fluctuations.
- All proposed buildings are sited as far south as possible in order to provide more space to the neighbours on the north side of the subject property.
- Internal green spaces, common areas, paths, a play area and gardening opportunities are proposed. Some units will be provided private outdoor patio areas.
- Access and egress will be from Townley Street.
- One storey of underground parking is proposed with additional surface parking, including visitor parking, located to the rear of the property.
- While there will be some shadow impact in the winter, cloud cover will help to minimize the effect. Attempts have been made to minimize shadow impacts to north neighbours.
- Townhouses will include windows facing east and west to allow for sunshine in the a.m. and p.m.
- All north-facing windows will be smaller in size and will be treated with frit to ensure privacy.
- The covered main entrance of the apartment building will be highlighted by including a three storey stucco installment with exterior wood siding bringing activity and animation to the street.
- The apartment building plans were reduced by two units in order to step the fourth floor back and reduce impacts to the north. The fourth floor would be stepped back on the south side to provide an exterior, outdoor common terrace on the south roof deck. The asymmetrical roof shape is intended to allow for shorter walls.
- The apartment building will include two storeys of a lighter coloured stucco than used on the main entrance installment to reduce the perceived size of the building and will be off-set with preformed metal panel. Asphalt roof shingles are proposed.
- The townhouses are proposed at two (B and D) and three storeys (C), will incorporate fibre cement paneling, and will include a common roof and stucco aesthetic to create a design rhythm with the apartment building. Wood privacy screens and different coloured front doors are planned for townhouse entrances.
- The Bowker Creek 100 Year Plan includes the necessity to reduce impervious surface areas for new developments as it can seriously degrade stream quality and fish habitat. Townley Lodge currently contains approximately 40% impervious surface areas, the new proposal would achieve close to 100% of effective pervious surface areas; this would represent an important improvement.
- Stormwater management will be achieved through landscape based principals using rain gardens and absorbent soils and would achieve a high level of water quality and volume treatment.

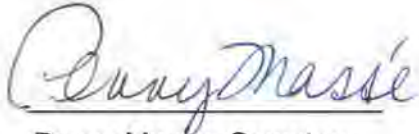
- Tree plan retention and replacement includes a proposed replacement ratio of 4:1; 10 trees are being retained, 12 trees are being removed and a total of 52 trees are proposed for the site.
- A 2 m sidewalk is proposed along Townley Street and plans are to extend the sidewalk to the Victoria Pacific Rim Alliance Church driveway, which adds to neighbourhood safety.
- The planting plan is fairly aggressive with a mixture of plantings creating a rich and textured landscape.
- A curved property line and attempting to balance the positioning of buildings made opening up the entrance to the development a challenge. Quality of space has been a goal throughout all plan revisions.
- All townhouse units will have at-grade access to the main level.

Comments from Panel members:

- Infill housing, especially in relation to GVHS properties, is encouraging.
- There are no units which take into account that an individual may require a caretaker; all units are either bachelor or one-bedroom.
- All paths of travel must be hardscape to ensure ease of travel to those with mobility difficulties.
- Truly affordable housing is appreciated, especially in light of the target demographics.
- More available walking opportunities within the site would be appreciated.
- The proposed rain gardens are a benefit.
- If Townhouse B were reversed, the front of the home would face the parking lot in the rear and would create a central commons to provide a sense of community.
- The concept of building a community with varying age groups and financial ability is admirable.
- The proposed exterior of the development is attractive and appropriate as is the well-positioned siting.
- The parking plan may be too large for how many cars will realistically be on-site; the parking lot at the rear of the property looks slightly out of place beside the common gathering area.
- This is a commendable and thoughtful project; Passivehouse Standards are a great achievement.
- The position of Townhouse C is not parallel to the street and limits space between the two townhouses, perhaps it could be repositioned parallel to the street in order to mitigate spatial inconsistencies and retain visual continuity.
- The asphalt shingle roof would create a lot of visible surface, a better quality material should be investigated if the budget allows.
- Larger windows on the upper floor at the rear of the townhouses could help break up the linear impression given by the use of stucco.
- Quality of space was obviously considered for this supportive housing project, it is appreciated.
- There is some visual frustration with the current building; the façade is monolithic and visual penetration through the site is a challenge. This would be improved with the proposal but is still limited; however, it is understandable that the site needed to be as utilized as much as possible.
- The rear edge and northwest corner of the property could be enhanced using correctly sized plantings, trees and trellis. It can be a challenge to work around existing trees, sometimes replacing them rather than trying to retain them is better in the long run.

RECOMMENDATION:

That it be recommended that the construction of a 4-storey, 51-unit apartment for affordable seniors / persons with disabilities housing and 16 attached housing units for families at 1780 Townley Street be approved as presented and that the comments from the Panel be considered.



Penny Masse, Secretary
Advisory Design Panel

/pm
ec: *Director of Planning
Manager of Inspections
Greater Victoria Housing Society*



DAWSON HEIGHTS

Mayor and Council
Saanich Municipality
770 Vernon Avenue,
Victoria, BC V8X 2W7

October 18th, 2016

Dear Mayor and Council,

Re: Rezoning application for 1780 Townley Road, Saanich

I am unable to attend the Council meeting on Monday, October 24th, 2016 so I am writing in support of this application.

At Dawson Heights we are all too well aware of the need for affordable seniors housing in our municipality, as I know members are. We currently have 75 people on our waiting list for independent housing. With very few vacancies occurring, realistically, few of these applicants stand a chance of obtaining housing with us.

The addition of much needed family housing to the site will provide wonderful potential for intergenerational awareness, understanding and relations.

I understand that this passive multi-storey design is the first of its kind in Victoria. What a credit to the industry that a non-profit, affordable housing organization is leading the way in developing housing which will result in lower energy costs for tenants and lower overall energy consumption for the environment.

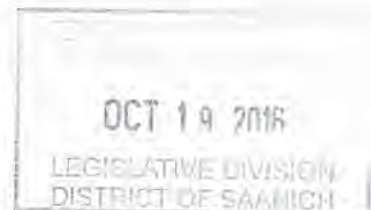
I offer my support for this redevelopment unreservedly.

Yours sincerely,

[Redacted signature]

Karen Hope
Executive Director

POST TO	General	POSTED	Oct 20 / 2016
COPY TO	SHV		
INFORMATION	<input checked="" type="checkbox"/>		
REPLY TO WRITER	<input type="checkbox"/>		
REPORT	<input type="checkbox"/>	COPY RESPONSE TO LEGISLATIVE DIVISION	
FOR			
ACKNOWLEDGED	BIM ✓		



DAWSON HEIGHTS HOUSING LTD

The Dawson • The Cedars • The Cottages

119 Cedar Hill Road, Victoria, BC V8P 5V5 • Tel: (250) 487-4850 • Fax: (250) 477-4851 • www.dawsonheights.ca

Townley

From: [Redacted]
To: <council@saanich.ca>
Date: 9/30/2016 6:35 PM
Subject: Support for redevelopment of Townley Lodge (1780 Townley St)



Dear Mayor Atwell and members of Council,

APK - FYI and File

I am writing to voice my strong support for the proposed Townley Place redevelopment of the current Townley Lodge. My family has resided in the Camosun neighbourhood, at 2900 Queenston St. for [Redacted] years.

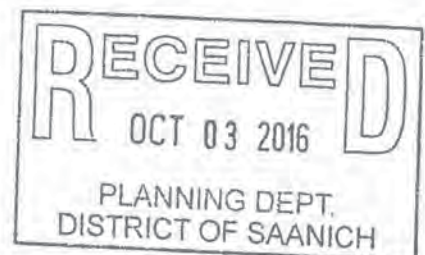
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COPY RESPONSE TO LEGISLATIVE DIVISION	<input type="checkbox"/>	
REPORT	<input type="checkbox"/>	
FOR		
ACKNOWLEDGED	B. M. [Signature]	

Greater Victoria has a desperate shortage of affordable housing (for seniors and for young families). This is an ideal location for some modest densification. It is on the border of our detached housing neighbourhood, less than a block from Shelbourne Street with transit, shopping and schools all close by

Our family would welcome this development! As well as adding to the supply of affordable housing units, It will add to the vibrancy of our neighbourhood, and increase our property values. I trust that Council will move the application to a public hearing so that I and my neighbours have the opportunity to speak directly to you about this application.

Thank you for your consideration,

[Redacted signature]



**INVESTISSEMENTS
CAMARGUE**

Tel: 514-598-8535 Fax: 514-598-0024	108-9825 Boul. de l'Acadie Montreal QC H4N 2W2	receptionmt@groupepenix.com
Tel: 250-920-5435 Fax: 250-920-5437	3-772 Bay Street Victoria BC V8T 5E4	reception@groupepenix.com

Attention: Mayor and Council

Re: Renewal and Transformation of Townley Lodge Property by the Greater Victoria Housing Society (GVHS)

This intent of this letter is to voice support with regards to the plans to redevelop and improve Townley Lodge. We are residents and business owners in Saanich. We also own and operate a variety of market rental housing in the Capital Region. As both a resident and a business owner we approve of this project for a number of reasons.

Firstly: There is an extreme lack of affordable housing for families and seniors that projects like this will greatly assist in providing. In our business we see the consequences daily and it is the worst it has been in memory. As a citizen the hollowing out neighborhoods at the expense of families and seniors of ALL incomes, is a negative social trend that is reducing the vibrancy of our community.

Secondly: the opportunity to showcase a passive house development is a great opportunity for Saanich to display a level of architectural progressivity (not to mention the net addition of 52 trees). Unfortunately, many private developers are not able to capture the excess costs of such developments in the sale of their units as the purchasers do not recognize them. This is an opportunity to allow the GVHS to assist the private sector in better understanding the benefits (which in the future may lead to more passive house construction). Undoubtedly it will be an emblematic reference for Saanich.

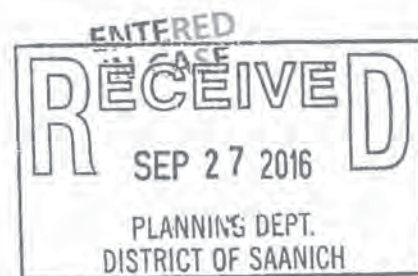
Thirdly: We have experienced the GHVS as a neighbor. Their properties are well run. The fears of tenants leading to an undesirable element in the neighborhood is simply not true. They operate their buildings with the same tenancy controls as a private owner does. I personally have acquaintances who reside in their buildings, and prior to returning to the CRD, my father had applied to live in one of their buildings.

As a resident of Saanich it is frustrating to have the political process influenced by unfounded fears voiced by a few (most residents are not vocal). My greatest fear is living in a community where people do not accept diversity, be that demographic, economic or ethnic. Increasingly this is starting to become part of the vernacular in our community.

A project that revitalizes an aging structure, provides much needed housing to demographics that are currently being excluded, as well as showcases a level of cutting edge sustainable architecture is exactly what the community needs; regardless as to whether a vote or two is lost in the process. The community has the opportunity to gain a lot more.

Warm Regards,

Robin Kelley ()



Townley ✓



From: [Redacted]
To: "council@saanich.ca" <council@saanich.ca>
Date: 9/21/2016 9:35 AM
Subject: 1780 Townley Rezoning Application
Attachments: SharpMFPbizlocal_20160921_094830.pdf

APK
→ File .

Dear Mayor or Council,

I am writing to support the proposal being made by Greater Victoria Housing Society to redevelop 1780 Townley Road.

As a resident in Saanich/ local neighborhood I fully support efforts by Saanich to help improve the affordability of housing in the area. The increased supply of housing near local amenities, and within easy commuting distance to downtown, is a key strategy to realize this goal.

This development will add vibrancy to the community, support local businesses and, being passivhaus, is an example for sustainable development.

We need more housing in areas just like this to prevent development infringing on our agricultural lands at the fringes of Saanich. We need precedents of well thought out density to help Saanich move toward more sustainable land-use planning. And we need a mix of housing to support seniors and families in the area. This proposal delivers on all those fronts.

I hope that you will approve this development proposal so that we can continue to have inclusive, sustainable neighborhoods in Saanich.



1925 Forrester Street

POST TO	Gen.	POSTED
COPY TO	SH	
INFORMATION	<input checked="" type="checkbox"/>	
REPLY TO WRITER	<input type="checkbox"/>	
COPY RESPONSE TO LEGISLATIVE DIVISION REPORT		
FOR		
ACKNOWLEDGED	B. Mood.	

ENTERED
IN CASE



September 5, 2016

2850 Queenston Street
Victoria, B. C. V8R 4P3

Mayor and Council
District of Saanich
770 Vernon Ave Victoria, BC, Canada V8X 2W7

Dear Council:

RE: proposed Greater Victoria Housing Society redevelopment on Townley Street.

This letter follows up on our original submission of March 7/16, following meeting with GVHS on March 22/16, and following subsequent GVHS web site postings to date. The proposed development still includes an over four storey high structure in a neighbourhood of exclusively one and a half storey residences.

In spite of these meetings (and meetings with other neighbours), our original concerns as previously stated have not been addressed. The GVHS has made only cosmetic, trivial modifications to its original proposal, thus paying only lip service to its community consultation obligation. In particular, the proposed building height has not been reduced, and no concern has been given to the project's incompatibility with the Shelbourne Local Area Plan (LAP) for this neighbourhood nor for the undesirable precedent this outsize development would set. As we have been told by GVHS, they have not addressed these concerns because they have been told by Saanich planning that their proposal is consistent with the Official Community Plan (OCP) and therefore they do not need to make any accommodations.

We do not oppose the GVHS desire to increase the number of low-income rental units on this site. The objection is that desire should not be allowed in this form of gross incompatibility with the neighbours.

Arising from the assertion by GVHS that Saanich planning has approved this proposal, justifying their refusal to consider reducing the proposed height, it seems to us that the normal process for introducing major changes in land use within Saanich has been abandoned. A LAP arises by a process of consensus building, guided and overseen by the planning department, and eventually adopted by council to govern how a local area will grow. It is often a slow process, but has the benefit of promoting a gradual growth which most stakeholders can live with. The collection of LAPs is coordinated with an overall OCP. A change in the character of land use in an area governed by a LAP should be achieved by a review, revision, and re-adoption of the LAP. Only then should developers be invited to submit proposals for implementing the new plan. This process has not been followed in this neighbourhood which is governed by the Shelbourne LAP. Our local area is NOT within the area included in the Shelbourne Valley Action Plan, currently under active consideration, that ends at North Dairy Road. The Shelbourne LAP has not been revised for about 10 years.

The GVHS should be constrained, as have other developers in this LAP have been, to achieve their increased accommodation by staying within the existing zoning for their property.

Sincerely,



Townley ✓

ENTERED IN CASE

RECEIVED

SEP 09 2016

PLANNING DEPT.
DISTRICT OF SAANICH

SEP 08 2016

JM ✓

APK

FILE

12 SEPT

POST TO	Gen	POSTED
COPY TO	SH	
INFORMATION	<input checked="" type="checkbox"/>	
REPLY TO WRITER	<input type="checkbox"/>	
COPY RESPONSE TO LEGISLATIVE DIVISION	<input type="checkbox"/>	
REPORT	<input type="checkbox"/>	
FOR		
ACKNOWLEDGED	BS/mwd	

cc: Neighboursoftownley@gmail.com

Planning - Fwd: Neighbours Recommendations Townley rezoning

From: Andrea Pickard
To: Planning
Date: 9/20/2016 2:47 PM
Subject: Fwd: Neighbours Recommendations Townley rezoning
Attachments: Recommendation to Council A-1.docx

Please add to the 1780 Townley file, thanks.

>>> [REDACTED] > 9/20/2016 2:28 PM >>>
Hello Andrea Pickard , and Jarrett Matanowitsch,

We thought that you should have a look at the letter that will soon be delivered to Mayor and Council on the subject of the Townley Rezoning. Hopefully your report will have considered some of the points we will be presenting at the Council Meeting of the Whole - whenever that will be.

Again, we thank the two of you for coming out to meet with us and to walk the property and neighbourhood. You certainly have a challenge ahead of you in trying to provide more housing on this site for Saanich while at the same time trying to ensure that this project is a "good fit" for our neighbourhood. As you can see from our Recommendations to Council, we are willing to live with much that has been proposed by the GVHS, but we all feel that the precedent setting four- storey apartment and RM-6 zoning for this site is just not acceptable to neighbours, and just not in keeping with Saanich plans and policies.

[REDACTED]
on behalf of the Neighbours for the Wise Development of Townley Lodge

ENTERED
IN CASE





Victoria, BC September 19, 2016,

Mayor Richard Atwell and Saanich Council

770 Vernon Avenue, Saanich, B.C. V8X 2W6

Dear Mayor and Council:

Re: TOWNLEY LODGE REZONING APPLICATION – 1780 Townley Street

The Neighbours for the Wise Development of Townley Lodge do not support the Greater Victoria Housing Society’s rezoning application of the Townley Lodge property from RM-1 to RM-6. We feel that the Townley site is not suited for such a large project. The proposal is too dense, too high and too intrusive to suit the needs and expectations of neighbours and the surrounding community.

We acknowledge the critical need for affordable housing in our neighbourhood and would enthusiastically support a project of a more modest scale—one which would allow for more persons on low income and people with disabilities to continue to live within the community with dignity and respect. However the scale of the current proposal does not relate well to its surroundings nor is it a good fit for existing tenants—a number of whom have asked us to speak on their behalf. We have described our principle concerns below and request that you carefully consider them during your review of the application:

1. INAPPROPRIATE LOCATION FOR RM-6 ZONE ON RESIDENTIAL STREET.

The RM-6 Zone requested by the GVHS provides for the highest density and highest buildings for multiple families in Saanich. **To date, only 6 locations have allowed for this dense RM-6 Zone.** Moreover, all of these zones are located along such major thoroughfares as Shelbourne, Tillicum, Tolmie and Quadra, and all have been located adjacent major shopping centres. These all feature “step-down” development, including roads separating them from any single family housing located adjacent. In the case of this rezoning proposal, **Townley is NOT a major thoroughfare**, and there is no road, much less any other form of barrier such as trees proposed which would provide for this needed height transition. If this Zoning were to be approved, it would set a major planning precedent for Saanich, for allowing big buildings to be placed next to small, and for allowing these built along a residential street such as Townley.

2. A “SUPER” M-6 ZONE WILL BE CREATED IF REQUESTED VARIANCES ARE APPROVED. The problem arises not only from the choice of the RM-6 Zone which allows a 4 story height and extremely high lot coverage, and density, but by the proponent’s further request for variances which would increase building heights even further and to decrease setbacks from front and

side yards as well as between buildings- in effect creating a Super RM-6 Zone (see Tables 1 and 2 in Appendix). Variances to relax parking for both groups of tenants have also been requested, despite presence of significant traffic issues existing.

3. EXCESSIVE HEIGHT DISCREPANCY.

The 9.5 feet variance requested to increase the Apartment height to 47.2 feet would have this building tower over both our single family houses and even over many of our present trees. The proponent has used the argument that the Apartment is not much taller than the Church next door. What is overlooked is that "tall" is an accepted architectural characteristic of virtually all church buildings. Even this church, built back in the 1960's however, recognized the need for 'step-down' development so as to fit into the community: its tall section being located on Townley and its low one storey annex located next to the adjacent single family housing.

4. STEP-DOWN DESIGN PRINCIPLE NEEDED FOR APARTMENT ALSO

These "step-down" policies, designed to buffer low density development from high, have long been a policy of Saanich, recently enshrined in the Shelbourne Valley Acton Plan now being put forward by the Planners. While we acknowledge the proponent's efforts to comply with this policy by moving their proposed 3 story townhouse to the front of the property and the 2 storey to the back, it now remains for the proponent to apply the same "step down" design principle to the proposed Apartment component. This would mean reducing this building height to 2 storeys where it abuts residences as well. The proponent's offered solution to step back a portion of their fourth floor by 2.5 metres cannot be construed as meaningful concession to "step-down" design.

5. TRAFFIC AND PARKING ISSUES.

Traffic and especially parking is presently an issue with the neighbours. On week days Townley is congested with traffic and parking from the School and Hospital, with parked cars, including those from Camosun College, extending around the corner from Townley to Queenston. On other days when Church services are held, the large congregation creates more traffic and parking demands. As a consequence, traffic presently is often restricted to one lane. Drivers using Townley as a short cut between Richmond and Shelbourne only add to this congestion. It can only get worse if this development proceeds and parking restrictions are not introduced on area streets. Should the estimate on parking needs prepared by proponent prove to be wrong, or if the proponent is unable to control ownership of cars in the future as proposed (or restrict such visits from friends and relatives - or service vehicles), there is no space on the property which could be used to make up for this or any other shortfall. Table 3 in the Appendix shows the generous relief from parking requested.

6. EXCESSIVELY LARGE FOOTPRINT.

The proportion of the site covered by buildings, traffic access lanes and parking areas will create such a large footprint (the impervious area proposed will cover over 50% more than what is now covered) that it is no wonder that when all the rain gardens needed to absorb this run-off are also factored in, little room is left over for preserving any semblance of green space – much less the trees which have been a long time feature of this property.



