

MINUTES - COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, JANUARY 17, 2002, AT 8:00 A.M.

PRESENT: Councillor Madoff, in the Chair, Mayor Lowe and Councillors Fleming, Holland, Hughes, Lunt, McLean, Savoie, and Vanden Berg.

Mr. Jack Basey, Acting City Manager, attended for the entire meeting and Messrs. Barber, Basey, Carlsen, Dellebuur, Dennis, Kerr, Koch, Lam, McCliggott, O'Reilly, Roberts, Scoones, Sikstrom, Wiffen, Woodland, Ms. Fowler, Ms. Meyer, Ms. Morrison, Ms. O'Keefe, Ms. Zink, Chief Thoresen, and Deputy Chief Couch attended for portions of the meeting.

Recording Secretary: Linda Johnson

BUDGET PRESENTATIONS

02/42

2002 Budget presentations were received from:

- Victoria Conference Centre
- Corporate Administration Department
- Human Resources Department
- Fire Department
- Planning and Development Department

PLANNING & DEVELOPMENT

REZONING APPLICATION #01-28 - Y-LOT

02/41

Committee received a memorandum dated January 11, 2002 from the Manager, Planning Division regarding Rezoning Application #01-28 for the Y Lot property in the 700 Block Humboldt/Fairfield between Penwell and Blanshard Streets. The proposal is to allow the "Y" lot block to be developed as three separate properties for use as a Marriott hotel and office/apartment buildings at an average density of about 4.0:1. Downtown Plan policy allows density bonus above the normal 3.0:1 in consideration of community amenities, which in this case include: a mid-block walkway, landscaped open space, heritage conservation (St. Ann's Academy), expanded shop frontage, and extra enclosed parking.

- ACTION:** Councillor Holland moved that it be recommended to Council that:
- 1) Rezoning Application #01-28 for the Y lot property be forwarded for consideration at a public hearing and that the City Solicitor be instructed to prepare the necessary Zoning Bylaw changes, to amend the CA-37 Zone for Parcel A and to rezone Parcels B and C to the new zones based on the draft zones (Appendix 2), subject to:
 - a) Advisory Design Panel approval with reference to the block's Urban Design Principles;

- b) the applicant obtaining preliminary subdivision approval from the City's Approving Officer;
 - c) the applicant submitting traffic impact study to address the issues of parking, off-site transit operations, and vehicle access to the site, etc. to the satisfaction of the Director of Engineering;
 - d) the applicant providing a detailed site servicing plan that defines the scope of offsite works and services to be provided to the satisfaction of the Director of Engineering;
 - e) the current master agreement, restrictive covenant, and memorandum of understanding be replaced with a new development agreement based as outlined in Appendix 3 of the report dated January 11, 2002 from the Manager, Planning Division, in a form satisfactory to the City Solicitor, to take effect upon adoption of the zoning changes;
 - f) the applicant to acquire the adjoining City Lot 2 (to form part of Parcel C).
- 2) Concurrent with rezoning, a Development Permit be issued for the subdivision of Lots B and C.

Mayor Lowe advised that he has a professional affiliation with the project about to be discussed, and because of this potential conflict of interest, he left the meeting at 10:28 a.m.

REZONING APPLICATION #01- 30
732 CORMORANT STREET

02/40

Committee received a memorandum dated January 11, 2002 from the Manager, Planning Division regarding Rezoning Application #01-30 for 732 Cormorant Street. The proposal is to replace a parking lot with an 11 storey, 100 unit apartment tower. Zoning changes are requested to increase the permitted density from 3.0:1 to 4.75:1, reduce parking requirements from 70 to 61 spaces, reduce street setback for the upper floors, and permit a ground floor caretaker's suite.

ACTION:

- Councillor Holland moved that it be recommended to Council that:
- 1) Rezoning Application #01-30 for 732 Cormorant Street be forwarded for consideration at a public hearing and that the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments, based on the appended draft zone, subject to:
 - a) Advisory Design Panel review with particular reference to balancing the need for interesting street level detailing along with privacy for the ground floor caretaker suite;
 - b) an amended, fully dimensioned parking/access plan, to the satisfaction of the Director of Engineering.
 - 2) The letter dated January 10, 2002 from the applicant, Jurgen Weyand, Value Developments Cormorant Street Inc., requesting consideration of fast-tracking the project and waiving or reducing fees, be received for information.

