



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Agenda - Final

Council

Municipal Hall
1229 Esquimalt Road
Esquimalt, B.C. V9A 3P1

Monday, January 20, 2020

7:00 PM

Esquimalt Council Chambers

1. **CALL TO ORDER**
2. **LATE ITEMS**
3. **APPROVAL OF THE AGENDA**
4. **MINUTES**

- 1) [20-031](#) Minutes of the Regular Council Meeting, January 6, 2020

Attachments: [Minutes of the Regular Council, January 6, 2020](#)

- 2) [20-036](#) Minutes of the Special Council Meeting, January 13, 2020

Attachments: [Minutes of the Special Council, January 13, 2020](#)

5. **PUBLIC HEARING**

The Public Hearing is to afford all persons who deem their interest in property affected by the Bylaw an opportunity to be heard or to present written submissions before the Municipal Council on matters contained in the Bylaw.

- 1) [20-040](#) Notice of Public Hearing - Zoning Amendments - Cannabis Regulation

Attachments: [Public Hearing Notice - Zoning Amendments - Cannabis Regulation](#)

- 2) **Background Information - Available for Viewing Separately**

- 3) **Director of Development Services - Overview of Application**

- a) [20-035](#) Zoning Bylaw No. 2050, 1992, Amendment Bylaw No. 2984 - Cannabis Regulation, Staff Report No. DEV-20-007

Attachments: [Appendix A: Amendment Bylaw No. 2984](#)

[Appendix B: Amendment Bylaw 2929, 2018 \(Cannabis Regulation\)](#)

[Appendix C: Cannabis Classes and Subclasses of Licences](#)

[Appendix D: Cannabis in the ALR Information Bulletin #4](#)

- 4) **Applicant or Authorized Representative - Overview of Application**
- 5) **Public Input**
- 6) **Adjournment of Hearing**

7) Consideration of Staff Recommendation

That Council, upon considering comments made at the Public Hearing, resolves that "Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2984 [Appendix A] as attached to Staff Report DEV-20-007, which would amend Zoning Bylaw, 1992, No. 2050, by replacing text as detailed in the contents of amending Bylaw No. 2984, be given third reading and adoption.

6. PRESENTATIONS

- 1) [20-017](#) Barry Hobbis, President & Nick Banks, Vice President, Victoria/Esquimalt Harbour Society, Re: Stakeholder Group to Advise on Issues Relating to Victoria Harbour

Attachments: [Presentation Application - Victoria/Esquimalt Harbour Society](#)

- 2) [20-037](#) Wendy Swan, President, Township Community Arts Council (TCAC), Re: Quick Review of 2019 - Look Ahead at 2020

Attachments: [Presentation Application - TCAC](#)

7. PUBLIC INPUT ON ANY ITEMS LISTED ON THE AGENDA

Address Council on any item included on this Agenda, including Staff Reports and Communications (excluding items which are or have been the subject of a Public Hearing). Limit 2 minutes per speaker.

8. STAFF REPORTS***Community Safety Services***

- 1) [20-029](#) Contract Award for Animal Management Services - Staff Report No. CSS-20-003

Recommendation:

That Council award Victoria Animal Control Services the contract to provide animal management services to the Township for a three year period (with option to extend two additional years on mutual agreement) commencing March 1st, 2020.

Engineering and Public Works

- 2) [20-038](#) Streets and Traffic Regulation Bylaw, 2017, No. 2898, Amendment Bylaw [No. 3], No. 2990, Staff Report No. EPW-20-003

Recommendation:

That Council resolves that Streets and Traffic Regulation Bylaw, 2017, No. 2898, Amendment Bylaw [No. 3], No. 2990, 2020, be given first, second and third readings

Attachments: [Attachment No. 1: Bylaw 2990 - Streets and Traffic Bylaw, 2017, No. 2898, Amendment Bylaw](#)

Development Services

- 3) [20-020](#) Official Community Plan Amendment and Rezoning Application - 899 Esquimalt Road, Staff Report No. DEV-20-002

Recommendation:

1. That Council adopts Amendment Bylaw No. 2962, as attached to Staff Report DEV-20-002 as Appendix A, which would amend the Official Community Plan Bylaw, 2018, No. 2922 by:

- adding the following text after the map under the heading “Height” at page 131 of the *Official Community Plan Bylaw, 2018, No. 2922*:

“Notwithstanding the building heights indicated on the map above, up to 10 storeys may be permitted on the following property provided no portion of the development within 21.5 m of Wollaston Street exceeds three storeys:

PID: 030-151-562, Lot A, Section 11, Esquimalt District, Plan EPP69557 [899 Esquimalt Road]”;

- changing Schedule ‘B’, being the Proposed Land Use Designations Map by changing the designation of PID 030-151-562, Lot A, Section 11, Esquimalt District, Plan EPP69557 [899 Esquimalt Road], shown cross-hatched on Schedule ‘A’ of Amendment Bylaw No. 2962, from a mix of ‘Neighbourhood Commercial Mixed-Use’ and ‘Townhouse Residential’ to ‘Commercial/Commercial Mixed-Use’; and
- changing Schedule ‘H’, being the Development Permit Areas Map by changing the designation of PID 030-151-562, Lot A, Section 11, Esquimalt District, Plan EPP69557 [899 Esquimalt Road], shown cross-hatched on Schedule ‘A’ of Amendment Bylaw No. 2962, from a mix of Development Permit Area No. 4 - Commercial and Development Permit Area No. 6 - Multi-Family Residential to Development Permit Area No. 4 - Commercial.

2. That Council adopts Amendment Bylaw No. 2963, as attached to Staff Report DEV-20-002 as Appendix B, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of PID 030-151-562, Lot A, Section 11, Esquimalt District, Plan EPP69557 [899 Esquimalt Road], shown cross hatched on Schedule ‘A’ of Amendment Bylaw No. 2963, from a mix of C-2 [Neighbourhood Commercial] and RD-1 [Two Family Residential] to CD No. 120 [Comprehensive Development District No. 120].

Attachments: [Appendix A - Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw No. 2962](#)
[Appendix B - Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2963](#)
[Appendix C - Section 219 Covenant CA7965814, Priority Agreement CA7965816 \[as registered\]](#)

9. BYLAWS

- 1) [20-030](#) Revenue Anticipation Borrowing Bylaw, 2020, No. 2985 - For Adoption

Attachments: [Bylaw 2985 - Revenue Anticipation Borrowing 2020](#)

10. COMMUNICATIONS***For Council's Consideration***

- 1) [20-032](#) Email from Kelly Timms, Executive Services Coordinator, Capital Regional District (CRD), dated January 8, 2020, Re: Municipal Consent for Bylaws No. 4326 and 4327, Loan Authorization and Amendments to the Land Banking and Housing Service

Attachments: [Email - CRD \(Municipal Consent to Bylaws\)](#)

- 2) [20-041](#) Email from Gail Reichert, BC Lymphedema Association, dated January 14, 2020, Re: World Lymphedema Day Proclamation

Attachments: [Email - Lymphedema Proclamation](#)

- 3) [20-042](#) Email from the Honourable Selina Robinson, Minister of Municipal Affairs and Housing, dated January 15, 2020, Re: Deer Management Strategy

Attachments: [Email - Deer Management](#)

11. PUBLIC COMMENT PERIOD

Address Council on any topic that impacts Esquimalt (excluding items which are or have been the subject of a Public Hearing). Limit 2 minutes per speaker.

12. ADJOURNMENT



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Minutes - Draft

Council

Municipal Hall
1229 Esquimalt Road
Esquimalt, B.C. V9A 3P1

Monday, January 6, 2020

7:00 PM

Esquimalt Council Chambers

Present: 6 - Mayor Barbara Desjardins
Councillor Ken Armour
Councillor Jacob Helliwell
Councillor Lynda Hundleby
Councillor Tim Morrison
Councillor Jane Vermeulen

Absent: 1 - Councillor Meagan Brame

Staff: Laurie Hurst, Chief Administrative Officer
Ian Irvine, Director of Financial Services
Rachel Dumas, Manager of Corporate Services
Alicia Ferguson, Recording Secretary

1. CALL TO ORDER

Mayor Desjardins called the Regular Council meeting to order at 7:00 PM.

Mayor Desjardins acknowledged with respect that we are within the Traditional Territories of the Esquimalt and Songhees First Nations.

2. LATE ITEMS

The following late items were added to the agenda:

(1) PERTAINING to Item No. 9 (1): **NOTICE OF MOTION** - Victoria Waterways Loop, Councillor Ken Armour

- Email received January 2, 2020, from Jennifer Sutton - re: In support, Victoria Waterways Loop
- Email received January 3, 2020, from Dan Kyba - re: In opposition, Victoria Circle Paddle Route
- Email received January 3, 2020, from Barbara Armstrong - re: In support, The Portage
- Email received January 3, 2020, from Billie Leslie - re: In support, Tillicum safety portage beach
- Email received January 4, 2020, from Victor Turkington - re: In support, Esquimalt\Tillicum Narrows Beach Ramp
- Email received January 4, 2020, from Peggy Robertson - re: Yes, Portage Beach
- Email received January 4, 2020, from Andrew Morgan - re: In support, Tillicum Portage
- Email received January 4, 2020, from Jane Welton - re: In support, motion to make a safe portage for the Gorge

waterway rapids

- Email received January 4, 2020, from Brian Mallory - re: In support, Portage at Tillicum Narrows
- Email received January 4, 2020, from Jack Meredith, President, Gorge Swim Fest Society - re: In support, Motion to improve safety at the Gorge Tillicum Narrows
- Email received January 4, 2020, from Denise Nadeau - re: Motion of Portage route of Ken Armour
- Email received January 4, 2020, from John Campbell - re: Gorge Point ROW Council discussion Jan 6, 2020
- Email received January 4, 2020, from Alan Campbell, President, South Island Sea Kayaking Association (SISKA) - re: In support, Councillor Armour's Motion to Investigate Safety Improvements at Tillicum Bridge
- Email received January 3, 2020, from Robert Zacharias & Lisa Lasagna - re: In support, Gorge Waterway Loop
- Email received January 4, 2020, from John Minkley - re: In support, Gorge Waterway Loop
- Email received January 4, 2020, from Max Urbs - re: In support, Tillicum Safety Portage Beach
- Email received January 5, 2020, from Eric Lestock-Kay - re: In support, Tillicum Safety Portage Beach motion
- Email received January 5, 2020, from Gillian Wotherspoon - re: In opposition, Proposed Victoria Waterways Loop
- Email received January 5, 2020, from Debbie Leach - re: Improving the Victoria Waterways Loop
- Email received January 5, 2020, from John and Brenda O'Hara - re: Gorge Pointe Beach proposal
- Email received January 5, 2020, from Marjorie Sandercock - re: In support, Victoria Waterways Loop
- Email received January 5, 2020, from Marla Weston - re: In support, Tillicum Safety Portage Beach Motion
- Email received January 5, 2020, from Robyn Quaintance - re: Tillicum Safety Portage Beach
- Email received January 5, 2020, from Seán Finucane - re: In support, Tillicum Safety Portage Beach
- Email received January 6, 2020, from John Rogers, Member, Victoria Waterways Loop - re: In support, Councillor Armour's motion for the Tillicum Safety Portage Beach
- Email received January 6, 2020, from ilka Olsen - re: In support, Tillicum Safety Portage Beach
- Email received January 6, 2020, from Alex Laird, Chapter President, Cross Canada Cycle Touring Society - re: In support, Councillor Armour's Motion for a Portage Under the Bridge

- Email received January 6, 2020, from Brian Henry - re: In support, Proposed Portage Project at Tillicum Narrows
- Email received January 6, 2020, from Sonya McRae, Shoreline Community Middle School, - re: In support, Safety Portage Beach at Tillicum
- Email received January 6, 2020, from Ian Bruce, Executive Coordinator, Peninsula Streams Society - re: In support, Tillicum Safety Portage Beach motion
- Email received January 6, 2020, from Edmond Duggan - re: In support, Victoria Waterways Loop Tillicum Portage
- Email received January 6, 2020, from Dan Armstrong - re: Victoria Waterways Loop-Ramp Already exists on Saanich side
- Email received January 6, 2020, from Deborah Davidson - re: In opposition, Proposed Waterway Loop Jan 6 2020 meeting
- Email received January 6, 2020, from Allen Olsen - re: In support, Tillicum Safety Portage Beach
- Email received January 6, 2020, from Sarah Baines - re: Proposed Victoria Waterways Loop

3. APPROVAL OF THE AGENDA

Moved by Councillor Morrison, seconded by Councillor Hundleby: That the agenda be approved as amended with the inclusion of the late items. Carried Unanimously.

4. MINUTES

- 1) [20-006](#) Minutes of the Special Council Meeting, December 9, 2019
- 2) [20-016](#) Minutes of the Regular Council Meeting, December 16, 2019

Moved by Councillor Vermeulen, seconded by Councillor Helliwell: That the Minutes of the Special Council Meeting, December 9, 2019 and the Minutes of the Regular Council Meeting, December 16, 2019, be adopted as circulated. Carried Unanimously.

5. PRESENTATIONS

- 1) [20-001](#) Casey Edmunds, Executive Director & Marie-Pierre Lavoie, President, Canadian Francophone Games (CFG), Re: Potential Partnership & Sponsorship for the 2020 CFG

Casey Edmunds, *Executive Director*, & Marie-Pierre Lavoie, *President*, Canadian Francophone Games, provided an update on the 2020 Canadian Francophone Games and location of events including potential volunteer headquarters in Esquimalt, presented a PowerPoint Presentation, and responded to questions from Council.

- 2) [20-002](#) Kym Thrift, Member, Niki Sutherland, Member & Corey Burger, Policy & Infrastructure Chair, Greater Victoria Cycling Coalition, Re: Local Cycling Initiatives

Kym Thrift, *Member*, & Corey Burger, *Policy & Infrastructure Chair*, Greater Victoria Cycling Coalition, provided an overview of the organization and future upgrade options to existing bike lanes to accommodate all ages and abilities, presented a PowerPoint Presentation, and responded to questions from Council.

Council comments included cycle network priorities for 2020, future initiatives of the CRD for lighting on trails, and consideration of regulations to increase safety associated with electric bicycles.

6. PUBLIC INPUT ON ANY ITEMS LISTED ON THE AGENDA

Address Council on any item included on this Agenda, including Staff Reports and Communications (excluding items which are or have been the subject of a Public Hearing). Limit 2 minutes per speaker.

John Rogers, *non resident*, in support of the Notice of Motion regarding the Victoria Waterways Loop.

Marjorie Sandercock, *resident*, in support of the Notice of Motion regarding the Victoria Waterways Loop.

Matthew Justice, *resident*, in support of implementing strategic cycling networks and enhancing access for kayaking opportunities in the community.

John O'Hara, *resident*, expressed concerns regarding the Notice of Motion regarding the Victoria Waterways Loop including impact on the ecology of the waterway and surrounding buildings and encouraged consultation with first nations due to the cultural significance of the area.

Nick Hailey, *resident*, expressed concerns regarding the interaction of roadway users with the implementation of cycling networks.

Odelia Godwin, *resident*, expressed concerns with the Notice of Motion regarding the Victoria Waterways Loop including impact on surrounding residents.

7. STAFF REPORTS

Finance

- 1) [20-004](#) 2020 Revenue Anticipation Bylaw, Staff Report No. FIN-20-001

Moved by Councillor Helliwell, seconded by Councillor Hundleby: That Council give Revenue Anticipation Bylaw, 2020, No. 2985, 1st, 2nd and 3rd readings. Carried Unanimously.

- 2) [20-010](#) 2020 Revenue, Tax, Budget and Financial Sustainability Policies & Objectives, Staff Report No. FIN-20-002

Director of Finance provided an overview of financial plan policies and objectives, presented a PowerPoint Presentation, and responded to questions from Council.

Council comments included equity of the tax distribution and goal of attracting businesses to the community to expand the tax base.

Moved by Councillor Helliwell, seconded by Councillor Armour: That Council approve the 2020 Revenue, Tax, Budget and Financial Sustainability Policies and Objectives as attached to Staff Report No. FIN-20-002, as Schedule A to Financial Plan Bylaw No. 2986. Carried.

In Favour: 5 - Mayor Desjardins, Councillor Armour, Councillor Helliwell, Councillor Hundleby, and Councillor Vermeulen

Opposed: 1 - Councillor Morrison

Absent: 1 - Councillor Brame

3) [20-023](#) 2020 Budget Overview

Director of Financial Services provided an overview of the proposed Five Year Financial Plan including process and timing, presented a PowerPoint Presentation, and responded to questions from Council.

Council comments included consideration of various economic factors such as the consumer price index (CPI) with increasing taxes, options for use of casino revenue, and consideration of options to reduce various fund allocations offset tax increases.

Moved by Councillor Hundleby, seconded by Councillor Armour: That Council direct staff to prepare a Report considering 2020 Tax rate options starting at 2%.

Amendment Motion:

Moved by Councillor Armour, seconded by Councillor Hundleby: That the Main Motion be amended to strike the words "starting at 2%" and add "between 2% - 4%". Carried Unanimously.

The vote was called on the Main Motion as amended and declared Carried Unanimously.

8. COMMUNICATIONS

For Council's Information

- 1) [20-009](#) Chris Edley, President, Esquimalt Chamber of Commerce, dated December 13, 2019, Re: Support for Victoria Waterways Loop Initiative

This item was received.

9. NOTICE OF MOTION

- 1) [20-011](#) Notice of Motion: Victoria Waterways Loop, Councillor Ken Armour - For Discussion

Council comments included:

- * Increasing usability and safety of the waterway to benefit residents and tourists.
- * Options to highlight the indigenous history of the area.
- * Consulting with neighbours to mitigate privacy impact.
- * Exploring funding options available for the initiative.

CAO responded to questions from Council.

Moved by Councillor Armour, seconded by Councillor Morrison:

WHEREAS: The Victoria Waterways Loop (the Loop) is a 17k paddling route that circles Esquimalt (via Victoria Harbour, Gorge Waterway, Esquimalt Harbour and Esquimalt oceanfront) and is endorsed by Tourism Victoria (see attached letter) because it promotes regional tourism, local businesses and environmental stewardship;

AND WHEREAS: Loop paddlers face a significant navigational challenge with the tidal rapids at the Gorge Tillicum Narrows (under the Tillicum bridge), which is compounded by the lack of a safety portage beach east of the Narrows and the lack a ramp/pathway under Tillicum bridge that connects to Esquimalt Gorge Park;

THEREFORE BE IT RESOLVED: That Township staff investigate options as part of the 2020 budget discussions to achieve this capital project (including the possibility of using the McLouglin Amenity Funds) and bring back a report on options, costs (including maintenance costs) and timelines in addition to options to amend the parks master plan. Carried Unanimously.

10. PUBLIC COMMENT PERIOD

Address Council on any topic that impacts Esquimalt (excluding items which are or have been the subject of a Public Hearing). Limit 2 minutes per speaker.

Muriel Dunn, *resident*, expressed appreciation for the overview of the budget and further encouraged the Township to work with the Canadian Francophone Games organizers to explore options for holding an event within the Township.

Dan Kyba, *resident*, advised Council that the rapids beneath the tillicum bridge allow for two way passage.

Doug Scott, *resident*, advised Council the work had been completed at the intersection of Head Street and Esquimalt Road and the impact of the brightness of the newly installed traffic lights.

JC Scott, *non resident*, in support of Councillor Armour's Notice of Motion regarding the Victoria Waterways Loop.

Nick Hailey, *resident*, encouraged Council to support options to increase safety for all road users with the implementation of a cycling network.

Craig Miller, *resident*, in support of implementing a cycling network and encouraged Council to support options to increase safety for all road users.

11. ADJOURNMENT

Moved by Councillor Hundleby, seconded by Councillor Vermeulen: That the Regular Council meeting be adjourned at 8:56 PM. Carried Unanimously.

