

MINUTES - COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, SEPTEMBER 19, 2002, AT 9:00 A.M.

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

ABSENT: Mayor Lowe and Councillor Lunt

Mr. Joe Martignago, City Manager, attended for the entire meeting; and Messrs. Barber, Basey, Carlsen, Carpenter, Daly, Dolan, Hennessey, Koch, Mitton, Scoones, Sikstrom, Silvester, Timms, Wiffen and Woodland, Ms. Atkinson, Ms. Chase, Ms. Fowler, Ms. Higgins, Ms. Masters, Ms. Mayhew, Ms. Miller, and Ms. Zink attended for portions of the meeting.
Recording Secretary: Linda Johnson

DELEGATIONS

BURNSIDE GORGE COMMUNITY ASSOCIATION

02/417

Melanie Barr, Board member, Burnside Gorge Community Association, addressed Committee regarding a possible movement to convert motels along Gorge Road into low cost housing units. She stressed the need for comprehensive planning for this type of project, and advised that the Community Association will host a meeting of interested parties to discuss the issue. The meeting is planned for October 28, 2002 at 7:00 p.m. at the community centre. Mayor Lowe and Councillors were invited to attend.

Ms. Barr requested that Council amend a motion made at its September 12, 2002 meeting requesting a report to Committee of the Whole within one month advising of the potential impacts of other residential conversions in this area. She would like an extension so that the results of the October 28th meeting can be included in Council's discussions.

Committee agreed to request the report for the 2nd week in November.

Committee also suggested that representatives from the following groups should be invited to attend the October 28th meeting:

- Selkirk Waterfront Association
- Carrington Court
- Motel owners
- Vancouver Island Health Authority
- Cool Aid
- Salvation Army
- Open Door
- Upper Room

USS NIMITZ

02/416

Councillor McLean reported that, as the City's representative, he visited the USS Nimitz aircraft carrier on September 18, 2002 to welcome officers and crew to Victoria. He presented a City salver to the ship, and in turn, received an engraved plaque commemorating his visit.

The ship brings over 4,000 crew members to Victoria for a rest and recreation break. Councillor McLean was able to deliver a welcome message through the on-board radio station. In addition, a Victoria Police Officer was present to participate in a phone-in radio program advising of Canadian and Victoria laws and bylaws.

TOURISM VICTORIA - DESTINATION MARKETING COMMISSION

02/415

Lorne Whyte, Chief Executive Officer, Melissa McLean, Director of Operations, and Lee Morris, Director of Sales, provided Committee with an update on work done through the Destination Marketing Commission during the past year. They outlined the recovery strategy used in 2002 to compensate for a loss of "long-haul" visitors. In addition they provided details of their expanded web site and work with travel media.

They presented their first quarter marketing plans and interim budget, and requested interim funding approval of \$858,779 to be paid from the 2003 2% Hotel Tax proceeds. Tourism Victoria will present its 2002 audited financial statements and 2003 Marketing Budget to City Council for approval in March 2003.

ACTION: Councillor McLean moved that it be recommended to Council that the Destination Marketing Commission 2003 Interim Funding Request of \$858,779 to be paid from the 2003 2% Hotel Tax proceeds, be approved.

PLANNING & DEVELOPMENT

DEVELOPMENT PERMIT #02-28 324 KINGSTON STREET

02/414

Committee received a memorandum dated September 13, 2002 from the Head, Urban Design regarding Development Permit #02-28 for 324 Kingston Street. The proposal is to construct a new 10 storey 80-unit boutique hotel on the northwest corner of the Kingston/Oswego intersection. The massing of the building is broken into two connected portions, a tower block to the east and a low-rise annex to the west. The applicant has requested relaxation of the setback from Kingston Street (for the tower portion) and the rear (north) property line.

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

- 1) The resolution of approval for Development Permit #02-28 for 324 Kingston Street be considered at the same meeting for which the rezoning and hearing are scheduled, after the public hearing has been completed.