7. LOSS OF SIGNIFICANT TREES

There will be some very significant trees to be lost if this development goes ahead as proposed. The most noteworthy of these are the Scots Pines, one of which has been designated "protected status". If this tree, and the loss of the other perimeter trees which abut the entire property, some over 50 feet in height and age, and considered landmarks for the community are to be replaced by a landmark Apartment as proposed, the devalued natural character and beauty of the neighbourhood will cause even more neighbours to move. Much has been said by the proponents about how their new replacement trees will outnumber those existing. It should be noted that these "replacement " trees will all be "ornamentals", designed for growing in close quarters in and around buildings. Even if allowed to grow to maturity, these will never achieve the height and grandeur of existing trees nor provide the superior habitat of the existing canopy. Moreover, we understand that no "replacement" trees will be planted in this buffer zone to replace the existing natural buffer and backdrop between neighbours.

8. TENANTS NOT HAPPY WITH PROPOSED CHANGES AND PROCESS.

Based on present demographics, future tenants of the Apartment are expected to be between the ages of 40 to 65, nearly all single, some affected by social disabilities, but all sufficiently fit to live independently. What these people have in common is lack of money, need for affordable, if not comfortable housing, and some outdoor space where they might continue to enjoy with their neighbours and friends. The high standard housing proposed and discussion of higher rents by the proponent has tenants concerned they will not be able to afford the new units, even should they be able to return ("renoviction" being a term used). The tenants are also concerned with the lack of green space and walking opportunities afforded them in the new plan: The "Tot Lot" for example is felt to be a poor substitute for the "common" outdoor meeting space that they now enjoy. Uncomfortable in going "public" with all their concerns (fearing this will influence their chances for future housing) and being left on the "sidelines" of this "discussion" has been their frustration from the outset.

9. OUTDOOR RECREATION SPACE LACKING IN SPACE, FACILITIES & DESIGN.

The underlying design challenge is that the developer is trying to meet the needs of two distinct groups: families to be housed in town-housing, with the needs of low income people of all ages and disabilities (Apartment dwellers). While laudable in concept, this mix of tenants of different backgrounds and needs can only work if there are viable outdoor spaces and facilities for groups to mix and to mingle. The single space proposed for the "Tot Lot" as noted above, is not only too small and inconveniently located, especially for who would be living in the Apartment, but it has few facilities for the older children such as swings, slide, exercise equipment or just uncluttered green space to kick around a ball; all activities, which if more land were provided, could make this common green space workable for all. Accordingly, expect the older children to play on the parking lot and access lane, if not on the school grounds when available and the tenants of the Apartment to feel relegated to their rooms and the terrace overlooking Townley Road. With the future of Richmond School and the play fields in doubt, not providing for adequate recreational spaces now will seriously limit future recreational options for both groups of tenants.



10. THE LOCAL AREA PLAN REQUIRES THERE BE A "GOOD FIT".

The Shelbourne LAP (among other Saanich policies) states that multi-family developments should be considered only if they are compatible with neighbouring properties. In the opinion of the Neighbours, the development proposed by the GVHS is not only a misfit by reason of its high density and high lot coverage, and "landmark" four story height of the Apartment, but because it violates Saanich planning policies for "step-down" development and need for such high density projects to be constrained to major thoroughfares. The large number of residents who so far have signed a petition against this rezoning (see attached Petition) would like to see these policies enforced!

11. ALTERNATIVE CONCEPTS SHOULD BE CONSIDERED.

if the GVHS had consulted with neighbours much earlier in the process, and were convinced to stick to building 2-3 storey apartments rather than the town housing, which if built, would consume most of the property, some interesting options unfold: Two concepts have been proposed to the proponent, each showing how the GVHS might achieve as much as 50% more housing units (over 80 units compared to the 49 now proposed). This focus on apartments could not only save on building, underground parking and access costs, but enable a much smaller building footprint to be achieved (similar to the present apartments) . But just as important, it could free up the space to enable the retention of most of the green space, trees and future options for recreation and development.

12. NOT LISTENED TO.

And finally, we feel overwhelmed by what has been proposed and underwhelmed by the little results achieved by nearly a year of discussions held with the GVHS. In looking at the final proposal it is apparent we were not listened to on the issues most important to us – the 49 foot height and massive scale of the Apartment proposed, and the large footprint imposed by their development- a project so efficiently designed, it must destroy the very landscape and green space that makes it so endearing to all. Knowing that all the remaining tenants have now been given final eviction notices leads some of us to believe this has been a "done deal" from the start.



RECOMMENDATION from the NEIGHBOURS For Wise Development of Townley Lodge:

That the rezoning to RM-6 by the GVHS not is approved and that a lesser zone more consistent with the character of the neighbourhood and the needs of the future Apartment Tenants is considered by the proponent.

And that whatever zone and design is finally approved, it must adhere to the policy guidelines of "step- down development" espoused by Saanich plans and policies- which in this case, would be limiting the Apartment and town housing to a height of 3 stories, and requiring a "step-down" to 2 stories where these buildings abut the single family residences adjacent.

We thank you for your careful consideration of this important rezoning.

Yours truly,

"Core" Neighbours for the Wise Development of Townley *(all adjacent land owners residing along Townley, Ilene Terrace and Queenston Ave:*

[Redacted signature block]

CC: Sharon Hvodanski, Director of Planning Services, District of Saanich
Sandie Menzies, President, Camosun Community Association and Directors

Expect a Petition of over 70 neighbours and letters in support of our position from the Community to accompany this Recommendation.



APPENDIX

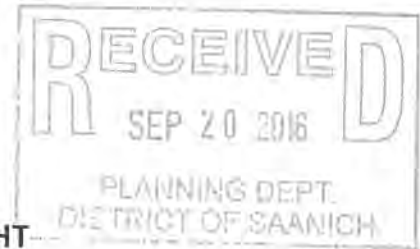


TABLE 1 – VARIANCE REQUESTS TO INCREASE BUILDING HEIGHT

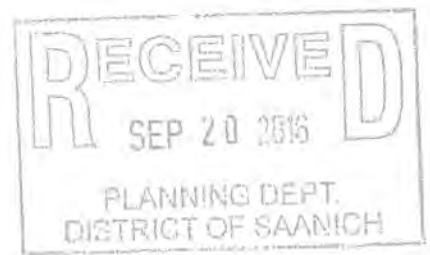
ZONE HEIGHT COMPARISON	Single Family	Town Housing	Apartments
RA-1 Presently Existing Zone	7.5 m 24.6 feet	Not Permitted	2 story 7.5 m or 24.6 feet (7 meters is actual height of present apartment)
RM- 6 Presently Proposed Zone	NA	7.5 m or 24.6 feet max.	11.5 m or 37.7 feet or 3 stories equiv.
<u>RM-6 Zone Proposed Plus height variance increase requested</u>	NA	9.9 m or 32.5 feet (another 7.9 feet higher than allowed)	14.4 m or 47.2 feet so as to gain another storey (9.5 feet higher than allowed and 24.3 feet higher than present apartment)

TABLE 2 – VARIANCE REQUESTS - SETBACKS

VARIANCES REQUESTED PROVIDING RELIEF FROM FRONT AND SIDE YARD SETBACKS AND BETWEEN BUILDINGS		
FROM STREET	7.5 M	Decrease To 4.5 m
FROM INTERIOR SIDE YARDS	7.5 m	Decrease to 6.0 m
BETWEEN BUILDINGS	From 1 to 4 metres less than required!	

TABLE 3 – VARIANCE REQUESTS FOR PARKING

PARKING	REQUIRED	PROPOSED
Apartment dwellers	26	20
Town housing	24	16
Visitors	21	7
TOTAL	71	43
SHORTFALL and VARIANCE REQUESTED	27 spaces	



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SUMMARY OF CONCERNS

Presented by Neighbors for the Wise Development of townley

We, the Neighbours and the Tenants of Townley Lodge – the Trees and Wildlife are not “happy campers”:

As Neighbours we think the proposed development is too big, too high and too dense for our neighbourhood, and will cause us grief in many ways:

- The buildings will overlook our homes, detracting from our privacy, and creating shadows, especially during the winter
- The added traffic will cause more congestion – especially during school hours and the lack of sufficient parking will result in even more cars parking on the streets surrounding
- The parking lot, running along the length of our back yards will be a source of nuisance to surrounding neighbours.
- The “landmark” trees which presently provide an effective green buffer between neighbours and Town Lodge and add to the natural beauty of this area will now be replaced by “landmark” buildings.

As “would-be” Tenants of the Town Housing we observe that:

- It is a congested site where green space much less recreational space will in no way be comparable to what is enjoyed now by the tenants of Townley.
- The parking lot is not convenient, to most housing units and will cause problems and disturbance for tenants moving heavy items in and out of the complex.
- The proposed replacement trees – will not buffer tenants from neighbors, will be smaller in kind, and will not achieve anything close to those depicted in the drawings- in our life times and those of our older children.
- We might have to share our “Tot Lot” and walkways with tenants and friends of the Apartment. And where might our older children and teens hang out- And where might we plant our veggies?

- There is the insecurity of knowing if Richmond School adjacent, will be closing in the foreseeable future and lands now available for the public being developed for private uses

As present and “would-be” Tenants (as low income seniors and those with disabilities) of the Apartment we observe that:

- We will be paying more for less apartment space.
- Our views will now be of the Church wall and roof of the one storey extension adjacent on the one side and the access driveway and townhouses on the other.
- We will now have to park our cars in the underground parking lot, requiring more attention to driving and feeling less comfortable if not less safe doing so.
- Our outdoor spaces will now consist of a “tot lot” and this will require us to walk by the private yards of the town-housing people (a sense of “trespass”).
- There is no viable place to plant a garden, even if there was some way to protect the veggies. And there is no potential to develop a “community garden” so as to be more active and self sufficient on the grounds, as well as develop social ties with the neighbours.
- We will no longer have a nice place to meet, and chat with our friends outside. The Tot Lot does not appear suitable in location, size, and facilities.
- There will be more noise in general from the access road traffic through the complex and from the younger tenants of the Town-housing.
- Most of the mature trees will be cut down. We would be reluctant to return to a place where easy access to the out of doors where mature trees and the wildlife associated with this green space will effectively have been displaced.
- The changes proposed for us do not appear to be better. We love where we live, we find this accommodation to be affordable, do not find the buildings to be a problem; in fact find them to be well suited to our needs, and do not want to be up-rooted needlessly at this stage of our lives . Renoviction comes to mind...

Planning - Greater Victoria Housing Society Development Permit

<input checked="" type="checkbox"/>	ACKNOWLEDGED
<input checked="" type="checkbox"/>	CLERKS
	REPLIED

From: [REDACTED]
To: <council@saanich.ca>, <planning@saanich.ca>
Date: 8/23/2016 4:00 PM
Subject: Greater Victoria Housing Society Development Permit

Hello Saanich Council and Planning department :

We are writing to express some concerns over the rezoning and development of Townley Lodge, operated by the Greater Victoria Housing Society.

We are in favor of providing housing for low income and disabled people, and the present facility has been a great neighbour for the past 30 years we have lived here. However it is the size and scope of this redevelopment to which we have concerns. The proposed 4 story apartment building with a gabled roof, as compared to the present 2 story flat roof, is too high and is causing the nearby neighbors concern over density, light blockage for example. We are comfortable with 3 stories as the maximum and I believe that is doable.

Parking is already an issue on Townley and Queenston as workers from the Jubilee hospital , visitors to Richmond elementary and others park here. Townley St. already down to one way traffic at peak times as parking is allowed on both sides – should be allowed on one side only. Queenston at Townley is also very congested. The new development requires more onsite parking and parking restrictions should be made on Townley and Queenston Streets.

Again, we are not against the redevelopment of the land, but against the height and density of the proposal as it affects nearby residents, as well as congested parking, which is already dangerous at peak times – school pick up/functions, Church activities, and workplace parking. Thank you for taking time to read this and we sincerely hope you can think about changes to relieve some of our concerns.

Best regards,

[REDACTED]
[REDACTED]
2835 Queenston St.
Victoria, V8R 4P4

Planning - Greater Victoria Housing Society Townley Place Update

gm Full \$
AP FILE
s/v02

From: Kaye Melliship <Kmelliship@greatervichousing.org>
To: "mayor@saanich.ca" <mayor@saanich.ca>
Date: 7/12/2016 1:03 PM
Subject: Greater Victoria Housing Society Townley Place Update

Dear Mayor Atwell:

Since we last met with you to present our concept for redeveloping our property at 1780 Townley Street, we have been working diligently to hear concerns from the neighbourhood and to address them, in anticipation that we will be presenting our proposal to Council this fall. We have hosted four open houses, visited neighbours one on one and made a brief presentation to the Camosun Community Association (with another scheduled for September).

I am aware that there are a few neighbours in very strong opposition to our plans. I would like to assure you whenever we can make a change we make it. I have taken the liberty of providing this rather long list of changes we have made.

As you know, the need for affordable rental housing is increasing at an alarming rate: we are working hard to continue to be part of the solution.

If you would like any more information or would like to take a tour of the site to better assess the implications of our proposal, please let me know.

Townley Place Changes Made to Development Proposal in Response to Neighbourhood Input

July 12, 2016

Concern: garbage pickup is noisy

- Changed garbage pick-up time (that was done for current service).
- Moved recycling centre so it will have no impact on neighbours

Apartment building overlooks neighbours properties

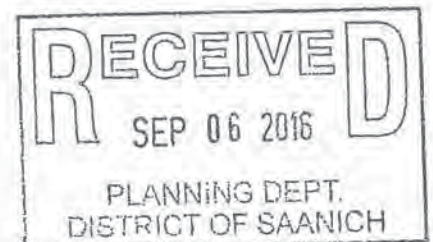
- Moved the apartment building 1.5 metres forward
- Added a 1.8 metre setback on 4th floor of apartment building (first revision)
- Added a further 6.5 metre setback on fourth floor by removing two units: (second revision)
- Limited windows on north end of apartment building (more reduction possible); added frosted glass
- Additional trees can be added for screening

Apartment building will add additional shade on neighbours properties

- By moving the building forward and increasing the set back on the fourth floor we have significantly reduced shade issues.
- We can further mitigate shade issues by working with neighbours to pick fences and landscape materials that do not increase shade

Parking will be add light and noise to back gardens

- Parking will be .6 metres below property line: will be screened for light and noise with solid 6 foot noise barrier (if desired by neighbour)
- Added a wider landscape buffer and potential for increased landscape screening (dependent on



- Added a wider landscape buffer and potential for increased landscape screening (dependent on neighbours' preferences)
- Underground parking entrance has been moved 1.5 metres further away from back property line and the drop down to the parking starts further back from the property line
- An additional noise barrier will be provided on the drive down under the building to reduce noise.
- A quiet garage door mechanism and materials will be selected for the underground parking.
- Increased landscaping between parking and neighboring properties is possible, based on neighbour preferences.
- The surface parking area was moved south to ensure preservation of the neighbours existing hedge
- We have done extensive work and made a commitment to protect (or replace if necessary) the evergreen hedge on one property that borders the parking area.

There won't be enough parking

- We have a transportation expert's report that states we are providing enough parking.
- We are providing one space for each townhouse. We are able to select tenants who only have one car. Our experience with low to moderate income families suggest that not every household will have a car.
- We are providing 20 underground spaces for the 51 seniors: a ratio of .39 (we currently provide 16 spaces for 39 units, a ratio of .4; with two of these spaces vacant).
- We are providing 14 scooter parking spaces
- We are providing 7 visitor spaces – we currently have 2.
- Neighbours who have their own challenges with parking (due to high car ownership and/or tenants in their homes) will be offered unused parking spaces to rent.

Townhouse Block C – Overlooks back properties

- We have reduced the size of the third floor and have designed smaller/reduced windows.(first revision)
- We have moved the three story townhouses to the street and the two story townhouses are now the ones in the back of the property (second revision)
- The townhouse buildings were moved 1.5 metres south to increase the separation distance to neighbours rear yards

Townhouse Block B Overlooks Neighbour

- We have moved the townhouse block closer to the street which reduces overlook on neighbour's back garden.
- We are in discussion with the neighbour regarding the treatment along our border: options regarding they type of fencing and trees have been offered.
- One window that overlooks the back garden will be removed or frosted, to prevent overlook.

There is no play area for children

- We have designed a play area for small children resident on the site.

Hydro box on west property line could be noisy

- In collaboration with BC Hydro, we have moved the location of the hydro box so that it will have no impact on existing neighbours.

Exterior lighting will spill over onto neighbours properties

- All lighting is being designed so that in combination with fencing or plantings along neighbours' borders, there will be less impact from exterior lighting than currently exists..

Yours truly,

Kaye Melliship
Executive Director

Dear Mayor and Councillors,

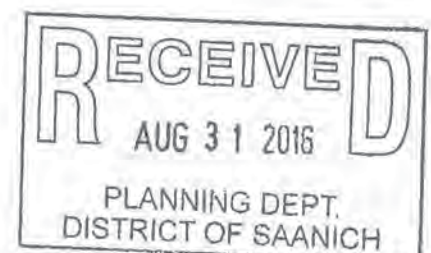
Many of you are familiar with our advocacy group; for more than a year we have been promoting the inclusion of affordable housing in the future development of the Cordova Bay Plaza.

We are writing you this time in support of the Townley project. We are very impressed with the proposal of the Greater Victoria Housing Society. It aims to strive for social, environmental and economic sustainability; it offers a mix of affordable housing for seniors and families; it shows sensitivity for the community and neighbours.

There is a great need for affordable housing and we feel that a proposal like the Townley project is clearly responding to that need. It also shows a vision with high standards and a forward-looking approach.

We urge you to give your approval for this well thought out and much needed affordable housing project.

Sincerely,
Hanny Pannekoek,
chair



bPR 00634

Planning - Townley Lodge Development

From: [REDACTED]
To: "council@saanich.ca" <council@saanich.ca>
Date: 8/28/2016 2:11 PM
Subject: Townley Lodge Development

To whom it may concern;

Hi, my name is [REDACTED], I live at 2885 Queenston Street and would like to say that I am strongly opposed to the proposed Development of Townley Lodge!

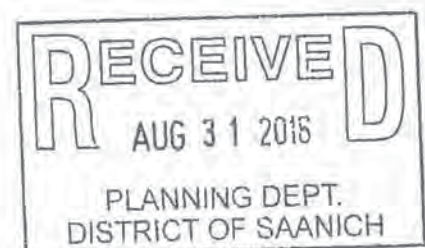
I feel that it is far to large of a developement for the area and would bring far to many cars, traffic, and extra people to the neighbourhood. The second problem I have with the proposed development is that the sight line and sun exposure for a lot of homes in the neighbourhood would be affected and the property values in the neighborhood would be greatly affected! Third, I feel that the amount of proposed low income housing would have negative affects on the neighbourhood, its residents, and our property values as well.

I feel the site would be far better suited to a new senior complex, especially considering the aging population of Saanich and our neighbourhood!

Sincerely, a concerned Saanich resident

[REDACTED]
2885 Queenston St.

[REDACTED]



1780 Townley
DPR00634

From: [redacted]
To: "mayor@saanich.ca" <mayor@saanich.ca>
Date: 8/26/2016 2:51 PM
Subject: How much food can cities produce?

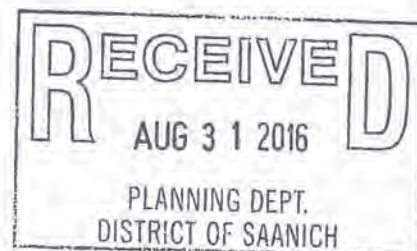
Dear Mayor Atwell and Saanich Council,
Wouldn't it be great if the Townley Lodge property could be leased for urban agriculture/community gardens (as described below) instead of GVHS paving valued green space, ruining the atmosphere of a neighbourhood, devastating the neighbours and throwing distraught tenants out as demo-victims? Urban ag is the most "sustainable" use for that property, thinking long-term. (And the new building won't be "affordable" like the existing one is.)

Thanks for your attention,

[redacted]
28-1780 Townley St.

From: David Suzuki Foundation [subscribers@davidsuzuki.org]
Sent: August 26, 2016 4:46 AM

Subject: How much food can cities produce?



Humans are fast becoming city dwellers. According to the United Nations<<http://go.davidsuzuki.org/DVI500X0UDZ00X0c400Y0N8>>, "The urban population of the world has grown rapidly from 746 million in 1950 to 3.9 billion in 2014." Sixty-six per cent of us will likely live in urban environments by 2050. The number of mega-cities (more than 10 million inhabitants) is also skyrocketing, from 10 in 1990 to 28 in 2014 — home to more than 453 million people — and is expected to grow to 41 by 2030.

Along with concerns about climate change and the distances much of our food travels from farm to plate, that's spurred a renewed interest in producing food where people live. Urban agriculture won't resolve all food production and distribution problems, but it could help take pressure off rural land while providing other advantages. From balcony, backyard, rooftop, indoor and community gardens to city beehives and chicken coops to larger urban farms and farmers markets, growing and distributing local food in or near cities is a healthy way to help the environment.

And it's much more. As writer and former Vancouver city councillor Peter Ladner (also a David Suzuki Foundation board member) writes in The Urban Food Revolution: Changing the Way We Feed Cities<<http://go.davidsuzuki.org/j8YD0c04V005Z0Y0UNm0X00>>, "When urban agriculture flourishes, our children are healthier and smarter about what they eat, fewer people are hungry, more local jobs are created, local economies are stronger, our neighborhoods are greener and safer, and our communities are more inclusive."

Local and urban agriculture can also help reduce greenhouse gas emissions and recycle nutrient-rich food scraps, plant debris and other "wastes". Because maintaining lawns for little more than aesthetic value requires lots of water, energy for upkeep and often pesticides and fertilizers, converting them to food gardens makes sense.