MAYOR BARBARA DESJARDINS
THIS DAY OF , 2019

RACHEL DUMAS, CORPORATE OFFICER
CERTIFIED CORRECT



**CORPORATION OF THE
TOWNSHIP OF ESQUIMALT**
Minutes - Draft
Special Meeting of Council

Municipal Hall
1229 Esquimalt Road
Esquimalt, B.C. V9A 3P1

Monday, January 13, 2020

6:30 PM

Esquimalt Council Chambers

Present 6 - Mayor Barbara Desjardins
 Councillor Meagan Brame
 Councillor Jacob Helliwell
 Councillor Lynda Hundleby
 Councillor Tim Morrison
 Councillor Jane Vermeulen

Absent 1 - Councillor Ken Armour

Staff: Laurie Hurst, Chief Administrative Officer
 Bill Brown, Director of Development Services
 Rachel Dumas, Manager of Corporate Services / Recording Secretary

1. CALL TO ORDER

Mayor Desjardins called the Special Council meeting to order at 6:35 PM.

2. LATE ITEMS

There were no late items.

3. APPROVAL OF THE AGENDA

Moved by Councillor Brame, seconded by Councillor Hundleby: That the agenda be approved as circulated. Carried Unanimously.

4. MOTION TO GO IN CAMERA

Moved by Councillor Hundleby, seconded by Councillor Brame: That Council convene In Camera pursuant to Section 90 of the Community Charter to discuss:

- The acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- Discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report].

In accordance with Section 90 (1) (e) & (l) of the Community Charter, and that the general public be excluded. Carried Unanimously.

5. ADJOURNMENT

Moved by Councillor Brame, seconded by Councillor Hundleby: That the Special Council meeting be adjourned at 6:35 PM. Carried Unanimously.

MAYOR BARBARA DESJARDINS
THIS DAY OF , 2020

RACHEL DUMAS, CORPORATE OFFICER
CERTIFIED CORRECT



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

NOTICE OF PUBLIC HEARING

TAKE NOTICE THAT A PUBLIC HEARING will be held on Monday, January 20, 2020 at 7:00 p.m. in the Council Chambers, Esquimalt Municipal Hall, 1229 Esquimalt Road, Esquimalt, BC, to allow the public to make representations to the Municipal Council respecting matters contained in the following amending bylaw:

Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2984 which provides for a series of amendments to the Zoning Bylaw, 1992, No. 2050.

The general purpose of the amendments is to:

1. Strike the definition for 'Medical Marijuana Production Facility'.
2. Amend the definition of 'Store, Cannabis Sales', to reference the *Cannabis Control and Licensing Act* (BC).
3. Add definitions for 'Cannabis Production' and 'Cannabis Distribution' as these activities were not defined in the previous bylaw amendment.
4. Amend Section 11 (5) to allow for the sale of cannabis for medical purposes by a licensed pharmacist to a person with a medical prescription.
5. Amend Section 11 (6) to remove the indication that the Township would consider rezoning applications for Cannabis Lounges.
6. Amend Section 11(7a) to better align with the recent amendments made to the ALR Regulation.
7. Amend Section 11 (7b) and delete Section 11(d) to remove the differentiation between the production of medical cannabis and the production of recreational cannabis.
8. Amend Section 11 (7c) to reference the section of the new federal *Cannabis Regulations* that regulates access to cannabis for medical purposes.
9. Amend Section 11 (7d) to use the definitions of 'Cannabis Plant' and 'Dwelling Unit' for clarity.

AND FURTHERMORE TAKE NOTICE that copies of the proposed Bylaw and relevant background documents may be inspected at the offices of Development Services, Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C., anytime between the hours of 8:30 a.m. and 4:30 p.m. from January 10, 2020 until January 20, 2020, inclusive [excluding Saturdays, Sundays and Statutory Holidays].

RACHEL DUMAS
CORPORATE OFFICER



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall
1229 Esquimalt Road
Esquimalt, B.C. V9A 3P1

Staff Report

File #:20-035

REQUEST FOR DECISION

DATE: January 14, 2020

Report No. DEV-20-007

TO: Laurie Hurst, Chief Administrative Officer

FROM: Tricia deMacedo, Planner 2 - Policy and Bill Brown, Director of Development Services

SUBJECT:

Zoning bylaw amendments for the regulation of cannabis

RECOMMENDATION:

That Council, upon considering comments made at the Public Hearing, resolves that "Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2984 [Appendix A] as attached to Staff Report DEV-20-007, which would amend Zoning Bylaw, 1992, No. 2050, by replacing text as detailed in the contents of amending Bylaw No. 2984, be given third reading and adoption.

RELEVANT POLICY:

Cannabis Act
Cannabis Control and Licensing Act (BC)
Tobacco and Vapor Products Control Act (BC)
Agricultural Land Commission Act (BC)
Official Community Plan Bylaw, 2018, No. 2922
Zoning Bylaw, 1992, No.2050

STRATEGIC RELEVANCE:

The amendments are not directly related to any strategic goals or objectives.

BACKGROUND:

The following appendices are attached to this report:

Appendix A: Zoning Bylaw, 1992 No. 2050, Amendment Bylaw No. 2984

Appendix B: Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2929

Appendix C: Cannabis Classes and Subclasses of Licences from the Cannabis Licensing Application Guide (Canada).

Appendix D: Information Bulletin No. 4: Cannabis Production in the ALR (Agricultural Land Commission BC).

On June 11, 2018, Council adopted a series of Zoning Bylaw amendments to regulate the production,

sale and consumption of recreational and medical cannabis in the Township (Appendix B). Since then, Bill C-45, the *Cannabis Act*, received Royal Assent, and became law on October 17, 2018. This Act, and its associated regulations, have changed the licensing process for cannabis, such that there is no longer any differentiation between cannabis production for recreational use and production for medical use (Appendix C). Medical cannabis is still sold primarily through an online service; however, it is now legal to sell medical cannabis (with the appropriate licence) via brick-and-mortar businesses.

In addition, in July of 2018, the provincial government amended Section 2 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, BC Reg. 171/2002 (the ALR Regulation) to change how cannabis production facilities in the ALR qualify as a “farm use”. These changes are intended to address public concerns regarding the conversion of arable farm land to concrete based industrial structures for cannabis cultivation.

In order to qualify as a farm use, cannabis production must now take place in an existing licensed production facility, an open field, in a structure with a soil base, in a pre-existing structure or a structure that was under construction prior to July 13, 2018 (Appendix D). These structures are required to have been built for the purpose of crop production; any other building cannot be converted for cannabis cultivation. Any proposal that does not comply with these guidelines would require a non-farm use application to the ALC.

Staff have prepared the amending bylaw, attached as Appendix A to the Zoning Bylaw, to address these changes in legislation, to fix grammatical errors, and to add two definitions that provide more clarity on cannabis production and distribution.

The changes are as follows:

1. Strike the definition for ‘Medical Marijuana Production Facility’. This addresses the change in producer licensing through Health Canada that will no longer differentiate between recreational and medical cannabis production.
2. Amend the definition of ‘Store, Cannabis Sales’, to reference the *Cannabis Control and Licensing Act* (BC).
3. Add definitions for ‘Cannabis Production’ and ‘Cannabis Distribution’ as these activities were not defined in the previous bylaw amendment.
4. Amend Section 11 (5) to allow for the sale of cannabis for medical purposes by a licensed pharmacist to a person with a medical prescription. This prevents pharmacies having to rezone in order to provide cannabis for medical purposes.
5. Amend Section 11 (6) to remove the indication that the Township would entertain rezoning applications for Cannabis Lounges. Smoking or vaping in “any fully or substantially enclosed public place or work place, or in the buffer zone around doors, open windows and air intakes to these locations” is not permitted under the *Tobacco and Vapor Products Control Act* (BC).
6. Amend Section 11(7a) to better align with the recent amendments made to the ALR Regulation. Going forward, only cannabis production that is defined as a “farm use” would be permitted on ALR land, thus preventing the construction of concrete ‘bunkers’ on ALR land.
7. Amend Section 11 (7b) and delete Section 11(7d) to remove the differentiation between the production of medical cannabis and the production of recreational cannabis. Health Canada no longer issues licences solely for the cultivation of medical cannabis. The list of new Health

Canada licences is shown in Appendix C.

8. Amend Section 11 (7c) to reference the section of the new federal *Cannabis Regulations* that regulates access to cannabis for medical purposes.
9. Amend Section 11 (7e) to use the definitions of 'Cannabis Plant' and 'Dwelling Unit' for clarity.

ISSUES:

1. Rationale for Selected Option
The proposed amendments to the Zoning Bylaw are based on one or more of the following rationale:
 - a) Align with changes in federal and provincial regulation.
 - b) Reduce ambiguity in the zoning bylaw.
 - c) Fix grammatical errors and create more clarity in definitions.
2. Organizational Implications
There are no organizational implications of the recommendation.
3. Financial Implications
There are no financial implications of the recommendation.
4. Sustainability & Environmental Implications
There are no sustainability or environmental implications of the recommendation.
5. Communication & Engagement
As per the requirements under the Local Government Act, a Public Hearing was scheduled and the Notice of Public Hearing was published in the Victoria News in two consecutive issues on January 10, 2020 and January 15, 2020.

ALTERNATIVES:

1. That Council resolves that "Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. " attached as Appendix A to Staff Report DEV-20-007, which would amend Zoning Bylaw, 1992, No. 2050, by replacing text as detailed in the contents of the amending bylaw, be given third reading and adoption.
2. That Council defeat Zoning Amendment Bylaw No. 2984.
3. That Council provide alternative direction to staff.

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2984

A Bylaw to amend Bylaw No. 2050, cited as the
"Zoning Bylaw, 1992, No. 2050"

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF
ESQUIMALT, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "*ZONING BYLAW, 1992, NO. 2050, AMENDMENT BYLAW NO.2984*".
2. That Bylaw No. 2050, cited as the "Zoning Bylaw, 1992, No. 2050" be amended as follows:
 - (1) at PART 1 – **INTERPRETATION Section 2. DEFINITIONS** by amending the following definitions:
 - (a) **Cannabis**: Amend the existing definition so that it reads:
"Cannabis" means the same meaning as defined in the *Cannabis Act* (Canada).
 - (b) **Cannabis Lounge**: Amend the existing definition so that it reads:
"Cannabis Lounge" means a building or part thereof including decks, patios and balconies used for medicinal or recreational consumption (smoking or oral consumption) of Cannabis and related products or derivatives.
 - (c) **Cannabis Plant**: Amend the existing definition so that it reads:
"Cannabis Plant" means the same meaning as defined in the *Cannabis Act* (Canada).
 - (d) **Medical Marijuana Production Facility**: Remove the existing definition in its entirety.
 - (e) **Store, Cannabis Sales**: Amend the existing definition so that it reads:
"Store, Cannabis Sales" means the use of lands, building or a structure for the retail sale of Cannabis by a person, including a corporation or other form of business, who holds a valid and sustaining provincial licence to sell Cannabis through the retail market under the *Cannabis Control and Licensing Act* (British Columbia).
 - (f) Add the following definition for **Cannabis Production** in alphabetical order:
"Cannabis Production" means the production of Cannabis by any method or process, including by manufacturing, packaging, synthesis, altering its physical or chemical properties by any means (including destruction), or cultivating, propagating, or harvesting it or any living thing from which it may be extracted or otherwise obtained as lawfully

licensed, permitted and authorized under the *Cannabis Act* (Canada).

- (g) Add the following definition for Cannabis Distribution in alphabetical order:

“Cannabis Distribution” means the distribution of Cannabis by any means, and includes administering, giving, transferring, transporting, sending, delivering, providing or otherwise making available Cannabis in any manner, whether directly or indirectly, and offering to do any of those things as lawfully licensed, permitted and authorized under the *Cannabis Distribution Act* (British Columbia).

- (2) at **PART 4 – GENERAL REGULATIONS Section 11. PERMITTED USES:**

Replace the entirety of Section 11 (5) – (7) with the following Section 11(5) – 11 (7c)

- (5) Notwithstanding any other provision in this bylaw, the retail sale of Cannabis is prohibited in all zones and public road ways, unless the location is specifically rezoned to allow a Cannabis Sales Store, or where the sale is by a licensed Pharmacist, for medical purposes, to a person with a medical prescription for Cannabis.
- (6) Notwithstanding any other provision in this bylaw, Cannabis Lounges, and similar facilities are prohibited in all zones.
- (7) Notwithstanding any other provision in this bylaw, Cannabis Production and Cannabis Distribution are prohibited except:
- (a) Cannabis Production and Cannabis Distribution on lands within the British Columbia Agricultural Land Reserve, but only in the manner and to the extent that Cannabis Production and Cannabis Distribution are permitted as farm uses pursuant to *the Agricultural Land Commission Act*, and regulations thereunder.
- (b) on lands specifically rezoned to permit Cannabis Production and Cannabis Distribution under the authority of one or more Health Canada issued licences, subject however to such production being in a building that is:
- (i) Setback a minimum of 10 metres from all property lines;
- (ii) located more than 50 metres from any building that contains a residential use; and
- (iii) located more than 250 metres from schools, daycares, parks, playgrounds, convenience stores, or other public places frequented mainly by persons under 18 years of age.
- (c) Cannabis Production by a person authorized to do so under Part 14 of the Cannabis Regulations SOR/2018-144 “Access to Cannabis for Medical Purposes”, subject to such production being in a building that is:
- (i) located in the Rear yard and Setback a minimum of 5 metres from all property lines; and
- (ii) located more than 250 metres from school, day cares, parks,

playgrounds, convenience stores, or other public places frequented mainly by persons under 18 years of age.

- (d) Cannabis Production by an individual within a Dwelling Unit up to a maximum of four (4) Cannabis Plants per Dwelling Unit.

READ a first time by the Municipal Council on the 16th day of December, 2019.

READ a second time by the Municipal Council on the 16th day of December, 2019.

A Public Hearing was held pursuant to Sections 464, 465, 466 and 468 of the *Local Government Act* on the ---- day of -----, 2019.

READ a third time by the Municipal Council on the ---- day of -----, 2019.

ADOPTED by the Municipal Council on the ---- day of -----, 2019.

BARBARA DESJARDINS
MAYOR

RACHEL DUMAS
CORPORATE OFFICER

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2929

A Bylaw to amend Bylaw No. 2050, cited as the
"Zoning Bylaw, 1992, No. 2050"

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF
ESQUIMALT, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the *"ZONING BYLAW, 1992, NO. 2050, AMENDMENT BYLAW, 2018, NO. 2929."*
2. That Bylaw No. 2050, cited as the "Zoning Bylaw, 1992, No. 2050" be amended as follows:

(1) By adding the following to **PART 1 – INTERPRETATION Section 2. DEFINITIONS:**

- (a) "Cannabis" means the same meaning as the Cannabis Act (Canada).
- (b) "Cannabis Lounge" means a building or part thereof including decks, patios and balconies used for medicinal or recreational consumption (smoking or oral consumption) of marijuana or cannabis and related products or derivatives.
- (c) "Cannabis Plant" means the same meaning as the Cannabis Act (Canada).
- (d) "Medical Marijuana Production Facility" means a building used for the commercial production of marijuana for medical purposes by a person, including a corporation or other form of business, who holds a valid and sustaining licence for such production from the Government of Canada.
- (e) "Store, Cannabis Sales" means the use of land, building or a structure for the retail sale of cannabis by a person, including a corporation or other form of business, who holds a valid and sustaining provincial licence to sell cannabis through the retail market in British Columbia.

(2) By amending the following definitions to **PART 1 – INTERPRETATION Section 2. DEFINITIONS:**

- (a) "Business and Professional Offices" is amended by revising the concluding exclusion to read: "but excludes all retailing stores (e.g. Retail Store, Convenience Store, Cannabis Sales Store, Liquor Store) and Personal Service Establishments."

- (b) "Store, Retail" is amended by adding the following exclusion at the end of the definition: "but does not include Cannabis Sales Store or Liquor Store."

(3) By adding the following after Subsection (4) to **PART 4 – GENERAL REGULATIONS Section 11. PERMITTED USES:**

(5) Notwithstanding any other provision in this bylaw, the retail sale of Cannabis is prohibited in all zones and public road ways, unless the location is specifically rezoned to allow a Cannabis Sales Store.

(6) Notwithstanding any other provision in this bylaw, Cannabis Lounges, and similar facilities are prohibited in all zones unless the location is specifically rezoned to allow such uses.

(7) Notwithstanding any other provision in this bylaw, the growing or production of marijuana, cannabis and similar plants, products or derivatives is prohibited, except:

- (a) as a farm use on lands in the Agricultural Land Reserve, subject however to such production being in a building that is:
 - (i) Setback a minimum of 25 metres from all property lines; and
 - (ii) located more than 150 metres from schools, day cares, parks, playgrounds, club houses, convenience stores, or other public places frequented mainly by persons under 18 years of age;
- (b) on land specifically rezoned to permit a Health Canada licensed Medical Marijuana Production Facility use;
- (c) as an Accessory Use under the authority of a Health Canada issued personal use licence, subject however to such production being in a building that is:
 - (i) located in the Rear Yard and Setback a minimum of 5 metres from all property lines; and
 - (ii) located more than 250 metres from schools, day cares, parks, playgrounds, convenience stores, or other public places frequented mainly by persons under 18 years of age;
- (d) under the authority of one or more Health Canada issued designated producer licence(s), subject however to such production operating with a valid and current Business License issued by the Township and being in a building that is:
 - (i) Setback a minimum of 10 metres from all property lines;
 - (ii) located more than 50m from any building that contains a residential Use; and
 - (iii) located more than 250 metres from schools, day cares, parks, playgrounds, convenience stores, or other public places frequented mainly by persons under 18 years of age.
- (e) The growing of up to 4 plants indoors in the strict conformity of the laws of BC and Canada.

- (4) By adding the word "liquor" before the word "lounge" to **PART 5 – ZONING DISTRICTS Section 60 (1) (e)**
- (5) By adding the word "liquor" before the word "lounge" to **PART 5 – ZONING DISTRICTS Section 67.71 (1) (a)**

READ a first time by the Municipal Council on the 7th day of May, 2018.

READ a second time by the Municipal Council on the 7th day of May, 2018.

A Public Hearing was held pursuant to the *Local Government Act* on the 11th day of June, 2018.

READ a third time by the Municipal Council on the 11th day of June, 2018.

