

MINUTES - COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, FEBRUARY 21, 2002, AT 9:00 A.M.

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

ABSENT: Councillors Fleming and Madoff

Mr. Patrick O'Reilly, Acting City Manager, attended for the entire meeting and Messrs. Daly, Dayomi, Koch, Lam, Leskiw, Sikstrom, Wiffen, Woodland, Ms. Atkinson, Ms. Fowler, Ms. Low, Ms. Masters, and Ms. Zink attended for portions of the meeting.

Recording Secretary: Linda Johnson

PARKS

BEACON HILL PARK MANAGEMENT PLAN

02/140

Committee received a memorandum dated February 13, 2002 from the Manager, Park Design & Development regarding the Beacon Hill Park Management Plan. Victoria City Council, at its meeting on October 11, 2001:

- received the Beacon Hill Park Management Plan Phase 1 reports
- adopted the vision and goals developed by the Beacon Hill Park Round Table
- directed staff to develop clear guidelines on commercialism as the first priority in implementing the Phase 1 recommendations.

Since then the Round Table has addressed the issue of commercialism, and the results were presented in an attached report entitled *Achieving Peace in the Park*.

The memorandum advised that staff supports the recommendations of the Round Table, and it outlined priorities for further work.

ACTION: Councillor Savoie moved that it be recommended to Council that:

- 1) the Round Table report entitled *Achieving Peace in the Park* be received for information.
- 2) Staff be directed to proceed with implementation of the recommendations contained in the Round Table report, giving priority to the action items referred to in the report dated February 13, 2002 from the Manager, Park Design & Development.
- 3) Staff be requested to return to Committee of the Whole with regular progress reports.

PLANNING & DEVELOPMENT

REZONING APPLICATION #01-32

97 COOK STREET

02/139

Committee received a memorandum dated February 15, 2002 from the Senior Planner regarding Rezoning Application #01-32 for 97 Cook Street. The proposal is to permit two offices for psychological counseling on the main floor of a heritage registry house with an upper floor residential suite. Parking for 4 cars is proposed in the rear yard. No exterior changes are proposed to the house. Heritage designation of the house and property is proposed to ensure future changes are subject to Council's approval. The applicant has requested any new zone restrict the permitted office use to registered psychologists.

- ACTION:** Councillor Savoie moved that it be recommended to Council that Rezoning Application #01-32 for 97 Cook 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 set out in the report dated February 15, 2002 received from the Senior Planner, subject to:
- 1) Concurrent with rezoning, the approval of heritage designation for the house and property, including the stone fence.
 - 2) An amended and fully dimensioned parking and access plan to the satisfaction of the City Engineer.

REZONING APPLICATION #02-02

453 KIPLING STREET

02/138

Committee received a memorandum dated February 15, 2002 from the Senior Planner regarding Rezoning Application #02-02 for 453 Kipling Street. The proposal is to permit subdivision and then construction of a 2 storey single family dwelling on what is currently the rear yard of a house at the corner of Kipling and Hamley Streets. The proposed new house fronts on Hamley Street. Relaxations will be required for the rear yard setback of the existing house and the front yard setback of the proposed house.

- ACTION:** Councillor Lunt moved that it be recommended to Council that:
- 1) Rezoning Application #02-02 for 453 Kipling Street be forwarded for consideration at a public hearing and the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments, subject to confirmation that the design has been reviewed by neighbours and the Community Association.
 - 2) Approval of the following relaxations as part of the Development Permit be considered concurrently with the rezoning:
 - Section 1.7.4 to vary the front yard setback of the proposed house from 6.0m to 3.0m
 - Section 1.7.5 to vary the rear yard setback of the existing house from 6.0m to 3.0m

REZONING APPLICATION #01-36
247 GOVERNMENT STREET

02/137

Committee received a memorandum dated February 11, 2002 from the City Planning Division regarding Rezoning Application #01-36 for 247 Government Street. The proposal is to permit the subdivision, rezoning, and the relocation of an existing single family dwelling and the construction of two small lot single family dwellings on two new small lots. The existing house is to be relocated to a new foundation to the west of the lot permit the small lot subdivision. There is adequate provision for parking for all the units.

ACTION: Councillor Lunt moved that it be recommended to Council that Rezoning Application #01-36 for 247 Government Street be forwarded for consideration at a public hearing and that the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments subject to confirmation that the design has been reviewed by neighbours and the neighbourhood association.