- 2) A Development Permit be issued in accordance with:

- 1) Plans stamped "Development Permit #02-28" dated August 7, 2002.
- 2) Development meeting all bylaw requirements with the following relaxations:
 - Section 5.20.7(a) Setback from Kingston Street. From 3.5m to 3.1m
 - Section 5.20.7(d) Setback from rear property line from 4.0m to 1.4m
- 3) Review by Advisory Design Panel at Building Permit stage.
- 4) Adjustment to the configuration of the underground parking area and ramps to the satisfaction of the Director of Engineering.
- 5) Final plans to be in accordance with plans identified above with the incorporation of responses to the recommendations of the Advisory Design Panel, the City's Parks Division, and the City Engineering Department to the satisfaction of the Director of Planning & Development.

**DEVELOPMENT PERMIT #SL-55 TO REPLACE
DEVELOPMENT PERMIT #SL-23
1717 FERNWOOD ROAD**

02/413

Committee received a memorandum dated September 13, 2002 from the Head, Urban Design advising that the applicant has requested a replacement of Development Permit #SL-23 that expired on December 16, 2001. The proposal and variances have not changed from the original application.

ACTION: Councillor McLean moved that it be recommended to Council that Development Permit #SL-55 be issued to replace Development Permit #SL-23.

**DEVELOPMENT VARIANCE PERMIT #02-26
312 NIAGARA STREET**

02/412

Committee received a memorandum dated September 13, 2002 from the Head, Urban Design regarding Development Variance Permit #02-26 for 312 Niagara Street. This is an application for a development variance permit to allow reconstruction of the existing house. The proposal includes the renovation of the existing house and an addition of a second floor. All the work is confined to the area and location of the existing house foundation.

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

- 1) Plans stamped "Development Variance Permit #02-26" dated August 8, 2002.
- 2) Development meeting all bylaw requirements with the following relaxations:
 - Section 1.2.7 Front yard setback 7.5m relaxed to 3.7m
 - Section 1.2.9 Rear yard setback 7.5m relaxed to 2.18m
- 3) Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development.
- 4) Notice of the public hearing be sent to all adjacent neighbours.

**DEVELOPMENT VARIANCE PERMIT #02-27
826 CORMORANT STREET & 831 FISGARD STREET**

Committee received a memorandum dated September 13, 2002 from the Head, Urban Design regarding Development Variance Permit #02-27 for 826 Cormorant Street & 831 Fisgard Street. This is an application for a development variance permit to construct a four storey building with ground floor commercial and residential upper floors (30 units). A freestanding residential unit/caretaker unit fronts onto Fisgard Street and 23 underground parking stalls are provided. The proposal also includes a 70m² expansion of Peterec's Kickboxing facility.

In order to ensure future right of way needs and bicycle routes along Fisgard Street (under the *Bicycle Master Plan, 1995*) a minimum setback of 2.4m is required. The applicant is pursuing a zero setback relaxation.

Councillor Savoie requested that, if the application moves forward to public hearing, the Advisory Transportation Committee and the Bicycle Committee review it prior to the public hearing.

ACTION: Councillor Holland moved that consideration of Development Variance Permit #02-27 for 826 Cormorant Street & 831 Fisgard Street, be tabled, pending review by the Advisory Design Panel at its meeting on September 25, 2002.

APPLICATION TO RELAX PARKING REQUIREMENTS **#101 – 1600 BAY STREET**

02/410

Committee received a memorandum dated September 13, 2002 from the Economic Development Planner regarding an Application to Relax Parking Requirements at #101 – 1600 Bay Street. The applicant has requested this relaxation in order to increase the number of permitted restaurant seats from 10 to 50. There are currently 11 parking spaces provided on site. Two of these are allocated to the Baja Grill. The proposed increase in seating would require an additional 8 parking spaces. The proposal is to limit the hours of operation for the restaurant to the times when the remaining uses in the building would not be in operation.