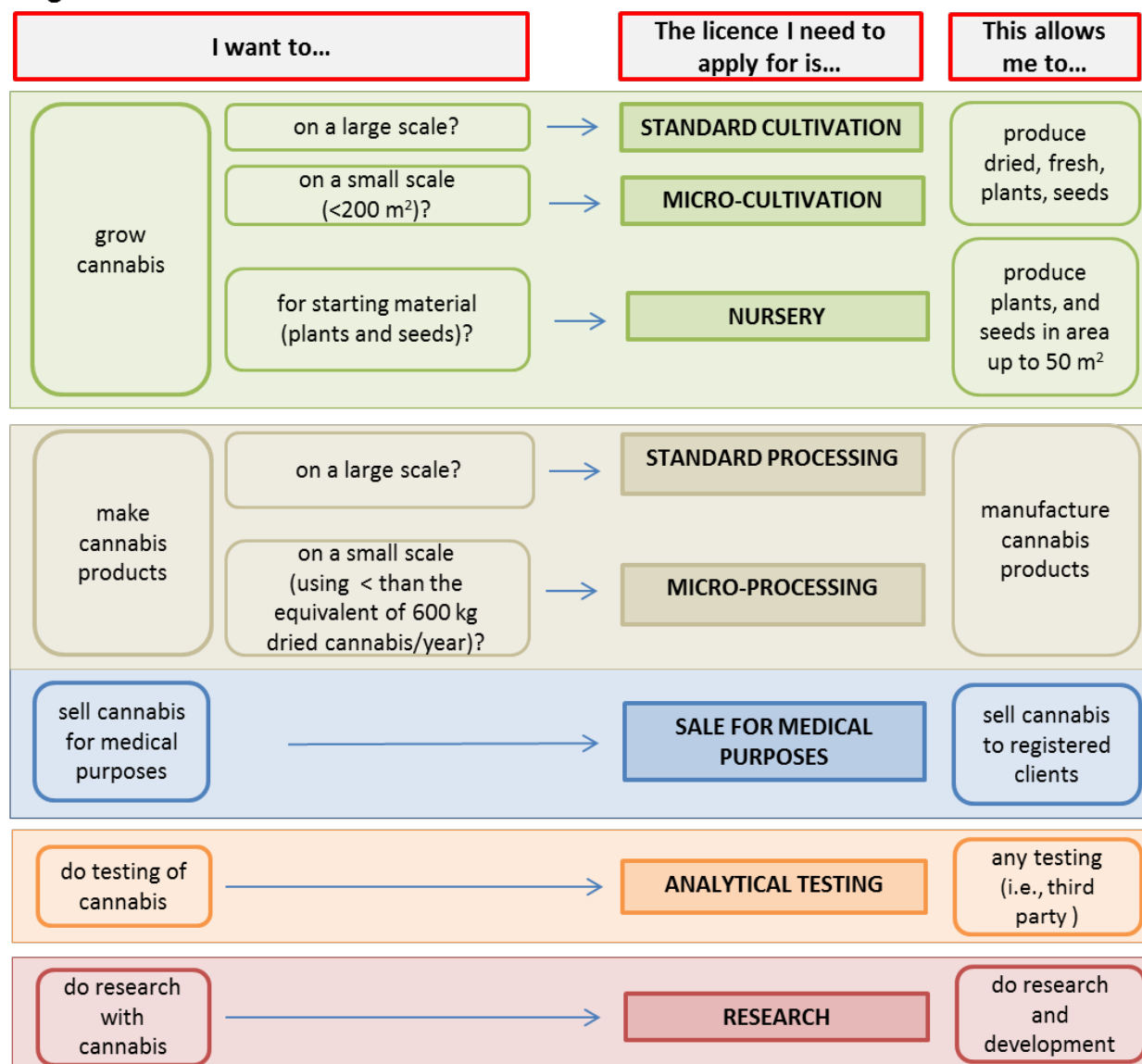
ADOPTED by the Municipal Council on the 11th day of June, 2018.



BARBARA DESJARDINS
MAYOR



ANJA NURVO
CORPORATE OFFICER

Figure 2: Cannabis Classes and Subclasses of Licences

An industrial hemp licence and cannabis drug licence are two other types of licences, but are outside the scope of this guide.



Applicants may apply for any combination of class or subclass of licences in relation to the same site; however, the Minister may refuse to issue a licence, depending on the combinations, in accordance with section 29 of the *Cannabis Regulations*. Refer to Table 2: General Guide for Combinations of Licence Classes and Subclasses at a Single Site.



INFORMATION BULLETIN 04 CANNABIS PRODUCTION IN THE ALR

August 15, 2018

SCOPE OF THIS INFORMATION BULLETIN

This information bulletin provides guidance to assist in interpreting the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36 (**ALCA**) and the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, BC Reg. 171/2002 (the **ALR Regulation**), in relation to cannabis production in the agricultural land reserve (**ALR**). The ALCA and ALR Regulation will govern if inconsistent with this bulletin.

This information bulletin is directed only to interpretation of the ALCA and the ALR Regulation. All other applicable laws, regulations and bylaws related to cannabis production must also be complied with.

RECENT REGULATORY CHANGES

The ALR Regulation has recently been amended. The changes came into force on July 13, 2018. Section 2(2)(p) of the ALR Regulation, which designated as farm use "the production of marihuana in accordance with the Marihuana for Medical Purposes Regulation, SOR/2013-119 (Canada)", has been repealed. The following has been added as **section 2(2.5)** to the ALR Regulation:

The lawful production of cannabis is designated as farm use for the purposes of the [ALCA] if produced outdoors in a field or inside a structure

- (a) that has a base consisting entirely of soil, or
- (b) that was, before the date on which this section came into force,
 - (i) constructed for the purpose of growing crops inside it, including but not limited to the lawful production of cannabis, or
 - (ii) under construction for the purpose referred to in subparagraph (i), if that construction
 - (A) was being carried out in accordance with all applicable authorizations and enactments, and
 - (B) continues without interruption from the date it began to the date the structure is completed, other than work stoppages considered reasonable in the building industry, and

that has not been altered since that date to increase the size of its base or to change the material used as its base.

Section 2(1.1) of the ALR Regulation provides:

The activities designated under [section 2 of the ALR Regulation] as farm uses for the purposes of the [ALCA] must not be prohibited

- (a) by any local government bylaw except a bylaw under section 552 of the *Local Government Act*, or
- (b) by a law of the applicable treaty first nation government, if the activity is undertaken on treaty settlement lands.

GENERAL INTERPRETATIVE PRINCIPLES

The ALCA prohibits “non-farm use” of land in the ALR unless the owner of the land successfully makes an application to the Agricultural Land Commission for permission to undertake that use or that use is expressly permitted under section 3 of the ALR Regulation: ALCA, section 20. Sections 20(3), 25 and 34 of the ALCA and Part 10 of the ALR Regulation are among the provisions relevant to non-farm use applications.

A “non-farm use” is a “use of land other than a farm use”: ALCA, s. 1.

The form of cannabis production described in section 2(2.5) of the ALR Regulation is designated as farm use. Therefore, producing cannabis on the ALR in the manner described in section 2(2.5) of the ALR Regulation does not require a non-farm use application to the Agricultural Land Commission.

However, section 2(2.5) of the ALR Regulation does not designate as farm use:

- cannabis production that does not meet the description in section 2(2.5). Having regard to the regulatory framework, this information bulletin treats forms of cannabis production that are not described in section 2(2.5), together with all activities associated with forms of cannabis production not described in section 2(2.5), as non-farm uses.
- non-production activities associated with the cannabis production described in section 2(2.5). Having regard to the regulatory framework, this information bulletin treats those activities as non-farm uses except to the extent that they fall into exceptions found elsewhere in section 2 or 3 of the ALR Regulation.

PLACEMENT OF FILL IN THE ALR

Placement of fill onto land in the ALR for any reason related to cannabis production, **whether it is a form of production described in section 2(2.5) of the ALR Regulation or not**, cannot be undertaken without a successful non-farm use application to the Agricultural Land Commission. That is, if a producer wishes to place fill on the land even for the purpose of cannabis production described in section 2(2.5) of the ALR Regulation, he or she will not be able to do so without obtaining permission from the Agricultural Land Commission through a non-farm use application.

This is because section 20(2) of the ALCA generally defines the placement of fill as a non-farm use, subject to certain exceptions. Those exceptions do not apply to cannabis production.

Though sections 2(4) and (5) of the ALR Regulation designate as farm use certain fill placement related to uses designated under sections 2(2)-(2.2) of the ALR Regulation, cannabis production is addressed in section 2(2.5), so sections 2(4) and (5) do not apply. Please consult the Agricultural Land Commission's Bylaw No. 2 – Placement of Fill in the ALR and Policy L-23 – Placement of Fill for Soil Bound Agricultural Activities.

CANNABIS PRODUCTION IN THE ALR

Section 2(2.5) of the ALR Regulation requires that to be designated as farm use, production of cannabis must meet various requirements including that the production is "lawful". The production of cannabis is not lawful unless it is licensed by the Government of Canada (excluding exemptions for personal cultivation). As such producers need to be very careful about taking steps in reliance on section 2 of the ALR Regulation without first ensuring that federal preconditions (as well as preconditions that other governments may impose) are or will be met before production occurs.

Field Production

Lawful production of cannabis in the ALR **outdoors in a field** is designated as farm use and can be undertaken without a non-farm use application to the Agricultural Land Commission.

Soil Based Structure Production

Lawful production of cannabis in the ALR **inside a structure that has a base consisting entirely of soil** is designated as farm use and can be undertaken without a non-farm use application to the Agricultural Land Commission. Note:

- The base – that is, what the structure rests on – must be "entirely" of soil in order for production in it to qualify under section 2(2.5)(a) of the ALR Regulation. Production in a structure that has a base consisting partly of a material other than soil, even if the non-soil material constitutes a very small portion of the base, does not qualify under section 2(2.5)(a) of the ALR Regulation. Structures that do not have a base consisting entirely of soil are structures that have a base consisting partly or entirely of other materials, such as structures with cement footings or a cement floor.
- "Soil" means material native to the property, not material brought onto the property for the purpose of creating the base or for any other purpose. If imported onto the property, the material is "fill", the placement of which requires a non-farm use application: ALCA, section 20.

Production in Existing Structures

Lawful production of cannabis in the ALR **inside a structure that had been, before July 13, 2018, constructed for the purpose of growing crops inside it, including but not limited to the lawful production of cannabis**, is designated as farm use and can be undertaken without a non-farm use application to the Agricultural Land Commission. Note:

- Existing structures used for the lawful production of cannabis do not have to have a base made entirely of soil.

- The structure must not have been altered on or after July 13, 2018 to increase the size of its base or to change the material used as its base.
- The structure must have been built for the purpose of growing “crops”. Livestock are not crops and, as such, production of cannabis in a converted livestock barn is not designated as farm use under section 2(2.5) of the ALR Regulation.

Production in Structures that Were Under Construction

If the requirements outlined in the bullet points set out later in this paragraph are met, lawful production of cannabis **inside a structure** (even if its base is not entirely soil) **that was under construction before July 13, 2018 for the purpose of growing crops inside it, including but not limited to the lawful production of cannabis**, is designated as farm use and can be undertaken without a non-farm use application to the Agricultural Land Commission. For a structure to have been “**under construction**” before July 13, 2018, ground disturbance (such as excavation for laying foundation) must have commenced before that date; it would not be sufficient for the property owner to have made a permit application or received a permit for construction before July 13, 2018. The further requirements for lawful cannabis production to be designated under this portion of section 2(2.5) of the ALR Regulation are as follows:

- The pre-July 13, 2018 construction was being carried out in accordance with all applicable authorizations and enactments.
- The construction must continue without interruption from the date it began to the date the structure is completed, other than work stoppages considered reasonable in the building industry.
- The construction must not be altered on or after July 13, 2018 to increase the size of the structure’s base or to change the material used as its base.

Other Cannabis Production

Cannabis production not described in section 2(2.5) of the ALR Regulation is not designated as farm use. Neither that production nor activities related to that production (such as the construction, maintenance or operation of a building or structure, or processing of the cannabis) can be undertaken without a successful non-farm use application to the Agricultural Land Commission.

CONSTRUCTING, OPERATING OR MAINTAINING CANNABIS PRODUCTION FACILITIES

A non-farm use application to the Agricultural Land Commission is not required in order to construct, maintain or operate a building, structure, driveway, ancillary service or utility that is **necessary for the lawful production of cannabis described in section 2(2.5) of the Regulation**: ALR Regulation, section 2(3). Note:

- Section 2(2.5)(a) of the ALR Regulation refers to lawful production of cannabis inside a structure “that has a base consisting entirely of soil”. Construction, maintenance or operation of the soil-based structure necessary for that production can be undertaken without applying to the Agricultural Land Commission.

- Section 2(2.5)(b) refers to lawful production of cannabis inside a structure that meets certain requirements addressed earlier in this information bulletin. Completion of the structure referred to in section 2(2.5)(b)(ii), and maintaining and operating either that structure or the structure referred to in section 2(2.5)(b)(i), can be undertaken without applying to the Agricultural Land Commission.
- Other than as described in section 2(2.5) of the ALR Regulation, a building or structure is unlikely to be necessary for the form of cannabis production described there, as section 2(2.5) already addresses where the production is located. Possible exceptions may be a small washroom facility or small office for a required supervisor no greater than necessary for that form of cannabis production to occur on the land.
- Though associated with the form of cannabis production described in section 2(2.5), construction, maintenance or operation (including for a conference centre) of a building, structure, driveway, ancillary service or utility that is not necessary for that production on the land, may not occur without a successful non-farm use application to the Agricultural Land Commission. Proponents of such uses should be prepared to justify in their application materials why such use, both in that nature/scale and at all, is appropriate in the ALR rather than, for example, in an industrial park outside the ALR.

Construction, maintenance or operation of a building, structure, driveway, ancillary service or utility necessary for a form of cannabis production that is not described in section 2(2.5) of the ALR Regulation cannot be undertaken without a successful non-farm use application to the Agricultural Land Commission.

STORING, PACKING, PREPARING OR PROCESSING CANNABIS

Storing, packing, preparing or processing cannabis yielded by the form of cannabis production described in section 2(2.5) of the ALR Regulation (and construction, maintenance or operation of a building, structure, driveway, ancillary service or utility necessary for that storing, packing, preparing or processing) can be undertaken without a non-farm use application to the Agricultural Land Commission if at least 50% of the cannabis being stored, packed, prepared or processed is produced on the “farm” (for this purpose being one or several parcels of land or tenured areas of Crown land that are being occupied or used together for designated or other farm uses), or produced by an association as defined in the *Cooperative Association Act* to which the owner of the farm belongs: section 2(2)(c) of the ALR Regulation.

Storing, packing, preparing or processing cannabis yielded by a form of production not described in section 2(2.5) of the ALR Regulation is not designated as farm use. These activities cannot be undertaken without a successful non-farm use application to the Agricultural Land Commission.

LOCAL GOVERNMENT

Local governments can have an important role to play in the regulatory framework related to cannabis production.

However, local government bylaws may not prohibit the lawful production of cannabis in the ALR if it is produced as described in section 2(2.5) of the ALR Regulation.

Local governments also play a role when non-farm use applications related to cannabis production and associated activities are made to the Agricultural Land Commission. Sections 25 and 34 of the ALCA are among the relevant provisions that they should consult.

FURTHER EXPLANATORY NOTES

Also note the following:

- The word “necessary” (for a designated farm use) figures in several of the above-discussed scenarios. It is within the purview of the Agricultural Land Commission to determine whether and to what extent activities are “necessary”.
- In determining whether an activity is “necessary” to a designated farm use, the Agricultural Land Commission may consider whether the nature and size of the activity are proportionate to the designated farm use.
- If someone claims that an activity is “necessary” for a designated farm use that has not yet commenced, the Agricultural Land Commission may require satisfactory evidence that the proposed use is in fact going to occur, and that the nature and size of activity characterized as “necessary” (such as construction of a driveway) will in fact be necessary to that use.
- Except for exemptions for personal cultivation, the “lawful” production of cannabis required for section 2(2.5) of the ALR Regulation requires licensing at the federal level. As noted earlier in this information bulletin, producers need to be very careful about taking steps in reliance on section 2 of the ALR Regulation without first ensuring that federal preconditions (as well as preconditions that other governments may impose) are or will be met before production occurs.
- For the purposes of sections 2(2)(o) and 4 of the ALR Regulation, structures in which cannabis is produced are not considered to be “greenhouses”. Section 2(2.5) of the ALR Regulation does not use the term “greenhouse” for any of the structures it describes. This indicates that under the ALR Regulation the concepts were to be treated as distinct and not to be confused.



1229 Esquimalt Road
Esquimalt BC V9A 3P1
PHONE: 250-414-7100
FAX: 250-414-7111
www.esquimalt.ca

PRESENTATION

APPLICATION TO MAKE A PRESENTATION TO COUNCIL

A maximum of 2 Presentations may be scheduled for a Council meeting, each limited to **10 minutes**. (See back for excerpt of Council Procedure Bylaw)

Please submit the completed application **by Noon on Wednesday prior to the preferred Council meeting** by:
(1) email to corporate.services@esquimalt.ca, (2) mail or hand deliver to Municipal Hall, address above, or (3)
fax to 250-414-7111. For further information, contact the Corporate Officer at 250-414-7135 or
corporate.services@esquimalt.ca.

Name(s) and Title(s) of Presenter(s): Barry Hobbis – President Victoria/Esquimalt Harbour Society and Nick Banks - Vice President Victoria/Esquimalt Harbour Society

Name of Organization: Victoria/Esquimalt Harbour Society

Daytime Phone No. (250) 216-3232

Email: _____

Preferred Date of Presentation to Council: December 9th, 2019

(Staff will email or telephone to confirm the meeting date once it is scheduled.)

Nature/Subject of Presentation: Victoria/Esquimalt Harbour Society - Stakeholder Group to Advise on Issues Relating to Victoria Harbour

November 14th, 2019

Date of Application

Signature of Applicant

PowerPoint presentation? ☐ YES ☒ NO

If YES, please email your PowerPoint presentation to corporate.services@esquimalt.ca **by Noon on the Friday prior to the Council meeting.**

Handouts for Council? ☒ YES ☐ NO

If YES, please bring 10 copies to give to the Recording Secretary prior to the start of the Council meeting at 7:00 p.m.

Date Received:

**APPLICANT CONTACTED
PRESENTATION RECEIVED**



FOR OFFICE USE ONLY

Date Presented to Council:

DATE: Nov 20, 2019

INITIALS: AS

CORPORATION OF THE TOWNSHIP OF ESQUIMALT
For Information:
☐ CAO ☐ Mayor/Council
☐ _____

RECEIVED: NOV 15 2019

Referred: Rachel (Dec 16 is first date)

| | | |
|-------------------------------------|--|-------------------------------|
| <input type="checkbox"/> For Action | <input type="checkbox"/> For Response | <input type="checkbox"/> COTW |
| <input type="checkbox"/> For Report | <input checked="" type="checkbox"/> Council Agenda | <input type="checkbox"/> IC |

Deborah Liske

Subject: FW: Application to make a presentation to Mayor and Council
Attachments: application_to_make_a_presentation_to_council_Esquamalt.pdf

From: Barry Hobbis [<mailto:bhobbis@victoriaharbourferry.com>]
Sent: November-14-19 10:12 AM
To: Corporate Services
Subject: Application to make a presentation to Mayor and Council

Barry Hobbis

Partner & VP Operations



189 Dallas Road, Victoria, BC V8V 1A1

Tel: 250.708.0201 (Ext 101) Cell: 250.216.3232

Fax: 250.708.0401

victoriaharbourferry.com | [facebook](#) | [twitter](#)

Happy People in Happy Boats!

Success is not final
Failure is not fatal
It is the courage to continue that counts

Deborah Liske

Subject: FW: ToE council presentation request
Attachments: Scan_20200114.pdf

From: Swan, Wendy TAC:EX [mailto:Wendy.Swan@gov.bc.ca]
Sent: January-14-20 9:26 AM
To: Corporate Services
Cc: Swan, Wendy TAC:EX
Subject: FW: ToE council presentation request

Good morning.

Hoping I could have 5 minutes at council next Monday as it is the TCAC's AGM/Election on Tuesday (21st) and I will be ending my term as President.

Just wanted to give a quick recap of 2019 to Council and say thanks for their support of me/TCAC the past few years.

Thanks.

Wendy Swan

From: WSWAN <Wendy.Swan@gov.bc.ca>
Sent: January 14, 2020 9:22 AM
To: Swan, Wendy TAC:EX <Wendy.Swan@gov.bc.ca>
Subject: ToE council presentation request

CORPORATION OF THE TOWNSHIP OF ESQUIMALT
For Information:
☐ CAO ☐ Mayor/Council
☐ _____
RECEIVED: JAN 14 2020
Referred: Rachel
☐ For Action ☐ For Response ☐ COTW
☐ For Report ☒ Meeting Agenda ☐ IC



1229 Esquimalt Road
Esquimalt BC V9A 3P1
PHONE: 250-414-7100
FAX: 250-414-7111
www.esquimalt.ca

PRESENTATION

APPLICATION TO MAKE A PRESENTATION TO COUNCIL

A maximum of 2 Presentations may be scheduled for a Council meeting, each limited to **10 minutes**. (See back for excerpt of Council Procedure Bylaw)

Please submit the completed application **by Noon on Wednesday prior to the preferred Council meeting** by: (1) email to corporate.services@esquimalt.ca, (2) mail or hand deliver to Municipal Hall, address above, or (3) fax to 250-414-7111. For further information, contact the Corporate Officer at 250-414-7135 or corporate.services@esquimalt.ca.

Name(s) and Title(s) of Presenter(s):

WENDY SWAN
PRESIDENT

Name of Organization:

TCAC

Daytime Phone No

Email:

Preferred Date of Presentation to Council:

Jan 20/20 Bd.