REZONING APPLICATION #01-34
2335 TRENT STREET

02/39

Committee received a memorandum dated January 11, 2002 from the Senior Planner regarding Rezoning Application #01-34 for 2335 Trent Street. The proposal is to consolidate a vacant lot with the property occupied by the Foul Bay Professional Building for the purpose of providing additional parking stalls. The stalls are for use by the occupants and visitors to the Centre. To permit parking on the lot consolidated with the Foul Bay Professional Building the zoning of both lots must be the same.

- ACTION:** Councillor McLean moved that it be recommended to Council that the application to rezone Lot 7 (2335 Trent Street) also include the rezoning of Lot A (1964 Fort Street) to the R3-A2 zone, Low Profile Multiple Dwelling District, and this be forwarded for consideration at a public hearing, and the City Solicitor be instructed to prepare the necessary bylaw amendments, subject to:
- 1) Confirmation to the Director of Corporate Services that the parking lot design has been reviewed by neighbours and the Community Association.
 - 2) Consolidation of the lots.
 - 3) The provision of an amended, fully dimensioned parking/access plan to the satisfaction of the Director of Engineering.

REZONING APPLICATION #01-35
1625 QUADRA STREET

02/38

Committee received a memorandum dated January 10, 2002 from the City Planning Division regarding Rezoning Application #01-35 for 1625 Quadra Street. The proposal is to rezone the property at 1625 Quadra Street from S-2 Zone (Special - Funeral Homes) to a new zone to permit the site to be used for a place of worship and to permit the continuation of funeral home uses and one caretaker suite. The site has a limited ability to accommodate onsite parking, however, 15 parking stalls have been provided through an informal arrangement at a property located at 949 Balmoral Road.

- ACTION:** Councillor Fleming moved that it be recommended to Council that Rezoning Application #01-35 for 1625 Quadra Street be forwarded for consideration at a public hearing and that the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments, based on the draft zone outline in Appendix 1 of the report dated January 10, 2002 from the City Planning Division, subject to:
- registration of a covenant on the title of the property at 949 Balmoral Street linking the parking to 1625 Quadra Street.

DEVELOPMENT VARIANCE PERMIT APPLICATION #01-49
350 WINDERMERE PLACE

02/37

Committee received a memorandum dated January 8, 2002 from the Senior Planner regarding Development Variance Permit Application #01-49 for 350 Windermere Place. The proposal is to legalize the conversion of a single car garage to a bedroom in a single family dwelling. A variance is required to permit parking in the front yard.

- ACTION:** Councillor Holland moved that it be recommended to Council that a Development Variance Permit be issued in accordance with:
- 1) Plans stamped "Development Variance Permit Application #01-49 DVP" dated December 24, 2001.
 - 2) Development meeting all bylaw requirements with the following variance:
Schedule C, Section 3 Relaxation to permit parking for a single family dwelling to be located in front yard
 - 3) Final plans in accordance with plans identified above to the satisfaction of the Director of Planning & Development.

DEVELOPMENT VARIANCE PERMIT APPLICATION #01-42
857 RUPERT TERRACE

02/36

Committee received a memorandum dated January 7, 2002 from the Head, Urban Design regarding Development Variance Permit Application #01-42 for 857 Rupert Terrace. The proposal is to replace the existing South wing of the Rose Manor Seniors' Residence, with a new building. As part of the residence complex, the new three-storey structure will provide seven residence units, a lounge, and a dining area. The proposal also includes renovation and seismic upgrading of a portion of the existing central building including the lounge, kitchen, meeting room and Unit 210.