ACTION: Councillor McLean moved that it be recommended to Council that a Development Permit be issued in accordance with plans stamped "Development Variance Permit Application #01-45 dated August 23, 2002 to permit the relaxation of required parking from 10 to 50 seats subject to:

- 1) Registration of a covenant that will restrict and assign the parking according to the hours of operation of each use to the satisfaction of the City Solicitor.
- 2) Notice of the public hearing being mailed to all adjacent neighbours.
- 3) Completion of a Good Neighbour Agreement with the applicant to the satisfaction of the Director of Planning & Development.

NOISE ABATEMENT PROJECT UPDATE

02/409

Committee received a memorandum dated September 13, 2002 from the Planning Division providing an update on the Noise Abatement Project. The current City noise bylaw relies on subjective measures of the level of nuisance created by noise. Determining what does and does not constitute a nuisance leads to unnecessary conflict and is difficult to enforce. A significant change to the noise bylaw is being considered, and an updated noise bylaw may use objective standards for noise (i.e. decibel readings) instead of the current subjective standards (i.e. nuisance).

Council, at its July 12th, 2001 meeting, instructed staff to hire an acoustical consultant to assist in the preparation of an updated noise bylaw. Wakefield Acoustics Ltd. was hired to complete the technical work involved in site sampling, the creation of noise level maps, and the preparation of a draft noise bylaw.

An Open House will be held October 16, 2002 to formally launch the project and provide and receive information about noise issues. A draft bylaw is anticipated for December, and a second round of consultation will take place in the new year. Under the proposed schedule, an updated noise bylaw may be formally considered for adoption by April of 2003.

ACTION: Councillor Hughes moved that the report dated September 13, 2002 from the Planning Division, and the attached *Noise Abatement Program Communications Plan Summary*, be received for information.

CORRESPONDENCE FOR PLANNING APPLICATIONS

02/408

Committee of the Whole, at its meeting on August 15, 2002, requested a report that discussed the practice of providing correspondence for planning applications for Council to review prior to a public hearing.

Committee received a memorandum dated September 12, 2002 from the Manager, City Planning Division advising that certain planning applications (eg. a rezoning application, a development variance permit) involve Council in two separate but integral roles. First, an application is presented to Council at Committee of the Whole with a staff report that reviews the application's technical merits. Second, and if approved by Council, the application is considered following a public hearing where the views of affected stakeholders are heard. At Committee of the Whole, Council exercises its *executive* or decision-making role in determining whether the technical merits of an application warrant it proceeding to a public hearing. Following the public hearing Council exercises its *adjudicative role* in determining whether approval of the application is in the community's interest.

A motion to reserve consideration of written community input on planning applications to the public hearing was defeated.

A motion to table consideration of the issue until all Council members are present was also defeated.

Staff advised that they will provide all correspondence on applications received to date to Council at the respective Committee of the Whole meeting.

LOCAL PLANNING PARTNERSHIP CONCEPT

02/407

Council, at its meeting on February 28, 2002, referred the Local Planning Partnerships concept to the Advisory Planning Commission for review, particularly regarding funding equity between neighbourhoods.

Committee received a memorandum dated September 6, 2002 from the Advisory Planning Commission, advising that the issue had been discussed at its April, May, and June meetings. They also received submissions from the South Jubilee Community Association, and indirect input from other neighbourhood associations.

The results of this review were outlined in the report.

- ACTION:** Councillor Savoie moved that it be recommended to Council that:
- 1) Approval not be given to the *Local Planning Partnership Guidelines* dated February 14, 2002, but instead, Council be open to considering and approving specific proposals on their merits if and when they come forward.
 - 2) The Planning Division explore work experience programs for planning and architecture students as a means of addressing the backlog in planning projects.