REZONING APPLICATION #01-26
3180 DOUGLAS STREET

02/136

Committee received a memorandum dated February 5, 2002 from the City Planning Division regarding Rezoning Application #01-26 for 3180 Douglas Street. The proposal is to rezone this corner lot to permit the construction of a 1-storey commercial development (Shoppers Drug Mart). The lot, at the corner of Douglas and Alpha Streets and opposite the Mayfair Mall complex is currently undeveloped and unoccupied.

ACTION: Mayor Lowe moved that it be recommended to Council that:

- 1) Rezoning Application #01-26 for 3180 Douglas Street be forwarded for consideration at a public hearing and the City Solicitor be instructed to prepare the necessary bylaw amendments to rezone the property to C1-N and to amend the *Official Community Plan* to include the site in Development Permit Area #7, Blanshard Street North.
- 2) Approval is subject to Advisory Design Panel review, with particular emphasis on the parking lot.

DEVELOPMENT VARIANCE PERMIT #01-44
712 & 760 QUEENS AVENUE

02/135

Committee received a memorandum dated February 6, 2002 from the City Planning Division regarding Development Variance Permit #01-44 for 712 & 760 Queens Avenue. The application is to reduce the parking standard for the Traveller's Inn and to allow some of its parking to be sited on an adjacent lot (712 Queens Avenue) for use by 760 Queens Avenue. The two properties are currently managed as one hotel. A parking variance would allow the hotel to increase the number of rooms from 87 to 96 rooms by reconfiguring the floor area of the existing building.

ACTION: Councillor Hughes moved that it be recommended to Council that a Development Variance Permit be issued in accordance with:

- 1) Plans stamped Development Variance Permit #01-44 dated December 5, 2001.
- 2) Developments meeting all bylaw requirements with the following variances:

Schedule C Section C(1)(b)	Relaxation of parking requirements for 712 Queens (Lot 1, Plan 25467) from 1 stall per unit to 0.6 parking stalls per unit
Section 4.46.4	Relaxation of parking requirements for 760 Queens Avenue (Lot A, Plan 779) from 0.8 to 0.6 parking stalls per unit
Schedule C Section 2	Relaxation of location of 11 parking stalls requirement from property at 760 Queens (Lot A, Plan 77, CI-NQ Zone) to property at 712 Queens (Lot 1, Plan 25467, CI-T Zone) subject to an easement for parking and a covenant preventing its release without City approval as per Schedule C.6
- 3) Easements/covenants must be registered for the required parking stalls (11) for 760 Queens Avenue located on the 712 Queens Avenue property to the satisfaction of the Director of Engineering.
- 4) Final plans for on-site development to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development.

DEVELOPMENT PERMIT #02-01
SUITE 603 - 525 BROUGHTON STREET

02/134

Committee received a memorandum dated February 14, 2002 from the Head, Urban Design regarding Development Permit #02-01 for Suite 603 - 525 Broughton Street. The proposal is to renovate Suite #603 at 525 Broughton Street. Exterior changes include glazing replacement on the south balcony, removal of the west deck enclosure, extension of kitchen and enlargement of windows on the south wall. Interior changes are also proposed in conjunction with exterior alterations.

ACTION: Mayor Lowe moved that it be recommended to Council that a Development Permit be issued to amend the Land Use Contract in accordance with:

- 1) Plans stamped Development Permit #02-01 dated January 7, 2002.
- 2) Development meeting all bylaw requirements.
- 3) Final plans, in accordance with plans identified above, to the satisfaction of the Director of Planning & Development.

DEVELOPMENT PERMIT #02-06
3000 SHELBOURNE STREET

02/133

Committee received a memorandum dated February 13, 2002 from the Head, Urban Design regarding Development Permit #02-06 for 3000 Shelbourne Street. The proposal is to construct a new entry canopy on the Parkwood Care Centre front entrance to replace the smaller existing one. In order to allow the provision of the new canopy, a setback variance along the Shelbourne Street frontage is required.

ACTION: Councillor Savoie moved that it be recommended to Council that a Development Permit be issued in accordance with:

- 1) Plans stamped "Development Permit #02-06, dated January 25, 2002.
- 2) Development meeting all bylaw requirements with the following relaxation:
Section 2.22.7 Front yard setback relaxed from 9.7m to 6m
- 3) Final plans, in accordance with plans identified above, to the satisfaction of the Director of Planning & Development.