A 2016 study from the U.S. Johns Hopkins Center<<http://go.davidsuzuki.org/c05008YV040D0cNUZ0ZnX00>> for a Livable Future found that urban agriculture could "increase social capital, community well-being, and civic engagement with the food system," as well as enhance food security, provide ecosystem services, improve health and build residents' skills. Gardening is also therapeutic.

The study found many climate benefits, including reduced emissions from transporting food; carbon sequestration by vegetation and crops; possible reduced energy, resource inputs and waste outputs; and

enhanced public interest in protecting green spaces. It also noted some limitations: possible increases in greenhouse gas emissions and water use "if plants are grown in energy- or resource-intensive locations"; less efficiency than conventional agriculture in terms of resource use and transportation emissions; and, depending on practices, pollution from pesticide and fertilizer use. The study found urban agriculture to be positive overall, but concluded support from all levels of government is required to make it viable.

Urban agriculture isn't new. During the First and Second World Wars, Canada, the U.S., the U.K., Australia and Germany encouraged "victory gardens" to aid the war effort by reducing pressure on food systems and farms. Gardens and chicken coops appeared in yards, parks, school fields, golf courses, railway edges and vacant lots. Sheep grazed on sports fields and kept grass in check. Peter Ladner notes that, during the Second World War, the U.K. had 1.5 million allotment plots producing 10 per cent of the country's food, including half its fruit and vegetables; and by war's end, more than 20 million home gardens supplied 40 per cent of U.S. domestically consumed produce.

Granted, there were fewer people and more open spaces then, but it's still possible to grow a lot of food in urban areas, especially with composting and enriched soil techniques. Ladner writes that Toronto plans to supply 25 per cent of its fruit and vegetable production within city limits by 2025, and a study from Michigan State University concluded Detroit could grow 70 per cent of its vegetables and 40 per cent of its fruit on 570 vacant lots covering 5,000 acres of city land.

One patch of Detroit land<<http://go.davidsuzuki.org/T00VX0Y0c000ZDo00458NU0>> where 12 vacant houses were removed to grow food has supplied almost 200,000 kilograms of produce for 2,000 local families, provided volunteer experience to 8,000 residents and brought the area new investment and increased safety.

Cities needn't be wastelands of car-choked roads and pavement. Incorporating food production into ever-expanding urban areas makes cities more liveable and enhances the natural systems that keep us alive and healthy.

By David Suzuki with contributions from David Suzuki Foundation Ontario and Northern Canada Director Faisal Moola.

[Share on Facebook]<<http://go.davidsuzuki.org/HV0000800Y1ZXU504cD00pN>>[Tweet]<<http://go.davidsuzuki.org/r50q0U0X0D24Z0VcY0080N0>>

<<http://go.davidsuzuki.org/DVr50030UDZ00X0c400Y0N8>>

Read Online<<http://go.davidsuzuki.org/c05008YV040D0cNU40ZsX00>>

[Donate Today]<<http://go.davidsuzuki.org/ND00tV8N000cYXU05050Z04>>

Support the David Suzuki Foundation<<http://go.davidsuzuki.org/VZD6000NXc0U000V458Yu00>>! Our dedicated team ensures that even the smallest contributions go a long way towards protecting nature in Canada.

[<http://community.davidsuzuki.org/rs/davidsuzukifoundation/images/tagline.gif>]

This email was sent to [redacted] To configure which emails we send you, please

JM | JN
NF | MF
APL

Townley

FILE FILE - SH

From: [Redacted]
To: <mayor@saanich.ca>
CC: <fred.haynes@saanich.ca>, <richard.atwell@saanich.ca>, <susan.brice@saanich.ca>, <vikki.sanders@saanich.ca>, <vic.derman@saanich.ca>, <leif.wergeland@saanich.ca>, <dean.murdock@saanich.ca>, <judy.brownoff@saanich.ca>, <colin.plant@saanich.ca>
Date: 8/4/2016 10:05 AM
Subject: 1780 Townley Street development permit and application for rezoning

Dear Mayor Atwell and Saanich Councillors,

I am writing to voice my concerns regarding the proposed development of 1780 Townley Street from a seniors residence of 36 apartments to a large, 4 story, 53 unit apartment building and 16 townhouses.

We have lived on Carrick Street since 1999...the family oriented neighbourhood between Shelbourne and Richmond/Townley and Taylor is one of those unique, yet quickly disappearing neighbourhoods in Saanich as multi-family development projects takes over the single family residential neighbourhood.

The most disconcerting aspect of this whole development proposal is the incongruity of the developer's plans with the Shelbourne Local Area Plan. According to the Saanich Local Area Plan, new building plans must "acknowledge the neighbouring houses in style and size" *- a 4 story apartment building does NOT do this. It does not 'fit' in to the style of these single story homes in the neighbourhood. It would tower over the neighbourhood, encroaching on all the homes around it - even taller than the Pacific Alliance Church, which is the tallest structure in the neighbourhood at this time.

I have looked at the plans for the development online. There is a LOT packed into this property. In fact, I question how they will fit all their plans on that lot. The existing building is situated so that it does not crowd the neighbouring homes or properties, with greenspace around the front of the property. The proposed plan has packed in every inch of the property...removing the existing trees and mature shrubs/hedges. It also appears there is not enough parking planned..... The density of our neighbourhood is at max- nearly tripling the capacity of the Townley property is unreasonable.

Plans for development along Shelbourne street include 4, potentially 5 more, large condo developments. The house for sale on Kings at Richmond is packaged with the neighbouring house with conditions that it must be sold together and developed for multi-family use. There is talk of further development at Hillside Mall. Townley and Taylor Streets are connector streets between Shelbourne and Richmond. There is no other way to connect from Hillside until you get to Bay Street. Every day of the week, Monday through Friday, Townley is lined with parked cars between Shelbourne and Richmond. It is basically a one-lane road - and traffic calming is not a solution - it just moves the problem further up the road. Nearly tripling the residential capacity at this location makes no sense.

There has been minimal consultation with the neighbourhood. Unless you live in the 12 homes close to the project, you are not invited, or made aware, of these 'info' meetings. This development affects more than just the 12 homes around it. It affects our entire neighbourhood and we oppose this

POST TO	General	POSTED	AUG 11 9 2016
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INFORMATION	<input checked="" type="checkbox"/>		
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COPY RESPONSE TO LEGISLATIVE DIVISION	<input type="checkbox"/>		
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AUG 05 2016
LEGISLATIVE DIVISION
DISTRICT OF SAANICH

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AUG 10 2016
PLANNING DEPT.
DISTRICT OF SAANICH

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IN CASE

development. In June, I spoke to a representative from the Victoria Housing Society who was incredibly rude and defensive - he was uninterested in my concerns - how is this being a good neighbour? He also indicated this was not a proposal, it was a "done deal". Is this not an "application" for development/rezoning? As an application for development/rezoning, the Shelbourne Local Area Plan is very clear - "Building height and design should acknowledge the adjacent single family dwellings."

Let's be reasonable! Yes, we need more housing...but the housing must fit the neighbourhood. This is an established neighbourhood with both long-time residents who have raised families here and also young families who have moved into this neighbourhood and are starting to build their lives here. They have mortgaged themselves to the max to live here. They chose this neighbourhood "because" of it's single family homes and 'neighbourhood' feel. According to the Local Area Plan, the LAPs are put in place to "provide a reasonable level of certainty about future use and development and the quality of life to be sustained within the "area". Allowing a townhouse complex and a four story apartment building completely DISREGARDS the Local Area Plan which is in place to protect homeowners from exactly this kind of development happening.

Mayor Atwell and Saanich Councillors, we are counting on you to support the residents of this neighbourhood and insist that the Victoria Housing Society revise their plans and respect and adhere to the Local Area Plan and build to acknowledge the adjacent homes in style and size.

Thank you for your support,
Sincerely,

[Redacted Signature]

From Shelbourne Local Area Plan- District of Saanich website:

"The local area plans set out comprehensive policies that help guide the future of individual communities. They supplement the General Plan by creating a local context and specific policies and guidelines to which Council can refer when making decisions on development proposals and capital works.

The local area plan is intended to provide a reasonable level of certainty about future use and development and the quality of life to be sustained within the area. The plan is for residents, property owners, and others with an interest in this area."

"The General Plan sees a choice of housing to accommodate people of different ages, incomes and family structures as an objective of a healthy community. At the same time, the maintenance of neighbourhood character is of paramount importance when considering new development within established areas."

"While some new residential development can, in principle, be supported, it must be compatible with the neighbourhood character and quality."

"Development permit guidelines can ensure that the development of these sites is compatible with adjacent single family housing."

" Seek opportunities to protect indigenous vegetation, wildlife habitats, aesthetic landscapes and viewsapes when reviewing applications for change in land use. "

"Respondents to the community survey indicated that Shelbourne is a pleasant community in which to live and identified the predominantly single family character as the most liked quality."

"Map 6.2 indicates potential multi-family sites." - The Townley site is not indicated on the map as a potential development site for multifamily use. Also on the map is indicated, numerous times:

"Building height and design should acknowledge the adjacent single family dwellings."

"While rezoning may not be required in all cases, all redevelopment proposals would be subject to Council review and public consultation. A development permit would be considered to ensure new development was compatible with the adjacent developments."

Planning - Fwd: 1780 Townley St development proposal

✓	ACKNOWLEDGED
✓	CLERKS
	REPLIED

From: Andrea Pickard
To: Planning
Date: 7/27/2016 1:57 PM
Subject: Fwd: 1780 Townley St development proposal

for the file unless you already received it from Leg. Services...thanks

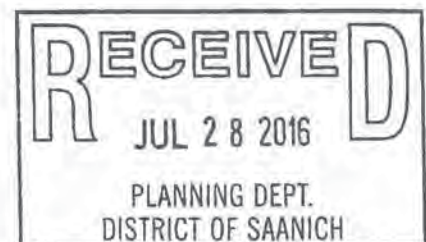
7/27/2016 12:47 PM >>>

Dear Mayor Atwell,

We wish to express our disapproval of the proposed building development by the Greater Victoria Housing Society for 1780 Townley St.
 It is our opinion that this project would further degrade the character of our neighbourhood. Already, fast moving cut through traffic on Townley, Taylor and Myrtle has skyrocketed since the Hillside Mall expansion. Parking has become relentless due to pressure from the Parkwood Seniors Complex, the Hillside Medical Center and the users of Lansdowne School playing fields.
 This project moves us in the wrong direction.
 Rather, we would prefer a solution which calmed traffic rather than exacerbating it and made it safe for kids to be playing in their yards or walking to Lansdowne school.

Thank-you.

1710 Taylor St.
 [Redacted]



Townley

28-1780 Townley Street,
Victoria, BC V8R 3A7

Mayor and Council,
Saanich Municipal Hall

May 28, 2016

Dear Mayor Atwell and Saanich Councillors,

POST TO	Gen	POSTED	JUN 7 2016
COPY TO	sh		
INFORMATION	<input checked="" type="checkbox"/>		
REPLY TO WRITER	<input type="checkbox"/>		
COPY RESPONSE TO LEGISLATIVE DIVISION	<input type="checkbox"/>		
REPORT	<input type="checkbox"/>		
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JUN 16 2016
LEGISLATIVE DIVISION
DISTRICT OF SAANICH

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JUN 20 2016

PLANNING DEPT.
DISTRICT OF SAANICH

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IN CASE

In spring I look out of my window at Townley Lodge into a rich rippling confederation of pink blossom on an ornamental cherry tree, which later becomes a leafy wall of green offering privacy, shade, and a ringside view of birds and wildlife: hummingbirds, chestnut-backed chickadees, crows snapping off twigs for nest-building, robins trilling at dusk, squirrels running up and down the trunk and swinging from branches. Two trees over I see an owl one night, and two red-headed house finches cling to my window ledge for a quick visit.

All this will be lost if Greater Victoria Housing Society destroys this zone of green space and mature trees in residential Saanich. This year I can't look out at the blossoming cherry tree or hear the robins without tears, for this may be the tree's last year. It may be destroyed to make way for the destruction of a piece of sound affordable housing: Townley Lodge.

The Townley Lodge apartment building sits in the midst of this exceptional bit of urban green space -- a modest, weather-tight, cozy home for some 40-odd tenants, a quiet, no-frills environment for people who like things that way. Tenants were devastated by the news that they might lose it. Many of us working people with low salaries as well as the retired tenants, hoped we had made our "last move" when we came here. Frugal comfort in a safe environment was all we wanted, and now it's being snatched away for reasons that are not explained in the glossy propoganda brochure we've been given at "open houses".

Some of us have requested details from GVHS explaining how the economics justify tearing down an inexpensive and comfortable building, throwing materials and appliances into landfills, and displacing residents from a place some have called home for many years. A written request for fiscal details was met with silence. The open houses have provided no details, but I would like to ask some of Saanich Council before the fate of Townley Lodge is decided:

Page 2 on the brochure "Townley Place": re. statement that the existing building is "functionally obsolete". What does that mean? We who live in it find that the fixtures, roof, doors, windows, heat, hydro, bathrooms and appliances function just fine.

Page 8: under "Economic" is the statement that there will be "reduced maintenance and operating costs." What will they be, and what are they now? Is any figure given of actual present and future costs and expected rents? How are we to believe that this construction will lead to apartments more affordable than what Townley Towers offers now?

Page 3: why is the tenant population to be more than doubled, yet only 43 parking spaces offered? Does GVHS have a mandate to try to change people's driving habits? There is already insufficient street parking on Townley Street for the adjacent school, church, neighbours, and others who use it.

Page 4: two trees on west side are to be removed at one "neighbour's request". Why do dozens of other neighbours' requests that all trees be left alone, not count? Why do the opinions of those who live here

count less than the opinions of Talbot Mackenzie, Arborists, when it comes to tree destruction?

Page 1: if "food gardens" are to be offered, why not create some now? Why not convert the whole garden around the existing building into a Sustainable Saanich/Urban Agriculture Community Garden Project, instead of paving the area as overbuilt grey space that doesn't match neighbourhood character?

I would like to point out that most existing tenants would rather keep our homes than lose them to unnecessary "amenities" like "solar readiness," rain gardens, scooter charging stations, elevators, windows that won't open, increased crowdedness, and another sidewalk on Townley Street. The street does not need more "vitality"; we tenants and the surrounding single-family residents like it quiet. I also question whether tenants' "social interaction," and "wellness" (page 1) is the business of an affordable housing provider. It sounds like the 14 business members of the GVHS Project Team will make big profits based on vague expressions of unwarranted social engineering activity.

In fact, tenants feel insulted by being "helped" into other units in the affordable housing system as if they were mere parcels to be yanked out of one box and shoved into another. Townley Lodge tenants chose their home because of its particular attributes: small scale in a residential well-gardened neighbourhood, rather than a noisy inner-urban setting. It is almost unique, and for that reason alone should be preserved.

Regarding maneuvering existing tenants out, I would like to know why conditions of tenancy have suddenly been changed, i.e. from people age 55-plus with under \$30,000 annual income, to younger short term tenants who can easily be dislodged. Is this acceptable before GVHS has even appeared before Saanich's Committee of the Whole with their rezoning request, let alone been granted it? It seems arrogant for GVHS to assume that the neighbours' objections and Councillors' questions can be discounted ahead of time.

What this reno-viction means is that several dozen low income seniors will lose their homes while a larger group of tenants will eventually be invited in at an unknown rent. On page 8, the GVHS brochure says "project costs can be sustained by project rents." Nowhere does it say what those rents will be. We assume they will be far beyond what they are now.

As a "project partner" (page 8 of the brochure), what is District of Saanich's role in this reno-viction? Does it mean Saanich has already bought into the rezoning and destruction of Townley Lodge, and that the Public Hearing slated for September 2016 is a mere formality? Please advise us tenants so that we can make rational decisions, since GVHS's open houses have given us no hard facts at all.

Dense high-rise housing in sterile concrete-and-glass environments is no part of a "healthy community", but for those who can tolerate it why not build a new GVHS building on existing brown space? Why destroy precious green space? Why not buy buildings for sale such as shuttered hotels, or large heritage houses otherwise in danger of demolition? Why doesn't Saanich have a housing policy that preserves still-useful and historic housing stock, instead of destroying these to feed a voracious development industry?

The Townley Place plan means developers, consultants and contractors will gain profit, housing bureaucrats will build careers, tenants will lose their homes and the neighbourhood will lose green space. Nothing about this exchange is fair. We ask Saanich Council to consider absorbing the unpaved Townley Lodge real estate into the municipal Community Gardens program, perhaps by leasing the space from GVHS for urban agriculture and leaving the existing building for the sensible modest safe and secure housing which it currently is.

Thank you for responding to these questions and suggestions.





May 10, 2016

*Does this letter mean GVHS
already has the go-ahead for rezoning
1750 Townley Street? Then what are the
public hearings for?*

Dear Tenant:

As we continue to move forward on the redevelopment of Townley Lodge, we would like to start gathering information on your rehousing needs.

We need to stay where we are.

We would like to meet with each of you individually so we can determine how to best support you. If you have an advocate you would like to have at this meeting they are welcome to attend.

Who is advocating for preservation of existing Townley Lodge?

Appointments can be held at the Greater Victoria Housing Society office or at Townley Lodge. Please contact Yvonne Blair at 250-384-3434 extension 35 to arrange an individual appointment.

June 3, 2016

Kaye Melliship,

Executive Director,
Greater Victoria Housing Society

Dear Kaye Melliship,

Next week we the Neighbours for the Wise Development of Townley Lodge plan to hold another neighbourhood meeting to discuss the changes you have presented to us at your last Open House at Lansdowne School. As you know, height and density of your project are the big concerns, as are the trees, and green space which will be lost to achieve this density. To better assess the changes you have presented, could you kindly have your staff send us the up- to- date plans and information on what you are now proposing for Townley. If you could get this back to us before next Thursday when we have our meeting, it would be much appreciated.

Information required:

1. **Current site and elevation plans** – showing what the project now looks like. Can you send us perspectives from both streets and some scale so we can determine distances?
2. **Current heights and setbacks** for each of the buildings proposed. Can you also show any changes to these parameters and most important, the variances now requested.
3. **Current Landscaping Plan** showing any changes to protect existing trees and shrubs along the perimeter of your property. As you can appreciate, maintaining a green buffer between us is a fundamental concern.
4. **Shading Effects of buildings:** giving shading for the month of December when residents are most concerned with shading effects and loss of sun. But this time, it would help if the deciduous trees were shown to be leaf-less and all the houses accurately depicted.
5. **Proposed Green Space and Outdoor Recreation Needs:** Can you describe the size of the space and nature of facilities that have been setting aside to meet the recreational needs of residents of the town-house and Apartment? We noted that one of your large presentation posters showed children playing on the school grounds across the street, with your complex in the background, but no picture of children playing anywhere on-site. Does this imply that the School and its open space would be relied upon to serve the needs of children living in the complex? And what about the outdoor needs of the proposed Apartment dwellers? What space/s and facilities would they now be able to look forward to? The present tenants of the Lodge that have talked to us are concerned that their needs would now not be met.
6. **An Elevation Plan** showing how deep and how close to our property lines you are now proposing to dig to achieve the new elevations you now feel are necessary to build your parking lot and provide access to the Apartment. We are especially concerned how these newly proposed excavations will now impact our trees, shrubs and a 17 foot hedge which adjoin your property.
7. Has any additional parking been proposed since your first design? You mentioned that you would be able to control the need for parking by discouraging prospective tenants who would own more than one car. Has this worked with your tenants elsewhere? And how have you handled the need for



friends and relatives who might wish to arrive by car? As you probably know there are still tenants and visitors who must park their cars on the street.

8. Lighting: Could you provide information on how you would mitigate problems to neighbours arising from the outdoor lighting that will be required for the parking lot and car access to the Apartment?
9. Can you provide an explanation as to why a number of trees, including the "protected status" Scots Pine is now proposed to be cut down despite previous assurances that this heritage tree would be protected – and the fact that the Apartment now will be sited even further from this tree than before? And what about the Maple and Willow that we thought were to be sacrificed for the original location of the garbage and recycling bins? Can they not be saved now that these bins will be relocated to the front of the property?
10. Can your Arborist advise whether the 17 foot high hedge (previously labelled "to be retained") will survive the 3 foot plus excavation that is now proposed along the property line adjacent? And if does not survive, then what? And can you confirm that this proposed excavation is within 7 feet of the property line straddled by the hedge (as judged from the plan)?
11. And why the Plum tree (SW corner of your property) and adjacent the house owned by Bob and Liz Nugent) is now proposed to be cut down also (this neighbour refutes the reason given by John Gauld, your Planner, that it was this neighbour's wish to have the tree removed).
12. Can you tell us how many units and people you now expect to live in the four - storey Apartment and in the Town housing proposed?
13. Will you still be catering to the same kind of residents who live in your complex to move into the proposed Apartment? And will affordability still remain the same so that some of them will be able to return? Moreover, has any survey been done to see if this Apartment living appeals to them and whether they would like to return – even if they could do so?
14. What income criteria have now been established for persons wishing to live in the Apartment and in the Town-houses?
15. What is your proposed floor space ratio compared with what now exists?
16. What is the loss of green space were your proposal to go ahead as now conceived?
17. What is the size of the Townley Lodge property?

We look forward to receiving this information. Thank you again Kaye for your cooperation. .