(Staff will email or telephone to confirm the meeting date once it is scheduled.)

Nature/Subject of Presentation:

quick review of 2019 —
look ahead at 2020.

Won't need the full 10 mins.

Thank you.

Jan 14/20

Date of Application

Wendy Swan

Signature of Applicant

PowerPoint presentation? ☒ YES

If YES, please email your PowerPoint presentation to corporate.services@esquimalt.ca by Noon on the Friday prior to the Council meeting. Please note presentation are required to be 20 slides or less.

Handouts for Council? ☐ YES

☒ NO

If YES, please bring 10 copies to give to the Recording Secretary prior to the start of the Council meeting at 7:00 p.m.

Date Received:

FOR OFFICE USE ONLY

Date Presented to Council:

APPLICANT
CONTACTED ☒

PRESENTATION
RECEIVED ☐

DATE: Jan 14/20

INITIALS: AS



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall
1229 Esquimalt Road
Esquimalt, B.C. V9A 3P1

Staff Report

File #:20-029

REQUEST FOR DECISION

DATE: January 15, 2020

Report No. CSS-20-003

TO: Laurie Hurst, Chief Administrative Officer

FROM: Blair McDonald, Director of Community Safety Services

SUBJECT:

Contract Award for Animal Management Services

RECOMMENDATION:

That Council award Victoria Animal Control Services the contract to provide animal management services to the Township for a three year period (with option to extend two additional years on mutual agreement) commencing March 1st, 2020.

RELEVANT POLICY:

Financial Plan Bylaw 2019-2023 No. 2959
Purchasing and Disposal Bylaw, 2014, No. 2845
Animal Management Bylaw, 2015, No. 2841

STRATEGIC RELEVANCE:

This initiative supports a Healthy, Livable and Diverse Community and Excellence in Public Service.

BACKGROUND:

Historically, the Township has contracted for animal management services as addressing animal management issues involves expertise, specialized tools and equipment, and kenneling facilities, all of which are outside of the abilities and infrastructure of the Township. All Capital Region communities contract for animal management services with either CRD Bylaw and Animal Care Services (CRD), or Victoria Animal Control Services (VACS).

The Township's current contract provides 97 hours per month of services, 65 hours of investigation and patrol time, as well as 32 hours of dedicated proactive patrol.

The contract with our current animal management provider ends as of February 29th, 2020. A Request for Proposals [RFP] seeking a service provider for animal management was posted in November of 2019 with two Proponents responding.

ISSUES:

1. Rationale for Selected Option

The two proponents who submitted proposals are:

CRD Bylaw and Animal Control Services and Victoria Animal Control Services [VACS]. Both organizations offer professional animal control services, have employees with similar skill sets, have suitable pound facilities and have excellent references.

CRD Bylaw and Animal Control Services

- Offered an average 50 hours per month to include response to calls and patrol hours
- Cost of the initial year of the contract is \$79000.00 with a 2.5% increase in each subsequent year
- Upon enquiry, CRD advised they could provide an average of 100 hours of service per month (more in keeping with our current service level) at an annual cost of \$105000 with a 2.5% increase per each year of the contract. (\$107,625.00 for year two, \$110,315.00 for year three)
- Callouts, overtime and veterinary services are included in cost for service

Victoria Animal Control Services

- Offered 65 hours per month to include response to calls and patrol hours as well as 32 hours per month of dedicated proactive patrol hours, for a total of 97 hours per month (our current service level)
- Cost of the initial year of the contract is \$111,962.55 with no increase for the first three years
- Callouts, overtime and veterinary not included in costs. (Estimate of @ \$6000.00 annually)

Based on the evaluation criteria identified in the RFP, staff recommends that the contract be awarded to Victoria Animal Control Services. Both organizations are professional and skilled at delivering animal management services. The overall cost of services to the Township would be lower with CRD than with VACS. However, despite a moderately higher cost for VACS over CRD, staff recommends VACS for the following reasons:

- a. Animal management services are often required by police when dealing with individuals who have pets, as Victoria and Esquimalt share a police service, it is advantageous to have the same animal management service provider to simplify procedures for VicPD.
- b. There is an advantage to maintaining continuity of service provider for the public and staff. While people would adapt over time to a new provider, it would not be necessary if the same provider was maintained.
- c. VACS have provided good quality service to the Township since 2012.
- d. There is a concern with the CRD's ability to provide prompt service to the Township due to their expansive patrol area. (10 municipalities, 3 electoral areas, the Gulf Islands and 4 first nations communities).
- e. VACS are familiar with many of the problem dogs/owners and are often able to identify suspect animals/owners based on description. While this expertise would eventually be gained by a new service provider, it would be lost for a significant time period.

2. Organizational Implications

No significant organizational concerns are anticipated

3. Financial Implications

The costs as detailed in this report will be represented in the 2020 budget request, based on which service provider Council chooses.

4. Sustainability & Environmental Implications

There are no sustainability or environmental implications

5. Communication & Engagement

The chosen proponent will be posted on the Township Website with contact information for complaints.

ALTERNATIVES:

1. That Council award Victoria Animal Control Services the contract to provide animal management services to the Township for a three year period (with option to extend two additional years on mutual agreement) commencing March 1st, 2020.
2. That Council award CRD Bylaw and Animal Care Services the contract to provide animal management services to the Township for a three year period (with option to extend two additional years on mutual agreement) commencing March 1st, 2020.
3. That Council not award the contract for animal management services and provide alternate direction to staff.



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall
1229 Esquimalt Road
Esquimalt, B.C. V9A 3P1

Staff Report

File #:20-038

REQUEST FOR DECISION

DATE: January 15, 2020

Report No. EPW-20-003

TO: Laurie Hurst, Chief Administrative Officer

FROM: Jeff Miller, Director of Engineering and Public Works

SUBJECT:

Streets and Traffic Regulation Bylaw, 2017, No. 2898, Amendment Bylaw [No. 3] 2020, No. 2990

RECOMMENDATION:

That Council resolves that Streets and Traffic Regulation Bylaw, 2017, No. 2898, Amendment Bylaw [No. 3], No. 2990, 2020, be given first, second and third readings

RELEVANT POLICY:

Streets and Traffic Regulation Bylaw, 2017, No. 2898

STRATEGIC RELEVANCE:

This Request for Decision supports the following strategic objective: Healthy, Liveable and Diverse Community - Ensure multi-modal traffic strategies consider and reflect business and residential growth and development.

BACKGROUND:

With the rising cost of gasoline and insurance premiums, as well as concerns with greenhouse gas emissions, many Esquimalt residents are choosing to participate in car share co-op programs rather than owning vehicles individually. These programs allow residents to “share” a car for a short term, and only “pay” to use a car when they need to.

The objective in the Official Community Plan Bylaw, 2018, No. 2922, Section 13.3.6, “Passenger Vehicle Alternatives,” was “to reduce impact of motor vehicles that derive energy from fossil fuels by increasing capacity for alternative fueling and sharing.” One of the policies related to this objective was “Support the reservation of on-street parking for car share vehicles.”

ISSUES:

1. Rationale for Selected Option

The OCP calls for the reservation of on-street parking for car share vehicles, in order to accomplish this it will be necessary to amend the Streets and Traffic Regulation Bylaw. The new amendment would be a new parking restriction to allow car share only parking zones to be created; however, individual zones will still need to be authorized by Council similar to all parking restrictions.

This new parking restriction will reserve space within the on street parking capacity for car share vehicles. These spaces will then be taken out of the inventory for use by other users of on street parking. Individuals who parked vehicles in these spot would be ticketed for violation of this parking restriction.

By providing this parking restriction on the street, the users of the service would be able to access the vehicle using the public right of way. If the car share parking is located within a development, a user who is not from the development would be trespassing onto private property and may not use the service because of this concern.

2. Organizational Implications

Should Council approve a Traffic Order for this type of restriction, it would then be signed by the Corporate Officer and the Director of Engineering and Public Works. Public Works would then install the appropriate signage on the street. Traffic Order would also be forwarded to Community Safety Services (Bylaw) for inclusion in their patrol routes for enforcement. These activities will not impose any significant organizational implications.

3. Financial Implications

There are no significant financial implications for the Township.

4. Sustainability & Environmental Implications

There are sustainability and environmental implications to the proposed amendment. By being able to provide designated parking spaces, developers will be able to propose developments with on street parking that would allow multiple residents the ability to utilize a vehicle without having to own one. This has the potential to lower the production of green house gases, by reducing the number of vehicles on the road. With car sharing available it would also allow a user to have the ability to use a car without the full financial requirements of owning one (i.e. insurance, maintenance).

5. Communication & Engagement

Once approved, the new Bylaw will be available on the Township website for information.

ALTERNATIVES:

1. That Council resolves that Streets and Traffic Regulation Bylaw, 2017, No. 2898, Amendment Bylaw [No. 3], No. 2990, 2020, be given first, second and third readings.
2. That Council not approve first, second and third readings of Streets and Traffic Regulation

File #:20-038

Bylaw 2017, No. 2898, Amendment Bylaw [No. 3] 2020, No. 2990.

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2990

A Bylaw to Amend Bylaw No. 2898, cited as the
“Streets and Traffic Regulation Bylaw, 2017, No. 2898”

The Council of the Corporation of the Township of Esquimalt, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as the “Streets and Traffic Regulation Bylaw, 2017, No. 2898, Amendment Bylaw [No. 3], No. 2990, 2020”
2. That Bylaw No. 2898, cited as the “Streets and Traffic Regulation Bylaw, 2017, No. 2898” be amended as follows:
 - (1) That the following be added to Section 2 (2) after the definition of “Bylaw Management Officer” and before the definition of “Chief of Police”:

“car share vehicle” shall mean a vehicle owned by a not-for-profit cooperative association incorporated under the laws of British Columbia and used exclusively in the provisions of the association’s car sharing service
 - (2) That Section 14 be amended to add the following:

Car Share Parking Only Zone

(r) Designating the streets or portions of the streets which shall be “Car Share Parking Only.”
 - (3) Add as Section 30 as follows:

‘Car Share Parking Only’ Zones

 30. (1) Except as provided for in Subsection (2), no driver of a vehicle shall park or permit the same to remain parked in any zone designated as a ‘Car Share Parking Only’ zone during the time or times when such zone is set apart for restricted parking.
 - (2) Notwithstanding the provisions of Subsection (1), it shall be lawful at any time for a person driving a car share vehicle to park such a vehicle or permit it to remain parked in any zone designated as a ‘Car Share Parking Only’ zone.
 - (3) Nothing in this Section shall be construed so as to exempt any person from any provision of this Bylaw or of the *Motor Vehicle Act* relative to the parking or stopping of vehicles other than the provisions of subsection (1).
 - (4) That the Bylaw be re-numbered accordingly.

READ a first time on the ____ day of _____, 2020.

READ a second time on the ____ day of _____, 2020.

READ a third time on the ____ day of _____, 2020.

ADOPTED on the ____ day of _____, 2020.

BARBARA DESJARDINS
MAYOR

RACHEL DUMAS
CORPORATE OFFICER



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall
1229 Esquimalt Road
Esquimalt, B.C. V9A 3P1

Staff Report

File #:20-020

REQUEST FOR DECISION

DATE: January 14, 2020

Report No. DEV-20-002

TO: Laurie Hurst, Chief Administrative Officer

FROM: Alex Tang, Planner and Bill Brown, Director of Development Services

SUBJECT:

Official Community Plan Amendment and Rezoning Application - 899 Esquimalt Road

RECOMMENDATION:

1. That Council adopts Amendment Bylaw No. 2962, as attached to Staff Report DEV-20-002 as Appendix A, which would amend the Official Community Plan Bylaw, 2018, No. 2922 by:

- adding the following text after the map under the heading "Height" at page 131 of the *Official Community Plan Bylaw, 2018, No. 2922*:

"Notwithstanding the building heights indicated on the map above, up to 10 storeys may be permitted on the following property provided no portion of the development within 21.5 m of Wollaston Street exceeds three storeys:

PID: 030-151-562, Lot A, Section 11, Esquimalt District, Plan EPP69557 [899 Esquimalt Road]";

- changing Schedule 'B', being the Proposed Land Use Designations Map by changing the designation of PID 030-151-562, Lot A, Section 11, Esquimalt District, Plan EPP69557 [899 Esquimalt Road], shown cross-hatched on Schedule 'A' of Amendment Bylaw No. 2962, from a mix of 'Neighbourhood Commercial Mixed-Use' and 'Townhouse Residential' to 'Commercial/Commercial Mixed-Use'; and
- changing Schedule 'H', being the Development Permit Areas Map by changing the designation of PID 030-151-562, Lot A, Section 11, Esquimalt District, Plan EPP69557 [899 Esquimalt Road], shown cross-hatched on Schedule 'A' of Amendment Bylaw No. 2962, from a mix of Development Permit Area No. 4 - Commercial and Development Permit Area No. 6 - Multi-Family Residential to Development Permit Area No. 4 - Commercial.

2. That Council adopts Amendment Bylaw No. 2963, as attached to Staff Report DEV-20-002 as Appendix B, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of PID 030-151-562, Lot A, Section 11, Esquimalt District, Plan EPP69557 [899 Esquimalt Road],

shown cross hatched on Schedule 'A' of Amendment Bylaw No. 2963, from a mix of C-2 [Neighbourhood Commercial] and RD-1 [Two Family Residential] to CD No. 120 [Comprehensive Development District No. 120].

RELEVANT POLICY:

Official Community Plan Bylaw, 2018, No. 2922
Zoning Bylaw, 1992, No. 2050
Declaration of Climate Emergency
Parking Bylaw, 1992, No. 2011
Development Application Procedures and Fees Bylaw, 2012, No. 2791
Advisory Planning Commission Bylaw, 2012, No. 2792
Subdivision and Development Control Bylaw, 1997, No. 2175
Green Building Checklist

STRATEGIC RELEVANCE:

This Request for Decision does not directly relate to a specific strategic objective.

BACKGROUND:

Appendix A: Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw No. 2962
Appendix B: Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2963
Appendix C: Section 219 Covenant CA7965814, Priority Agreement CA7965816 [as registered]

Purpose of the Application

Amendment Bylaw No. 2962 and Amendment Bylaw No. 2963 were given 1st and 2nd reading on May 27, 2019 with a Public Hearing held on July 8, 2019. On November 4, 2019, the amendment bylaws were rescinded and read anew a second time. A second Public Hearing was held on November 25, 2019 and the bylaws were given 3rd reading. Adoption of the bylaws was withheld subject to the registration of a Section 219 Covenant on title. The Section 219 Covenant has now been registered on title (Appendix C).

The covenant addresses the following items:

- Construction of a purpose built health clinic or facility with a minimum of 370 square metres of gross floor area;
- Clarity that the clinic has to have a minimum of four physicians licensed by the College of Physicians and Surgeons of British Columbia.
- Subsidized rent for tenant(s) of health clinic or facility over first 10 years in the amount of \$396,000;
- Annual lease hold and equipment improvement incentives valued at a total of \$160,000;
- \$54,000 cash contribution to be used in relation to health and community well-being matters, including but not limited to providing incentives or grants, undertaking or commission studies or reports, promotions and public information, and establishing temporary medical clinics;
- \$150,000 cash contribution to be used for the provision and maintenance of a kayak dock within the Township;
- 5 free parking spaces with publicly available electric vehicle charging stations

- Built Green Canada Silver certification;
- Removal of BC Hydro pole on the southeast corner of Esquimalt Road and Head Street and burial of the power lines on the Esquimalt Road and Head Street frontage;
- Perpetual Statutory Right of Way for public access and expanded sidewalk on the northern 3.2 metres of the lot along Esquimalt Road;
- That there can be no non-residential land use along Wollaston Street;
- \$30,000 cash contribution to be used for the provision and installation of 2 pedestrian activated crosswalk signals in the general vicinity of the subject parcel; and
- BC Transit passes for the Victoria Regional Transit System for the residents (up to a maximum of 66 transit passes for 1 year).

Staff confirms that the final registered Covenants CA7965814 adequately implements all of these items.

ISSUES:

1. Rationale for Selected Option

The proposed development would include commercial space dedicated for a health clinic or facility. It will also provide increased residential density in a location within walking distance of amenities, consistent with Official Community Plan policies.

2. Organizational Implications

This Request for Decision has no organizational implications.

3. Financial Implications

This Request for Decision has no financial implications.

4. Sustainability & Environmental Implications

The applicant has completed the Esquimalt Green Building Checklist, detailing green features that will be considered for inclusion in the development should it be approved. As part of the S.219 Covenant registered on title, the owner has offered to construct the building to Built Green Canada Silver Certification.

5. Communication & Engagement

In accordance with post Public Hearing considerations, no further communications or engagements have been provided to Council.

ALTERNATIVES:

1. That Council adopts Amendment Bylaw No. 2962 and Amendment Bylaw No. 2963.
2. That Council defeats Amendment Bylaw No. 2962 and Amendment Bylaw No. 2963.

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2962

A Bylaw to amend Bylaw No. 2922, cited as the
"Official Community Plan Bylaw, 2018, No. 2922"

THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "*Official Community Plan Bylaw, 2018, No. 2922, AMENDMENT BYLAW, 2019, NO. 2962*".
2. That Bylaw No. 2922, cited as the "Official Community Plan Bylaw, 2018, No. 2922" be amended as follows:

- (1) In PART 3, DEVELOPMENT PERMIT AREAS, SECTION 28, DPA No. 11: West Bay, by adding the following text after the map under the heading "Height" at page 131 of the *Official Community Plan Bylaw 2018, No. 2922*

Notwithstanding the building heights indicated on the map above, up to 10 storeys may be permitted on the following property provided no portion of the development within 21.5 m of Wollaston Street exceeds three storeys:

PID: 030-151-562
Lot A, Section 11, Esquimalt District, Plan EPP69557
[899 Esquimalt Road]

- (2) On PART 4 MAPS, Schedule 'B' (Proposed Land Use Designations) of the *Official Community Plan Bylaw 2018, No. 2922*, being the Proposed Land Use Designation Map, by changing the designation of the following property from a mix of 'Neighbourhood Commercial Mixed-Use' and 'Townhouse Residential' to 'Commercial/Commercial Mixed-Use', shown cross-hatched on Schedule 'A' attached to this bylaw:

PID: 030-151-562
Lot A, Section 11, Esquimalt District, Plan EPP69557
[899 Esquimalt Road]

- (3) On PART 4 MAPS, Schedule 'H' (Development Permit Areas) of the *Official Community Plan Bylaw 2018, No. 2922*, being the Development Permit Areas Map, by changing the designation of the following property from a mix of Development Permit Area No. 4 - Commercial and Development Permit Area No. 6 - Multi-Family Residential to Development Permit Area No. 4 – Commercial, shown cross-hatched on Schedule 'A' attached to this bylaw:

PID: 030-151-562
Lot A, Section 11, Esquimalt District, Plan EPP69557
[899 Esquimalt Road]

Consultation under Section 475 of the *Local Government Act* considered by the Municipal Council on the 21st day of January, 2019.

Referred to the School Board under Section 476 of the *Local Government Act*, by the Municipal Council on the 21st day of January, 2019.

READ a first time by the Municipal Council on the 27th day of May, 2019.

READ a second time by the Municipal Council on the 27th day of May, 2019.

A Public Hearing was held pursuant to Sections 464, 465, 466 and 468 of the *Local Government Act* on the 8th day of July, 2019.

RESCIND SECOND READING, amend bylaw and read anew a second time by the Municipal Council on the 4th day of November, 2019

Considered, in accordance with Section 477 of the *Local Government Act*, by the Municipal Council in conjunction with (i) its financial plan, and (ii) applicable waste management plan(s) under Part 3 [Municipal Waste Management] of the *Environmental Management Act* the 25th day of November, 2019.

A further Public Hearing was held pursuant to Sections 464, 465, 466 and 468 of the *Local Government Act* on the 25th day of November, 2019.

READ a third time by the Municipal Council on the 25th day of November, 2019.