EXTERIOR BUILDING ENVELOPE REHABILITATION **ROYAL QUAYS**

02/132

Committee received a memorandum dated February 12, 2002 from the Head, Urban Design regarding a Building Permit Application for exterior building envelope remediation for the two Royal Quays buildings in Songhees at 10 Paul Kane Lane and 11 Cooperage Place. The design intent of the proposal is to maintain the general appearance of the building such as colours, materials, architectural elements and expression, with the exception of the narrow plastic muntin bar inserts within the glazing, that will not be reinstated in the new windows.

The site lies within Development Permit Area 4 for form and character, and is under a Statutory Building Scheme, however staff is prepared to process the proposal as a building permit application only, due to the minimal change to the appearance of the building.

ACTION: Councillor Lunt moved that the report dated February 12, 2002 from the Head, Urban Design, regarding Exterior Building Envelope Rehabilitation for the two Royal Quays buildings in Songhees, be received for information.

LOCAL PLANNING PARTNERSHIPS

02/131

Committee received a memorandum dated February 14, 2002 from the Manager, Planning Division advising that the City Planning Division has been requested to explore alternative means to accomplish planning projects that are beyond the scope of existing resources. An attached document, entitled *Local Planning Partnerships, Victoria City Planning Division Guidelines*, provided a framework for the City to partner with outside funding sources and community groups to carry out a variety of planning projects, such as a local plan update or a design guideline for a development permit area.

ACTION: Councillor Savoie moved that it be recommended to Council that:

- 1) the *Local Planning Partnerships* framework dated February 14, 2002, be approved in principle as a basis for assisting community groups to advance local planning projects.
- 2) the document be referred to the Advisory Planning Commission for its review and comments.

NOMINATION FOR HERITAGE DESIGNATION
1646 ST. FRANCIS WOOD

02/130

Committee received a memorandum dated February 14, 2002 from the Heritage Planner advising of a public nomination to designate an existing house as a Municipal Heritage site. The proposed designation has been discussed with the current owners and they are in agreement. The house is an outstanding example of contemporary West Coast residential architecture designed by the noted Victoria architect, John Di Castri, and built in 1957. This will be the City's second designation of an example of modern architecture.

ACTION: Councillor Savoie moved that it be recommended to Council that, whereas the house at 1646 St. Francis Wood is an outstanding example of West Coast contemporary residential design, it be designated as a municipal heritage site.

REQUEST FOR HERITAGE DESIGNATION
940 HEYWOOD AVENUE

02/129

Committee received a memorandum dated February 14, 2002 from the Heritage Planner advising that the owner of the Heritage Registry house and garage at 940 Heywood Avenue has requested that it be designated as a municipal heritage site.

ACTION: Mayor Lowe moved that it be recommended to Council that, whereas the house and garage at 940 Heywood Avenue are worthy of heritage designation, they be designated as a municipal heritage site.

HERITAGE ALTERATION PERMIT #96B
224 SUPERIOR STREET

02/128

Committee received a memorandum dated February 13, 2002 from the Heritage Planner regarding Heritage Alteration Permit Application #96B for 224 Superior Street. The proposal is to construct a 6.9m x 2.6m addition for 2 new bathrooms with a "conservatory" below on the southeast corner of this heritage designated house. A new deck with "conservatory" below is also proposed for the west elevation towards the rear.

ACTION: Councillor Savoie moved that it be recommended to Council that, pursuant to Heritage Designation Bylaw #229, Heritage Alteration Permit #96B be authorized in accordance with:

- 1) Plans dated February 2, 2002.
- 2) Development meeting all bylaw requirements.
- 3) Final plans to be in accordance with plans identified above.
- 4) Submission of shop drawings for all proposed new windows to the satisfaction of the Heritage Planner, along with a photo of the existing windows to compare how the new windows will match.

**AMENDMENTS TO THE ZONING REGULATION BYLAW
TO FACILITATE WALL REPAIRS**

02/127

Committee received a memorandum dated February 14, 2002 from the Manager, City Planning Division proposing changes to the City's *Zoning Regulation Bylaw* to facilitate repair of building exteriors suffering from water penetration. This will allow a "rain screen" wall design to replace thinner walls. The present zoning definitions of floor "area" and "setback" require a building to be measured at the outside of the finished wall surface. The proposed change will set the key point of measurement at the finished interior of the exterior walls.