On behalf of the Neighbours for the Wise Development of Townley Lodge

Planning - Fwd: Re: Townley information

From: Andrea Pickard
To: Planning
Date: 6/6/2016 8:19 AM
Subject: Fwd: Re: Townley information

	ACKNOWLEDGED
✓	CLERKS
	REPLIED

Hi, also for the 1780 Townley file. thanks

>>> Kaye Melliship <K Melliship@greatervichousing.org> 6/3/2016 5:04 PM >>>
Hi [redacted], nice to hear from you.

I am [redacted], but will forward your letter to staff so they can respond.

I believe most of the answers to your questions will be found in our revised submission to the District, but staff will confirm.

We would really like to attend your meeting if possible. I am surprised by some of your comments and think it best if we are all in the "same room" together to hear them. For example [redacted] was very clear with me when we met at her home that she did not want us to plant new trees on our boundary with their home. If she has changed her mind, that is just fine - we had always planned to put trees there, but we need to be sure we all on the same page.

Thanks for your ongoing interest [redacted]

Best,

Kaye Melliship

> On Jun 4, 2016, at 8:41 AM, [redacted] wrote:
 >
 > Hi Kaye,
 >
 > Here is a request for info on your project. As mentioned, we are having
 > another get together with neighbors and tenants in a week to discuss what
 > you are now proposing.
 >
 > Cheers
 >
 > [redacted].
 >
 > <Dear Kay Questions June 3.docx>

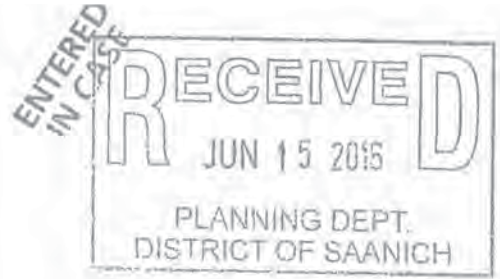
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DISTRICT OF SAANICH



June 14, 2016

Steve Deglow

Manager of Daily Operations,

Greater Victoria Housing Society

Hello Steve,

Thank you for your letter directing me to the plans you have submitted to Saanich. Unfortunately, much of the information I requested cannot be obtained from these plans. Having a scale on your plans so as to measure distances and calculate areas would have been helpful.

To repeat; could you kindly answer the following questions listed in the June 3d letter to Kaye and the GVHS:

Questions requested :

#4 on shading during the winter when it is critical,

#5 on recreational on-site needs,

#6 excavations details - insofar as they might impact trees alongside our back yards and the giant Maple (NW corner of your property),

#7 on parking and how you will limit

#8 parking lot lighting

#9 regarding additional trees that will now be cut down

#10 how the 17 foot hedge will survive the excavation (Arborist report?)

#11 Plum tree misunderstanding - SW corner of your property (I understand that the owners will be sending you a letter clarifying what they said to you about not removing the Plum Tree).

Also, could you provide your Arborist's opinion as to whether the proposed construction of the parking lot will now damage the largest and most magnificent tree on the property, the Norway Maple (tree #57).?

#13 and #14 - affordability

#15 floor space change. Also, what is the overall size of the property?

#16 overall loss of green space calculation (present vs proposed)

We understand from the pamphlet handed out to us at your last Open House in May that **"GVHS will consider community comments for further plan revisions before submitting the revised application to the District of Saanich"**. To assist you in this, and after receiving the above information, we will send the GVHS our final assessment of your project so you can proceed with Saanich as per your schedule.

Sincerely,



Representing Neighbours for the Wise Development of Townley Lodge.

Townley

DPR 00634
REZ 00565

Planning - Fwd: Townley Lodge Rezoning

From: Andrea Pickard
To: Planning
Date: 3/9/2016 3:29 PM
Subject: Fwd: Townley Lodge Rezoning
Attachments: Planners letter1.docx

please add to the 1780 Townley file, thanks

>>> [redacted] 3/9/2016 2:53 PM >>>

Hello Sharon Hvozdzanski,

The letter attached, summarizes residents' concerns for the proposed rezoning of the Townley Lodge property (to RM-6). What it does not say is that we hope to meet again with Kaye Melliship of the the GVHS to discuss further our concerns about the height and density of this project and to discuss ways and means by which these issues might be solved (we are hopeful there is a Plan "B").

We look forward to meeting with Jarret and Andrea tomorrow, to discuss this letter of ours.

Yours truly,

[redacted]

rep.

Neighbours for the Wise Development of Townley Lodge

2016 03-11 SO

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REPORT	<input type="checkbox"/>		
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DISTRICT OF SAANICH

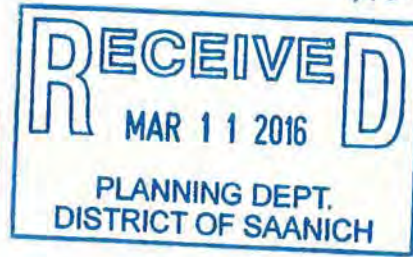
Sharon Hvozdzanski, Director of Planning

And Planners, District of Saanich

March 9, 2016

Dear Sharon Hvozdzanski,

	ACKNOWLEDGED
✓	CLFRKS
	REPLIL...



We, the Neighbours for the Wise Development of Townley Lodge are opposed to the rezoning of the Townley Lodge (1780 Townley) to RM-6 and object to the designs put forward by the consultants for the Greater Victoria Housing Society. **We feel that the Townley site is not suited for such an ambitious project and that the project is too dense, too high and too intrusive to suit the needs and expectations of both neighbours and the community surrounding.** While we would enthusiastically support plans which would allow for more seniors, low income and people with disabilities to continue to live within the community with dignity and respect, and we, the neighbors to continue to enjoy their company, we are of the view that what is now being proposed does neither.

It should be pointed out that this development proposal conflicts if not contravenes a number of Saanich's planning regulations and guidelines. These include the **Shelbourne Local Area Plan (SLAP), Shelbourne Valley Action Plan (SVAP), Official Community Plan for Saanich (OCP), and Saanich Zoning Bylaw (parking):**

SVAP - 5.4.2 "Support apartment buildings on major and collector roads" Townley Road is neither. It is a residential street.

SVAP – 5.4.3 "Support 2 story townhouses along residential streets;" and, "Consider 3 story townhouses (but not stacked townhouses) on residential streets only where their height and massing will not be out of character with or overshadow adjacent properties."

Overlook & Shading: The 4.5 story apartment building is especially contentious in that it would overlook not only the neighbours but would be seen from streets adjacent, changing the "skyline" significantly. As shown in the Shade Plans the consultants have prepared, both this Apartment and the three story town houses will deprive the property owners not only from loss of valued winter sunshine, but the year-around privacy they currently enjoy from their **south-facing** decks and back yards. As some of us grow our own food and enjoy gardening we are particularly concerned with the shadows caused.

SVAP – Map 5.6 Illustrates planning design permitted along major corridors (such as Shelbourne). Abutting four story properties directly against single family residences without step-down to two story transition is prohibited.

Although the draft plan area does not encompass Townley, the policy does suggest a kind of benchmark for major corridors. Note also that in addition to "step-down" zoning, the boundaries between higher density development and single story homes invariably have

been drawn following some roadway, a strategy which further buffers single family residential neighbourhoods from higher buildings and density adjacent. Given that Townley is not a major corridor or even a collector street, and that there is **no road** to buffer single story homes from this proposed development, any height and transition provisions should be even more sensitive, not the 4.5 story to 1.5 story transition as proposed for the Townley Lodge development. It is unfair therefore, for these adjoining residents to be expected to serve in this role of a “step-down” buffer.

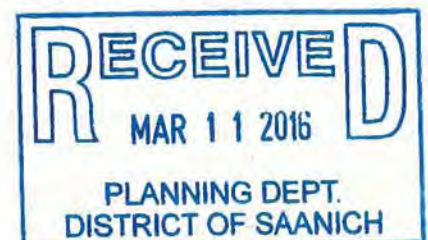
OCP – 4.2.3 Townley Lodge is not part of a designated centre or village or transit corridor (where such “step-down” policies would be applied). And even if it were outside the SVAP boundaries where these principles are outlined, one would expect the logic of such “step-down” development to protect single family districts with even stricter conditions applied.

SLAP: MAP 6.2 Multi Family Development Guidelines: *Building scale and design should acknowledge adjacent single family , Parking areas and garbage collection to be located away from adjacent single family and well screened, Garbage receptacle must be screened from view from adjacent single family, Adequate open space amenity area should be incorporated into the design.*

Location of Parking, Garbage & Services: A major problem arising from the proposed design” design is that the adjacent home owners, will now have to endure noise emanating from the outdoor parking lot and vehicles accessing the underground parkade. When bins for garbage and recycling are also proposed located along this same property line, this noise of garbage and recycling being deposited, and moved away, will only add to this nuisance, given the three fold increase in tenants anticipated. Unfortunately, changes suggested to mitigate these servicing issues have not been accepted.

Parking Needs: Residents have expressed concerned that this development would result in increased traffic and parking congestion not only on-site but along Townley and Queenston streets, a problem that exists because the School and Church adjacent cannot meet their on-site parking requirements. The low income tenants of Townley have also experienced difficulty finding sufficient parking on-site, with some tenants now parking on the street as well. As for town-housing needs, the 18 parking spaces proposed does not appear to be sufficient given that future tenants will be more mobile with families’ incomes proposed for these “market” value units (ranging anywhere from \$50K to \$90K)

Loss of Valuable Green Space: In trying to achieve the high density proposed, most of the open space around the present buildings and many of the trees will be sacrificed, as will the surprising array of wildlife sighted and enjoyed by Townley residents. The two small areas designated “lawn” set aside provide limited opportunity for residents to enjoy any outdoor activities, much less for children to find space to play. There is a movement afoot to use some of these green spaces for development of a “community garden” which would not only connect tenants with the earth but with fellow neighbors also interested in growing their own food with the support and in the company of others. Given present plans, these and other options to maintain or not improve the lives of seniors and low income residents will never happen.



Trees and Landscaping: While it is encouraging to see that the landscaping Plan shows a net increase in the trees to be grown on this property (when most of us will be long gone), it should be noted that nearly all of these “replacement” trees are proposed located in the front, and middle of the property, but few at the back property line where they are most needed to help serve as a buffer between neighbours and this high density development. Ironically, this back yard is where most of the remaining trees (including one impressive Scots Pine given “protected” status), will be sacrificed to provide parking, service bins, and access to the underground parkade.

Overly efficient and dense: Our reservations to the Plan stem not only from the above noted issues, but to the unprecedented height of the buildings and density felt necessary by the proponents to maximize development of their property. This has resulted in a design so “efficient” it is unable for example to set aside green space which would make life as pleasant and sociable as it is now is for tenants – even if it means giving up a tree to gain a single parking space, or destroying two other trees in order to locate garbage and recycling bins along this common property line – further inconveniencing the neighbours!

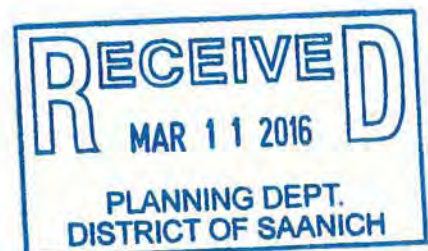
In Summary, if this large precedent-setting project is not changed to suit the limitations of the property, the expectations of its neighbours and tenants of Townley Lodge, and the planning guidelines in place, our neighbourhood and the planning process we all depend on, may well become the poorer.

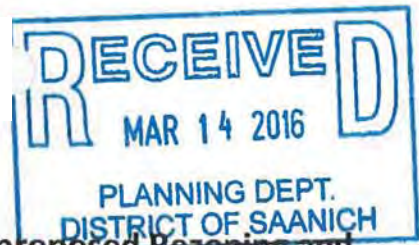
Until such time as the proponent returns to the table with plans that better comply with Saanich plans and guidelines, and takes into account the special nature and history of the property and the wishes of both the tenants of Townley Lodge and neighbours surrounding, we ask your help in opposing the GVHS request to rezone these lands to RM-6. A follow-up letter to Mayor and Council will be sent listing our concerns and aspirations for the property, accompanied by a petition from the neighbourhood with signatures and addresses opposing this rezoning.

Sincerely,

_____:

Neighbours for the Wise Redevelopment of Townley Lodge





**A Discussion of some of the Benefits and Costs of the proposed Rezoning and
Redevelopment of the Townley Lodge property by the
Great Victoria Housing Society (GVHS)**

1760 TOWNLEY

PPR0063;
REZ00565

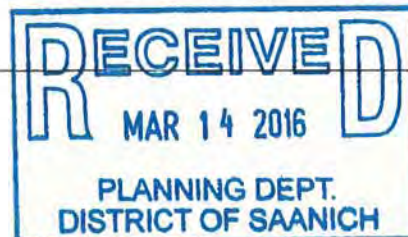
Presented by [redacted], March 10, 2016

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BENEFITS STATED	COSTS/CRITIQUE
<p><i>"Planning policy that supports redevelopment of multi-dwelling buildings up to four storeys"</i> (GVHS quote in their publicity release)</p>	<p>The only policies that we have been able to find are those that would not support such height, especially if located right next to a long-established single family neighbourhood.</p>
<p><i>"Built in 1967 the 39 unit Lodge is nearing the end of its useful life"</i> (GVHS quote in their publicity release)</p>	<p>It should be pointed out that most of the homes in the area are just as old if not older and observed by the prices fetched, to be perfectly fine, as they have been maintained over the years. Residents we have talked with are presently happy with the condition of their units, and if there are structural issues, these have not been made known to them or us. Has there been a lack of maintenance that we are unaware of? The only issue with the building that has been pointed out to us is that the doorways are not wide enough to accommodate wheel chairs.</p> <p>If the GVHS would just stick to its primary mandate- which is to provide for low cost housing for seniors and those with disabilities, then there are a variety of much cheaper and socially beneficial options which could be pursued: Chief among these options are to build on the existing footprint of the site, and to add a third story on the south part of this building facing the road.</p>
<p>The Apartment will be built to To "Leeds" standards - which implies higher efficiency and lowered energy costs.</p>	<p>This type of "construction for the Apartment, while admirable- in the right social context, made well be negated by tenants for example, by merely keeping their windows open. This higher level of construction, coupled with the installation of elevators and underground parking will make this apartment building one of the most expensive units to be built by the GVHS.</p>



<p><i>"Brand new affordable homes are being planned for this site" (GVHS quote in their publicity release)</i></p>	<p>We have been told that monies to help subsidize these apartment units will come from the rent the townhouse residents will be charged. If the scale of rents are now to be based on family incomes from around \$50K to 90K, this means these town houses will be competing with other "market value" rental housing on the market. And if so, the question arises: why would a government subsidized housing authority get into competition with the private sector in providing these units ? By proposing to use most of the Townley property for such housing, what little potential this property has for providing for more and better accommodation for low income tenants will be lost .</p>
<p>There will be a net gain of 14 apartment units for low income persons and those with disabilities.</p>	<p>If the GVHS would just stick to its original mandate for this property (providing for low income/disabled persons) we believe there are better and cheaper ways to achieve these extra numbers (if not more) without sacrificing most of the green space, trees , much less the problems created as a result of adding market value town housing to the mix. But such discussions on these and other options and "thinking outside the "box" have unfortunately not been held to our knowledge. Nor is there knowledge of any such benefit cost analyses been conducted.</p>
<p>Tenants of the Lodge will now have elevators on each floor. This will accommodate persons with mobility problems on each floor.</p>	<p>Tenants, with whom we have talked to, most of whom are mobile, have expressed no desire for elevators and can negotiate the one flight of stairs with minimal problems. And there is always the option for half these people to live on the ground floor should they have mobility problems with the stairs. Retrofitting doors to accommodate these people on the ground floor would be far less costly than introducing elevators (or underground parking) as proposed for the Apartment.</p>
<p>There will be a lot more trees planted to replace those that are being removed</p>	<p>True, but these trees will take our lifetimes and more to achieve the size and splendour of those now present. Another issue is that the most of the trees on the back perimeter and serve as an attractive buffer between tenants and neighbours), as well as a valuable habitat for wildlife will be lost. Sadly, the most valuable tree on the property , which has been considered a "landmark" for the area (as it can be seen from afar) and classified as "protected" will now be replace by a "landmark" apartment building.</p>
<p><i>"a good neighbour that "fits" within the existing neighbourhood "GVHS quote in their publicity release).</i></p>	<p>It is clear that the community feels threatened by this development (the petition will show overwhelming rejection of this project. Moreover, several adjoining residents have indicated they would seriously consider moving if this project goes through. Problem is that these home owners would be faced with houses that will have lost over \$50K in value if such high density development next door occurs.</p>



Planning - Fwd: RE: Townley information

From: Andrea Pickard
To: Planning
Date: 6/6/2016 4:04 PM
Subject: Fwd: RE: Townley information

	ACKNOWLEDGED
✓	CLERKS
	REPLIED

Hi, some additional correspondence for 1780 Townley. thanks

>>> Steve Deglow <SDeglow@greatervichousing.org> 6/6/2016 3:57 PM >>>
 Hello [redacted];

Thanks for your letter of questions and concerns.

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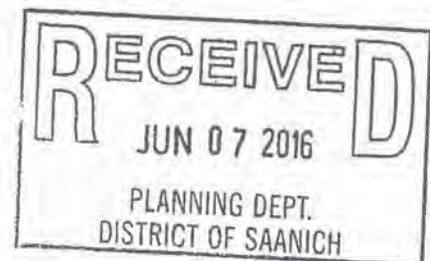
We invite you to visit the the GVHS website; click on Housing and Vacancies and then click on Townley Lodge Redevelopment. There you will find copies of all the open house illustration boards and the project brochure. Over the next couple of days we will be adding the arborist and traffic consultant's reports to the website. The website will then include all of the drawings and reports submitted to Saanich and be available to all interested parties. We believe that the website information provides answers to your questions. After your review of the drawings, reports and brochure, we are pleased to hear if you have any further questions that are not found in the drawings and reports.

For your information, GVHS is hoping to arrange a presentation to the Camosun Community Association and if this can be arranged, we encourage you and all neighbours to attend and participate. In the meantime, we are pleased to attend additional neighborhood meetings to present the application and answer any questions.

Just let us know when you would like us to attend.

Kind Regards,

Steve Deglow
 Manager of Daily Operations
 Greater Victoria Housing Society
 www.greatervichousing.org



From: Kaye Melliship
Sent: June-03-16 5:04 PM
To: [redacted]
Cc: Andrea Picard; John Gault; Steve Deglow; Yvonne Blair
Subject: Re: Townley information

Hi [redacted], nice to hear from you.

I am out of the country until June 13, but will forward your letter to staff so they can respond.

I believe most of the answers to your questions will be found in our revised submission to the District, but staff will confirm.

We would really like to attend your meeting if possible. I am surprised by some of your comments and think it best if we are all in the "same room" together to hear them. For example [REDACTED] was very clear with me when we met at her home that she did not want us to plant new trees on our boundary with their home. If she has changed her mind, that is just fine - we had always planned to put trees there, but we need to be sure we all on the same page.

Thanks for your ongoing interest [REDACTED]

Best,

Kaye Melliship

- > On Jun 4, 2016, at 8:41 AM, [REDACTED] wrote:
- >
- > Hi Kaye,
- >
- > Here is a request for info on your project. As mentioned, we are having
- > another get together with neighbors and tenants in a week to discuss what
- > you are now proposing.
- >
- > Cheers
- >
- > [REDACTED]
- >
- > <Dear KayQuestionsJune3.docx>



Planning - 1780 Townley and OCP amendments

From: Andrea Pickard
To: [REDACTED]
Date: 4/4/2016 11:46 AM
Subject: 1780 Townley and OCP amendments
CC: Jarret Matanowitsch; Planning



Hi [REDACTED],

I have been forwarded your inquiry about the Townley Lodge proposal and if an OCP amendment is required. Using your letter from March 9 as a guide I can comment on those specific policies noted. If there are other policies you are questioning please feel free to send them my way and we could look at those.

The SVAP policies are not applicable to this site so they would have no direct relevance. Having said that it does not mean that the objectives they represent would not be transferable to other locations within the District, but no amendments to the SVAP could result from this application since it is not located within the study area.

Your letter noted section 4.2.3 in the OCP which speaks to Centres and Villages but did not refer to other OCP policies. The site is within a Neighbourhood so those policies in s. 4.2.3 would not directly apply. However, s. 4.2.4 of the OCP speaks to Neighbourhoods and there are 2 key policies in that section which are relevant:

- 4.2.4.2 Evaluate zoning applications for multiple family developments on the basis of neighbourhood context, site size, scale, density, parking capacity and availability, underground service capacity, adequacy of parkland and visual and traffic impacts.
- 4.2.4.3 Support the following building types and land uses in Neighbourhoods:....low-rise residential (up to 4 storeys)...

Of course there are many other relevant policies in the OCP on a range of topics such as mobility, public infrastructure, environment and affordable housing that would be considered.

With respect the Shelbourne LAP, the site is not identified on Map 6.2 that you reference. The guidelines listed on that same Map page are somewhat specific to those identified sites so some of the guidelines would not relate to this application although the general objectives are quite transferable. The most relevant LAP policies from that section are:

- 6.3 Provide opportunities for a variety of housing types by considering applications to rezone for attached housing or apartment use on sites identified on Map 6.2
- 6.4 Apply the development guidelines, identified on Map 6.2 when considering rezoning and/or development permit applications for multi-family dwelling use.
- 6.5 Ensure redevelopment of existing multi-family developments is compatible with adjacent land use when considering development permit applications.
- 6.6 Require multi-family developments to provide adequate private open space amenity areas on-site.