- ACTION:** Councillor Holland moved that it be recommended to Council that a Development Variance Permit be issued in accordance with:
- 1) Plans stamped "Development Variance Permit Application #01-42" dated December 18, 2001.
 - 2) Development meeting all bylaw requirements with the following relaxations:
Section 3.3.10 Street frontage setback relaxed from minimum of 7.5m to 2.38m
Section 3.3.18 Parallel street setback relaxed from 7.5m to 2.38m (South Fairfield Road)
 - 3) Final plans to be in accordance with plans identified above, to the satisfaction of the Director of Planning & Development.

DEVELOPMENT PERMIT #01-19A
412 QUEBEC STREET

02/35

Committee received a memorandum dated January 8, 2002 from the Head, Urban Design regarding Development Permit #01-19A (an amendment of Development Permit #01-19) for 412 Quebec Street. The proposal is to include the enlargement of the lobby area as part of the proposed alteration of the existing Best Western Hotel, previously approved by Council in July 2001. By bringing the alignment of the lobby to the original location, the applicant will achieve a workable size for the lobby area, but will have to request relaxation for site coverage and front setback.

- ACTION:** Councillor Holland moved that it be recommended to Council that Development Permit #01-19 be amended as Development Permit #01-19A in accordance with:
- 1) Plans stamped "Development Permit Application #01-19A" dated November 30, 2001.
 - 2) Development meeting all bylaw requirements except:

- Section 5.6.11 Site coverage maximum relaxed from 25% to 28.5%
Section 5.6.12 Front yard setback relaxed from 10.9m to 7.9m
- 3) Final plans to be in accordance with plans identified above with the incorporation of responses to the recommendation of the Advisory Design Panel (June 27, 2001).

Mayor Lowe returned to the meeting at 11:00 a.m.

DEVELOPMENT PERMIT APPLICATION #01-43
3190 SHELBOURNE STREET

02/34

Committee received a memorandum dated January 7, 2002 from the Head, Urban Design regarding Development Permit Application #01-43 for 3190 Shelbourne Street. The proposal is to implement a structural seismic upgrading (voluntary) to the Sears Department Store building. As a result of structural work, the appearance of the building will be altered and new entrances with updated signage will be provided. The existing concrete frame will be cleaned and repainted. The existing brick work will be repaired in the areas where the new shear wall is not present. The loading docks at the rear will be enclosed to allow utilization of modern shipping and receiving practices. The existing trees around the building perimeter are to be saved and replanted if possible or replaced.

Committee expressed concern regarding traffic management around the Hillside Shopping Centre, especially pedestrian safety concerns and facilities for cyclists. They discussed these issues with the applicant's representatives, Mr. Jeremy Woolf, ABBARCH Partnership Architects, and Ms. Margaret Taylor, Store Manager. Mayor Lowe advised that he will write a letter to Bentall Retail Services, Sears Canada Inc., and BC Transit outlining Council's concerns and encouraging them to work with the City's Planning Department to find cost effective ways to deal with these issues.

- ACTION:** Councillor Hughes moved that it be recommended to Council that a Development Permit be issued in accordance with:
- 1) Plans stamped "Development Permit Application #01-43" dated November 20, 2001.
 - 2) Development meeting all bylaw requirements.
 - 3) The applicant is to provide a landscape plan for review by the Advisory Design Panel in the event that the existing trees around the building perimeter do not survive the removal and replanting.
 - 4) Final plans to be in accordance with plans identified above incorporating the responses to the recommendations of the Advisory Design Panel.

DEVELOPMENT PERMIT APPLICATION #01-47
2995 JUTLAND ROAD

02/33

Committee received a memorandum dated January 8, 2002 from the Head, Urban Design regarding Development Permit Application #01-47 for 2995 Jutland Road. The proposal is to construct an addition of 26m² for storage purposes under the existing office building for the Pension Corporation at 2995 Jutland Road. The additional space is created out of an existing parking stall. The applicant has requested a relaxation of one parking space in addition to allowing the conversions of 11 parking stalls to bicycle storage to remain as currently provided.