CITY HALL / SEISMIC UPGRADING

02/406

Committee received a memorandum dated September 11, 2002 from the Heritage Advisory Committee, advising of the following motion passed at its meeting on September 10, 2002:

Whereas, Victoria City Hall is a building of national historic significance as one of the finest surviving examples of the Second Empire Style in western Canada;

And whereas, the building could be damaged or destroyed by an earthquake;

The Heritage Advisory Committee strongly recommends that City Council allocate sufficient funds in the 2003 budget to undertake a detailed architectural and engineering study for the seismic upgrading of the building, and further, allocate sufficient capital funding to begin a program of seismic upgrading to the building.

- ACTION:** Councillor McLean moved that the report dated September 11, 2002 from the Heritage Advisory Committee regarding seismic upgrading of City Hall, be received for information.

Councillors requested a written summary of the all seismic work done to the City Hall building in the past 10 years.

REQUEST FOR REMOVAL FROM HERITAGE REGISTRY **715 CATHERINE STREET**

02/405

ACTION: Councillor Holland moved that consideration of the Request for Removal from the Heritage Registry for 715 Catherine Street, be tabled, as the applicant was not notified that it was on the agenda for this meeting.

FINANCE

TAX INCENTIVE PROGRAM

02/404

Committee received a memorandum dated September 9, 2002 from the Heritage Planner regarding the Tax Incentive Program. This program, adopted by the City in March, 1998, has been successful in creating 98 units of residential accommodation in 8 seismically upgraded and rehabilitated heritage buildings primarily in the north side of the downtown core. For various reasons, outlined in the report, the Planning and Development Department recommended that Council consider expanding the terms of reference of this program beyond residential use.

ACTION: Councillor Hughes moved that it be recommended to Council that the Director of Planning & Development be instructed to, in consultation with the Victoria Civic Heritage Trust, develop the terms of reference for the Tax Incentive Program to assist in the redevelopment of uses in downtown heritage buildings in addition to residential.

PERMISSIVE EXEMPTIONS

02/403

Committee received a memorandum dated September 13, 2002 from the Manager, Revenue, advising that each year Council must pass a bylaw before October 31st to specify which properties they wish to exempt from taxes under Section 341 of the *Local Government Act*. It has been the policy of the City to only deal with the changes in the list of properties from the previous year. The list of new properties seeking exemption was reviewed by the Finance Committee on August 6, 2002, and was attached for Committee's review. In addition, three more organizations applied for exemptions since that date, and were also included on the list. A third attachment provided the names and tax amounts for all properties approved to date

ACTION: Councillor McLean moved that it be recommended to Council that staff be directed to:

- 1) prepare a Permissive Exemption Bylaw incorporating the specific changes in the schedules attached to the report dated September 13, 2002 from the Manager, Revenue.
- 2) invite representatives of the Bayanihan Community Centre to attend the next meeting of the Finance Committee to discuss their application for tax exemption.

CHURCH TAX EXEMPTIONS

02/402

Committee received a memorandum dated September 13, 2002 from the Manager, Revenue, advising that Section 339 of the *Local Government Act* exempts places of worship and the land on which they stand. City of Victoria's Church Tax Exemption Bylaw exempts the rest of building and property on the same parcel. Each year there are a few changes which must be reflected by Bylaw amendments for new churches or those no longer operating.

ACTION: Councillor McLean moved that it be recommended to Council that staff be directed to prepare an amendment to the Church Tax Exemption Bylaw, to incorporate the changes as outlined in the schedule attached to the report dated September 13, 2002 from the Manager, Revenue.

TENDER #02-036
ADMIRALS ROAD WATERMAIN REPLACEMENT

02/401

Committee received a memorandum dated September 13, 2002 from Supply Management Services regarding Tender #02-036 for Admirals Road Watermain Replacement. A prequalification was held for general contractors, with five firms being prequalified. The tender was issued in August 2002, and two of the firms submitted tenders, which were evaluated by a committee of consultants and city staff.