None of those policies would need to be amended for the application to proceed to Council since they are establishing various issues that Council needs to consider.

As you are aware OCP's (and LAP's) are policy documents and by way of their various policies establish objectives for development which are less specific than regulatory bylaws such as Zoning or Engineering Servicing Bylaws would be. How much a proposal is consistent with the policies would be a matter of interpretation by Council when a proposal is considered. Ultimately when Council is making their decision they have to use judgment in balancing the various policy objectives on a case by case basis.

Regards,
andrea

Andrea Pickard

Planner
Planning Department
District of Saanich
770 Vernon Ave Victoria, BC V8X 2W7
Tel: [250-475-5494](tel:250-475-5494), ext 3425
andrea.pickard@saanich.ca
www.saanich.ca

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2850 Queenston Street
Victoria, B. C. V8R 4P3

DPR00634
1780 Townley
REZ00565

March 7, 2016

Mayor and Council
District of Saanich
770 Vernon Ave Victoria, BC, Canada V8X 2W7

FUI +
FILE
[Signature]
SH
APK
Jan ✓

Dear Council:

We hereby register our opposition to the Townley Street redevelopment project for the Townley Lodge property shown to us at the open house held on January 14, 2016 by Greater Victoria Housing Society (GVHS).

The primary reasons for this opposition is that the new four-storey building is completely out of scale for this neighbourhood, is not consistent with the local area plan, and if allowed would set an unwanted precedent for further development in our area. The project architect told us at the open house that our Shelbourne Local Area Plan would soon be revised to allow for the proposed height. On consulting with Saanich planner, Andrea Pickard, we learned that this declaration is simply untrue. Our local area plan is not scheduled for review anytime soon.

The Shelbourne Valley Plan planning process nearing completion does suggest some increased heights and densities under constrained conditions. Townley Street is several blocks south of the Shelbourne Valley Plan boundary. Townley Street Lodge would not even satisfy those conditions—it is two blocks away from Shelbourne, and immediately adjacent to existing single-storey-with basement residences.

The developer also pointed to the height of the Alliance Church next door as being some justification for seeking the height variance. This comparison is not relevant: the church height does not accommodate occupancy, and the church is a church—it has appropriate architectural features.

We feel that any change within the boundaries of a local area plan should be preceded by completion of the local area plan update, where all stakeholders have had a chance to state their wishes and come to some reasonable consensus. It should not be necessary for existing residents to organize opposition to outrageously nonconforming development proposals such as GVHS is suggesting here.

The present tenants of Townley Lodge have proven to be good neighbours, and increasing their number does not cause concern. We are concerned with the possible displacement of the existing residents during construction since low-income housing is scarce. However, it seems that adding the dozen or so units of low-income housing in this GVHS proposal could be accomplished on this site without a four-storey building and within the existing height restriction.

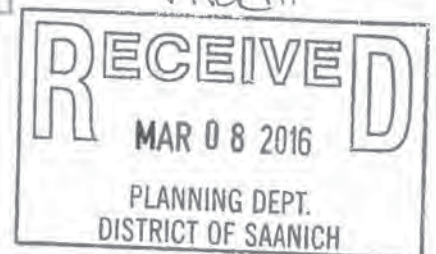
Sincerely,



✓	ACKNOWLEDGED
✓	CLERKS
	REPLIED

✓ Clerks
✓ Adm.

cc (via email): GVHS
Saanich planning
Camosun Community Association



Townley

gm - FBI + HOE - Sijoz.
APK → File

✓
Rez

ClerkSec - Rezoning Application Concerns (File: DPR00634; REZ00565)

From: [Redacted]
To: "dean.murdock@saanich.ca" <dean.murdock@saanich.ca>, "judy.brownoff@saanich.ca" <judy.brownoff@saanich.ca>, "susan.brice@saanich.ca" <susan.brice@saanich.ca>, "colin.plant@saanich.ca" <colin.plant@saanich.ca>, "vic.derman@saanich.ca" <vic.derman@saanich.ca>, "vicki.sanders@saanich.ca" <vicki.sanders@saanich.ca>, "fred.haynes@saanich.ca" <fred.haynes@saanich.ca>, "leif.wergeland@saanich.ca" <leif.wergeland@saanich.ca>
Date: 2/26/2016 7:21 PM
Subject: Rezoning Application Concerns (File: DPR00634; REZ00565)
CC: "mayor@saanich.ca" <mayor@saanich.ca>
Attachments: Resident Letter - H Miller - Re File DPR00634 REZ00565.pdf

Dear Councillors,

Please accept the attached letter regarding the above noted rezoning application and proposed development.

Many thanks,

[Redacted Signature]

2016

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ACKNOWLEDGED	blm		

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 FEB 24 2016
 LEGISLATIVE DIVISION
 DISTRICT OF SAANICH

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 FEB 29 2016
 PLANNING DEPT.
 DISTRICT OF SAANICH

February 26, 2016

To: Saanich Councillors: Mr. Dean Murdock, Mr. Colin Plant, Mr. Fred Haynes, Ms. Judy Brownoff, Mr. Vic Derman, Mr. Leif Wegeland, Ms. Susan Brice, and Ms. Vicki Sanders

Dear Councillors,

I'm writing as a resident of a Saanich neighbourhood that is home to a concerning rezoning application (File: DPR00634; REZ00565). My family moved to this lovely neighbourhood in [REDACTED], and in [REDACTED] my [REDACTED] and I bought a house around the corner.

I know you receive a range of compliments and complaints related to our municipality; I work for the province and have a highly controversial portfolio, so I know what it's like to be on the receiving end of residents who are unhappy. I recognize the length of this letter and appreciate you taking the time to consider what I have to say.

Background

The Greater Victoria Housing Society (GVHS) is a registered charity with a mandate to provide affordable rental housing (i.e., low-income and subsidized housing). The GVHS is funded in large part by taxpayers. The rezoning application and proposed development is for a GVHS-owned property at 1780 Townley Avenue. This property is currently zoned RA-1 and has a two-storey structure that is home to 39 low-income seniors and people with disabilities.

GVHS seeks rezoning approval to build a four storey 53-unit apartment and multiple two or three storey townhome complexes. Half of the developed apartment units will be dedicated to low-income individuals (only 8 additional units); the remainder of the units and all of the townhouses will be rented or sold at market value. Once the structures are built, GVHS plans to increase rent significantly to evicted residents (assuming they live through eviction, the 20-month construction, and are able to secure and afford occupancy).

My objections to the proposed rezoning and development are based on the following:

The rezoning application and proposed development is not reflective of the current and future neighbourhood environment/ context

- The proposed zoning (RM-6) is the highest density and height permissible, and the developers have asked for additional variances. This is excessive for the area.
- There are no properties comparable to RM-6 zoning in or around my neighbourhood, or the immediate surrounding neighbourhoods.
- With regard to the municipal context, only four properties are zoned RM-6 in Saanich; these are in Tillicum and the Saanich Core, with the closest property being nearly 4km away from our neighbourhood. These properties reside in markedly different neighbourhoods than my own. For example, in Saanich's 2015 Citizen Survey, the Shelbourne area was more likely to report their quality of life as "Very Good" compared to both Saanich and Tillicum. Shelbourne residents also reported that they felt safer in their neighbourhood compared to respondents from Saanich and Tillicum.¹

¹ The Corporation of the District of Saanich. 2015. *2015 Citizen Survey. Key Findings Report*. Retrieved February 26, 2016 from <http://www.saanich.ca/living/pdf/Saanich%20Citizen%20Survey%20Key%20Findings%202015.pdf>

- If the rezoning application and proposed development are approved, the property, which makes up 5% of the surrounding neighbourhood, would have the same number of people living in it as live in the 102 surrounding single family homes. This means the size of the neighbourhood will double, with 50% of residents living in 5% of the neighbourhood area, and 50% of residents living in the remaining 95% of the neighbourhood area. Higher population density of this magnitude is not conducive to the safety or quality of the neighbourhood or its residents.
- Census data shows that the majority of residents in my neighbourhood drive their cars to work.² The argument has been made by the developer that the "type of people" who will living at this residence will not own vehicles; however, given half of the development will be sold or rented at market value, it is an unreasonable argument to assume residents will not own vehicles. While the developer has noted that an underground parking structure will be built, this does not mitigate the increase in vehicle and pedestrian traffic flow in, out or around the property. This issue exists in the context of current safety complaints submitted to Saanich about existing street parking and traffic flow in the neighbourhood.

Conclusion: RM-6 zoning and structures of this magnitude do not belong in our – or any similar – residential neighbourhood, which has been developed for and maintained by residents of single family homes. High density living does not contribute to the safety or quality of the neighbourhood.

The rezoning application and proposed development will negatively impact quality of life for current residents

- Census data for this neighbourhood shows that the majority of the neighbourhood's population lives in and owns private dwellings (i.e. single family homes).³ The community enjoys this tight-knit neighbourhood, its tall trees, water course, and access to sunlight.
- The small town feeling of the neighbourhood, access to sunlight, and investments in our gardens and houses will be negatively impacted by this development, both during and after construction. While these issues are small in number, they translate to devastating consequences to current residents.
- On its public website, the Greater Victoria Housing Society (GVHS) argues that the need for light is essential for safety and quality of life, yet the GVHS planning to block out natural light for multiple existing residences with the proposed development.⁴

² Statistics Canada. 2013. 9350123.01, *British Columbia (Code 3953) (table). National Household Survey (NHS) Profile.* 2011 National Household Survey. Statistics Canada Catalogue no. 99-004-XWE. Ottawa. Retrieved February 26, 2016 from <http://www12.statcan.gc.ca/nhs-enm/2011/dp-pd/prof/index.cfm?Lang=E>

³ Statistics Canada. 2013. 9350123.01, *British Columbia (Code 3953) (table). National Household Survey (NHS) Profile.* 2011 National Household Survey. Statistics Canada Catalogue no. 99-004-XWE. Ottawa. Retrieved February 26, 2016 from <http://www12.statcan.gc.ca/nhs-enm/2011/dp-pd/prof/index.cfm?Lang=E>

⁴ Greater Victoria Housing Society. 2016. *The Need for Light.* Retrieved February 26, 2016 from <http://www.greatervichousing.org/news/>

- Current residents have invested and continue to invest money in a neighbourhood that supports and provides a safe, low-traffic area zoned for young families to grow and flourish.
- The GVHS will evict current residents of Townley Lodge, and many of these residents will not have the means, financial ability, or capacity to find suitable housing. If the proposed development goes forward, GVHS plans to increase the rent for these residents, who, as a result, may not be able to return to the neighbourhood. This is a direct contradiction of healthy public policy, particularly as it applies to social well-being.

Conclusion: Current residents of the neighbourhood will lose their quality of life, enjoyment of their homes and gardens, and will be negatively impacted by consequences of high density living in if the rezoning and proposed development is approved. Residents of Townley Lodge stand to face considerable barriers to accessing adequate and appropriate safe housing should the rezoning application be approved.

The rezoning application and proposed development is evidence that the Greater Victoria Housing Society (GVHS) is demonstrating a lack of good faith

- One of the goals in the GVHS strategic plan is to "maintain existing housing to the highest standard".⁵ The GVHS has not communicated what – if anything – is wrong with the existing structure. If issues related to the safety of the structure have been identified, it is unclear if the cost of upgrading or addressing these issues have been weighed appropriately (e.g., using an independent cost-benefit analysis among other surveying tools) against new development. Other properties owned by GVHS are undergoing upgrades; why not Townley Lodge?⁶
- The GVHS reports one of their values is to "focus on good outcomes for our tenants", yet, the GVHS is not being open and transparent about this rezoning application, as no information on the Townley Lodge redesign is available on their public website. Meanwhile, the rezoning application has been received by the municipality and a sign is posted.
- The property in question was originally designated for low-income and subsidized housing through GVHS as the title holder. It is likely that the property was provided at a reduced cost with this caveat in mind. The proposed rezoning and development will only dedicate half of the property to low-income housing, with the remaining 50% of units to be sold or rented at market value; this is condemning evidence that a charitable organization – which obtains over half its revenue from taxpayers – is now looking to make a profit.
- With 2015 financial statements unavailable, records show GVHS ended 2014 with \$672,000 in funding allocated for "improvements for operations and as equity for new

⁵ Greater Victoria Housing Society. 2015. *The Next Ten Years: 2015 – 2015*. Retrieved February 26, 2016 from <http://www.greatervichousing.org/wp-content/uploads/2014/02/2015-GVHS-Ten-Year-Plan.pdf>

⁶ Greater Victoria Housing Society. 2016. *Balmoral Redesign Project*. Retrieved February 26, 2016 from <http://www.greatervichousing.org/balmoral-redesign-project/>

affordable rental housing projects".⁷ How much of this funding is being put forward for this proposed development in relation to the improvements and operations of other new affordable rental housing projects is unclear. Even if 100% of funding was allocated for this project, the proposed development would not be even remotely completed. Enter developer Knappett and the unethical relationship between the construction giant and the GVHS.⁸ Both parties set to benefit substantially from land that is mandated to be used for low-income housing only, at the cost of current residents and future land use in the community.

- It might sound like it, but my opposition to the rezoning and development is not a case of NIMBY. Up until this action was taken, our neighbourhood has been supportive of GVHS and the residents of Townley Lodge. I believe that the majority of current neighbourhood residents would support upgrades to the current structure, and/or replacement of the structure within the current zoning permissions.

Conclusion: The action of the GVHS to request that this property be rezoned and developed to the benefit of both the agency and the developer (but not exclusively to low-income residents of Greater Victoria) exceeds the original intention for the land, and shows a lack of good faith to the community, the residents of Townley Lodge, and to its stakeholders. GVHS is choosing to destroy what's been already agreed upon by this community and the rezoning application is a clear abuse of the relationships established to date.

The rezoning application and proposed development has negative impacts to the natural environmental and wildlife

- An accurate, independent, and transparent environmental assessment is still required. The plans submitted to Saanich do not accurately indicate the current environment, in particular, the large trees that surround the property.
- These trees currently provide habitat settings for birds (including owls) and other woodland creatures. Although I understand Saanich approves in principle the removal of one tree for the planting of two, small trees would not continue to provide sufficient protection from predators.
- In a time when we are supposed to be embracing green initiatives and the value of the natural environment, we are tossing these values aside for agencies that are overtly seeking to deceive in order to profit.

Lack of First Nations Consultation

- It should also be considered that the proposed rezoning and development may be of interest to the Coast Salish First Nations, particularly with respect to the environmental assessment. While it is not legally required, consultation with the Coast Salish First

⁷ Greater Victoria Housing Society. 2014. *Greater Victoria Housing Society Annual Report 2014*. Retrieved February 26, 2016 from <http://www.greatervichousing.org/wp-content/uploads/2014/02/2014-GVHS-Annual-Report.pdf>

⁸ It is my understanding that the last three construction jobs went to Knappett Construction, and possibly without a bid process; legal counsel is looking further into this allegation. It is my understanding that Knappett will provide additional structures at no cost to GVHS (e.g., the townhouse complexes) but will share with GVHS the profit from the market value sale or rent of these properties.

Nations with respect to the use of their traditional lands may identify culturally sensitive concerns.

The rezoning application and proposed development is contradictory to Saanich's Official Community Plan

- The vision of Saanich's Official Community Plan (OCP) defines Saanich as a "sustainable community where a healthy natural environment is paramount", with emphasis placed on the protection of "existing natural areas and ecosystems". The vision also commits to collaborative involvement of citizens in land-use planning to "promote a shared responsibility and ownership of community development."⁹ It is my interpretation from this language that Saanich seeks to protect the natural environment and is open and supportive of a dialogue with community with regards to Saanich neighbourhoods. It is also my understanding that Saanich must adhere to the OCP as it is published, unless amendments to the OCP are made.
- The OCP is explicit in how crucial ecosystems are to the health and sustainability of the community, and how Saanich is and will continue to be faced with the challenge of continuously restoring and protecting the natural environment. As noted above, the proposed rezoning and development have negative environmental and wildlife impacts; similarly, negative direct and indirect outcomes from the proposed rezoning and development will impact the Bowker Creek water course which is located immediately adjacent to the property in question.
- Bowker Creek is delineated as a water course on Saanich's Environmentally Significant Areas Atlas.¹⁰
- While construction for the proposed development is temporary (20 months), higher population density will ultimately result in higher discharge of pollutants into the water course. This contravenes sections 3 and 6 of Bylaw 7501, which prohibit anyone from obstructing or discharging waste into the watercourse.¹¹
- The Bowker Creek Blueprint, which was municipally endorsed by Saanich in 2011, is also a factor that must be considered in any decision to rezone and develop any lands surrounding the water course.¹² This 100-year plan for the water course has implications for the entire Capital Regional District.

⁹ The Corporation of the District of Saanich. 2015. *Saanich Official Community Plan 2008*. Retrieved February 26, 2016 from http://www.saanich.ca/living/community/ocp/ocp_adopted_jul808_amended_aug1715.pdf

¹⁰ The Corporation of the District of Saanich. 2011. *Saanich Environmentally Significant Areas Atlas*. Retrieved February 26, 2016 from <http://www.saanich.ca/living/environment/pdf/esa/ESA Atlas FINAL Oct 25 2011 small.pdf>

¹¹ The Corporation of the District of Saanich. 2016. *Bylaw 7501: For the regulation and protection of natural water courses, ditches and drains*. Retrieved February 26, 2016 from http://www.saanich.ca/living/community/ocp/ocp_adopted_jul808_amended_aug1715.pdf

¹² Capital Regional District. 2016. *Bowker Creek Blueprint: A 100 Year Plan*. Retrieved February 26, 2016 from <https://www.crd.bc.ca/bowker-creek-initiative/about-bci/plans-and-strategies/bowker-creek-blueprint-a-100-year-plan>

- The OCP also reports that “when considering **new development within established areas**, acknowledging **neighbourhood character is important**. Building style, exterior finish, **massing**, and **height**, as well as **tree preservation and infrastructure capacity**, are factors that affect effective integration” (emphasis mine). These are the factors I am attempting to base my concerns on. It is helpful to see the same concerns outlined in the OCP.

Conclusion: In consideration of rezoning applications, the OCP notes the following as policy: “Evaluate zoning applications for multiple family developments on the basis of neighbourhood context, site size, scale, density, parking capacity and availability, underground service capacity, adequacy of parkland and visual and traffic impacts”.¹³ I think I've provided some insight into those elements in this letter, and expect other residents in the neighbourhood will have and will continue to provide additional input to ensure this rezoning application is not approved.

GVHS is exploiting the principle of good faith by attempting to use this property for profit at the detriment to those who truly need affordable housing and to the detriment of the current residents (which extend to the natural environment, water course, and wildlife).

Please represent myself and the residents of this neighbourhood, who are attempting to show that they do not support this rezoning and development. Please consider this information and make an informed decision when reviewing the proposed rezoning application. You have the ability to make our voices heard.

Thank you,

██████████

cc: Mayor Richard Atwell

¹³ See Footnote 8

Townley

ClerkSec - Preservation of Townley Lodge

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FOR ACKNOWLEDGEMENT

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From: [REDACTED]
 To: "mayor@saanich.ca" <mayor@saanich.ca>
 Date: 1/27/2016 2:26 PM
 Subject: Preservation of Townley Lodge

Dear Mayor Atwell and Saanich Councillors:

I'm a resident at Townley Lodge, 1780 Townley Street, which offers rental suites for people over 55 and earning under \$30,000 per year. It's a pleasant, modest, comfortable, quiet, no-frills building, so most of us tenants were devastated to learn that we were being evicted so that the Greater Victoria Housing Association (the owners) could destroy this serviceable building and build a higher 4-storey one.

Although GVHS held "open houses" for residents, no information was provided at these regarding the financial basis for this demolition and rebuilding plan. Until the re-zoning board went up today the only information we had (although I wrote letters to the Board) was gathered through the office of MLA Andrew Weaver. We learned that re-zoning had been applied for from Saanich in December, and I'm writing now to ask whether tenants and neighbours are able to give input.

My concern is not only about the waste of a perfectly functional building (appliances and demolition waste going into landfill?) but also the paving of good green space. Saanich has made its support of green space and tree preservation plain on its website etc., and this space in a single family home neighbourhood isn't suitable for dense high-rise housing. We tenants value the view from our windows of trees and wildlife (I even saw an owl the other night), including the view of Bowker Creek across the street, with a band of green along it and in the field behind Richmond School, which match the greenery around Townley Lodge.

People talk about preserving shade-giving, CO2-absorbing trees, and there are several mature ones on this property -- not all "native" although some are, and the songbirds that rely on the others ARE native. Some of the lawn on the property could be converted to community gardens; finding space for local growing and food security is another cause which Saanich says it promotes. A municipal staff member, Lee Johnston, tells me he will contact Lifecycles in this regard, since they already harvest food on other GVHS properties. Maybe your Agriculture and Food Security Task Force would be interested? The urban agricultural property on Haultain Street beside Bowker Creek, also in Saanich, provides a good model of what can be done.

In summary, I believe (and several other tenants have signed a feedback form to the same effect) that the Townley Lodge property is more valuable as is than it would be as high-density housing/pavement creep. Although Greater Victoria needs more affordable housing, there are surely places to acquire or build it which don't involve destroying something already providing great quality of life for 39 people, some of whom are up to 90 years of age (and although still fit, not calm about having to endure a forced move).