ACTION: Mayor Lowe moved that it be recommended to Council that the City Solicitor be instructed to amend the *Zoning Regulation Bylaw* as follows to facilitate improved exterior wall design by allowing exemption of thicker walls:

Excerpts from Zoning Bylaw "Schedule A" with new wording shaded

"Area" when used in reference to a floor of a storey of a building means the entire area which in plan is enclosed by the interior face ~~outer limits~~ of the exterior walls, of the storey at floor level, but does not include the area of the floor or floors of any and all portions of the building used or intended to be used for the parking or movement of motor vehicles nor the floor area of areas of any and all balconies, exposed decks, patios or roofs

"Setback" or **"Line of Setback"** means the shortest horizontal distance from any boundary of a lot to the face of the nearest wall interior face of a building provided that a cornice or retaining wall or fence shall not be deemed to be a building

AMENDMENTS TO THE PLUMBING PERMIT FEES BYLAW

02/126

Committee received a memorandum dated February 14, 2002 from the Manager, Regulatory & Development Services Division proposing an amendment to the Plumbing Permit Fees Bylaw to clarify and remove plumbing permit fees from the main text of the bylaw and place them in a schedule. The amendment will achieve three goals:

- The fees will be easier to read and more user friendly.
- Actual practice of separate plumbing fee collection from the building permit will be clarified by the schedule.
- It will allow tracking of all plumbing permit fees.

ACTION: Mayor Lowe moved that the draft Plumbing Permit Fees Bylaw, Amendment Bylaw (No. 2), attached to the report dated February 14, 2002, be forwarded to Council for consideration of first, second, and third readings.

ADMINISTRATIVE MATTERS

DOWNTOWN ADVISORY COMMITTEE MEETINGS

02/125

Committee received correspondence from a member of the Downtown Advisory Committee requesting clarification of the policy governing scheduling of advisory committee meetings.

The Corporate Administrator advised that the current Advisory Committee procedures allow committees to consider matters generally within their terms of reference without a Council or staff referral. However, the threshold requirement for what constitutes an item of committee business is that the proposed agenda item is submitted in writing to the committee secretary and chair in advance of the regular meeting date. The committee chair determines whether there is business for a meeting and instructs the secretary to prepare an agenda.

A properly constituted meeting requires that:

- an agenda be produced and distributed in advance of the meeting;
- the committee secretary and staff liaison are present at the meeting;
- a quorum of committee members are present at the meeting; and
- minutes of the meeting are recorded and subsequently published.

Committee discussed the information provided and agreed that Advisory Committee members can request that specific issues be placed on committee agendas by following the procedure noted above.

ORDER OF BRITISH COLUMBIA 2002 CALL FOR NOMINATIONS

02/124

Committee received a letter dated January 30, 2002 from the Intergovernmental Relations Secretariat advising of a "call for nominations" for the Order of British Columbia. Nomination forms are available from the Honours and Awards Secretariat in Victoria. The deadline for receipt of nominations is March 10, 2002.

ACTION: Mayor Lowe moved that the letter dated January 30, 2002 from the Intergovernmental Relations Secretariat regarding 2002 Order of British Columbia awards, be received for information.

AVICC ANNUAL CONFERENCE

02/123

Committee received a memorandum dated February 21, 2002 from the Secretary to the City Manager advising that the Association of Vancouver Island and Coast Communities (AVICC) annual conference is being held from March 8 - 10, 2002 in Campbell River. Councillors Holland, Fleming, McLean and Vanden Berg have expressed an interest to attend.

ACTION: Councillor Savoie moved that it be recommended to Council that approval be given to funding of approximately \$2,519.80 to cover the costs for Councillors Holland, Fleming, McLean and Vanden Berg to attend the AVICC annual conference in Campbell River, March 8-10, 2002.

DISPOSITION OF COMMUNICATIONS

02/122

Committee received a memorandum dated February 15, 2002, from the Corporate Administrator reporting that certain communications received in the Legislative Services Division have been dealt with on the date and in the manner indicated.

ACTION: Councillor Savoie moved that the Disposition of Communications dated February 8, 2002 received from the Corporate Administrator, be received for information and filed.