ACTION: Councillor McLean moved that it be recommended to Council that Tender #02-036 – Admirals Road Watermain Replacement be awarded to Knappett Industries Ltd., at a cost of \$759,781.32, based on being the overall lowest tender.

ENGINEERING
APPEAL OF RESIDENTIAL STRATA POLICY
1261 OSCAR STREET

02/400

Committee received a memorandum dated September 13, 2002 from the Supervisor, Development Engineering regarding an Appeal of Residential Strata Policy received from the owner of 1261 Oscar Street. Since the rental apartment vacancy rate is below 4%, and this building is officially listed with the City as having more than four residential units, Council approval is necessary before a complete application for strata titling can be accepted by the Director of Engineering.

There will be a total of three strata units: two for the two self-contained suites in the basement, and one for the rest of the building, which will include three light housekeeping units and a third self-contained suite. The applicant has obtained an exemption to provide a construction warranty from the Homeowners Protection Office on the condition that all units remain as rental units for a minimum of 10 years. Following this period, Suites 1 – 3 can be sold separately, however since the housekeeping units are included in Suite 3, they will remain in the rental pool in perpetuity.

ACTION: Councillor Holland moved that it be recommended to Council that the appeal submitted by the owner of 1261 Oscar Street to strata title this building into three strata units be approved and the Director of Engineering be authorized to accept a complete strata title application.

RESIDENTIAL STRATA TITLE APPLICATION
933 EMPRESS STREET

02/399

Committee received a memorandum dated September 16, 2002 from the Supervisor, Development Engineering regarding an application to strata title the duplex at 933 Empress Avenue. Two surface parking stalls will be provided for this project. The building is currently vacant.

ACTION: Councillor Savoie moved that it be recommended to Council that the application to strata title the residential building at 933 Empress Avenue into two strata units, be approved.

PARKS

BEACON HILL PARK

02/398

Committee received a memorandum dated September 3, 2002 from the Manager, Park Design & Development advising that Mr. Bill Dale has offered his collection of eight rhododendrons hybridized by George Fraser, for planting in Beacon Hill Park. Mr. Fraser was the foreman responsible for the initial plantings in the Park in the early 1890's. For more than 50 years, following his work in Beacon Hill Park, he operated a plant nursery in Ucluelet specializing in the propagation of rhododendrons.

ACTION: Councillor Savoie moved that it be recommended to Council that the offer received from Mr. Bill Dale to relocate to Beacon Hill Park, his collection of rhododendrons developed by George Fraser, be accepted.

LIQUOR LICENSING

LIQUOR LICENSE APPLICATION
CASABLANCA CAFÉ – 537 HERALD STREET

02/397

Committee received a memorandum dated September 12, 2002 from the Manager, Administration regarding a Liquor License Application for the Casablanca Café at 537 Herald Street. The business has recently changed hands and is undergoing minor renovations, including the addition of a dance floor and the installation of a speaker system to play Latin dance music. The addition of patron participation entertainment (dancing) requires local government approval prior to consideration of the application by the Liquor Control & Licensing Branch. The building plans were reviewed and approved by the City's Inspections Division, with a final Building Inspection pending. Victoria City Police have no objection to the application provided the licensee operates in compliance with provincial liquor licensing regulations.

ACTION: Councillor Fleming moved that it be recommended to Council that support be given to a Class "B" license endorsement to permit patron participation entertainment proposed by Casablanca Café at 537 Herald Street in the City of Victoria, provided:

- 1) Alcoholic beverage sales cease at 24:00h in all parts of the restaurant and the restaurant closes for business at 00:30h.
- 2) Confirmation that the applicant has addressed:
 - possible noise issues with adjacent neighbours;
 - patron access to Herald/Fisgard Streets from Dragon Alley after the gates are locked.