I hope that in deciding whether to grant re-zoning permission for this project Saanich will consider

alternatives and the views of neighbours, existing tenants, and people trying to conserve urban green space for uses other than development.

Sincerely,

[Redacted]

28-1780 Townley Street

CRD OCT 24/16



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FOR	File 0230-ICF		
ACKNOWLEDGED			

October 14, 2016

Ms. Donna Dupas
Municipal Clerk
District of Saanich
770 Vernon Avenue
Victoria, BC V8X 2W7

Mayor
Councillors
Administrator

Council
Administration
Media

Dear Ms. Dupas:

RE: Island Corridor Foundation Review

On October 12, 2016, the CRD Board passed the following resolution:

That the CRD Board:

- 1) Refer the Association of Vancouver Island and Coastal Communities (AVICC) review of the Island Corridor Foundation (ICF) and the ICF response to local governments in the CRD and to Songhees and Esquimalt Nations, inviting comment on the recommendations by October 31, 2016;
- 2) Consider the recommendations and comments received at the November 9, 2016 Board meeting, and respond accordingly to the ICF and AVICC.

The Association of Vancouver Island and Coastal Communities (AVICC) commissioned a review of the Island Corridor Foundation (ICF), responding to a resolution from the City of Langford that was subsequently endorsed by the CRD Board and AVICC delegates at the 2016 Annual General Meeting.

Please find attached the report arising from the review, prepared by aKd Resource, which provides a number of recommendations to improve the governance and operations of ICF, and to improve its relationship with regional districts, local governments, other stakeholder groups, and members of the public. Also attached is the ICF response report, dated October 11, 2016, which comments on the recommendations in the aKd Resource review report.

We would appreciate receiving your Council's comments on the review report and the ICF response report by October 31, 2016 in order to present these comments to the CRD Board on November 9, 2016 for consideration of a response to the ICF and the AVICC.

Yours sincerely,

Brent Reems, MA, LLB
Manager, Legislative and Information Services
Legislative and Information Services



CW
4

Enclosures

EXEC-1681344427-108

October 11th, 2016

PRESS RELEASE

ICF Opens Annual General Meeting to Public

Island Corridor Foundation Directors reviewed the recommendations found in the aKd report at a special meeting of the board and will implement a number of them to improve communication amongst the stakeholders including opening the Annual General Meeting to the public. The review of the Island Corridor Foundation (ICF) was called for by the Association of Vancouver Island & Coastal Communities at the annual spring conference.

"Several of the recommendations are already in effect and all will receive serious consideration." stated Judith Sayers, ICF Chair. "It was decided at the July board meeting to open the Annual General Meeting to the public, and the recommendations concerning financial reporting aspects of the Foundation will be reviewed with our auditors and those that have corporate legal implications have been discussed with our solicitor. We will work with our member regional districts to ensure ICF directors are not restricted in reporting due the Schlenker court decision. The ICF will also be updating the business plan and coordinating the Southern Rail strategic plan for presentation at the annual general meeting".

"We hope the AVICC will agree to the recommendation to include a workshop time at their annual spring conference and accept our invitation for a meeting and tour of ICF operations. We want as many of our members to understand all aspects of the ICF including the very important relationship with our rail operator, Southern Rail".

Sayers said the ICF Board works closely with our CEO and we have complete confidence in his ability to manage the daily affairs of the ICF.

Retired View Royal Mayor and former ICF Director, Graham Hill said during his years on the board the CEO did a good job of managing the affairs of the ICF in a very politically complex environment. "He worked closely with the board while dealing with five regional districts, 14 First Nations, 14 local governments, the provincial and federal governments, Southern Rail and the general public, all in an environment that is highly regulated and has complex interests: it's a tough job".

Hill said he was surprised that the report done by aKd consultants does not indicate consultation with Southern Railway: SVI is the ICF rail operator of record and is a respected established short-line rail operator on the lower mainland and runs the industrial rail / barge connection to the Island.

"Without Southern as a partner it is likely a rail service connecting the eastern island seaboard of communities would cease to exist. The ICF board were very aware of special interests for rail use and of course those who are uncomfortable with rail as an alternative mode of transportation. It would have been helpful to my understanding of context if the report had recognized the 40 people contacted and attributed their interests. This is a significant information resource that may have been useful to the sponsors and the ICF Board" said Hill.

While reporting to all the players is a challenge, staff and board members have attended regional board meetings, local government and First Nation council meetings and have organized special meetings for councils and boards.

ICF co-chair, Nanaimo Mayor Bill McKay said, "As the report states in point 3, there is also a responsibility for people to keep themselves informed and take advantage of the meetings organized or offered and to view the ICF website".

"I think the report should have been more transparent in whom and what was pushing the review agenda", he added.

ICF board member, Courtenay Mayor Larry Jangula said the Foundation, "is well run and competently managed and as ICF directors we take our responsibility in overseeing the affairs of the ICF very seriously".

The ICF has initiated a number of steps to provide better communication amongst members including the establishment of the liaison committees and the public release of 'Board Meeting Notes following each meeting. The ICF does not restrict board members from reporting to their respective organizations, however the Schlenker decision has caused individual ICF directors considerable consternation in reporting to their boards due to perceived 'conflict of interest'. A common reporting process accepted by all members and councils is a good recommendation to implement. The ICF website www.islandrail.ca provides comprehensive information.

Governance and Financial Review
of the Island Corridor Foundation
for the
Association of Vancouver Island
and Coastal Communities

September 2, 2016

aKd Resource



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The Assignment

At the 2016 convention of the Association of Vancouver Island and Coastal Communities (AVICC) a resolution (Attachment 1) was passed calling for a financial and governance review of the Island Corridor Foundation (ICF). To fulfill the objectives of the resolution the AVICC Executive contracted with Kelly Daniels to conduct the review with direction to:

- Clarify and confirm the issues, concerns and frustrations prompting the review;
- Review current bylaws and system structure to ensure the owners of the corridor are properly represented and their interests are protected;
- Conduct a high level review of ICF budget and 2015 financial statements; and
- Determine if the ICF's performance and accomplishments to date have been reasonable and if it is meeting the owners' expectations.

The First Nation members of ICF were not party to the resolution although it was intended to contact at least the ICF First Nation Board representatives for their perspectives.

The review was specifically not intended to mediate differences between the parties nor to evaluate or make recommendations as to the viability of providing rail service on Vancouver Island.

This report reflects the findings, analysis and recommendations to meet the deliverables as identified by the Executive.

Methodology

The following activities were undertaken:

- All elected officials from the 5 member Regional Districts (RD) were contacted through their Chief Administrative Officers (CAO) and offered an opportunity to be interviewed. Each Regional District was given the choice to set up a process suitable for them resulting in a range of approaches including: a single joint meeting with all Directors from the Regional District; telephone interviews; individual face-to-face meetings at Regional District offices; and written submissions. Approximately 40 people were heard during this process;
- The CEO and Chair of the ICF were interviewed;
- Meetings with senior Provincial officials;
- A document review of:
 - minutes from the last ICF Annual General Meeting;
 - notes for the previous 12 months of Board Meetings;
 - the ICF's bylaws;

- the ICF 2016 budget and 2015 Audited Financial Statements;
- the Schlenker v. Torgrimson Court of Appeal ruling;
- a subsequent legal opinion obtained from Stewart McDannold Stuart (SMS) for this review (Attachment 2) as to how this decision would relate to participation of local government politicians on the ICF Board regarding the new Regulation and whether the fiduciary duty of directors of the ICF precludes them from discussing ICF matters with their respective Regional District Boards; and
- a review of ICF website material including context, organization structure, objects and intent as well as progress toward goals.

ICF would have preferred a process of responding to specific issues and complaints but the review was designed for an independent, high-level evaluation of its governance and finances, not potentially an on-going question and answer exchange between ICF and Regional District members. We did review with them some of the general themes that were emerging from our interviews.

In a two hour meeting, to explain the process and obtain information to provide context and a clear understanding of ICF's governance and finances, the Chair and CEO expressed the opinion that many of our questions were administrative in nature and that it was inappropriate for Regional Districts to be involved in ICF's day to day affairs. Further attempts resulted in only partial information being provided.

While the First Nations members were not party to the original resolution the intention was to contact at least the ICF First Nation Board representatives for their input. This approach, however, was not supported by the ICF. They did not provide contact information for them, and we were told it was not necessary to come to the ICF Board meeting in July as planned. This is unfortunate since the First Nation perspective could have provided a fuller picture.

Context

When Rail America lost its largest freight customer in 2001 it announced that it intended to sell its assets and leave the island by the fall of 2003. In response a private organization calling itself the Vancouver Island Rail Corporation (VIRC), with Tanner Elton as its spokesperson, was formed to maintain rail on Vancouver Island and to operate the system. They initially worked with First Nation communities for support, particularly the Cowichan Tribes, and then approached AVICC with a proposal for a public-private partnership among the 5 Regional Districts and fourteen First Nations along the line.

The AVICC held a number of meetings to discuss the proposal from VIRC to enter into a public-private partnership to take ownership and operate the rail line. VIRC proposed the establishment of a Vancouver Island Corridor Foundation (a federally incorporated charitable foundation) made up of the affected regional governments and First Nations who would own and control the corridor. The Foundation would seek charitable status from Canada Customs and Revenue Agency and establish a Corridor Authority, a wholly owned subsidiary of the foundation, which would put into operation the objectives of the Foundation.

In 2003 AVICC passed a motion authorizing hiring a consulting firm to assess the proposal and make recommendations on:

- Whether a non-profit Foundation would be the most appropriate means to participate in this venture;
- The financial, business and other risks municipal governments and First Nations might face through participating in a private/public partnership of this nature; and,
- The financial requirements and exposure of member local governments within the following 6 years and in the long term.

The CAOs of the five Regional Districts were tasked with hiring the consultant and reporting to their respective Boards. Meyers Norris Penny (MNP) was retained to conduct the evaluation and in August of 2003 the CAOs forwarded the MNP report to their Boards with a covering report prepared by all five CAOs.

The result was that all five Boards approved the formation of a Foundation to own and manage the railway corridor. The Boards each appointed a representative to work on creating the foundation, including preparing "final documents, appraisals and environmental studies, and the business plan". Those efforts essentially became the current bylaws and structure of the ICF.

Island Corridor Foundation Structure

The ICF is the governing body made up from the five Regional Districts and fourteen First Nations who are along the corridor. As identified in its bylaws, the Foundation is governed by a Board of Directors made up of a representative nominated by each Regional District, five First Nation representatives who represent the eight First Nation groups supporting nominees to the Board, and two members at large. The Board is responsible for the administration of 'the affairs of the Corporation in all things and [to] do all such other acts and things and make or cause to be made for the Corporation, in its name, any kind of contract which the Corporation may lawfully enter into and, save as hereinafter provided, generally, may exercise all such powers and do all such other things as the Corporation is, by its articles or otherwise, authorized to exercise and do."

There is a Members Committee that is comprised of designated representatives from each Regional District and First Nation. The role of the Members Committee is rather vague in the ICF Bylaws (ie) "each member shall appoint a designated representative to exercise its rights, including voting rights, at any meeting of members." To date Members generally attend the Annual General Meeting, and preside over the appointment of the Board of Directors, the appointment of the Auditors, and the election of the Chair and Vice-Chair of the Board of Directors.

From an administrative perspective, the Chief Executive Officer is the sole staff person reporting to the Board of Directors. Currently this position is contracted to Granneke Management and Consulting Services, which provides services such as land management, maintenance of assets in good condition, trail development, and presentation of an annual budget. The Corporate Secretary role is performed by the only direct ICF employee while the Finance Officer and First Nation Liaison Officer are paid an honorarium directly by ICF

We understand that there were initially a number of operating committees to assist in meeting the mandate of the ICF but they were disbanded some time ago. More recently we are aware of two committees the ICF has established to provide advice and direction to the Board and to improve communication with the members; a Local Government Liaison Committee (LGLC) and a First Nations Liaison Committee (FNLC). We were not able to review terms of reference for these Committees.

A schematic representation of the structure, largely taken from the ICF website, follows:



The Foundation's by-laws provide a method for members to make changes to the bylaws by putting forward resolutions (section 2.6) at either a special meeting or the Annual General Meeting. The Board of Directors may, by resolution, make, amend or repeal any bylaws that regulate the activities or affairs of the Corporation. This process is outlined in section 14.1 of the Bylaws.

While the land within the corridor is legally owned by ICF, regional districts see themselves, along with First Nations, as owners of the corridor, partly because they are members of the Foundation, partly because of the efforts Regional Districts and First Nations made to save the corridor originally. As owners they feel they are entitled to more in-depth information than is provided on the ICF web-site.

Governance Review

The governance structure of the ICF was originally established to accomplish three primary objectives:

- to limit the owners' financial exposure and liability both in running a rail line and in owning and maintaining a land corridor of this size;
- to limit political interference in a complex structure involving regional governments and First Nations; and
- to take advantage of charitable status, a requirement for the initial transfer of the corridor.

No one interviewed expressed dissatisfaction with the structure of the organization per se. Suggestions were made for working more effectively within the existing structure with minor changes to the bylaws.

One suggestion related to the qualifications of ICF Board Directors. Currently the Regional District Directors on the ICF Board are nominated by recommendation of their Regional Boards. They are often chosen because of their interest in the business of the Foundation and not necessarily because of any particular skill set they will bring to the Board. It was suggested that individual Board appointments could be made from the general public based on expertise required by the ICF Board. This would be similar to the process often used by Regional Districts for appointments to Airport Commissions.

The general feeling was that, while such a process may be valuable once the rail is operating, the current process for nominating political representatives from the Regional Boards should remain. However, the member-at-large representatives on the Board should be chosen for particular skills that strategically bring added value to the Board table, for example financial, legal, business planning, rail operations, or fund-raising expertise.

Recommendation #1: That the ICF Board appoint members-at-large from the public based on a strategic evaluation of skill sets that will provide added value to the Board.

Recommendation #2: That in the future Regional District Boards consider nominating Board Members to the ICF Board from the community based on specific skill set requirements.

Four categories of issues were raised during the review:

- 1) Communication and transparency
- 2) Loss of trust on behalf of politicians and the public
- 3) Lack of effort by Regional District Board members to become informed
- 4) Lack of basic corporate planning and performance monitoring tools

1) Communication and Transparency Issues

The most common theme we found in our interviews with politicians was frustration over the lack of communication between the ICF and Regional District members, who regard themselves as co-owners of the corridor. Regional District Board members feel uninformed of the current status of ICF progress on meeting corridor goals and frustrated when their Board representatives are not able to talk to them due in large part to interpretations of the Schlenker decision (see below). This was particularly true of the newer RD Board members in their first term of office who lack history with the organization. Without up-to-date information they are unable to answer questions from their electorate causing embarrassment and over time, a weakening of support for the objectives of the Foundation. It also resulted in a considerable amount of misinformation since, in a vacuum of information, people will fill in the gaps.

A lack of transparency regarding the business case for rail on Vancouver Island has resulted in the lack of trust and support from even some of the most staunch supporters of rail.

The lack of communication has been exacerbated by a lack of understanding of the complexity of the environment in which the Foundation works, involving not only different requirements of Regional District and First Nation members, legal and funding requirements of two senior governments, operating partners, and several regulatory authorities (see below).

The Foundation is statutorily a separate and independent entity for valid reasons. Although it is an independent body and has no legal requirement to be transparent or overly communicative about its affairs, we see no practical reason for them to operate in such a closed manner. It is hurting their credibility and reducing support from politicians and the public.

Simple changes to the bylaws such as permitting the public to attend the Annual General Meeting and regular meetings would help reduce mistrust and would increase transparency. All non-confidential agenda items should be open to the public.

Recommendation #3: That the ICF Board amend section 4.1 of its bylaw to allow the public to attend the Annual General Meeting.

Recommendation #4: That the ICF Board amend its bylaw to designate a portion of each regular meeting as open to the public.

The ICF board has most recently implemented a number of initiatives to address this issue by distributing notes from their Board meetings, initiating a Community Liaison Committee and increasing the number of times the CEO attends Regional District Board meetings. The Frequently Asked Questions (FAQ) section of the ICF web-site is also valuable and should be expanded and updated on a regular basis.

Recommendation #5: That ICF schedule one regular, annual, presentation to the five Regional District Boards focusing on past year accomplishments and objectives for the coming year.

Recommendation #6: That AVICC schedule a regular session at their annual convention for ICF to hold a workshop that provides a business plan update and progress report, allows for a Q and A session to the Board of Directors and senior staff and incorporates interactive small group sessions where the ICF Board can receive input on specific topics/issues.

Recommendation #7: That ICF structure its Board agendas and minutes to allow for public, non-confidential portions of the minutes to be posted on their website and that section 7.7(c) of the ICF bylaws be amended to allow for such distribution.

Recommendation #8: That the FAQ section of the website be expanded and updated on a regular basis.

We found that Regional District directors expect to hear about the dealings of the ICF from their representatives on the ICF Board. They are perplexed and frustrated to find that their representatives not only refuse to discuss these matters but also leave the Regional Board table when items pertaining to the ICF are raised. This appears to stem not from direction of the ICF Executive but largely from interpretation of the 2013 Schlenker V. Torgrimson BC Court of Appeal decision, which broadened the interpretation of a pecuniary interest subject to the conflict of interest provisions of the Community Charter. For many, this has been interpreted to mean that Regional District Directors cannot discuss any affairs of the society.

The Schlenker V. Torgrimson decision was referred to in the CEO's report at the 2015 Annual General Meeting indicating that it had "virtually eliminated directors from reporting about the ICF to their respective regional boards or councils due to the conflict of interest ruling. The Provincial Government enacted a Conflict of Interest Exceptions Regulation in 2016 to address some of the resulting problems faced by local government politicians in similar circumstances, but it is clear that

relief is afforded only to those who are appointed, rather than nominated, as are the ICF Regional District representatives.

Two questions remain: 1) does the new Provincial regulation solve this problem for the ICF Board of Directors; and 2) to what extent can Regional District Board representatives report to their Regional District Boards on the activities of the ICF.

To address these questions a legal opinion was sought from Stewart McDannold Stuart (SMS) (Attachment 2). In essence this opinion states that:

- The Conflict of Interest Exceptions Regulation does provide relief for Regional District representatives on the ICF Board. A key factor in this opinion was the requirement for Regional Districts to appoint their members directly to the corporation or society. SMS concluded that while the bylaws of the ICF state that Regional Districts nominate a candidate, in essence the candidates are deemed to be appointed. The wording of the ICF Bylaw states that once the nominees have been selected, "the members (through their designated representatives **shall** meet and **shall elect** the nominees to the Board" [my emphasis]. In effect, the bylaws of the ICF mandate the election by the Members of the person nominated by the Regional District Board. SMS further suggests that "any doubt about a regional board's intent could be clarified by the board of the nominating regional district confirming and ratifying its elected official as its appointment to the Board of the ICF."

Recommendation #9: That Regional District use the wording "that (appointee) be confirmed and ratified as the (specific) Regional District's nominee to be appointed to the ICF Board."

- On the second question of ICF Board members having limited to no ability to speak to their respective Regional District Boards on ICF matters, SMS found that "there are circumstances in which it is perfectly proper for a board of directors to communicate with its membership, and that organizations established to represent the interest of their members may need to maintain good communication with those who have an interest in the organization." SMS is also very clear, however, that this communication must be tempered with the fiduciary duty Board members have to the corporation.

While a member of a society board should be cautious when representing the society so as not to put the business interests of the organization in jeopardy, it is clear that the ICF Board members are acting with an over abundance of caution by not speaking on more general ICF issues. By structuring the ICF Board agenda as recommended above, and providing directors with clear policy or a code of conduct, the Board members will more clearly understand what they can reveal publicly and what must remain confidential.

Recommendation #10: That ICF provide Board members with clear policy guidelines (Code of Conduct), based on the attached legal opinion, indicating the range of matters about which they can communicate to their Regional District Boards.

By adopting the principles of an open and accountable governing body the ICF will take a major step toward resolving many complaints.

2) Loss of Trust

A recurring theme in the interviews with RD Board members was the lack of trust in, and credibility of, the Chief Executive Officer (CEO) and by association the ICF Board. Much of this dissatisfaction was generated in the last couple of years when expectations were raised by overly optimistic predictions and public promises of funding expectations, contracts or agreements which then did not materialize. While not all of these instances were within the control of the ICF (for example federal funding has not been provided as expected due to the Snaw-na-as First Nation's lawsuit regarding the corridor lands within their territory) there is a general perception of over-promising and under-delivering, particularly on the part of the CEO. The CEO and ICF Board members have identified this as an issue and they have curtailed making similar pronouncements or projections but the damage to the trust and credibility of the Board, and particularly the CEO, lingers.

While ICF has acted to improve communication issues with members, it is apparent that the CEO continues to be a lightning rod for Regional District politicians' discontent. Whether it is his salary, the perceived lack of performance in achieving a train service on Vancouver Island, the fact he was found to have been in violation of the federal lobbying code of conduct, or the perception of his controlling and non-transparent approach to management, in their minds, he is a major source of the discontent and loss of credibility with the ICF.

While some of these perceptions may be grounded in reality they are nonetheless by association damaging to ICF. This is particularly true for many of those interviewed who saw the recent contract extension of the CEO to be an example of the level and quality of oversight by the Board of Directors.