VANCOUVER ISLAND, GULF ISLANDS AND SUNSHINE COAST ARTS AND CULTURAL ACCORD FOUNDATION

02/121

Committee received a memorandum dated February 18, 2002 from Councillor Rob Fleming regarding the Arts and Cultural Accord, a non-profit foundation chartered in 1998 to promote the artists who live and work in the Vancouver Island area. The Accord's mission is "To enhance, publicize, and raise the awareness of the Arts throughout the region and position Vancouver Island, the Gulf Islands and the Sunshine Coast as a world-class arts and cultural destination centre."

ACTION: Councillor Holland moved that it be recommended to Council that:

- 1) \$250 be approved as a one-time cost of becoming a "Lifetime Founding Member" of the Vancouver Island, the Gulf Islands and the sunshine Coast Arts and Cultural Accord Foundation.
- 2) Council and the City's Economic Development office maintain membership status and any related responsibilities.

TRANSPORTATION CORRIDOR ZONE

02/120

ACTION: Councillor Savoie moved that:

- 1) the Director of Planning and Development prepare a report for Committee of the Whole regarding Council's interest in designating the railway corridor in Victoria to a new Transportation Corridor zone where permitted uses would be limited to rail, cycle, pedestrian uses and other non-motorized forms of transportation; and
- 2) that the City advise Canadian Pacific Railway Company and Rail America and other stakeholders of this proposed action.

NOTICE OF MOTION

02/119

Councillor McLean advised of his intent to bring forward a motion to the February 28, 2002 Committee of the Whole meeting regarding Deposits for Civic Election Candidates.

CLOSED MEETING - 10:20 A.M.

Mayor Lowe 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.

ADVISORY TRANSPORTATION COMMITTEE
VACANT POSITION

02/118

Committee received a memorandum dated February 15, 2002 from the Corporate Administrator advising of the resignation of Mr. Seamus Brennan from the Advisory Transportation Committee.

Committee received his resignation with regret and agreed to leave the position vacant at this time.

GREENWAYS STEERING COMMITTEE

02/117

ACTION: Councillor Savoie moved that it be recommended to Council that the following appointments be made to the Greenways Steering Committee:

Katia Gauvin	Isabella Jude
Donna Wong	Peggy Magee
Fiona MacIntosh	John Farquharson
Karl Sturmanis	

CONFERENCE CENTRE LEASES
UNITS #5 AND #18

02/116

Committee received a memorandum dated February 13, 2002 from the Property Manager advising that the current tenant for Units #5 and #18 at the Victoria Conference Centre has sold the business. The purchasers have requested new leases for both shops.

ACTION: Mayor Lowe moved that it be recommended to Council that approval be given to the proposed sale of leasehold interest in Victoria Conference retail units #5 and #18 to Msasa Holdings Ltd., under the following terms:

- 1) 5 year term commencing March 1, 2002 with one 5 year renewal option.
- 2) Base rent for units #5 and #18 be \$26,130 and \$19,952 respectively, with additional percentage rent of 7%.
- 3) All other terms and conditions of the current lease to remain the same.

Mayor Lowe advised that he has a potential conflict of interest with issues regarding litigation for building envelope failures. He left the meeting at 10:30 a.m.

STRATA PLAN 2030 v. CITY OF VICTORIA

02/115

Committee received a memorandum dated February 20, 2002 from the City Solicitor regarding Strata Plan 2030 v. City of Victoria.

ACTION: Councillor Lunt moved that it be recommended to Council that the City Solicitor's recommendation in his report dated February 20, 2002 with respect to the litigation involving City File #97-99, be endorsed.

APPEAL FOR TAXI PERMIT - MR. JAMES FRY

02/114

Constable Dale Saunderson, Taxi Detail, Traffic Division, indicated that Mr. Fry's application did not comply with the Vehicles for Hire Bylaw governing the issuance of a Chief's Permit, and outlined the reasons for rejecting the application.

Mr. Fry requested Council's consideration of authorizing a Chief's Permit, and outlined the reasons for his appeal.

ACTION: Councillor Lunt moved that it be recommended to Council that Council grant the appeal and instruct the Chief of Police to issue a Chief's Permit to Mr. Fry.

ACTION: Councillor Hughes moved that staff be requested to prepare a report recommending revisions to Sections 4.2 and 4.3 of the Vehicles for Hire Bylaw.

The meeting adjourned at 12:15 p.m.

Councillor McLean, Chair