ADOPTED by the Municipal Council on the ---- day of -----, 2019.

BARBARA DESJARDINS
MAYOR

RACHEL DUMAS
CORPORATE OFFICER



902

Head St

Esquimalt Rd

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Wollaston St

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Schedule 'A'
Bylaw No. 2962

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2963

A Bylaw to amend Bylaw No. 2050, cited as the
"Zoning Bylaw, 1992, No. 2050"

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF
ESQUIMALT, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the *"ZONING BYLAW, 1992, NO. 2050, AMENDMENT BYLAW NO. 2963"*.

2. That Bylaw No. 2050, cited as the "Zoning Bylaw, 1992, No. 2050" be amended as follows:

- (1) by adding the following words and figures in Section 31, Zone Designations, in the appropriate alpha-numeric sequence:

"Comprehensive Development District No. 120 (899 Esquimalt Road) CD No. 120"

- (2) by adding the following text as Section 67.107 (or as other appropriately numbered subsection within Section 67):

67.107 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 120 [CD NO. 120]

In that Zone designated as CD No. 120 [Comprehensive Development District No. 120] no Building or Structure or part thereof shall be erected, constructed, placed, maintained or used and no land shall be used except in accordance with and subject to the regulations contained in or incorporated by reference into this section.

- (1) **Permitted Uses**

The following Uses and no others shall be permitted:

- (a) Business and Professional Office
- (b) Dwelling – Multiple Family
- (c) Group Children's Day Care Centre
- (d) Home Occupation
- (e) Hospital
- (f) Laboratory and clinic
- (g) Personal Service Establishment
- (h) Health Clinic or facility

- (2) **Density - Floor Area Ratio**

- (a) **Base Density:** The Floor Area Ratio shall not exceed 1.5.
- (b) **Bonus Density:** The Floor Area Ratio may be increased to 3.87

on the provision of all of the following amenities with minimum monetary values of five hundred thousand dollars (\$500,000) plus subsidized lease rates for ten (10) years with total value of three hundred ninety-six thousand dollars (\$396,000), or such higher respective values at the owner's discretion, further details of which to be secured by Covenant under Section 219 of the *Land Title Act* registered in priority to all encumbrances of a financial nature:

- (i) Cash contribution for the provision of installation and maintenance of a kayak dock in the Township in the amount of \$150,000;
- (ii) 5 parking spaces with publicly available electric vehicle charging stations;
- (iii) Principal Building designed and built to Built Green Canada Silver standards, certified within one year of construction completion, or such longer period as required to address deficiencies provided the initial review and report is completed within the first year;
- (iv) Removal of existing utility pole located to the north of the subject property, and provision of underground electrical utilities including transformers, transmission lines and other relevant infrastructure along the south side of Esquimalt Road;
- (v) Perpetual Statutory Right of Way and associated Covenant granted under Sections 218 and 219 of the *Land Title Act*, for public access and expanded sidewalk on that part of the parcel located within 3.2 metres of the northern Lot Line on Esquimalt Road;
- (vi) Subsidized lease rates for ten (10) years for a minimum of 370 square metres [~4,000 sq.ft] of Public Health of clinic use space, with a minimum 100% subsidy in the first year, 50% subsidy in the second year and graduated annual adjustments to 5% subsidy in the tenth year with total value of \$396,000.00. The value of this amenity must be confirmed by independent professional auditor provided by the property owner;
- (vii) Annual lease hold and equipment improvement incentives, valued at \$160,000, for the purpose of facilitating the establishment of medical practices in the Township;
- (viii) Cash contribution of \$54,000 provided to the Township, to be used at the Township's discretion (e.g. provide incentives or grants, undertake or commission studies or reports, promotion, public information, temporary clinics, etc.); and
- (ix) Cash contribution of \$30,000 to be used for the provision and installation of 2 pedestrian activated crosswalk signals in the general vicinity of the subject parcel

(3) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 1350 square metres.

(4) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(5) **Number of Dwelling Units**

No more than sixty-six (66) Dwelling Units shall be located on a Parcel

(6) **Size of Commercial and Residential Spaces**

(a) The minimum Floor Area dedicated to Health Clinic or facility use shall not be less than 370 square metres.

(b) The maximum Floor Area dedicated to residential uses shall not be more than 220 square metres on the Second Storey (Esquimalt Road frontage ground floor).

(7) **Design Guidelines**

East side of building shall incorporate artistic design to provide visual character and interest.

(8) **Building Height**

(a) No Principal Building shall exceed a Height of 35.0 metres.

(b) No Principal Building shall exceed a Height of 3 Storeys within 21.5 metres of Wollaston Street.

(9) **Lot Coverage**

All Principal Buildings, and Structures combined, shall not cover more than 87% of the Area of the Parcel including a parking structure.

(10) **Siting Requirements**

(a) **Principal Building:**

(i) Front Setback: No Principal Building shall be located within 3.2 metres of the Front Lot Line abutting Esquimalt Road.

(ii) Side Setback: No Interior Side setback shall be required.

(iii) Exterior Side Setback: Subject to Section 24, no setback shall be required from Head Street.

(iv) Rear Setback: No Principal Building shall be located within 6.3 metres of the Rear Lot Line abutting Wollaston Street.

(v) Rear Setback: No part of the Principal Building above the First Storey shall be located within 22.3 metres of the Rear Lot Line abutting Wollaston Street.

(b) Accessory Buildings:

- (i) No Accessory Building shall be permitted.

(11) Fencing

- (a) Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building and 2 metres behind the front face of the Principal Building.
- (b) Notwithstanding Section 22(1), fencing located on top of a retaining wall shall be measured distinctly and shall not exceed a Height of 1.2 metres in front of the front face of the Principal Building and 2 metres behind the front face of the Principal Building.

(12) Usable Open Space

Usable Open Space shall be provided in an amount not less than 300 square metres.

(13) Off-Street Parking

- (a) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011(as amended), off street parking shall be provided in the minimum of 8 parking spaces for the portions of the commercial portions of the building.
- (b) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011(as amended), off-street parking shall be provided in the minimum ratio of 1.30 spaces per dwelling unit.
- (c) Notwithstanding Section 11 of Parking Bylaw, 1992, No. 2011(as amended), a minimum of 10 of the parking spaces required per above (12) (b) shall be marked "Visitor".
- (d) Notwithstanding Section 14(2)(a) of the Parking Bylaw, 1992, No. 2011 (as amended), 55% of the required parking spaces may be designated for small cars by reducing the depth of a stall for 90 degree parking from 5.5 metres to 4.5 metres.
- (e) For greater certainty, all other uses must comply with Parking Bylaw requirements.

3. by changing the zoning designation of PID 030-151-562, Lot A, Section 11, Esquimalt District, Plan EPP69557 [899 Esquimalt Road], shown cross-hatched on Schedule "A" attached hereto, from a mix of C-2 [Neighbourhood Commercial] and RD-1 [Two Family Residential] to CD No. 120 [Comprehensive Development District No. 120]
4. by changing Schedule 'A' Zoning Map, attached to and forming part of

“Zoning Bylaw, 1992, No. 2050” to show the changes in zoning classification effected by this bylaw.

READ a first time by the Municipal Council on the 27th day of May, 2019.

READ a second time by the Municipal Council on the 27th day of May, 2019.

A Public Hearing was held pursuant to Sections 464, 465, 466 and 468 of the *Local Government Act* on the 8th day of July, 2019.

RESCIND SECOND READING, amend bylaw and read anew a second time by the Municipal Council on the 4th day of November, 2019

A further Public Hearing was held pursuant to Sections 464, 465, 466 and 468 of the *Local Government Act* on the 25th day of November, 2019

READ a third time as amended by the Municipal Council on the 25th day of November, 2019.

ADOPTED by the Municipal Council on the ____ day of _____, 2019.

BARBARA DESJARDINS
MAYOR

RACHEL DUMAS
CORPORATE OFFICER



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Head St

Esquimalt Rd

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Wollaston St

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Schedule 'A'
Bylaw No. 2963

VICTORIA LAND TITLE OFFICE

LAND TITLE ACT
FORM C (Section 233) CHARGE

Jan-07-2020 14:38:35.001

CA7965814 CA7965816

GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 19 PAGES

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

Keyvan
Shojania
91R1UZ

Digitally signed by Keyvan
Shojania 91R1UZ
Date: 2020.01.07
14:35:46 -08'00'

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

INFINITY LAW

BARRISTERS & SOLICITORS

200 - 931 FORT STREET

VICTORIA

BC V8V 3K3

250 385 6004

File No: 5678-1

1104488 B.C. Ltd. (Babak)

Document Fees: \$222.48

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

030-151-562 LOT A, SECTION 11, ESQUIMALT DISTRICT, PLAN EPP69557

STC? YES ☐

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

SEE SCHEDULE

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

SEE SCHEDULE

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT

1229 ESQUIMALT ROAD

VICTORIA

BRITISH COLUMBIA

V9A 3P1

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

HOSSEIN KAMOOSI

Notary Public

203 - 1819 Capilano Road

North Vancouver, BC V7P 3B6

Execution Date

| Y | M | D |
|----|----|----|
| 19 | 12 | 30 |

Transferor(s) Signature(s)

1104488 B.C. LTD. by its authorized
signatory(ies):

BEHZAD BEHESHTI FOROUTAN

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

**LAND TITLE ACT
FORM D****EXECUTIONS CONTINUED**

PAGE 2 of 19 PAGES

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

 Bijan Ahmadian
 Barrister & Solicitor
 1801 - 701 W. Georgia St., Box 10107
 Vancouver, BC V7Y 1C6

| Y | M | D |
|----|----|----|
| 20 | 01 | 03 |

 MABNA HOLDING COMPANY, by its
 authorized signatory(ies):

 Name: MOSTAFA TAVAKOLIJOU

 Name:
 (as to Priority and Consent Only)

 R. LAWRENCE SPOONER
 Barrister & Solicitor
 800 - 1070 DOUGLAS STREET
 VICTORIA, BC V8W 2C4

| | | |
|----|----|----|
| 19 | 12 | 30 |
|----|----|----|

 FIRST ISLAND FINANCIAL SERVICES
 LTD. by its authorized signatory(ies):

 Name: Darrell Morgan

 Name:
 (as to Priority and Consent Only)

 RACHEL JANE DUMAS
 Commissioner for Taking Affidavits in British Columbia
 1229 Esquimalt Road
 Esquimalt, BC V9A 3P1

| | | |
|----|----|----|
| 20 | 01 | 07 |
|----|----|----|

 THE CORPORATION OF THE
 TOWNSHIP OF ESQUIMALT by its
 authorized signatory(ies):

 Name: BARBARA DESJARDINS

 Name: LAURIE HURST

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

**LAND TITLE ACT
FORM E****SCHEDULE**

PAGE 3 OF 19 PAGES

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Covenant

Entire Document

Person Entitled to Interest: Transferee

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Priority Agreement

Document Reference page 14 paragraph 38
Granting the Restrictive Covenant herein priority
over CA7418875 & CA7418876
Person Entitled to Interest: Transferee

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Priority Agreement

Document Reference page 14 paragraph 39
Granting the Restrictive Covenant herein priority
over CA7862860 & CA7862861
Person Entitled to Interest: Transferee

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

**LAND TITLE ACT
FORM E**

SCHEDULE

PAGE 4 OF 19 PAGES

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

5. TRANSFEROR(S):

1104488 B.C. LTD., INC. NO. BC1104488
(the "Owner")

MABNA HOLDING COMPANY LTD., INC. NO.
(the "2nd Chargeholder")
as to Priority and Consent Only

FIRST ISLAND FINANCIAL SERVICES LTD., INC. NO. BC116225
(the "1st Chargeholder")
as to Priority and Consent Only

TERMS OF INSTRUMENT - PART 2

S.219 COVENANT**RECITALS:**

- A. 1104488 B.C. Ltd., Inc. No. BC1104488 (the “**Owner**”) is the registered owner in fee-simple of those lands with a current civic address of 899 Esquimalt Road, more particularly described in Item #2 of the Form C, in the Township of Esquimalt in the Province of British Columbia, namely:
- PID: 030-151-562
Lot A Section 11 Esquimalt District Plan EPP69557
- (the “**Lands**”).
- B. The Transferee is the Township of Esquimalt (“**Transferee**” or “**Township**”).
- C. The Owner has submitted an application to the Township to amend the Official Community Plan further to OFFICIAL COMMUNITY PLAN BYLAW, 2018, No. 2922, AMENDMENT BYLAW, 2019, NO. 2962 and to rezone the Lands to Comprehensive Development District No. 120 (899 Esquimalt Road) CD No. 120 further to ZONING BYLAW, 1992, NO. 2050, AMENDMENT BYLAW NO. 2963, (collectively, the “**Amendment Bylaws**”) to authorize the development of a ten (10) storey mixed-use building which will include a Health Clinic and may also contain other commercial uses and up to 66 residential dwelling units (the “**Development**”), and acknowledging that the amenities and the restrictions contained herein are in the public interest, the Owner has offered and voluntarily provided this covenant to the Township, and the Township has accepted this covenant and required its registration as a condition of the Amendment Bylaws, including to evidence agreement with respect to the implementation details related to amenities provided to achieve density bonusing (the “**Agreement**”).
- D. Section 219 of the *Land Title Act* gives authority for a covenant and indemnity, whether of a negative or positive nature, to be registered against the Lands and granted in favour of the Township with provisions:
- in respect of the use of land or the use of a building on or to be erected on land;
 - that land is to be built on in accordance with the covenant;
 - that land is not to be built on or subdivided except in accordance with the covenant;
 - that land is not to be used, built on or subdivided;
 - that parcels of land designated in the covenant and registered under one or more indefeasible titles are not to be sold or otherwise transferred separately; and
 - that land or a specified amenity in relation to it be protected, preserved, conserved, maintained, enhanced, restored or kept in its natural or existing state in accordance with the covenant and to the extent provided in the covenant.

NOW THEREFORE in consideration of the payment of the sum of \$10.00 by the Township to the Owner (receipt and sufficiency acknowledged), the mutual covenants and agreements contained in this Agreement, and for other good and valuable consideration, the parties

covenant and agree as to the following, including under Section 219 of the *Land Title Act*:

1. The Owner and Township agree that this Agreement shall be interpreted in accordance with the definitions in the Transferee's zoning bylaw, as amended from time to time.

Restrictions and Requirements – Land Uses

2. Notwithstanding broader or greater uses, density or other regulations in the Township's Zoning Bylaw, as amended from time to time, the Owner covenants and agrees the Lands must not be subdivided (including under the *Strata Property Act*), built upon, or used except for a development which:
 - (a) must not include any commercial, office or non-residential uses along the Wollaston Street frontage, whether directly or indirectly accessed from Wollaston Street (the parties acknowledging the intent is to better integrate the Development with nearby residential uses, however this restriction does not apply to parking in a parkade for non-residential uses permitted on the Lands); and
 - (b) must include a minimum of 370 square metres of gross floor area dedicated to Health Clinic or facility use on the Lands. "Health Clinic or facility use" is defined as a clinic which clinic is staffed by a minimum of four (4) family physicians who are registered with and licenced by the College of Physicians and Surgeons of British Columbia as well as affiliated nurses, technicians, and office support staff (the parties acknowledging that, if there is additional clinic space, other professionals associated with the provision of health services may work in the clinic including, but not limited to, medical specialists who are registered with and licenced by the College of Physicians and Surgeons of British Columbia, naturopaths, dentists, chiropractors, optometrists, and physiotherapists).
3. The Owner further covenants and agrees the Lands must not be subdivided (including under the *Strata Property Act*), or used for any use unless the Owner has first constructed the floor area dedicated to Health Clinic or facility use which includes purpose-built medical centre construction incentives (e.g. medical specific wiring, plumbing and other rough-ins), and the building on the Lands must not be built expect in accordance with this condition.
4. The Owner further covenants and agrees the Lands must not be subdivided (including under the *Strata Property Act*), until the Owner has either secured one or more tenants for the Health Clinic or facility use at a subsidized rental rate determined in accordance with the following conditions, or provided security to the Township in the amount of \$160,000.00 related to the implementation of these subsidy incentives, all at the Owner's sole cost:

Table of Subsidies/ Incentives

The following table is based on \$30/sq.ft. net per year lease/rental rate which the Owner will provide as set out in the following table.

| Actual lease (\$30/Sq.Ft. NET/year on 4000 Sq. Ft., No operational cost): \$120,000 | | | | lease Equipment |
|---|------------|--------------|--|-----------------|
| year | lease rate | Incentive \$ | | improvement \$ |
| 1 | 0 | \$120,000 | | \$25,000.0 |
| 2 | 50% | \$60,000.0 | | \$23,000.0 |
| 3 | 60% | \$48,000.0 | | \$21,000.0 |
| 4 | 65% | \$42,000.0 | | \$19,000.0 |
| 5 | 70% | \$36,000.0 | | \$17,000.0 |
| 6 | 75% | \$30,000.0 | | \$15,000.0 |
| 7 | 80% | \$24,000.0 | | \$13,000.0 |
| 8 | 85% | \$18,000.0 | | \$11,000.0 |
| 9 | 90% | \$12,000.0 | | \$9,000.0 |
| 10 | 95% | \$6,000.0 | | \$7,000.0 |
| Sum | | \$396,000 | | \$160,000.0* |
| One-time initial cash incentive | | \$54,000.0* | | |
| Extra excavation to accommodate 4000Sq.Ft. | | | | |

The lease/rental rate includes basic rent only and not Operating Costs. "Operating Costs" are defined as the standard costs not included in basic rent, these standard costs being property taxes, management fees, repair costs, landscaping costs, snow removal services costs, power and utilities service costs, and administration costs. The value of the net rent amenity must be confirmed by an independent auditor provided by the property owner.

5. The Owner has voluntarily offered to provide a cash contribution to the betterment of the community and therefore acknowledges that the Lands shall not be built upon, and the Township is not obligated to issue a building permit, for any development that exceeds a Floor Area Ratio of 1.5, unless the Owner has made a cash contribution of \$54,000 to the Township, to be used at the Township's discretion in relation to health and community well-being matters generally, on-or-off-site, including but not limited providing incentives or grants, undertaking or commissioning studies or reports, promotions and public information, establishing temporary clinics, and so on. The Owner makes such contribution in addition to and without expectation of credit towards other fees, charges, dedications and other requirements of the Township or other governmental authority.
6. The parties agree that compliance with the sections of this part shall be sufficient satisfaction of the density-bonusing-for-amenity-conditions identified in the Amendment Bylaw concerning the same subject matter (subsection (2)(b)(vi) of the CD 120 Zone).

Restrictions and Requirements – Kayak Dock

7. The Owner has voluntarily offered to provide a cash contribution to the betterment of the community, for the provision of installation and maintenance of a kayak dock in the Township, and therefore covenants and agrees that the Lands must not be built upon or used until the Owner has provided a cash contribution to the Township, in the amount of up to One Hundred and Fifty Thousand Dollars (\$150,000.00, the "**Dock Funds**"), in addition to and without expectation of credit towards other fees, charges, dedications and other requirements of the Township or other governmental authority, except that the parties agree that provision of the Dock Funds shall be sufficient satisfaction of the

density-bonusing-for-amenity-condition identified in the Amendment Bylaw (subsection (2)(b)(i) of the CD 120 Zone).

Restrictions and Requirements – Parking and EV Charging Stations

8. The Owner covenants and agrees that the Lands must not be built upon or used unless the Owner has provided, at its sole cost and without expectation of compensation from the Township, and continues to provide vehicular parking spaces and facilities on the Lands for a minimum of 10 years from the date the final Occupancy Certificate has been issued, in accordance with all of the following conditions (in addition to, and not in relief of, the Township's bylaws and development approvals):
 - (a) no fewer than five (5) parking spaces must be exclusively for the use of the "Public", for a minimum of six (6) hours a day, and signed or labeled accordingly, without fee or charge (the "Public Spaces");
 - (b) the Public Spaces must each contain electric vehicle charging stations, maintained and operated in good condition, for the free use of the public;
9. The parties agree that compliance with the previous section shall be sufficient satisfaction of the density-bonusing-for-amenity-condition identified in the Amendment Bylaw concerning the same subject matter (subsection (2)(b)(ii) of the CD 120 Zone).