However, it must also be said that there have been some significant gains in the development of the corridor. To appreciate this fully one has to understand the complexities of dealing with at least eight federal and provincial regulatory bodies, a private rail operator, disaffected rail companies who don't want to discuss rail on Vancouver Island anymore, two senior levels of government and many local and First Nation governments. There are also, we understand, approximately 1000 agreements that exist to keep the line active as well as ongoing corridor land use requests, and issues with adjacent landowners.

Lack of understanding about the complex environment and the resulting lack of trust could be relieved in part, if ICF Board members were more active in informing their Regional District Board members about the complexities facing the Foundation in its day to day operation as they work toward the long term objective of running a train on the corridor. Having ICF Board members more front and centre in communicating with the Regional District Boards would increase trust while removing some of the negative focus on the CEO.

Recommendation #11: That a regular agenda item for an ICF update be placed on Regional District Board agendas along with the ICF Board Meeting Notes when available.

While there may often be nothing to report it would be a regular reminder and an opportunity for questions from the RD Board members.

3) Lack of effort by Regional District members to become informed

While there is a responsibility and political imperative on the part of ICF to communicate better to the Regional District Board members and the public, Regional Board members also have a responsibility to get and keep themselves informed by taking advantage of information that is provided. Regional District Board members could be more conscientious about reading the Board Meeting Notes distributed to them, attending the twice yearly meetings of the newly created Community Liaison Committee, reviewing the ICF website on a regular basis, and attending and asking questions at sessions offered at the AVICC Conference.

4) Lack of basic corporate planning and performance monitoring tools

Local politicians lack confidence and trust partly because of a perceived absence of transparency on the part of the ICF regarding the viability of rail. Responsible for the use of public funds and answerable to their constituents, they are reluctant to authorize expenditures for something about which they feel inadequately informed, and for which there is neither a supportable business case nor a public business plan.

The FAQ section of the ICF website makes reference to a business plan, prepared in 2014 and recently updated, that suggests the rail operation and ICF will have "financial success". This business plan is not available on the ICF website, has not been provided in response to requests by members, and was not made available for this review. Such a plan could be developed without disclosing sensitive financial or proprietary information relating to the current operator, Southern Railway of Vancouver Island (SRVI) or of the ICF. If it does what the website suggests, it would be a strong document to support grant funding and to address the concerns of many who believe rail operations on Vancouver Island are not financially viable. A public business plan to address just these issues was recommended in the 2003 MNP report.

There has been a suggestion that because of the over-riding mandate of the ICF as a land manager of the corridor it is not appropriate or required for the ICF to show a business case for rail but that it is the responsibility of the rail operator. However, the politicians and the public look to ICF to justify the expenditure of funds on trying to secure rail on the corridor. For the ICF not to make public a business plan that confirms and supports their commitment to pursuing rail on the corridor is not acceptable nor in the best interests of the citizens of Vancouver Island.

The Province's 2010 E&N Corridor Study indicated that "the future success of the E&N rail line is dependent on a number of factors, including:

- Increased population growth and transit-oriented development near the E&N corridor.
- Increased industrial and commercial development along the E&N rail corridor that would benefit from rail.
- Improved economic conditions, particularly in forestry, mining and tourism.
- Transit service improvements and connections in communities near the E&N rail line."

It behooves ICF to address these issues in a business planning manner that is clear and transparent and lets the corridor members, and the public, know that there is an action plan that is viable. The business plan would also help each level of government understand and ascertain what is required from them to make rail on Vancouver Island viable.

The Foundation's bylaws state that implementing strategic planning is one of the responsibilities of the CEO. We are not aware that such a document currently exists. A longer term vision for the corridor and ICF in the form of a strategic plan would give Regional District Boards, First Nations and the public clarity for the future and confidence in the direction of ICF. An expanded role for the member representatives would be a positive step to including the Regional Districts and First Nations in the long range planning of the corridor. Consideration should be given to amending the role of the Member Representatives to work with the CEO to direct the strategic planning process and **recommend** a plan to the Board of Directors for approval.

It is hoped that in making a **recommendation** of a strategic plan to the ICF Board, the arms-length relationship, which is critical to maintaining charitable status, would not be jeopardized. Regardless, a legal opinion will likely be required to explore an expanded role for the Member Representatives.

Recommendation #12: That ICF, with input from all stakeholders, develop a long term strategic plan to be reviewed annually and updated every three years and made public on the ICF website.

Recommendation #13: That ICF seek a legal opinion about expanding the role of the Member Representatives to direct the process of developing a strategic plan for recommendation to the ICF Board.

Making public a credible business plan will greatly assist in creating the needed public and political support to invest in rail on Vancouver Island. If a credible positive plan is not possible then informed decisions cannot be made on the future of the corridor.

Recommendation #14: That ICF make public a comprehensive business plan that addresses the strategic priorities of the ICF and the key components required to achieving a viable rail service on Vancouver Island.

Recommendation #15: That a review and update of the business plan be conducted annually and reported to the members at the Annual General Meeting.

The performance of the CEO was a consistent topic of comment during the interview portion of the review. To ensure best practices are followed in the oversight of the Foundation by the Board of Directors an annual review of the CEO should be conducted and based on achieving measureable benchmarks in the strategic focus areas and business plan objectives set annually by the Board. Knowing that there is a regular process of evaluation based on tangible and measureable performance expectations would also help to improve the reputation of the CEO and the Board.

Recommendation #16: That the CEO's annual performance review include an evaluation of progress toward measureable benchmarks in the strategic focus areas and business plan objectives set annually by the Board of Directors of the ICF.

Financial Review

A high level review of the finances of the Foundation was conducted by both the consultant and qualified outside sources. While the budget appears to be reasonable and appropriate for an organization of its size and complexity, there are concerns regarding the audited financial statements that need to be dealt with by the ICF Board and administration. It should be noted that an audit of the books was not undertaken but the comments below represent concerns that arose in a review of the 2015 financial statement. We were not able to confirm whether these concerns were being addressed through any strategy or financial plan. [Highlights are the author's.]

Specifically:

- Current assets of \$434,741 are insufficient to cover current liabilities of \$1,324,681, making liquidity a concern. A significant portion of the current liability is a debt to CIBC, which has the right to demand payment within one year. The **debt is secured by a first charge over all property owned by ICF**, registered assignment of rents and a \$1.1 million registered first charge over the Nanaimo Train Station property. The charge over all property limits ICF from obtaining other financing if needed;
- There is a current loan to SRVI of \$175,000 secured by a promissory note and a **second charge over all ICF's assets**. The new Long Term Operating Agreement, under negotiation, is expected to have a **general security agreement over all the present and after-acquired property, including accounts receivable**.
- The continued viable operations of ICF are dependent upon the continued support of the Canadian Pacific Railway which provides the primary source of revenue of \$329,940, although this is at odds with the 2016 budget which suggests the amount comes from a Telus lease. We assume this is a flow-through payment from CP due to a lease with Telus, but have not been able to confirm that.
- In addition to the credit and liquidity risks identified above, ICF debt has floating rates for interest resulting in interest rate risk.

Recommendation #17: That the ICF Board ensure the business plan includes a strategy to address the financial issues noted in the 2015 Notes to the Financial Statements.

As identified in section 8.2(e) of the ICF bylaws, and confirmed by the CEO, the Board of Directors receives at every Board meeting "an accounting of all transactions and a statement of the financial position of the Corporation" from the Treasurer of the Corporation. It is our understanding that the responsibilities of the Treasurer, as identified in the bylaws, is being undertaken by the position of Financial Officer as noted in the organization structure above.

Local governments are billed directly by SRVI for maintenance on the rail crossings within their jurisdictions. While the posted budget shows a minor amount of money committed to the maintenance of the Alberni Sub Station, a larger amount for crossings along the line does not appear in the budget.

We assume the contract with SRVI provides for SRVI to be the sole entity to provide maintenance to the crossings. If this is true ICF needs to be transparent in managing this work to ensure local governments can have confidence that the work performed

is billed out at a rate that is competitive in the market place and that the ICF books show the true cost of maintaining the rail line. The alternative would be to require municipalities to maintain the crossings themselves.

Recommendation #18: That all financial transactions for line and crossing maintenance be shown in the annual budget as revenue and expense amounts and billing be managed by the ICF.

Summary and Conclusions

The governance structure was initially designed to ensure a balance of representation and power among First Nations and Regional Districts, as well as to allow for charitable status so that a tax receipt could be provided to CP and Rail America to compensate them for the transfer of land. The structure is therefore important and generally appears to be doing the job originally intended.

However, the ICF Board and Administration have taken an unnecessarily restrictive attitude towards the independent nature of the Foundation that, while legal, is not supportable or necessary to the extent they have implemented and in fact has been very damaging to their reputation with many Regional Districts. It has resulted in a loss of trust and political support for their efforts. The Board and management must adopt a much more open and transparent relationship with their members.

A significant majority of Regional District Board members interviewed expressed a high degree of disillusionment with the CEO and his management style as well as his ability to achieve rail on Vancouver Island. Early poor communication and unfulfilled promises have resulted in a significant loss of trust and confidence in the CEO that also reflects badly on the ICF Board. The damage to their reputation will be a significant hurdle to overcome in their efforts to gain back political support at the local level. The CEO's contract was extended in the spring of 2016 by the ICF Board for a further two years. Recent efforts to improve communication with, and awareness of, members have been positive and should continue. Further steps as identified in the recommendations need also to be implemented.

A legal opinion obtained as part of this review confirms that the new Provincial Regulation on Conflict of Interest Exceptions provides relief for Board Members of the ICF Board. Furthermore, that Board members can, and should, provide a stronger level of communication about the activities of the Foundation. It is recommended that a code of conduct be adopted to provide clear direction to Board members on this matter.

It is recognized that ICF in their regular dealings must walk a fine line to ensure their charitable status is monitored and liability risk is kept to a minimum. The need for transparency and accountability must be weighed against this risk and maximized whenever and wherever possible.

To reiterate, the structure is basically a sound one and with minor adjustments will guide the Board well. It is the day to day performance and attitude of the organization that has resulted in a loss of trust, confidence and credibility.

It is crucial, if ICF is ever to repair broad RD Board member support, that they make public a strategic plan for the corridor and a business plan for rail operations on Vancouver Island.

Recommendations:

To the Association of Vancouver Island and Coastal Communities:

Recommendation #6: That AVICC schedule a regular session at their annual convention for the ICF to conduct a workshop that provides a business plan update and progress report, allows for a Q and A session to the Board of Directors and senior staff and incorporates interactive small group sessions where the ICF Board can receive input on specific topics/issues.

To the Island Corridor Foundation:

Recommendation #1: That the ICF Board appoint members-at-large from the public based on a strategic evaluation of skill sets that will provide added value to the Board.

Recommendation #3: That the ICF Board amend section 4.1 of its bylaw to allow public attendance at the Annual General Meeting.

Recommendation #4: That the ICF Board amend its bylaw to designate a portion of each regular meeting as open to the public.

Recommendation #5: That ICF schedule one regular, annual, presentation to the five Regional District Boards focusing on the past years accomplishments and objectives for the coming year.

Recommendation #7: That ICF structure its Board agendas and minutes to allow for public, non-confidential portions of the minutes to be posted on their website and that section 7.7(c) of the ICF bylaws be amended to allow for such distribution.

Recommendation #8: That the FAQ section of the website be expanded and updated on a regular basis.

Recommendation #9: That Regional Districts use the wording "that (appointee) be confirmed and ratified as the (specific) Regional District's nominee to be appointed to the ICF Board."

Recommendation #10: That ICF provide Board members with clear policy guidelines (Code of Conduct), based on the attached legal opinion, indicating the range of matters about which they can communicate to their Regional District Boards.

Recommendation #12: That ICF, with input from all stakeholders, develop a long term strategic plan to be reviewed annually and updated every three years and made public on the ICF website.

Recommendation #13: That ICF seek a legal opinion about expanding the role of the Member Representatives to direct the process of developing a strategic plan for recommendation to the ICF Board.

Recommendation #14: That ICF make public a comprehensive business plan that addresses the strategic priorities of the ICF and the key components required to achieving a viable rail service on Vancouver Island.

Recommendation #15: That a review and update of the business plan be conducted annually and reported to the members at the Annual General Meeting.

Recommendation #16: That the CEO's annual performance review include an evaluation of progress toward measureable benchmarks in the strategic focus areas and business plan objectives set annually by the Board of Directors of the ICF.

Recommendation #17: That the ICF Board ensure the business plan includes a strategy to address the financial issues noted in the 2015 Notes to the Financial Statements.

Recommendation #18: That all financial transactions for line and crossing maintenance be shown in the annual budget as revenue and expense amounts and billing be managed by the ICF.

To Regional District Boards:

Recommendation #2: That in the future Regional District Boards consider nominating Board Members to the ICF Board from the community based on specific skill set requirements.

Recommendation #11: That a regular agenda item for an ICF Update, be placed on Regional District Board agendas along with the ICF Board Meeting Notes when available.

Attachment 1: AVICC Resolution

R18 Island Corridor Foundation City of Langford

Whereas the Island Corridor Foundation (ICF) was established in 2003 to oversee the management and operations of the Esquimalt and Nanaimo (E&N) rail line which has a direct impact on many municipalities on Vancouver Island but these same municipalities have no direct representation on the ICF board;

And whereas although the rail service has not been operating for the past several years, and the services provided to municipalities along the corridor by the management of ICF have not met the standard expected, the costs to local governments to support the ICF continue to be significant;

Therefore be it resolved that AVICC work with impacted local governments and the ICF board to conduct a financial and governance review of the Island Corridor Foundation.



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August 12, 2016

File No.: 682 004

Email: kapow2@shaw.ca

aKd Resource
Mr. Kelly Daniels
5124 Brenton Page Road
Ladysmith, BC V9G 1L6

Dear Mr. Daniels

RE: Island Corridor Foundation and Conflict of Interest Issues

We have been asked to provide our opinion on matters relating to the Island Corridor Foundation and in particular, the role of elected officials who serve as appointees to the Board of Directors of the Island Corridor Foundation.

The particular questions we have addressed in this opinion are the following:

1. Would the Conflict of Interest Exceptions Regulation, BC Reg. 91/2016 (the "Regulation") recently enacted by the Province provide any relief to members of the Board of Directors of the Island Corridor Foundation who are elected officials serving on the boards of regional districts?; and
2. Does the fiduciary duty that directors of the Island Corridor Foundation owe to the Island Corridor Foundation or the *Schlenker* decision preclude such persons from discussing ICF matters with their respective regional district boards?

- 1. Would the Conflict of Interest Exceptions Regulation, BC Reg. 91/2016 (the "Regulation") recently enacted by the Province provide any relief to members of the Board of Directors of the Island Corridor Foundation who are elected officials serving on the boards of regional districts?**

The Province has recently enacted the Regulation in order to alleviate some of the concerns created by the decision of the BC Court of Appeal in *Schlenker v. Torgrimson* 2013 BCCA 9. The Regulation provides relief for elected officials who also sit as directors on the boards of societies and corporations in the following fairly limited circumstances:

1. In the case of societies (including extra-provincial societies), the relief extends to situations where a matter that falls within the definition of "specified interest" comes before the board of a local government and one (1) or more of the elected officials also

sit on the board of the society because of an appointment to the society board by the local government.

2. In the case of corporations, the matter must also be a "specified interest" as defined in the Regulation, the corporation must be one that was incorporated by a public authority and not only must the elected official have been appointed by the local government to the board of the corporation, but the corporation must also be providing a service to the local government.

As you can see from this, it is not every situation where a director sits on the board of a society or corporation that is the subject of a vote at a regional district board meeting that will be covered by the Regulation. Moreover, even for situations where the elected official has been appointed to the board of the society or corporation, it is not every vote on every matter that will be protected. The vote must involve a "specified interest" defined as follows:

- (a) an expenditure of public funds to or on behalf of an entity;
- (b) an advantage, benefit, grant or other form of assistance to or on behalf of an entity;
- (c) an acquisition or disposition of an interest or right in real or personal property that results in an advantage, benefit or disadvantage to or on behalf of an entity;
- (d) an agreement respecting a matter described in paragraphs (a), (b) or (c).

Is the ICF a Society or a Corporation?

In my opinion the ICF is likely a corporation.

"Society" is defined in the Regulation as having the same meaning as in the B.C. *Society Act*. The definition of "society" also includes an extra-provincial society.

In the *Society Act*, an extra-provincial society is defined as being "formed outside British Columbia". The Island Corridor Foundation ("ICF") was not technically formed "outside" British Columbia, but formed in British Columbia under federal legislation, the *Canada Not-For-Profit Corporations Act*. While the ICF resembles a society created under the *Society Act*, it likely does not meet the definition of "society" in the Regulation. In my opinion it is more likely that the ICF should be considered as a "corporation" for the purposes of the Regulation.

Therefore, the Regulation will only apply to the directors who are on the Board of the ICF if:

- (a) the members are "appointed" by the regional board as that term might be interpreted under the Regulation;
- (b) the ICF provides a service to the regional district that has appointed an elected official to the ICF board of directors; and
- (c) where the matter falls within the definition of "specified interest" under the Regulation.

Does the ICF Provide a Service to a Regional District?

Typically the ICF would not, in its role as the operator of a rail line, provide a service to a regional district.

Under the *Local Government Act* "service" in relation to a regional district is defined in part as:

- "(a) an activity, work or facility undertaken or provided by or on behalf of the regional district ..."

However, one of the purposes of the Island Corridor Foundation is stated to be creating trails, parks, gardens, greenways and other public areas for use of members of the public along the length of the Island corridor railway line on the southern part of Vancouver Island. If the ICF provides land for trails to a regional district for use and benefit to be managed through the regional district's regional trail service, this would, in my opinion, likely be considered a service to a regional district in this context.

Given that, even if the Island Corridor Foundation does not qualify as an "extra-provincial society" as defined in the *Society Act* of British Columbia, in our opinion it would constitute a corporation to which the Regulation could apply in circumstances where it makes lands available to regional districts for public trail purposes.

Are ICF Directors appointed to the Board of the ICF by a regional district?

On the issue of the manner in which ICF directors are elected to the Board, there is some ambiguity about whether the phrase "appointed to" would actually cover the situation of the Island Corridor Foundation.

In the case of the ICF, Bylaw 5.1 provides that the "the board shall be comprised of an equal number of directors from Regional Governments (the "Regional Government Directors")..."

However, the process for the ICF is that Bylaw 5.2(a) provides that "The Regional Government Members shall each nominate one (1) director for election to the board. Such persons need not be elected public officials". There is no requirement in the bylaws that the person so nominated be an elected official. Under bylaw 5.2(d) once the nominees have been selected, "the members (through their designated representatives **shall** meet and **shall elect** the nominees to the board" (my emphasis). This process reflects the wording of the *Canada Not-for-profit Business Corporations Act* which provides for election of directors by the members and no provisions to reject the nominees. The ICF bylaws appear to leave the member representatives with no alternative but to "elect" the "nominees" to the Board but puts the authority for the selection of the actual director to represent each member squarely in the control of the nominating member itself. Accordingly a regional district putting forward the name of a nominee can be assured that such nominee is going to be that regional district's appointee to the Board of the ICF.

The term "appoint" is not defined in the Regulation but there is case authority from the Federal Court in which it was given a broad reading to include a 'designation' and not just a formal

Ministerial appointment: *Houle v. Canada (Minister of Employment and Immigration)*, [1997] 2 F.C. 493.

At paragraph 22 of the decision, the court stated the following:

"22 I attach no particular significance to the use of the word "designate" in subs. 61(1) of the *Immigration Act*, 1976 and to the use of the words 'appointed' and 'appointment' in ss. 22 and 23 of the *Interpretation Act*. The effect of what was done by the Governor in Council on December 19, 1969 was that the plaintiff became a vice-chairman of the immigration appeal board, a public officer in the public service of Canada. Whether he was appointed, constituted, designated, named or called to that office would nevertheless, in my opinion, subject him to the limitations imposed by reason of s. 22 and 23 of the *Interpretation Act*."

There is a reasonable argument that a regional board which puts forward the name of an elected official as its nominee is, for its purposes and within the meaning of the Regulation, "appointing" that person to be its representative on the ICF board, given the bylaws of the ICF which mandate the election by the members of the person nominated. To paraphrase the court in *Houle*, the effect of what is being done is that the director so nominated becomes that regional district's appointment to the board of the ICF.

Given the nature of the Regulation (providing relief from disqualification), in my opinion it is not unreasonable to give the word "appoint" a broader rather than narrower interpretation.

Any doubt about a regional board's intent could be clarified by the board of the nominating regional district confirming and ratifying its elected official as its appointment to the Board of the ICF, remembering that the intent of the Regulation is to empower elected officials to represent their boards and councils while sitting as the designated appointee on the boards of other entities—a reflection of the fact that there truly is no reasonable basis for holding such persons to be in positions of pecuniary conflict of interest. Then, if there were ever to be a challenge, the Board would have a resolution confirming that its nominee is to be the Board "appointed" ICF director within the intent of section 2 of the Regulation.

The best approach to eliminate any uncertainty would be for the bylaws of the Island Corridor Foundation to be amended to provide for a process of direct appointment by the regional district and First Nation members, but that may be problematic given the wording of the *Canada Not-for-profit Corporations Act* under which the ICF is incorporated, which does not appear to provide that flexibility.

2. Must local government appointees refrain from communicating any confidences of the ICF Board of Directors to their respective regional districts?