LIQUOR LICENSE APPLICATION
VICTORIA MULTIPURPOSE FACILITY

02/396

Committee received a memorandum dated September 19, 2002 from the Manager, Recreation Services advising that RG Properties requires a Council resolution of support for its application to the Liquor Control & Licensing Branch for Class “A” and Class “E” liquor licenses for the new Victoria Multipurpose Facility. A Class “A” license will permit alcohol to be served in the restaurant and lounge areas within the facility. A Class “E” license will permit alcohol to be served throughout the spectator areas.

ACTION: Councillor Holland moved that it be recommended to Council that support be given to RG Properties’ application to the Liquor Control & Licensing Branch for Class “A” and Class “E” liquor licenses for the new Victoria Multipurpose Facility located at 1925 Blanshard Street.

ADMINISTRATIVE MATTERS

STATUTORY RIGHTS-OF-WAY

02/395

Committee of the Whole, at its meeting on July 4, 2002 requested a staff report on the public statutory rights-of-way through Eaton Centre and St. Andrews Square.

Committee received a memorandum dated September 5, 2002 from the Property Manager outlining the agreements between the City and the property owners regarding the hours that the walkways must remain open. The report also discussed public complaints received regarding unscheduled closures by the owners of these public rights-of-way.

ACTION: Councillor Savoie moved that:

- 1) The report dated September 5, 2002 from the Property Manager regarding Statutory Rights-of-Way through Eaton Centre and St. Andrews Square, be received for information.
- 2) City staff be requested to continue to monitor these public rights-of-way to ensure compliance.

PANHANDLING

02/394

It was agreed that the issue of Panhandling would be tabled to the next meeting of Committee of the Whole at which all council members are present.

DISPOSITION OF COMMUNICATIONS

02/393

Committee received a memorandum dated September 13, 2002, from the Manager, Administration, reporting that certain communications received in the Legislative Services Division have been dealt with on the date and in the manner indicated.

ACTION: Councillor Fleming moved that the Disposition of Communications dated September 13, 2002 from the Manager, Administration, be received for information and filed.

PROCLAMATIONS

02/392

ACTION: Councillor Fleming moved that the following proclamations be approved and forwarded to the appropriate Council meeting:

<i>Single Parent Days</i>	<i>September 24 & 25, 2002</i>
<i>Mahatma Gandhi Day</i>	<i>October 2, 2002</i>
<i>Victoria Market Day</i>	<i>September 21, 2002</i>
<i>World Teachers' Day</i>	<i>October 5, 2002</i>
<i>British Columbia Rivers Day</i>	<i>September 29, 2002</i>

CREST

02/391

Councillor McLean, the City's representative (and Chair) on the Capital Region Emergency Telecommunications (CREST) Board advised Committee of a resolution to be considered for the first Annual General Meeting of CREST to be held October 9, 2002.

ACTION: Councillor Fleming moved that it be recommended to Council that the City of Victoria:

- 1) Receives and approves the 2002 CREST Directors Report.
- 2) Receives and approves the May 31, 2002 CREST Financial Statements.
- 3) Approves the re-appointment of KPMG, Chartered Accountants as CREST Auditors.
- 4) Re-appoints Councillor David McLean to the Board of Capital Region Emergency Service Telecommunications (CREST) Inc.
- 5) Approves the CREST Special Resolution to amend Sections 12 and 13.2 of the CREST Company Articles as proposed.

COUNCILLOR INQUIRIES

CONSERVATION TAX INCENTIVE PROGRAM

Councillor Savoie requested a report on a Conservation Tax Incentive Program first proposed to Committee approximately two years ago.

COUNCILLOR INFORMATION SHARING

FOOD RESOURCE MAPPING EVENT

02/389

Councillor Hughes advised that the Capital Region Food and Agriculture Initiatives Roundtable is hosting a Food Resource Mapping Event on September 25, 2002 at the Victoria Silver Threads Auditorium.

INTERNATIONAL CAR FREE DAY

02/388

Councillor McLean advised that the Fairfield Community Association will participate in International Car Free Day on Sunday, September 22, 2003. This will involve closing a portion of Dallas Road to vehicle traffic from 1:00 – 5:00 p.m. The Community Association has held previous car free events in the spring – but will now move their annual car free day to coincide with the international event.