Restrictions and Requirements – Built Green Canada Silver Certification

10. The Owner has voluntarily offered and committed to construction of the building(s) on the Lands to achieve the Built Green Canada Silver Certification standard, at its sole cost, and therefore covenants and agrees that:
 - (a) the building constructed upon the Lands must not be subdivided (including under the *Strata Property Act*) until it has achieved Built Green Canada Silver Certification;
 - (b) the building constructed upon the Lands must not be used or occupied, and the Owner will not apply for or seek to compel issuance of an occupancy permit/certificate, until it has provided the report of a qualified independent professional that it has constructed the building with the goal of, and in anticipation of, the Built Green Canada Silver Certification;
 - (c) within one (1) year of the earlier of completion or construction or the issuance of an occupancy permit/ certificate, the Owner must provide either:
 - (i) certification that the building(s) on the Land has been constructed to Built Green Canada Silver Certification; or
 - (ii) report of a qualified professional detailing outstanding deficiencies and a timeline for completion to attend to outstanding deficiencies in order for the building to achieve Built Green Canada Silver Certification.
11. The parties agree that:

- (a) compliance with the previous section shall be sufficient satisfaction of the density-bonusing-for-amenity-condition identified in the Amendment Bylaw concerning the same subject matter (subsection (2)(b)(iii) of the CD 120 Zone);
- (b) upon application by the Owner with sufficient rationale that stratification of the proposed building would not delay or hinder achievement of Built Green Canada Silver certification, Township Council may, but is not obligated to grant relief from the stratification constraints and expected timing of section 10 of this Agreement. Furthermore, the parties agree such relief may be granted by resolution, without public hearing and without modification of this Covenant, but always at the sole cost of the Owner.

Restrictions and Requirements – Hydro Works

12. The Lands must not be subdivided (including under the *Strata Property Act*), built upon or used, and the Owner will not apply for or seek to compel the issuance of a building permit, unless and until:

- (a) The owner has removed the existing BC Hydro pole located at the southeast corner of Esquimalt Road and Head Street in accordance with the plans and specifications prescribed by BC Hydro, and to the satisfaction of the Township's Director of Engineering and Public Works; and
- (b) The owner has buried all BC Hydro power lines, transformers and other infrastructure relevant to electrical utilities servicing, and located on or adjacent to, the Lands in accordance with the plans and specifications prescribed by BC Hydro, and to the satisfaction of the Township's Director of Engineering and Public Works,

or, with respect to the requirements of this section, provided security to the Township in the amount determined by the Township of Esquimalt's engineer.

13. The parties agree that compliance with the previous section shall be sufficient satisfaction of the density-bonusing-for-amenity-condition identified in the Amendment Bylaw concerning the same subject matter (subsection (2)(b)(iv) of the CD 120 Zone).

Restrictions and Requirements – Expanded Sidewalk SRW and Covenant

14. The Owner further covenants and agrees that Lands must not be subdivided (including under the *Strata Property Act*) built upon or used unless the Owner has provided, at its sole cost and without expectation of compensation from the Township, a Statutory Right of Way for pedestrian and other non-vehicular use and access, and related Covenant. A survey of the area shall be prepared by the Owner and not be less than the area of the Lands located within 3.2 metres of the northern lot line abutting Esquimalt Road. The terms of such right of way and covenant shall be in the Township's customary form, at its discretion (current sample appended as Schedule A), noting however the responsibility for maintenance and safe use of the right of way area is to remain with the Owner, and the Township is to be fully indemnified and released.
15. The parties agree that compliance with the previous section shall be sufficient satisfaction of the density-bonusing-for-amenity-condition identified in the

Amendment Bylaw concerning the same subject matter (subsection (2)(b)(v) of the CD 120 Zone).

Restrictions and Requirements – Crosswalks

16. The Owner has voluntarily offered to provide a cash contribution to the betterment of the community, for the provision and installation of pedestrian activated crosswalk signals in two locations in the general vicinity of the Lands (the “**Crosswalks**”), and therefore covenants and agrees that the Lands must not be built upon or used until the Owner has provided a cash contribution to the Township, in the amount of Thirty Thousand Dollars (\$30,000.00), in addition to and without expectation of credit towards other fees, charges, dedications and other requirements of the Township or other governmental authority, except that the parties agree that provision of the Crosswalk Funds shall be sufficient satisfaction of the density-bonusing-for-amenity-condition identified in the Amendment Bylaw (subsection (2)(b)(ix) of the CD 120 Zone).

Restrictions and Requirements – Transit Passes

17. The Owner further covenants and agrees to provide a one-year BC Transit bus pass for the Victoria Regional Transit System (each a “**Transit Pass**”) to each occupant of a dwelling unit on the Lands (each an “**Occupant**”) in accordance with the following:
 - (a) only those Occupants who are residents of a dwelling unit will be entitled to a Transit Pass;
 - (b) the Owner will only be required to provide a maximum of 66 Transit Passes, on average up to one Transit Pass per dwelling unit, however where no pass is requested for a dwelling unit, then requests for a second and third pass for alternate units must be accommodated, up to 66 Transit Passes in total;
 - (c) the Transit Passes may be in the form of an actual transit pass, a voucher, or a reimbursement and must be provided to each resident within 30 days of occupation of the dwelling unit (the “**Transit Contribution Date**”);
 - (d) unless the parties agree that this Section has been or may be satisfied in another manner, acting reasonably, then:
 - (i) prior to applying for occupancy permits in respect of the building it constructs upon the Lands, the Owner will provide security (the “**Transit Security**”) to secure the performance of the Owner’s covenants of this Section, such amount being determined by the following calculation:

Number of Units

x One Pass per Unit

x (Cost of Annual Pass OR Cost of Monthly Pass x 12 times)

- (ii) the Owner will provide the Transit Security in accordance with Council Policy entitled “Financial Security FIN-14” (April 18, 2006), unless Council resolves otherwise, as determined in the Township’s sole discretion;

- (iii) the Transit Security, or such proportionate amount, will be released upon the Owner providing evidence to the satisfaction of the Township's Director of Development Services, acting reasonably, that each Occupant has received a Transit Pass on or before the applicable Transit Contribution Date, such evidence may include an acknowledgment and receipt signed by each respective Occupant.

Indemnity and Release

- 18. The Owner covenants and agrees to indemnify and save harmless the Township from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees (on a solicitor-client basis) whatsoever, in law or equity, which anyone has or may have against the Township or which the Township incurs as a result of any loss, damage, deprivation, enrichment or injury, including economic loss, arising out of or connected with the restrictions or requirements of this Agreement, the breach of any covenant in this Agreement, or the use of the Lands contemplated under this Agreement.
- 19. The Owner releases and forever discharges the Township of and from any claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees (on a solicitor-client basis) whatsoever, in law or equity, which the Owner can or may have against the Township for any loss, damage, deprivation, enrichment or injury, including economic loss, arising out of or connected with the restrictions or requirements of this Agreement, the breach of any covenant in this Agreement, or the use of the Lands contemplated under this Agreement.
- 20. Without limiting the above release and indemnity, the Owner acknowledges that this Agreement contains conditions, restrictions, requirements, benefits or gifts that may not be specifically identified or required by bylaw. The Owner hereby expresses its intention to be solely responsible for the costs resulting from satisfying the conditions of this Agreement, and to donate any contribution to the Township as a gift without any expectation of credit, payment or reward of any kind. The Owner further releases, waives and forever discharges the Township from and against any claims, actions, or causes of action, whether based in contract, tort or equity, for damages or losses, for the recovery of the contributions or costs incurred, including legal expenses, or for unjust enrichment, in connection with the provision of those contributions.
- 21. The releases and indemnities of this Agreement shall survive its termination.

Registration

- 22. The restrictions and requirements in this Agreement are covenants running with the Lands in favour of the Township and intended to be perpetual, and shall continue to bind all of the Lands when subdivided. For greater certainty:
 - (a) future owners of the Lands, or portions thereof, shall be considered the Owner under this Agreement;
 - (b) this Agreement will be discharged or released from individual strata units upon provision of a replacement Covenant for restrictions and requirements that have not been satisfied or are intended to remain, upon terms acceptable to the Township, in its sole discretion; and

- (c) this Agreement will continue to form a charge against the common property of any strata development on the Lands and be binding against the Strata Corporation.
- 23. At the Owner's sole cost, the Owner must do everything necessary to secure priority of registration and interest for this Agreement over all encumbrances of a financial nature on the Lands.
- 24. The Owner agrees to execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement. However, the Township acknowledges that if the Amendment Bylaw is not adopted by the Township by June 30, 2020 and the related Development applications are abandoned, then this Agreement shall be discharged from the Lands.
- 25. The Owner, as a personal covenant between the parties, agrees to pay the reasonable legal fees and land title office costs of the Township in connection with the preparation and registration of this Agreement.

General

- 26. The Owner covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions set out in this Agreement.
- 27. It is mutually understood, acknowledged and agreed by the parties that the Township has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Owner other than those contained in this Agreement.
- 28. Nothing contained or implied in this Agreement:
 - (a) prejudices or affects the rights, powers or discretion of the Township in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if the Agreement had not been executed and delivered by the Owner;
 - (b) imposes any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement or the breach of any provision in this Agreement; or
 - (c) imposes any public law duty, whether arising from the principles of procedural fairness or the rules of natural justice, on the Township with respect to its exercise of any right or remedy expressly provided in this Agreement or at law or in equity.
- 29. The Owner covenants and agrees that the Township's Director of Development Services may, but is not obligated to, inspect the parking spaces, vehicular charging, bicycle parking and kayak dock, and the Owner shall implement any reasonable measures identified by the Director of Development Services as a result of such inspection as necessary for the proper implementation of this Agreement, in conjunction with the Council of any Strata Corporation.

30. The Owner covenants and agrees that the Township may withhold development permits, building permits and other approvals related to the use, building or subdivision of land as necessary to ensure compliance with the covenants in this Agreement, and that the issuance of a permit or approval does not act as a representation or warranty by the Township that the covenants of this Agreement have been satisfied.
31. The Owner covenants and agrees that:
- (a) if the Township advises of a breach of this Agreement, as determined in its reasonable discretion, the Owner must promptly remedy that breach at its sole cost;
 - (b) if the Owner has not remedied the breach to the reasonable satisfaction of the Township within thirty (30) days of notice or other longer time period specified by the Township, the Township may, but is under no obligation to, remove or rectify the breach at the expense of the Owner without further notice; and
 - (c) any costs to the Township of such removal or rectification is a debt due from the Owner to the Township together with interest at a rate of 1% per annum in excess of the Prime Lending Rate of the Royal Bank of Canada in effect from time to time, and:
 - (i) the Owner shall pay such costs and interest to the Township forthwith upon demand; and
 - (ii) failing payment, the Township may add such costs to property taxes for the Lands.
32. No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity. The Owner agrees that the Township is entitled to obtain an order for specific performance or a prohibitory or mandatory injunction in respect of any breach of this Agreement by the Owner.
33. The waiver by a party of any breach of this Agreement or failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar, and no waiver is effective unless it is written and signed by both parties.
34. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.
35. The Owner acknowledges having received legal advice prior to executing this Agreement, and the Owner agrees that it fully and completely understands this Agreement and its impact on the Lands.
36. Any notice required or permitted to be given in connection with this Agreement will be in writing and delivered personally or sent by prepaid express mail to the applicable addresses set out above. If notice is delivered personally, it will be considered given when delivered. If notice is mailed, it will be considered given five days after mailing

by deposit at a Canada Post mailing point or office. A party may only change their address for delivery under this section by notice to the other party in accordance with this section.

37. This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

Priority Agreements

38. **MABNA HOLDING COMPANY LTD., INC. NO. BC773042** (the “**2nd Chargeholders**”) are the registered holder of charges by way of MORTGAGE and ASSIGNMENT OF RENTS, registered under No. CA7418875 and CA7418876 respectively (the “**2nd Charges**”), and agrees with the Township, in consideration of the sum of Ten Dollars (\$10.00) paid by the Township to the 2nd Chargeholder (receipt and sufficiency acknowledged), that the Agreement shall be an encumbrance upon the Lands in priority to the 2nd Charges in the same manner and to the same effect as if the Agreement had been dated and registered prior to the 2nd Charges.
39. **FIRST ISLAND FINANCIAL SERVICES LTD., INC. NO. BC116225** (the “**1st Chargeholders**”) are the registered holder of charges by way of MORTGAGE and ASSIGNMENT OF RENTS, registered under No. CA7862860 and CA7862861 respectively (the “**1st Charges**”), and agrees with the Township, in consideration of the sum of Ten Dollars (\$10.00) paid by the Township to the 1st Chargeholder (receipt and sufficiency acknowledged), that the Agreement shall be an encumbrance upon the Lands in priority to the 1st Charges in the same manner and to the same effect as if the Agreement had been dated and registered prior to the 1st Charges.

The Owner, Township, the 1st Chargeholder and the 2nd Chargeholder acknowledge that this Agreement has been duly executed and delivered by the parties executing Forms C and D attached.

Schedule A
Sample SRW/ Covenant Terms for Esquimalt Road Sidewalk

PART 1 - S.218 STATUTORY RIGHT OF WAY ("SRW")

1. The Owner, for himself, his heirs, executors, administrators, successors and assigns, hereby grants and conveys in perpetuity and at all times to the Township, its officials, employees, contractors, subcontractors, agents, licensees, invitees, permittees, and the public generally, with or without invitation, a blanket statutory right of way over the Lands and the full, free and uninterrupted right, licence, liberty, privilege, easement and right of way in common with the Owner over the Lands (the "**Statutory Right of Way**"), for the purpose of pedestrian and other non-vehicular use and access (collectively, the "**Works**"), including all associated services, including but not limited to curbs, gutters, structures, improvements, furniture, walkways, hard and soft landscaping (including but not limited to lawns, trees, shrubs, bushes, flowers and other flora), surfacing and retaining walls and such works required by the Township or necessary or convenient for lighting, drainage, irrigation and all other related utilities, furniture, equipment and elements to be installed or constructed on the Statutory Right of Way, and all other works of a similar nature or kind that may be required by the Township from time to time (collectively, the "**Related Works and Services**"), and in connection therewith:
 - (a) to facilitate uninterrupted access of the Township and the public to and through the Statutory Right of Way, on foot, bicycles, or in wheelchairs or strollers (or scooters for disabled persons but not in other private motorized vehicles).
2. No part of the title in fee-simple to the soil shall pass to or be vested in the Township under or by virtue of these presents, and the Owner may fully use and enjoy all the Lands of the Owner, subject only to the rights and restrictions herein contained.

PART 2 - S.219 COVENANT

3. The Owner hereby covenants and agrees with the Township that the Owner:
 - (a) will, at its sole cost, construct and install the Works and the Related Works and Services within the Statutory Right of Way to the satisfaction of the Township's Director of Engineering and Public Works;
 - (b) will not, and will not permit any other person, to erect, place, install or maintain any building, structure, addition to a building or structure, concrete driveway or patio, pipe, wire or other conduit on, over or under any portion of the Statutory Right of Way, without the express written consent of the Township's Director of Engineering and Public Works;
 - (c) will not do or permit to be done any act or thing which will interfere with or injure the Works or the Related Works and Services and in particular will not carry out any blasting on or adjacent to the Statutory Right of Way, without the express written consent of the Township's Director of Engineering and Public Works, the parties acknowledging that consent shall not be unreasonably withheld;
 - (d) will maintain, care for and clean, and repair and replace as necessary, the Works,

the Related Works and Services, and the surface of the Statutory Right of Way to at all times keep the Works and the Related Works and Services in a good and safe state;

- (e) will trim or, if necessary, cut down any tree or other growth on the Lands which in the opinion of the Township constitutes or may constitute a danger or obstruction to those using the Statutory Right of Way;
 - (f) will allow the Township, its officials, employees, contractors, subcontractors, agents, licensees, invitees, permittees and the public generally to enter upon the Statutory Right of Way as provided in Sections 1 of this Agreement, and not to interfere with in any way or prevent any such person coming on to the respective area for the purposes permitted by this Agreement;
 - (g) will from time to time and at all times at the reasonable request of the Township do and execute or cause to be made, done or executed any further and other lawful acts, deeds, things, devices, conveyances and assurances in law required to ensure the Township of its rights under this Agreement; and
 - (h) will permit the Township to peaceably hold and enjoy the rights granted by this Agreement.
- 4. At the Owner's sole cost, the Owner must do everything necessary to secure priority of registration and interest for this Agreement over all encumbrances of a financial nature.
 - 5. The Owner, as a personal covenant between the parties, agrees to pay the legal fees and land title office costs of the Township in connection with the preparation and registration of this Agreement.
 - 6. The Owner further covenants and agrees that Township, and any of its officers or employees, may but is not obligated to inspect the Statutory Right of Way for the purpose of ascertaining compliance with this Agreement.
 - 7. The Owner covenants and agrees to indemnify and save harmless the Township from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees (on a solicitor-client basis) whatsoever, in law or equity, which anyone has or may have against the Township or which the Township incurs as a result of any loss, damage, deprivation, enrichment or injury, including economic loss, arising out of or connected with the restrictions or requirements of this Agreement, the breach of any covenant in this Agreement or the use of the Lands contemplated under this Agreement.
 - 8. The Owner releases and forever discharges the Township of and from any claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees (on a solicitor-client basis) whatsoever, in law or equity, which the Owner and its successors and assigns can or may have against the Township for any loss, damage, deprivation, enrichment or injury, including economic loss, arising out of or connected with the restrictions or requirements of this Agreement, the breach of any covenant in this Agreement or the use of the Lands contemplated under this Agreement.
 - 9. The Owner covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions set out in

this Agreement.

Conversion of Agreement to a Specific Statutory Right of Way and Covenant

10. The Owner further covenants and agrees that the Lands, or any building on the Lands, must not be subdivided (including under the Strata Property Act) until the Owner at its sole cost, and without expectation of compensation from the Township, has:
 - (a) undertaken further surveying and prepared a plan outlining and identifying the specific right of way area a minimum 3.2 metres wide adjacent Esquimalt Road the full length of the frontage of the Lands (the "**Specific Right of Way Plan**"), that is substantially in accordance with the right of way area shown in the Proposed SRW Plan, and
 - (b) converted this Agreement to a Specific Statutory Right of Way and covenant under Sections 218 and 219 of the Land Title Act (the "**Specific SRW**") for public sidewalks and green spaces substantially in accordance with the terms of this Agreement but limited to the area of the Lands outlined and identified in the Proposed SRW Plan, including registration by the Owner of the Specific SRW on the title of the Lands and a corresponding discharge of this Agreement to be provided by the Township to the Owner and to be registered concurrently at the Victoria Land Title Office.
11. For greater certainty, the Owner and Township acknowledge and agree that this Agreement is registered as a blanket statutory right of way charge over all the Lands to facilitate development and surveying on the Lands, and the Owner covenants and agrees to undertake further surveying to replace this Agreement with a specific statutory right of way and covenant, and the Township agrees to generally limit its use of the rights granted herein to the area shown on the Proposed SRW Plan, however any uncertainty is to be resolved in favour of the Township given this blanket charge.

General Provisions:

12. Nothing in this Agreement implies that the Township has any obligation to the Owner or to any person to exercise any of its rights under Section 1 and the Township may, at its sole option, execute a release of this Agreement at any time without liability to any person for doing so.
13. No default by the Township with respect to this Agreement and no act or failure to act by the Township in connection with this Agreement will result or be deemed to result in the interruption, suspension, or termination of the Agreement, and the Owner will refrain from seeking any judgment, order, declaration, or injunction to that effect.
14. The restrictions and requirements in this Agreement are covenants running with the Lands in favour of the Township and intended to be perpetual, and shall continue to bind all of the Lands when subdivided.
15. It is mutually understood, acknowledged and agreed by the parties that the Township has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Owner other than those contained in this Agreement.