As a general principle, directors of a corporation, including a corporation such as ICF incorporated under the *Canada Not For Profit Corporations Act*, owe fiduciary duties to the corporation of which they are appointed directors. This point was reiterated in the case of *Society Act* directors by the Court of Appeal in *Schlenker*. While the *Schlenker* decision does

not apply directly to the ICF which is not incorporated under the *Society Act*, the same principles would apply to ICF directors who also owe a fiduciary duty to the ICF as a separate corporate entity from their regional districts.

In the case of a not for profit society incorporated under the *Canada Not-for-profit Corporations Act*, the common law would impose fiduciary duties on such person. These common law duties would include a duty to preserve the confidences of the Board of directors.

However, that duty is not an absolute one. In some circumstances, the members of a not for profit corporation such as the ICF will have a legitimate interest in being kept aware of matters that materially affect the interests of the members. In some circumstances where there is no apparent prejudice to the ICF, it may not be considered a breach of fiduciary duty on the part of directors to make information available.

In *Wang v. British Columbia Medical Association* 2014 BCCA 162, a member of the Board of Directors of the BCMA who was involved in a fractious dispute with other members of the board, sued the BCMA directors that she felt had wrongly disclosed to BCMA members information about her battle with the board directors.

In its analysis of the validity of such a claim (before dismissing it), the B.C. Supreme Court had spent time considering the nature of the relationship between not for profit organizations and their members. In reviewing an earlier case involving communications about a member of the English bar, *Kearns v General Council of the Bar* [2003] 1 W.L.R. 1357 (Eng. C.A.) and stated:

"...It matters not at all whether Mr. Stobbs and the Bar Council are properly to be regarded as owing a duty to the Bar to rule on questions of professional conduct such as arose here, or as sharing with the Bar a common interest in maintaining professional standards. What matters it that the relationship between them is an established one which plainly requires the flow of free and frank communications in both directions on all questions relevant to the discharge of the Bar Council's functions." (emphasis in original)

The B.C. Supreme Court also stated the following:

"...Here, the board of directors of a private society was communicating through its spokesperson to its members in connection with the conduct of one of the directors and its effect on the board's function. ...in the context of a whole history of communications dealing with the increasing tension between Dr. Wang and the rest of the board. Dr. Wang had not hesitated to communicate to her perceived constituents on these issues." (emphasis in original)

This was a case where the Code of Conduct designated the President of the BCMA as being free to communicate with the general membership as the official spokesperson – rather than a one-off communication between a director and the members, however the Court does not posit that Dr. Wang, herself a member of the board, had communicated with some members of the society following directors' meetings. And noted that she too was protected by the

qualified privilege that attached to her statements against actions in defamation from other members of the board:

"A board should be able to communicate to the members of the Association it governs about matters that were interfering with its ability to function, without the threat of civil liability for defamation. That is why the defence exists. It provides equal protection to Dr. Wang with respect to the many potentially defamatory comments she published concerning board members and others."
(my emphasis)

Schlenker v Torgrimson addressed a regional board vote; it did not address mere communication of information that remained governed by the common law fiduciary obligations of ICF directors. It is clear from the *Wang* decision that there are circumstances in which it is perfectly proper for a board of directors to communicate with its membership, and that organizations established to represent the interests of their members may need to maintain good communications with those who have an interest in the organization.

Therefore a blanket statement by ICF prohibiting all communication between ICF directors reporting back to the individual members (who have themselves each nominated an individual for appointment to the Board) has no real foundation in law, even under the *Schlenker v Torgrimson* decision.

That said, the fact that there may be limited circumstances in which disclosure of a Board confidence may not be a breach of fiduciary duty does not mean that this duty is to be taken lightly. I would advise against individual directors making unilateral disclosures which compromise the legitimate legal interests of the ICF without the direction of the ICF Board. Individual directors doing so could place themselves at legal risk for breach of a fiduciary obligation.

In the case of the BCMA, it had adopted a Code of Conduct for Board directors which allowed for individual directors to communicate with the members. Given the representative nature of the ICF, and the legitimate interests of the regional and First Nations members in the governance and operations of the ICF, it may make sense for the ICF to have a similar Code of Conduct, similarly allowing for communication of information between the directors representing the members and the boards or band councils of those members. This reflects a common sense position that a "wall of silence" is not necessary or desirable to insulate the governing body of an organization from its members.

In extreme circumstances, if members of the ICF believe that the interests of the members are not being adequately protected by the Board of Directors, there are remedies available under the *Canada Not-for-profit Corporations Act* to apply to the court for relief against this situation.

Section 253 of the *Canada Not-for-Profit Corporations Act* provides:

Application to court re oppression

253 (1) On the application of a complainant, a court may make an order if it is

satisfied that, in respect of a corporation or any of its affiliates, any of the following is oppressive or unfairly prejudicial to or unfairly disregards the interests of any shareholder, creditor, director, officer or **member**, or causes such a result:

- (a) any act or omission of the corporation or any of its affiliates;
- (b) the conduct of the activities or affairs of the corporation or any of its affiliates; or
- (c) the exercise of the powers of the directors or officers of the corporation or any of its affiliates.

Obviously, it would be preferable to have a system of appropriate communication between the directors and the members so that circumstances never gave rise to the need for an expensive and divisive court action just to protect the legitimate expectations and interests of the parties that formed the corporation in the first place. A Code of Conduct for ICF Board members which recognized the need to balance their duties to the ICF as an organization with the legitimate interests of the ICF member which they are nominated to represent could assist in improving communications and provide for the kinds of open and frank flow of information that would benefit all parties.

Yours truly,

STEWART McDANNOLD STUART

Per:



Colin Stewart *

CS/dw

*Law Corporation

October 11th, 2016

**Island Corridor Foundation
Response to
Association of Vancouver Island & Coastal Communities
Daniels Report: Re ICF Review**

The assignment of the AVICC was for a high level financial and governance review of the Island Corridor Foundation (ICF). The AVICC hired aKd consultants to conduct the review. The report was presented to the AVICC Executive, regional district chairs, CAOs, ICF RD member representatives and directors.

Although the report has not been formally transmitted to the ICF Chair and Directors a special meeting of the Board was held to review the recommendations.

Summary and Conclusion...aKd Report

"The governance structure was initially designed to ensure a balance of representation and power among First Nations and Regional Districts, as well as to allow for charitable status so that a tax receipt could be provided to CP and Rail America to compensate them for the transfer of the land. The structure is therefore important and generally appears to be doing the job originally intended".

The author states that the governance structure was established to accomplish three primary objectives:

- *To limit the owners' (members) financial exposure and liability both in running a rail line and in owning and maintaining a land corridor of this size;*
- *To limit political interference in a complex structure involving regional governments and First Nations;*
- *To take advantage of charitable status, a requirement for the initial transfer of the corridor.*

"No one interviewed expressed dissatisfaction with the structure of the organization per se. Suggestions were made for working more effectively within the existing structure with minor changes to the bylaw".

It is unfortunate the author did not more fully discuss the first two points and explain the appropriate process for ICF members to bring issues of concern before the ICF Board of Directors while limiting members financial exposure, liability and political interference.

The ICF Chair and CEO met with the author for 2.5 hours in a ranging discussion with no details of issues presented. The Chair did offer to meet again with the author before his report was finalised to answer questions he may have or for him to seek clarification to ensure his report was factually correct. Had he done so there would not have been the factual errors or misunderstandings found in his report. This is truly unfortunate.

The ICF is implementing a number of the recommendations. The advice concerning communication and a director's inability to report because of the Schlenker decision will help in providing a common approach amongst the five regional districts and the regional ICF directors.



Recommendations & Responses

Recommendation #1: That the ICF Board appoint members-at-large from the public based on a strategic evaluation of skill sets that will provide added value to the Board.

Skill sets for the appointment of ICF directors will be developed. The skill sets will take into account the unique First Nation and Regional membership of the ICF and the articles of the Foundation.

Recommendation #2: Regional District issue

Recommendation #3: That the ICF Board amend section 4.1 of its bylaw to allow public attendance at the Annual General Meeting.

The ICF Annual General Meeting will be open for the public. This was approved at the July 2016 ICF Board meeting.

Recommendation #4: That the ICF Board amend its bylaw to designate a portion of each regular meeting as open to the public.

Anyone wishing to address the Board on a specific matter can make a written request to do so. Due to the nature of the business discussed at Board meetings it is not practical to incorporate an open portion for the public to attend. For the record no one has asked to attend. The ICF will look for other opportunities to engage the public.

Recommendation #5: That ICF schedule one regular, annual, presentation to the five Regional District Boards focusing on the past years accomplishments and objectives for the coming year. The ICF will prepare a formal annual report for the AGM and circulate it to all members. By invitation the ICF has attended Regional Board meetings and council meetings and will continue to do so. The ICF will also be pro-active in inviting all Regional Board directors, First Nation councillors and local government councillors to the AGM. The AGM includes the presentation of the financial statements by the auditor; a report of legal business by the ICF solicitor and reports by the ICF co-chairs, the CEO and the president of Southern Railway. The minutes and reports of the AGM will continue to be posted on the ICF website. The ICF has requested the AVICC schedule a regular ICF workshop at the annual spring conference as well.

Recommendation #6: AVICC issue

Recommendation #7: That ICF structure its Board agendas and minutes to allow for public, non-confidential portions of the minutes to be posted on their website and that section 7.7(c) of the ICF bylaws be amended to allow for such distribution.

The ICF publishes Board Meeting Notes after each board meeting. The Notes are circulated to all member First Nation councillors, regional board directors and local government councillors and 3500 'Friends of the Corridor' and are posted on the ICF website.

Recommendation #8: That the FAQ section of the website be expanded and updated on a regular basis.

The FAQ website page will be expanded and updated on a monthly basis.

Recommendation #9: That Regional Districts use the wording "that (appointee) be confirmed and ratified as the (specific) Regional District's nominee to be appointed to the ICF Board."

The ICF solicitor advice:

'This is a recommendation to the Regional Districts as to their internal process rather than the ICF...

The ICF bylaws have been drafted to conform to the Canada Not-For-Profit Corporations Act, the ICF's governing statute. The Act provides that members may nominate directors

to the board under section 163(5) by making a proposal signed by any "number of members as provided in the bylaws..."

The key distinction is that members 'nominate' directors rather than 'appoint' them. This preserves the legal principle that members must ultimately vote for directors. While in actual practise the process is more like appointment, the bylaws were designed to comply with the principle of election, which is required under the Canada Not-For-Profit Corporations Act'.

However, Regional Districts may wish to ratify their nominee by way of a confirming resolution as per the SMS legal advice.

Recommendation #10: *That ICF provide Board members with clear policy guidelines (Code of Conduct), based on the attached legal opinion, indicating the range of matters about which they can communicate to their Regional District Boards.*

The ICF will develop policy guidelines for what directors may report to their boards with respect to ICF business. It would be helpful if Regional Boards coordinated a common approach that directors can follow with respect to their participation in ICF discussions at the regional board table.

The ICF solicitor advice:

'We concur that it seems prudent that a legal opinion be sought on the duties which Regional District directors have under Schlenker, including but not limited to, their duty to exclude themselves from meetings and their ability to relay information back to their regional boards. Given this is an issue arising inside the Regional Districts, we would recommend that this opinion be prepared by Stewart McDannold Stuart on behalf of the Regional Districts...It would be useful if the ICF could review this opinion as an aid to considering the internal disclosure policies tailored to the Regional Districts'.

Currently each regional district has a different approach to how an ICF director can report and participate to the respective regional board.

Recommendation #11: *Regional District issue*

Recommendation #12: *That ICF, with input from all stakeholders, develop a long term strategic plan to be reviewed annually and updated every three years and made public on the ICF website.*

The ICF will update the strategic plan as the Board deems necessary. The plans will be posted on the website as they currently are.

Recommendation #13: *That ICF seek a legal opinion about expanding the role of the Member Representatives to direct the process of developing a strategic plan for recommendation to the ICF Board.*

The ICF solicitor advice:

'The not-for-profit corporation model was chosen and the ICF articles and bylaws were drafted in a manner so as to insulate and protect Regional District and First Nation members against legal liability arising from operation of a railway and management of the land corridor. The greater the direct role which Regional Districts and First Nations have in the ICF and the further from the classic model of corporate governance the ICF becomes (separation of members from decision making), the greater the risk of members being held liable for the actions of the ICF...

Over and above the importance of separation between the ICF and its members discussed above, there could be direct liability issues resulting from an expansion of the role of Member Representatives. For example, the common law has a principle that to

the extent that persons take on the role of duties commonly seen as that of directors (such as setting policy goals) they will be deemed to be and will assume the liability of directors. Indeed this principle is even codified in British Columbia under section 138 of the BC Business Corporations Act. The de fact to director principle is a concern for individual Member Representatives as well as the Regional Districts and First Nations who are the members. In short, to the extent that these parties take part in the direction of the ICF, they may become liable for its actions. Given this was one of the most significant concerns in setting up the ICF, it is one which we would strongly caution against.'

The ICF will work to expand stakeholder engagement in the updating of the strategic planning process.

Recommendation #14: That ICF make public a comprehensive business plan that addresses the strategic priorities of the ICF and the key components required to achieving a viable rail service on Vancouver Island.

The plan is to be updated and presented at the AGM and will outline the skills and components we have found in our rail operator that are necessary in achieving a viable rail service. The plan will be posted on the ICF website.

Recommendation #15: That a review and update of the business plan be conducted annually and reported to the members at the Annual General Meeting.

The plan is to be updated and presented at the AGM. The plan will be posted on the ICF website.

Recommendation #16: That the CEO's annual performance review include an evaluation of progress toward measureable benchmarks in the strategic focus areas and business plan objectives set annually by the Board of Directors of the ICF.

The CEO's performance is reviewed by the Board of Directors

Recommendation #17: That the ICF Board ensure the business plan includes a strategy to address the financial issues noted in the 2015 Notes to the Financial Statements.

The financial notes are reviewed annually with the auditors and the update of the business plan will include the update of the five year budget. The ICF Board ensures that all assets of the corporation are protected and all legal agreements are reviewed by the ICF solicitor.

Recommendation #18: That all financial transactions for line and crossing maintenance be shown in the annual budget as revenue and expense amounts and billing be managed by the ICF.

This is not revenue or expense of the ICF and cannot be included in the ICF budget as per generally accepted accounting principles. The maintenance of railway crossings is work Southern rail performs and is paid directly by the respective road authority. This issue was addressed by Southern Rail at the local government liaison tour and meeting. This was not an issue of concern and attending members seemed to understand the process and billing for crossing maintenance.

**Several jurisdictions formally declined to attend the liaison meeting: RDN, Nanaimo and Lantzville*

Commentary

The report would have been more constructive if the 40 people interviewed had been listed and what their specific issues were. This would have helped the ICF better understand the nature of

the criticism, particularly since the recently held local government liaison meeting was well attended and so positively received.

It also would help readers better discern the authors understanding of the issues identified and whether there were other agendas being pursued.

It is noted the author did not speak with the ICF financial officer, or the auditors. It is surprising they were not contacted when the author was doing a high level financial review. This is also the case with the ICF solicitor who also was not consulted with respect to the governance review and the corporation bylaws.

Another glaring omission is the fact the rail operator, Southern Rail, was not consulted. It is absolutely imperative the ICF have a rail operator. The rail company's input concerning rail sustainability and their relationship with the ICF would have offered an important perspective that has been left out.

The Assignment

Although the terms of reference were vague the author was instructed to;

- ***Clarify and confirm the issues, concerns and frustrations prompting the review;***

The City of Langford was the proposer of the resolution yet there is no reporting of their issues. This omission leaves readers not knowing what prompted the resolution or that the ICF Board had three times offered to meet with the Mayor of Langford to address his issues. He never accepted the invitations.

- ***Review current bylaws and system structure to ensure the owner's (members) of the corridor are properly represented and their interests protected***

The author never consulted with the ICF corporate solicitor or any of the community groups directly involved with the ICF

- ***Conduct a high level review of the ICF budget and 2015 financial statements***

The author never consulted with the ICF Financial Officer or the ICF auditors

- ***Determine if the ICF's performance and accomplishments to date have been reasonable and if it is meeting the owner's (members) expectations.***

To this point the report is silent on;

1. the award winning Nanaimo Heritage Station restoration & renovation & fundraising campaign lead by the Young Professionals of Nanaimo
2. the completion of Phase I of the Courtenay Heritage Station renovation being done in cooperation with Courtenay and Strathcona Rotarays and the City of Courtenay; and work to begin on Phase II when Heritage Canada gives approval.
3. the renovation planning underway of the Duncan Heritage Station with the Cowichan Valley Historical Society and the City of Duncan
4. the new Via Rail operating agreement
5. the SVI subsidy agreement for the Via service
6. the \$7.5 million provincial funding approval
7. the \$7.5 million federal funding approval
8. the four regional districts funding agreements
9. the ICF/SVI daily working relationship
10. the ICF/SVI Long Term Operating agreement
11. the rail/trail guidelines for the corridor
12. the trail construction along the corridor

13. the Hallowell Trail agreement (Esquimalt FN, Songhees FN, CRD, View Royal)
14. the Alberni Pacific Railway Maclean Mill tourism train operation
15. the ICF/APR Alberni Sub management agreement
16. the Nanaimo Port Authority/SVI Cruise Ship Excursion Train
17. the establishment of a permanent ICF office
18. the creation of a comprehensive website
19. the improved annual operating financial position of the ICF
20. the full repayment of the CPR loan - \$125,000
21. the management of land use agreements
22. the fact Regional Districts do not contribute operating funding to ICF
23. the fact Regional Districts do not contribute funding to rail maintenance
24. the fact local governments do not contribute operating funding to ICF
25. the local government permissive tax exemption agreements
26. the corridor utilization by member organizations for utilities
27. the fact First Nation governments do not contribute operating funding to ICF
28. the SVI First Nation Conductor/Engineer Scholarship Fund
29. the First Nation Trackman Training & Employment Plan
30. the First Nation Safety Sight & Sound Barriers Plan

Financial Review

The author noted this was a high level financial review that the consultant conducted himself and with qualified outside sources that have been left unnamed. The ICF notes that neither the ICF Financial Officer nor the ICF auditors were consulted thus the lack of understanding of the ICF financial statements and the following errors or omissions.

The ICF is in a strong financial position having grown annual revenues to over \$500,000. Assets are **\$335,389,514**. The Nanaimo Station mortgage of \$1.1 million has been reduced to \$951,920. CIBC has a first charge over the Selby Street station property only, not over all of the ICF assets as the author stated.

The SVI loan repayment plan is part of the ICF/SVI Long Term Operating Agreement. There is no general security agreement clause in the LTA.

The CPR 'donation' amount is a flow through from Telus for the fibre optic line agreement that is included in the original asset agreement with ICF.

The above significant errors underscore the authors misunderstanding of the financial affairs of the ICF and create a very serious misrepresentation of the facts to the reader.

Errors & Omissions

- The ICF assets are \$335,389,514.
- The CIBC charge for the Nanaimo Station mortgage is limited to the amount outstanding.
- ICF holds non rail related parcels of land that could be used, if necessary, to cover risk exposure.
- The charge over the property does not limit the ICF from obtaining other financing if needed.
- The Long Term Operating Agreement with SVI will not have a general security agreement.
- SVI will pay several millions of dollars to ICF in track license fees.
- ICF land use revenues will continue to increase in the future

- The CP 'Donation' to ICF is a flow through paid by Telus for a fibre optic line; this forms part of the original asset agreement.
- Credit and liquidity risks are minimal.
- There are no funds committed to the Alberni Station, (this is owned by the City of Port Alberni)
- Transport Canada & BC Safety Authority regulations would make it problematic for municipalities to maintain railroad crossings themselves
- SVI crossing maintenance fees conform with Canada Transport Authority fee schedules.

Context (Errors & Omissions)

- There are numerous opinions of how the ICF developed. A more common theme centres on the CPR wishing to close down the line. Rail America was a secondary player that took over the Alberni sub and that portion of the Victoria sub running from Parksville to Nanaimo. This would appear to be the more authentic version of events than what the author describes. This is supported by the fact that the first agreement for the transfer of those parts of the corridor not controlled by Rail America was first negotiated with the CPR and then the Rail America agreement followed later.
- Cowichan Tribes was a main supporter and initial funder in developing a plan to protect the corridor.
- There are 11 First Nations, (not 8) supporting nominees to the Board
- The author does not understand the role of 'Member Representatives' and confuses this as a members committee which they are not. Consultation with the ICF corporate solicitor would have provided the author an accurate understanding of the role of 'Member Representatives'.
- The member representatives do not elect the Chair or the Vice-Chair
- The Office Administrator is not the corporate secretary.
- *"The Board of Directors may, by resolution, make, amend or repeal any bylaws that regulate the activities or affairs of the Corporation". It would have been helpful to the reader if the author had also included the entire section applicable to 14.1... "Any such by-law amendment or repeal shall be effective from the date of the resolution of directors until the next meeting of members where it may be confirmed, rejected or amended by the members by ordinary resolution". By omitting the underlined portion of this section the author has left the reader with the false impression the directors can make by-law changes without the members' approval.*

The ICF Board of Directors is made up of elected and professional people that include current Mayors and former Mayors and Chiefs, First Nation & local government councillors, land manager, economic development officer.

The Directors take their responsibilities very seriously and work closely with the CEO to ensure the ICF is managed according to the Articles of the corporation.

The Directors have complete confidence in the CEO to manage the daily affairs of the ICF.



Judith Sayers
ICF Chair