LECTURE – U.S. ENERGY REQUIREMENTS

02/387

Councillor Fleming advised that the State Treasurer of California will be in Victoria on September 25, 2002 to lecture on energy requirements and de-regulation.

CLOSED MEETING - 12:20 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.

OFFER TO PURCHASE – SELKIRK AVENUE

02/386

Committee received a memorandum dated August 27, 2002 from the Property Manager regarding the acquisition of 508 Selkirk Avenue and the subsequent restoration of the foreshore to its natural state.

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

- 1) the City acquire, under Section 99.1(h) of the Land Title Act, the waterfront portion of the property at 508 Selkirk Avenue from The Land Conservancy at a cost of approximately \$75,000.

- 2) the City enter into an agreement with The Land Conservancy for the conservation work on this newly acquired City lot.

OFFER TO PURCHASE – BUDGET STEEL

02/385

Committee received a memorandum dated September 5, 2002 from the Property Manager regarding an Offer to Purchase received from Budget Steel Ltd. for portions of David and Pleasant Streets. The proposed acquisition is in an effort to consolidate their operations and better manage ongoing safety issues with respect to public use of the area.

- ACTION:** Councillor McLean moved that it be recommended to Council that the City enter into an Agreement of Purchase & Sale with Budget Steel Ltd. (BSL) for those portions of David Street and Pleasant Street as shown on a plan attached to the report dated September 5, 2002 received from the Property Manager, subject to:
- 1) The City successfully closing the subject streets to traffic and petitioning for title.
 - 2) A sale price of \$366,000.
 - 3) Consolidation of streets with abutting BSL properties, by BSL.
 - 4) Registration of blanket statutory rights-of-way for all applicable services, including fire fighting.
 - 5) BSL indemnifying the City against future environmental claims.
 - 6) BSL repairing any damage to underground services, caused by BSL, as determined by the City's Engineering Department.
 - 7) BSL paying for construction of a turnaround at Pleasant Street/Hillside Avenue and curb/gutter at David Street and Turner Street intersections.
 - 8) Receipt of confirmation that the owners of Point Ellis House have been consulted regarding the sale.
 - 9) Receipt of further information regarding the possibility of a public access point to the shore immediately adjacent to the Point Ellis property.

LANE CLOSURE – CECELIA ROAD

02/384

Committee received a memorandum dated August 30, 2002 from the Property Manager regarding a lane closure on Cecelia Road. In January 2002 the City accepted an offer on the lot adjacent to the lane, the sale being subject to closure and consolidation of the lane. A road closure bylaw was given 3rd reading on August 15, 2002, however final adoption was withheld due to concerns expressed by an adjacent property owner at 521 Cecelia Road, who would lose access over the lane, to a garage built at the rear of his property.

The report from the Property Manager advised that the owner of 521 Cecelia Road, and the purchaser of the city-owned property have reached agreement regarding access.

- ACTION:** Councillor McLean moved that it be recommended to Council that the road closure bylaw for the Cecelia Road property be adopted, and staff be instructed to petition for title in order to close the sale.

LADEROUTE v. CARMEL HOLDINGS LTD et al

02/383

Committee received a memorandum dated September 13, 2002 from the City Solicitor regarding Supreme Court of British Columbia case Laderoute v. Carmel Holdings Ltd. et al.

Committee of the Whole

ACTION: Councillor Holland moved that it be recommended to Council that settlement of the claim under the terms set out in the report of the City Solicitor dated September 13, 2002, be approved.

DOCKSIDE LANDS BUSINESS CASE

02/382

Committee agreed that consideration of the Dockside Lands Business Case be moved to a closed meeting of Committee of the Whole on October 3, 2002 at 8:00 a.m.

The meeting adjourned at 1:20 p.m.

Councillor Madoff, Chair