16. Nothing contained or implied in this Agreement:
- (a) prejudices or affects the rights, powers or discretion of the Township in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if the Agreement had not been executed and delivered by the Owner;
 - (b) imposes any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement or the breach of any provision in this Agreement; or
 - (c) imposes any public law duty, whether arising from the principles of procedural fairness or the rules of natural justice, on the Township with respect to its exercise of any right or remedy expressly provided in this Agreement or at law or in equity.
17. The Township may withhold development permits, building permits and other approvals related to the use, building or subdivision of land as necessary to ensure compliance with the covenants in this Agreement, and issuance of a permit or approval does not act as a representation or warranty by the Township that the covenants of this Agreement have been satisfied.
18. The Owner covenants and agrees that:
- (a) if the Township advises of a breach of this Agreement, as determined in its reasonable discretion, the Owner must promptly remedy that breach at its sole cost;
 - (b) if the Owner has not remedied the breach to the reasonable satisfaction of the Township within fifteen (15) days of notice or other longer time period specified by the Township, the Township may, but is under no obligation to, remove or rectify the breach at the expense of the Owner without further notice; and
 - (c) any costs to the Township of such removal or rectification is a debt due from the Owner to the Township together with interest at a rate of 1% per annum in excess of the Prime Lending Rate of the Royal Bank of Canada in effect from time to time, and:
 - (i) the Owner shall pay such costs and interest to the Township forthwith upon demand; and
 - (ii) failing payment, the Owner may add such costs to property taxes for the Lands.
19. No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity. Damages will be an inadequate remedy for the Township; and the Township is entitled to an order for specific performance or a prohibitory or mandatory injunction in order to compel performance of the obligations in this Agreement.
20. The waiver by a party of any breach of this Agreement or failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is

not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar, and no waiver is effective unless it is written and signed by both parties.

21. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.
22. The Owner acknowledges having received legal advice prior to executing this Agreement, and the Owner agrees that it fully and completely understands this Agreement and its impact on the Lands.
23. This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

The Owner and Township acknowledge that this Agreement has been duly executed and delivered by the parties executing Forms C and D (pages 1 and 2) attached.

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2985

A Bylaw to authorize the borrowing of such sums of money
as may be necessary to meet current lawful expenditures
of the Corporation for the year 2020

WHEREAS, pursuant to Section 177 of the *Community Charter*, the Municipal Council may, by bylaw provide for the borrowing of money that may be necessary to meet current lawful expenditures;

AND WHEREAS the maximum amount so borrowed shall not exceed at any time the sum of unpaid taxes for all purposes levied during the current year and the money remaining due from other governments;

AND WHEREAS before the adoption of the annual rates bylaw in any year, the taxes in the current year are deemed to be seventy-five per centum of all taxes levied for all purposes in the preceding year;

AND WHEREAS the current year taxes calculated in accordance with the above amount is \$22,045,000;

AND WHEREAS to meet the current lawful expenditures of the Corporation it may be necessary to borrow an amount not exceeding \$2,500,000;

NOW, THEREFORE, THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, hereby enacts as follows:

1. This Bylaw may be cited as the "*REVENUE ANTICIPATION BORROWING BYLAW, 2020, NO. 2985*".
2. It shall be lawful for the Municipal Council to borrow upon the credit of the Corporation a sum not exceeding two million five hundred thousand dollars (\$2,500,000) in such amounts and at such times as may be required, and to pay interest thereon.
3. All the monies so borrowed and the interest payable thereon shall be payable on or before the 31st day of December 2020.

4. The form of the obligation or obligations to be given as an acknowledgement of the liability shall be a Promissory Note or Notes bearing the Corporate Seal and signed by the Mayor and the Director of Financial Services.
5. There is hereby set aside as security for the liability hereby authorized to be incurred, the sum of \$2,500,000 being part of the taxes for the current year deemed by the Municipal Council expedient to be so set aside.

Read a first time by the Municipal Council on the 6th day of January, 2020.

Read a second time by the Municipal Council on the 6th day of January, 2020.

Read a third time by the Municipal Council on the 6th day of January, 2020.

ADOPTED by the Municipal Council on the day of January, 2020.

BARBARA DESJARDINS
MAYOR

RACHEL DUMAS
CORPORATE OFFICER

Deborah Liske

Subject: FW: Letter from Kristen Morley, General Manager, Corporate Services, CRD Re: Municipal Consent for Bylaws No. 4326 and 4327, Loan Authorization and Amendments to the Land Banking and Housing Service

Attachments: OutgoingLetterToEsquimaltFromKMorleyRHFPAAAP.PDF; Attachment1Staff Report-RHFP-AAP.PDF; Attachment2Bylaw4326.pdf; Attachment3Bylaw4327.pdf; Attachment4RHFP-AAP-FAQ.PDF

From: Kelly Timms [mailto:ktimms@crd.bc.ca]

Sent: January-08-20 4:06 PM

To: Rachel Dumas

Cc: Laurie Hurst; CRD Board; Kristen Morley

Subject: Letter from Kristen Morley, General Manager, Corporate Services, CRD Re: Municipal Consent for Bylaws No. 4326 and 4327, Loan Authorization and Amendments to the Land Banking and Housing Service

Dear Ms. Dumas,

Please find attached a letter and attachments from Kristen Morley, General Manager, Corporate Services, CRD, regarding Municipal Consent for Bylaws No. 4326 and 4327, Loan Authorization and Amendments to the Land Banking and Housing Service.

Sincerely,

Kelly Timms | Executive Services Coordinator

Office of the CAO and Board Chair

(250) 360-3129 | Capital Regional District

www.crd.bc.ca | [Facebook](#) | [Twitter](#) | [YouTube](#)



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| | | |
|--|--|-------------------------------|
| CORPORATION OF THE TOWNSHIP OF ESQUIMALT | | |
| For Information: | | |
| <input type="checkbox"/> CAO | <input type="checkbox"/> Mayor/Council | |
| RECEIVED: JAN 09 2020 | | |
| Referred: <u>Rachel</u> | | |
| <input type="checkbox"/> For Action | <input type="checkbox"/> For Response | <input type="checkbox"/> COTW |
| <input type="checkbox"/> For Report | <input checked="" type="checkbox"/> Council Agenda | <input type="checkbox"/> IC |

January 8, 2020

File: 3900

Mayor and Council, Township of Esquimalt
Attention: Rachel Dumas, Corporate Officer
1229 Esquimalt Road
Esquimalt, BC V9A 3P1
Via email: rachel.dumas@esquimalt.ca

Dear Ms. Dumas:

RE: MUNICIPAL CONSENT FOR BYLAWS NO. 4326 AND 4327, LOAN AUTHORIZATION AND AMENDMENTS TO THE LAND BANKING AND HOUSING SERVICE

On September 11, 2019 Capital Regional District (CRD) Board gave three readings to the following bylaws:

- Bylaw No. 4326, "Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010, Amendment Bylaw No. 1, 2019" to remove the limitations to borrowing; and
- Bylaw No. 4327, "Regional Housing First Program Loan Authorization Bylaw No. 1, 2019" to authorize the borrowing of an additional ten million dollars (\$10,000,000) for the Land Assembly, Housing and Land Banking Service.

The intent of Bylaws No. 4326 and 4327 is to increase the CRD's contribution to the Regional Housing First Program (RHFP) by \$10 million, to meet the original program goal of creating 400 units rented at the provincial income assistance shelter rate. Adoption of both bylaws is required to raise the funds and receive \$10 million in matching funds from BC Housing. The additional investment by BC Housing and CRD will bring the total program funding to \$110 million. BC Housing and CRD will continue to work with CMHC to leverage their matching grant to bring the total to \$120 million. Currently, 211 units at provincial income assistance shelter rates and 907 units of affordable housing have been approved in the region.

In order to amend the establishing bylaw and the loan authorization bylaw, elector consent is required from 2/3rds of participants which include all 13 municipalities and 3 electoral areas of the Capital Regional District (or a minimum of 11 out of 16). The CRD Board chose to obtain municipal Council consent on behalf of their electors, as per section 346 of the *Local Government Act*. Elector assent in the electoral areas is being sought via an alternative approval process.

Please have your Council consider the bylaws and return their response to us no later than February 18, 2020. Your council resolution may be worded as follows:

That Council [consent/not consent] to the CRD adopting Bylaw No. 4326, to amend the Land Banking and Housing Service Establishing Bylaw to update the borrowing amount, and Bylaw No. 4327 to authorize the borrowing of \$10 million to fund additional housing units under the Regional Housing First Program.



Ms. Dumas – January 8, 2020

Municipal Consent for Bylaws No. 4326 and 4327, Loan Authorization and Amendments to the Land Banking and Housing Service

2

As background information, please find attached the staff report, the proposed bylaws, as well as frequently asked questions.

If you require additional information prior to forwarding this request to your Council, or if you wish to have CRD staff or the Hospitals and Housing Committee Chair Lisa Helps present at your Council meeting when the bylaws are considered, please advise by email to Emilie Gorman at egorman@crd.bc.ca.

Yours truly,

A handwritten signature in black ink, appearing to read 'K Morley', with a long, sweeping horizontal stroke at the end.

Kristen Morley
General Manager, Corporate Services
Corporate Officer

Attachments: 4

cc: Laurie Hurst, Chief Administrative Officer, Township of Esquimalt
CRD Board



**REPORT TO THE HOSPITALS AND HOUSING COMMITTEE
MEETING OF WEDNESDAY, DECEMBER 04, 2019**

SUBJECT **AAP for Bylaws 4326 and 4327 – Regional Housing First Program**

ISSUE

To conduct an Alternate Approval Process for Bylaw No. 4326 and 4327 by confirming the deadline to receive elector responses, establish the total number of electors, and approve the Notice of Alternative Approval Process and the Electoral Response Form prior to the deadline and certification of results.

BACKGROUND

At its meeting held September 11, 2019, the CRD Board gave three readings to the following bylaws:

- Bylaw No. 4326, "Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010, Amendment Bylaw No. 1, 2019" to remove the limitations to borrowing; and
- Bylaw No. 4327, "Regional Housing First Program Loan Authorization Bylaw No. 1, 2019" to authorize the borrowing of an additional ten million dollars (\$10,000,000) for the Land Assembly, Housing and Land Banking Service.

The bylaws obtained Inspector of Municipalities approval on October 20, 2019 and the CRD was notified on October 28, 2019. The next step prior to adopting the bylaw is to obtain elector assent. The CRD Board directed elector assent be obtained via alternative approval process (AAP) for the electoral areas and via municipal Council consent on behalf for the municipalities.

In order to conduct the AAP, the attached Notice (Appendix B) and Elector Response Form (Appendix C) have been prepared in accordance with the applicable sections of the *Local Government Act* (LGA) and the *Community Charter* (CC). The Board may proceed with adopting the bylaw if two-thirds of the 16 participants consent. For the AAP, consent is given unless more than 10% of the electors indicate in an electoral area that the Board must obtain the assent of the electors by way of assent voting (referendum). The proposed deadline to receive elector responses is February 18, 2020.

The total number of registered resident electors and registered non-resident property electors in each electoral area is as follows:

- Salt Spring Island Electoral Area is estimated at 9095, of which 10% is 910 electors;
- The Southern Gulf Islands Electoral Area is estimated at 5003, of which 10% is 500 electors; and
- Juan de Fuca Electoral Area is estimated at 5754, of which 10% is 575 electors.

ALTERNATIVES

Alternative 1

The Hospitals and Housing Committee recommend to the Capital Regional District Board:

- 1) That in accordance with section 86(3) of the *Community Charter*, the date of February 18,

2020 be confirmed as the deadline by which electoral response, under the Alternate Approval process for CRD Bylaws 4326 and 4327, must be submitted to the Capital Regional District by qualified electors within the Salt Spring Island, Southern Gulf Islands and Juan de Fuca Electoral Areas;

- 2) That the attached Notice of Alternative Approval Process and the Elector Response Form be approved; and
- 3) That the total number of registered electors within the service areas is as follows:
 - a. For Salt Spring Island, 9,095 and that 10% of that number is 910 electors;
 - b. For the Southern Gulf Islands Electoral Area, 5003 and that 10% of that number is 500 electors; and
 - c. For the Juan de Fuca Electoral Area, 5754 and that 10% of that number is 575 electors.

Alternative 2

That this report be referred back to staff for additional information.

CONCLUSION

The CRD Board has previously approved obtaining electoral approval by an Alternative Approval Process for Bylaws No. 4326 and 4327 in the Electoral Areas. To conduct the Alternative Approval Process for Bylaws No. 4326 and 4327, the Board has to confirm the deadline to receive elector responses, establish the total number of electors, and approve the Notice of Alternative Approval Process and the Elector Response Form.

RECOMMENDATION(S)

The Hospitals and Housing Committee recommend to the Capital Regional District Board:

- 1) That in accordance with section 86(3) of the *Community Charter*, the date of February 18, 2020 be confirmed as the deadline by which electoral response, under the Alternate Approval process for CRD Bylaws 4326 and 4327, must be submitted to the Capital Regional District by qualified electors within the Salt Spring Island, Southern Gulf Islands and Juan de Fuca Electoral Areas;
- 2) That the attached Notice of Alternative Approval Process and the Elector Response Form be approved; and
- 3) That the total number of registered electors within the service areas is as follows:
 - a. For Salt Spring Island, 9,095 and that 10% of that number is 910 electors;
 - b. For the Southern Gulf Islands Electoral Area, 5003 and that 10% of that number is 500 electors; and
 - c. For the Juan de Fuca Electoral Area, 5754 and that 10% of that number is 575 electors.

| | |
|---------------|--|
| Submitted by: | Emilie Gorman, MPA, Manager, Legislative Services & Deputy Corporate Officer |
| Concurrence: | Kristen Morley, JD, General Manager, Corporate Services & Corporate Officer |
| Concurrence: | Robert Lapham, MCIP, RPP, Chief Administrative Officer |

Attachments:

Appendix A: Bylaws No. 4326 and 4327 at Third Reading
Appendix B: Notice of Alternative Approval Process
Appendix C: Elector Response Form

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4326

A BYLAW TO AMEND THE LAND ASSEMBLY, HOUSING
AND LAND BANKING SERVICE ESTABLISHMENT BYLAW NO. 1, 2010

WHEREAS:

- A. By Supplementary Letters Patent, Division XII dated July 25, 1974, as amended by further Supplementary Letters Patent, the Capital Regional District was granted the function of Land Assembly, Housing and Land Banking which included the power to undertake land assembly for the purpose of housing, either public or private and, public housing, pursuant to the provisions of the *National Housing Act*, the *Municipal Act*, the *Housing Act*, and other legislation pertaining to land assembly and public housing, as if the regional district were a municipality;
- B. Under Bylaw No. 3712, Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010, the Capital Regional District converted this to a service under the *Local Government Act* in all member municipalities and electoral areas (the "Service"). The Service includes a limit on when the Board may refer decisions on borrowing for the purposes of the service to the electorate, putting a maximum borrowing amount on the service of \$25-million, as well as a limit on the length of time the Board may enter into housing agreements;
- C. To maintain the intention of the *Local Government Act* and the service participants that the electors may determine when borrowing is appropriate, the limitations on borrowing and on the housing agreement limit should be updated to reflect the current law, all subject to the *Local Government Act*;
- D. Removal of this administrative cap on borrowing is not a removal of the right of the electorate to accept or to decline the borrowing of funds to support the service, nor is it a removal of the Board's ability to decide not to pursue borrowing;
- E. Pursuant to Section 407 of the *Local Government Act*, participating area approval is required and shall be obtained by alternative approval process under Section 345 of the *Local Government Act*, and
- F. The approval of the Inspector of Municipalities is required under Section 403 of the *Local Government Act*.

NOW THEREFORE the Board of the Capital Regional District in open meeting assembled enacts as follows:

1. Bylaw No. 3712, "Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010" is hereby amended as follows:
 - (a) By amending section 1 (a)(iv) to read "Authorizing the Regional Board to borrow on behalf of the service or for corporations established under ii) above, pursuant to the provisions of the *Local Government Act*,"; and

(b) By amending section 1(a)(vi) to read "Authorizing the Regional Board to enter into housing-related agreements and housing agreements for any duration, pursuant to the provisions of the *Local Government Act*,".

3. This Bylaw may be cited as the "Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010, Amendment Bylaw No. 1, 2019".

READ A FIRST TIME THIS 11th day of September 2019

READ A SECOND TIME THIS 11th day of September 2019

READ A THIRD TIME THIS 11th day of September 2019

APPROVED BY THE INSPECTOR OF MUNICIPALITIES
THIS 20th day of October 2019

RECEIVED THE ASSENT OF THE ELECTORS UNDER SECTION 345 OF THE *LOCAL
GOVERNMENT ACT* THIS ___ day of _____ 20__

ADOPTED THIS ___ day of _____ 20__

CHAIR

CORPORATE OFFICER

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS ___ day of _____ 20__

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4327

**A BYLAW TO AUTHORIZE THE BORROWING OF
TEN MILLION DOLLARS (\$10,000,000)
FOR THE REGIONAL HOUSING FIRST PROGRAM**

WHEREAS:

- A. By Supplementary Letters Patent, Division XII dated July 25, 1974, as amended by further Supplementary Letters Patent, the Capital Regional District was granted the function of Land Assembly, Housing and Land Banking which included the power to undertake land assembly for the purpose of housing, either public or private and, public housing, pursuant to the provisions of the *National Housing Act*, the *Municipal Act*, the *Housing Act*, and other legislation pertaining to land assembly and public housing, as if the regional district were a municipality;
- B. Under Bylaw No. 3712, Land Assembly, Housing and Land Banking Service Establishment Bylaw No. 1, 2010, the Capital Regional District converted this to a service under the *Local Government Act* in all member municipalities and electoral areas (the "Service");
- C. It is deemed desirable to borrow additional funds in the amount of Ten Million Dollars (\$10,000,000) for the Service, which is the amount of debt intended to be authorized by this bylaw, for use in the Regional Housing First Program, currently a \$90-million collaboration between the CRD, the Province, and the Federal Government, as there is a likelihood of upper levels of government providing further funding should the CRD be able to providing matching or assisting funds;
- D. It is proposed that the financing is to be undertaken by the Municipal Finance Authority of British Columbia pursuant to proposed agreements between it and the Capital Regional District;
- E. Pursuant to Section 407 of the *Local Government Act*, participating area approval is required and shall be obtained by alternative approval process under Section 345 of the *Local Government Act*, and
- F. The approval of the Inspector of Municipalities is required under Section 403 of the *Local Government Act*.

NOW THEREFORE the Board of the Capital Regional District in open meeting assembled enacts as follows:

- 1. The Board is hereby empowered and authorized to borrow upon the credit of the Capital Regional District an additional sum not exceeding Ten Million Dollars (\$10,000,000) for the purposes of the Land Assembly, Housing and Land Banking Service and to do all things necessary in connection therewith and without limiting the generality of the foregoing, to acquire all such real property, easements, rights-of-way, licenses, rights or

authorities as may be requisite or desirable for or in connection with the Land Assembly, Housing and Land Banking Service.

2. The maximum term for which debentures may be issued to secure the debt intended to be created by this bylaw is 25 years.
3. This Bylaw may be cited as the "Regional Housing First Program Loan Authorization Bylaw No. 1, 2019".

READ A FIRST TIME THIS 11th day of September 2019

READ A SECOND TIME THIS 11th day of September 2019

READ A THIRD TIME THIS 11th day of September 2019

APPROVED BY THE INSPECTOR OF MUNICIPALITIES
THIS 20th day of October 2020

RECEIVED THE ASSENT OF THE ELECTORS UNDER SECTION 345 OF THE *LOCAL*
GOVERNMENT ACT THIS — day of — 20__

ADOPTED THIS — day of — 20__

CHAIR

CORPORATE OFFICER

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS — day of — 20__

Regional Housing First Program



Frequently Asked Questions

Capital Regional District | January 2020

What is the Regional Housing First Program (RHFP)?