- ACTION:** Mayor Lowe moved that it be recommended to Council that a Development Permit be issued in accordance with:
- 1) Plans stamped "Development Permit #01-47" dated December 21, 2001.
 - 2) Development meeting all bylaw requirements with the following variance:
Schedule C, Section C5 Relaxation of required parking from 284 stalls to 272 stalls
 - 3) Final plans in accordance with plans identified above to the satisfaction of the Director of Planning & Development.

Councillor Madoff advised that she has a personal association with the next application, and because of this potential conflict of interest, she left the meeting at 11:20 a.m.

Mayor Lowe assumed the Chair.

DEVELOPMENT PERMIT APPLICATION #01-48
720 DOUGLAS STREET

02/32

Committee received a memorandum dated January 8, 2002 from the Head, Urban Design regarding Development Permit Application #01-48 for 720 Douglas Street. The application is to revitalize the courtyard on the south of the Victoria Conference Centre to accommodate the need of a quality and more available space for activities related to the Conference Centre, community events and private functions.

The proposal will involve the removal of the existing fountain, which has become costly in maintenance and has not been able to provide the type of functional flexibility required.

- ACTION:** Councillor McLean moved that it be recommended to Council that a Development Permit be issued in accordance with:
- 1) Plans stamped "Development Permit Application #01-48" dated December 21, 2001.
 - 2) Development meeting all bylaw requirements.
 - 3) Final plans to be in accordance with plans identified above, to the satisfaction of the Director of Planning & Development.
 - 4) The Victoria Conference Centre providing, within 12 months, a replacement water feature or water fountain to the satisfaction of Committee of the Whole.

GREENWAYS PLAN STEERING COMMITTEE
TERMS OF REFERENCE

02/31

Committee received a memorandum dated January 10, 2002 from the City Planning Division forwarding the draft Terms of Reference for the Greenways Plan Steering Committee for Committee's review and endorsement.

In January 2001 Council included the Greenways Planning Project in the Planning Division's work program contingent on the receipt of funds from the Provincial Capital Commission (PCC).

In October, 2001 the City received a grant of \$15,000 to undertake a greenways planning process.

On January 8, 2002 a community meeting gathered feedback on the planning process as well as on the Terms of Reference for the Greenways Plan Steering Committee.

ACTION: Councillor Savoie moved that it be recommended to Council that the draft Terms of Reference for the Greenways Plan Steering Committee, as attached to the report dated January 10, 2002 from the City Planning Division, be endorsed.

Councillor Madoff returned to the meeting and resumed the Chair at 12:00 p.m.

HERITAGE ALTERATION PERMIT APPLICATION #93
1421 BLANSHARD STREET

02/30

At its meeting of November 22, 2001 Council approved Heritage Alteration Permit #93 for a new addition to the Congregation Emanu-el Synagogue at 1421 Blanshard Street, subject to final review by Heritage Advisory Committee and Committee of the Whole prior to building permit stage. The applicant was also requested to reconsider the form of the roof.

Committee received a memorandum dated January 11, 2002 from the Heritage Planner advising that the applicant has submitted revised drawings and requested that Committee of the Whole re-affirm the original design of the roof form.

The Heritage Advisory Committee reviewed the revised drawings at its meeting on January 8, 2002 and recommended the project be given final approval with a condition that the proposed finial on the addition be removed.

ACTION: Councillor Holland moved that it be recommended to Council that the roof design for Heritage Alteration Permit #93 be re-affirmed in accordance with plans dated January 4, 2002.

BC HERITAGE TRUST

02/29

Committee received a memorandum dated January 11, 2002 from the Heritage Planner advising that the Minister of Community, Aboriginal, and Women's Services rescinded the appointment of the eight Board members of the British Columbia Heritage Trust. In their place the minister appointed two assistant deputy ministers on an interim basis until a review of the Heritage Trust is completed. The rescinding of board appointments has raised a number of concerns, among them the concern that this means the end of the BC Heritage Trust. The report included a list of capital projects in Victoria funded by the BC Heritage Trust.

The matter was considered by the Heritage Advisory Committee at its meeting on January 2, 2002, and a recommendation was forwarded for Committee's consideration.