The RHFP is a partnership between the Capital Regional District (CRD), BC Housing Management Commission (BC Housing) and the Canada Mortgage and Housing Corporation (CMHC) to create new affordable mixed-market rental housing options while ending chronic homelessness in the capital region. Each partner has committed \$30 million, resulting in a \$90 million investment toward increasing rental options that meet a variety of needs in the community.

Why was the RHFP created?

Across the capital region, vacancy rates remain critically low and the cost of renting has risen by over 15%. An analysis of emergency shelter usage identified approximately 400 individuals experiencing chronic homelessness. The RHFP was designed to help address these challenges by supporting the development of mixed-market communities with 400 units available to individuals who have experienced chronic homelessness and are ready to live independently with supports. Each mixed market community includes at least 20% of units rented at the provincial income assistance shelter rate (\$375/month).

Why are additional funds required?

The cost per unit has increased from \$225,000 to \$300,000 due to escalating construction costs in the region. In order to reach the original goal of ending chronic homelessness by creating 400 units rented at the income assistance shelter rate, there is a requirement to increase the total contribution to \$120 million, or an additional \$10 million for each of the three partners.

How would additional funds be raised?

In order to raise an additional \$10 million, an amendment to Bylaw No. 4326, Land Assembly, Housing and Land Banking Service Establishment and Bylaw No. 4327, Land Assembly, Housing and Land Banking Loan Authorization Bylaw will need to be approved.

What is the cost to tax payers?

If the CRD borrows \$10 million for 15 years, the impact to home owners in the regional district is a cost of **\$0.61** for every \$100,000 of property value according to the 2019 residential property assessment. For example, if your property is assessed at \$750,000, the annual tax impact would be **\$4.58**.

For more information, visit www.crd.bc.ca/housingfirstaap

What happens if the bylaw amendments are approved?

The amendments would authorize the CRD to borrow and contribute an additional \$10 million to the RHFP, which BC Housing will match. Both partners would then seek matching funds from federal partners to increase the overall investment to \$120 million. The RHFP would then be able to meet its original goal to develop mixed market communities with 400 units available at the provincial income assistance shelter rate.

What happens if the amendment is not approved?

Without additional funding, the RHFP would only be able to create 300 units to be rented at the provincial income assistance shelter rate within mixed market communities.

What is the approval process?

In order for the bylaws to be approved, consent is required from a minimum of two-thirds of all 16 participants in the capital region, which includes 13 municipalities and 3 electoral areas. In other words, results from all participants are tallied and a minimum of 11 must be in favour before the bylaws can be adopted.

The 13 municipalities within the CRD are: City of Victoria, District of Oak Bay, District of Saanich, District of Central Saanich, District of North Saanich, Town of Sidney, District of Highlands, Town of View Royal, City of Colwood, City of Langford, District of Metchosin, District of Sooke and Township of Esquimalt.

In these municipalities, municipal councils provide their consent by passing a resolution by majority vote on behalf of their electorate to approve the bylaw amendments.

The 3 electoral areas within the CRD are: Salt Spring Island, Southern Gulf Islands and Juan de Fuca

In the electoral areas, elector assent is obtained through an alternative approval process (AAP). This involves publicizing statutory ads that provide notice of the proposed amendments. If electors object, they complete a form and submit it to the CRD. If more than 10% of eligible electors object, assent is not obtained for that electoral area.

Is this a priority for the CRD?

Yes. The CRD Board identified 'Community Wellbeing' as a strategic priority and the 2019-2022 Corporate Plan outlines the CRD's commitment to "create and deliver more affordable housing across the region in a manner aligned with the Regional Growth Strategy in order to address the needs of a diverse and growing population, including vulnerable residents."

What are the program timelines?

As part of the partnership agreement, all projects must commence construction prior to December 31, 2021.

What is the mixed-market model?

The focus of the RHFP is to generate mixed-market model housing communities. The RHFP program model is:

- at least 20% of units in each project are rented at provincial income assistance shelter rates,
- at least 31% of units in each project are rented at affordable market rates, and
- up to 49% of units in each project are rented at near-market rental rates.

How many units have been approved?

To date, 907 new mixed-market units have been approved through the RHFP, and of those units 211 are set to be rented at the provincial income assistance shelter rate. This means the program is on target to develop approximately 1300 mixed-market units with 300 units rented at the provincial income assistance shelter rate.

A full list of current projects is available online at <https://www.crd.bc.ca/project/regional-housing-first-program/current-projects>

How does \$120 million cover the costs of developing and providing new units?

The \$120 million would be used to purchase 400 units up-front at the cost of \$300,000 per unit. This would serve as a 'down payment' for at least 20% of all units, reducing the need for debt financing and allowing the operator to collect rent for those units without any ongoing subsidy. Rental revenue from all units in each mixed-market community would be used to cover ongoing operating and maintenance costs for each property. Developers will also be able to access low-interest construction financing via BC Housing or CMHC. Therefore the \$120 million would be leveraged to create rental properties with a total value over \$500 million.

Deborah Liske

From: Diane Sharp (via Google Docs)
Sent: January-14-20 11:19 AM
To: Council
Subject: Proclamation Wording 2019

has shared a link to the following document:



Proclamation Wording 2019



Dear Township of Esquimalt Mayor Desjardins and Council,

March is Lymphedema Awareness Month. World Lymphedema Day is on March 6th. This event is now celebrated worldwide after initially being established in 2016, by the US Senate. I now ask that the Township of Esquimalt pass a resolution recognizing World Lymphedema Day.

Lymphedema is the most underdiagnosed conditions in the world. More people have it than MS, Parkinson's, ALS, Aids and muscular dystrophy combined. Worldwide, historical data estimates that 180-250 million people suffer from lymphedema, however, prevalence is often underestimated due to inconsistent clinical detection and definition, as well as inadequate disease tracking (ALNET). In 2017, it was estimated that upwards of 1 million people have lymphedema or chronic edema in Canada (CLN). Lymphedema can be hereditary or acquired as a result of cancer treatment or physical trauma. Up to 30% of women who survive breast cancer will get this debilitating disease that results in the accumulation of lymph fluid in the limbs when the lymphatic system is damaged. Similarly, survivors of cervical, prostate, testicular, bladder, colon, and head and neck cancers and melanoma are all susceptible. Our veterans suffer from this as a result of battle injury or trauma from surgery and our children are born with this disease. Currently, there is no cure and little help with essential daily compression garments or medical interventions from health insurance. The effects are lifelong, drastically affect quality of life and can lead to loss of limb function and even a shorten lifespan.

The Lymphatic Education & Research Network (LE&RN) is an International Organization that fights lymphedema and lymphatic diseases through education, research and advocacy. In Canada, the Canadian Lymphedema Network, a collaboration among health professionals, patients, researchers, and industries is working to raise awareness and promote improved treatment and diagnosis across Canada.

We need to bring attention to lymphatic diseases and lymphedema in our cities and province in hopes that new treatments will be discovered and so that we will one day have a cure. This all starts with public awareness.

I ask that you consider passing a city resolution and that the Mayor signs a proclamation recognizing March 6th as World Lymphedema Day.

If you have any questions or would like to speak further about this matter, please feel free to contact me.

Sincerely,

Gail Reichert,

BC Lymphedema Association

6979 Larkspur Road

Sooke. BC

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| CORPORATION OF THE TOWNSHIP OF ESQUIMALT | | |
| For Information: | | |
| <input type="checkbox"/> CAO | <input type="checkbox"/> Mayor/Council | |
| <input type="checkbox"/> | | |
| RECEIVED: JAN 15 2020 | | |
| Referred: <i>Rachel</i> | | |
| <input type="checkbox"/> For Action | <input type="checkbox"/> For Response | <input type="checkbox"/> COTW |
| <input type="checkbox"/> For Report | <input checked="" type="checkbox"/> Council Agenda | <input type="checkbox"/> IC |

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Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA

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Proclamation Wording 2019

For Municipalities

- Whereas lymphedema is a disease afflicting more than 300 million people worldwide (World Health Organization) with disfigurement, disabilities, discomfort, pain and distress; and
- Whereas approximately 1,000,000 Canadians are living and suffering with lymphedema, whether: primary- inherited, present at birth or manifesting itself later in life, from genetic factors; or secondary – developed from bodily trauma, such as cancer treatments, radiation therapy, major surgery, severe burns, or other injuries; and
- Whereas lymphedema is an accumulation of high-protein lymphatic fluid that causes swelling in the body that impairs mobility, function, can cause pain, significantly impact the quality of life and lead to severe infections or loss of use of limbs, for the affected person, regardless of age or gender; and
- Whereas there is currently no cure for lymphedema; and
- Whereas in recognition of the severe physical, emotional, psychosocial, and financial impacts and consequences lymphedema has on patients and families, it is time to support the courageous individuals living with this debilitating disease as well as their caregivers, both professionals and lay persons; and
- Whereas 2019 marks the fourth annual year, where World Lymphedema Day is observed and recognized throughout Canada and the world to increase public attention, awareness, and action related to this serious, chronic and progressive disease.

Deborah Liske

Subject: FW: 250977: Deer Management Strategy
Attachments: image109ded.JPG; ATT00001.htm; image9ddb44.JPG; ATT00002.htm; image075a97.JPG; ATT00003.htm; image193142.JPG; ATT00004.htm; 09 12 2019 Minister Donaldson Letter re Deer Management Strategy.pdf; ATT00005.htm; Deer Management - Minister Donaldson.pdf; ATT00006.htm; 250977 Desjardins Signed Final.docx.pdf; ATT00007.htm

From: "Minister, MAH MAH:EX" <MAH.Minister@gov.bc.ca>
Date: January 15, 2020 at 8:54:36 AM PST
To: Barb Desjardins <Barbara.Desjardins@esquimalt.ca>
Cc: "Psyllakis, Jennifer FLNR:EX" <Jennifer.Psullakis@gov.bc.ca>, "McNeill, Diana A FLNR:EX" <Diana.McNeill@gov.bc.ca>
Subject: 250977: Deer Management Strategy

Good morning,

Please find attached a letter from the Honourable Selina Robinson, Minister of Municipal Affairs and Housing.

Thank you.

From: Jodi Graham <Jodi.Graham@esquimalt.ca> **On Behalf Of** Barb Desjardins
Sent: November 15, 2019 2:26 PM
To: Minister, MAH MAH:EX <MAH.Minister@gov.bc.ca>
Subject: Minister Robinson - meeting request
Importance: High

Office of Honourable Minister Robinson,

On behalf of Mayor Desjardins, I am emailing to request a meeting with Minister Robinson re: region wide deer management strategy. Attendee's to include: Mayor Haynes [District of Saanich], Mayor Murdoch [District of Oak Bay], Mayor Screech [Town of View Royal] and a representative from the City of Victoria.

Our request to meet with Minister Donaldson at UBCM as well as a subsequent request to meet in Victoria was denied. Please see attached letters for background information. Due to this we are requesting a meeting with you for local government support.

If you require any further information, please contact me directly.

Thank you,
jodi

Barbara Desjardins
Mayor, Township of Esquimalt
Lekwungen Territory
Tel: 1-250-883-1944 | www.esquimalt.ca

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| CORPORATION OF THE TOWNSHIP OF ESQUIMALT | | |
| For Information: | | |
| <input type="checkbox"/> CAO | <input type="checkbox"/> Mayor/Council | |
| <input type="checkbox"/> Blair | | |
| RECEIVED: JAN 15 2020 | | |
| Referred: Rachel | | |
| <input type="checkbox"/> For Action | <input type="checkbox"/> For Response | <input type="checkbox"/> COTW |
| <input type="checkbox"/> For Report | <input checked="" type="checkbox"/> Council Agenda | <input type="checkbox"/> IC |



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Website: www.esquimalt.ca Email: info@esquimalt.ca

Voice: (250) 414-7100
Fax: (250) 414-7111

September 12, 2019

Honourable Doug Donaldson
Minister Forests, Lands, Natural Resource Operations and Rural Development
Room 248 Parliament Buildings
Victoria, BC V8V 1X4

Via email to: FLNR.Minister@gov.bc.ca

Dear Minister Donaldson,

We, the undersigned Mayors representing 8 municipalities in Greater Victoria, are seeking your support to develop and implement a region-wide deer management strategy.

As you know, your ministry is working with the District of Oak Bay on a research project to gather baseline data on deer densities, range, population dynamics and dispersal rates and then to support a first round of immuno-contraception over the summer and fall of this year.

Other municipalities in Greater Victoria have also launched research initiatives to gather baseline data on deer populations. For example, the Township of Esquimalt, through the Urban Wildlife Stewardship Society (UWSS), has undertaken two comprehensive deer population estimate surveys over the last two years that provide robust data on numbers and primary locations. A third survey will be undertaken shortly.

The Township of Esquimalt also conducted a 2016 survey of residents that found that 62 percent of residents are concerned about the presence of deer, 52 percent had spent money to deal with or prevent deer damage to their plants and 13 percent reported experiencing aggressive behavior by a deer.

While Oak Bay's efforts to use immuno-contraception is a good and humane first step at controlling the deer population, deer management is most effective when undertaken on a region-wide basis. To date, your ministry has only approved immuno-contraception in Oak Bay and only as part of a research project.

We want to work with you and your ministry to leverage our collective deer population research

efforts and implement a region-wide deer immuno-contraception program to manage and gradually reduce the deer population across our municipalities.

We want to underscore the need to move forward quickly on this process. Every year, more and more deer are being hit by cars or being infected by diseases, while an increasing number of our residents are being impacted by aggressive deer behavior. Residents are looking for governments to take fast and humane action to manage and reduce the deer population in our municipalities.

We look forward to discussing this further with you and have put a request in to meet with you at this year's UBCM in Vancouver.

Sincerely,



Barbara Desjardins
Mayor, Township of Esquimalt



Fred Haynes
Mayor, District of Saanich




Lisa Helps
Mayor, City of Victoria



Geoff Orr
Mayor, District of North Saanich
Royal



Cliff McNeil-Smith
Mayor, Town of Sidney



David Screech
Mayor, Town of View



Kevin Murdoch
Mayor, District of Oak Bay



Rob Martin
Mayor, City of Colwood



Ref: 250860

October 8, 2019

Barbara Desjardins, Mayor, Township of Esquimalt
Fred Haynes, Mayor, District of Saanich
Lisa Helps, Mayor, City of Victoria
Geoff Orr, Mayor, District of North Saanich
Cliff McNeil-Smith, Mayor, Town of Sidney
David Screech, Mayor, Town of View Royal,
Kevin Murdoch, Mayor, District of Oak Bay
Rob Martin, Mayor, City of Colwood

Via email to: info@esquimalt.ca; mayor@saanich.ca; mayor@victoria.ca;
admin@northsaanich.ca; mayor@sidney.ca; mayorscreech@viewroyal.ca; mayor@oakbay.ca;
mayor@colwood.ca;

Dear Honourable Mayors:

Thank you for your letter of September 12th expressing your interest in developing and implementing a region-wide deer management strategy with support from the Provincial government. Minister Donaldson has asked that I reply on his behalf.

As you know, the Province supports local governments in their management of conflicts with deer in urban areas through the Provincial Urban Deer Operational Cost-Share (PUDOCS) Program. On September 30th, the B.C. Government renewed this program for 2019/20, confirming \$100,000 to help fund urban deer management projects across the province. For information on the PUDOCS Program visit:
<https://news.gov.bc.ca/releases/2019FLNR0232-001796>.

PUDOCS provides two eligible categories for funding: operational projects and research projects. Research based projects are trial-based applied research intended to directly or indirectly deter deer populations with methods that are not yet determined to be effective in achieving objectives or managing associated risks in BC.

As your letter notes, the Municipality of Oak Bay's current immuno-contraception project falls under the PUDOCS program funding eligibility criteria as a research project. This research trial is still underway, and therefore the necessary data to determine if the program is successful and suitable for broader expansion is not yet available. The knowledge we gain from this research will help inform any future expansion as an operational project.

| | | |
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| CORPORATION OF THE TOWNSHIP OF ESQUIMALT | | |
| For Information: | | |
| <input type="checkbox"/> CAO | <input checked="" type="checkbox"/> Mayor/Council | |
| <input checked="" type="checkbox"/> Blair | | |
| RECEIVED: OCT 24 2019 | | |
| Referred: | | |
| <input type="checkbox"/> For Action | <input type="checkbox"/> For Response | <input type="checkbox"/> COTW |
| <input type="checkbox"/> For Report | <input type="checkbox"/> Council Agenda | <input type="checkbox"/> IC |

I understand you were not able to connect with Minister Donaldson on this topic at the recent Union of BC Municipalities gathering. However, staff would be pleased to meet with you at your convenience if you would like to discuss the status of the immuno-contraception research project or other aspects of urban deer management. If you would like to do so, please contact Diana McNeill at Diana.McNeill@gov.bc.ca or 778 698-9169 to set up a meeting.

Thank you for bringing this matter to our attention.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Psyllakis". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jennifer Psyllakis, Director
Wildlife and Habitat Branch

Kim Maddin

From: Rachel Dumas
Sent: October-24-19 3:12 PM
To: Kim Maddin
Subject: FW: Agenda item from Mayor
Attachments: Re: Minister Donaldson ... ; DOC102419-10242019134912.pdf

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Mail Log Please.

Rachel Dumas
Corporate Officer, Manager of Corporate Services
Tel: 250-414-7135

From: Jodi Graham
Sent: October-24-19 2:56 PM
To: Rachel Dumas
Subject: Agenda item from Mayor

Rachel – please see attached.

Thanks,
jodi

Jodi Graham
Executive Assistant | Office of the Mayor & CAO
Tel: 1-250-414-7101

Kim Maddin

From: Barb Desjardins
Sent: October-24-19 2:54 PM
To: Jodi Graham
Subject: Re: Minister Donaldson ...

This needs to go on agenda please

Sent from my iPhone

Barbara Desjardins, Mayor
Tel: 1-250-883-1944

> On Oct 24, 2019, at 2:42 PM, Jodi Graham <Jodi.Graham@esquimalt.ca> wrote:

>

> Appears as the letter was sent to an inbox that did not make it to me, you or the mail log ... I will follow up per the letter re: meeting with staff not Minister Donaldson.

>

>

>

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>

>

> Jodi Graham, Executive Assistant | Office of the Mayor & CAO

> Tel: 1-250-414-7101

>

>

> <DOC102419-10242019134912.pdf>

Kim Maddin

From: Barb Desjardins
Sent: October-24-19 2:53 PM
To: Lisa Helps; David Screech; Mayor@saanich.ca; mayor@sidney.ca; mayor@oakbay.ca; Carol Hamilton; Jodi Graham; Geoff Orr; Charlayne Thornton-Joe
Subject: DOC102419-10242019134912.pdf
Attachments: DOC102419-10242019134912.pdf; ATT00001.txt

Given this response, do you want me to set the meeting up with staff?

Thanks

Barbara Desjardins, Mayor
Tel: 1-250-883-1944



January 15, 2020

Ref: 250977

Her Worship Mayor Barbara Desjardins
and Co-signers
Township of Esquimalt
1229 Esquimalt Rd
Esquimalt BC V9A 3P1

Dear Mayor Desjardins and Co-signers:

Thank you for your email requesting a meeting with me regarding a region wide deer management strategy. I apologize for the delay in responding.

As the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) has the expertise in this area and supports local governments in their management of urban deer populations, they are best suited to respond to your request to discuss the status of the immune-contraception research project and other aspects of urban deer management.

I understand that Jennifer Psyllakis, Director, Wildlife and Habitat Branch, FLNRORD, has offered to meet with you to discuss the status of the project. To arrange a meeting with Jennifer, please contact Diana McNeill, Office Manager, Wildlife and Habitat Branch, by email at: Diana.McNeill@gov.bc.ca, or by telephone at: 778 698-9169.

Thank you, again, for taking the time to write.

Sincerely,

Selina Robinson
Minister

pc: Jennifer Psyllakis, Director, Wildlife and Habitat Branch
Diana McNeill, Office Manager, Wildlife and Habitat Branch,