ACTION: Councillor Holland moved that it be recommended to Council that the following recommendation from the Heritage Advisory Committee be adopted:
That the City of Victoria write to the Minister of Community, Aboriginal and Women's Services, The Honourable George Abbott, to express its support for the continuation of program funding and an arms length method of program delivery for the British Columbia Heritage Trust.

ENGINEERING

PESTICIDE BYLAW

02/28

Committee received a memorandum dated December 17, 2002 from the Environment & Shoreline Advisory Committee regarding pesticide use. The Advisory Committee had established a Pesticide Working Group, and received their report on November 21, 2001. The report outlined the activities of the working group, and recommended soliciting Council's support for their continued work.

ACTION: Councillor Vanden Berg moved that it be recommended to Council that:

- 1) A legal opinion be obtained regarding the ability of British Columbia municipalities to implement a bylaw restricting pesticide use on private property.
- 2) Approval be given to the continuation of the Environment & Shoreline Advisory Committee's work with the Capital Regional District's Roundtable on the Environment on public education and the development of a model bylaw on pesticide use.
- 3) Public and stakeholder input will not be limited, and all options will be considered.

ADMINISTRATIVE MATTERS

CHIEF ELECTION OFFICER - 2002 ELECTIONS

02/27

Committee received a memorandum dated January 10, 2002 from the Corporate Administrator advising that a referendum is being planned for April 20, 2002 to seek the electors' assent to a borrowing bylaw and partnering agreement to enable the construction and operation of a new civic arena. In addition, the 2002 general local government election will be held this November culminating with general voting day on November 16, 2002. The Local Government Act requires that Council appoint a Chief Election Officer (CEO) and a Deputy CEO for the referendum (other voting) and the civic election.

ACTION: Councillor McLean moved that it be recommended to Council that, pursuant to Section 41(1) of the Local Government Act:

- 1) Mr. Robert Woodland is appointed Chief Election Officer for conducting other voting and the general local government election in 2002;
- 2) Mr. John Marshall is appointed Deputy Chief Election Officer for other voting in 2002.

COUNCILLOR INFORMATION SHARING

CANADIAN WOOD COUNCIL TOUR

02/26

Councillor Savoie advised that, along with Councillor Madoff and staff members, she attended a Canadian Wood Council tour and presentation in Kelowna and Penticton. The tour was developed to provide information regarding the use of wood in construction of recreational facilities. Councillor Savoie advised that they were impressed with the designs of facilities in Canada and other parts of the world. She encouraged Council members to view a Wood Council presentation available on computer disc.

AVICC CONVENTION

02/25

Councillor Holland reminded Councillors of the Association of Vancouver Island and Coastal Communities (AVICC) Convention to be held March 8 - 10, 2002. The deadline for resolutions is January 18, 2002.

CLOSED MEETING - 12:15 P.M.

Councillor Hughes moved that Committee of the Whole convene a closed meeting that excludes the public under Section 10(6) of the Council Bylaw for the reason that the following agenda items deal with matters specified in Section 10 (3) of the Council Bylaw.

PACIFIC NATIONAL INVESTMENTS LTD. v. CITY OF VICTORIA

02/24

Committee received a memorandum dated January 11, 2002 from the City Solicitor providing an update on the matter of Pacific National Investments Ltd. v. City of Victoria.

ACTION: Councillor McLean moved that it be recommended to Council that, in the matter of Pacific National Investments Ltd. v. City of Victoria, the City Solicitor be given instructions to appeal Justice Wilson's ruling to the Court of Appeal.

PRIVATE PROPERTY MAINTENANCE COMMITTEE

02/23

Committee received a memorandum dated January 12, 2002 from the Corporate Administrator advising that the appointments of Council members to the Private Property Maintenance Committee expired December 31, 2001. He requested that Committee consider appointing three members for a one year term to end December 1, 2002.

ACTION: Mayor Lowe moved that it be recommended to Council that Councillor McLean, Councillor Savoie, and Councillor Fleming be appointed to the Private Property Maintenance Committee for the term from January 25, 2002 to December 1, 2002.

The meeting adjourned at 12:50 p.m.

Councillor Madoff, Chair