

MINUTES - COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, OCTOBER 3, 2002, AT 8:08 A.M.

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

Mayor Lowe chaired the meeting until Councillor McLean arrived at 8:45 a.m.

Mr. Joe Martignago, City Manager, attended for the entire meeting; and Messrs. Basey, Carlsen, Dellebuur, Dowdall, Galavan, Hortsing, Koch, Lam, Phillips, Timms, and Woodland, Ms. Atkinson, Ms. Chase, Ms. Fowler, Ms. Masters, Ms. Mayhew, Ms. Meyer, and Ms. Zink attended for portions of the meeting.
Recording Secretary: Linda Johnson

MINUTES

02/436

ACTION: Councillor Madoff moved that the Minutes of the Meeting of Committee of the Whole, held on September 19, 2002, be approved, with the following correction:

02/406 City Hall / Seismic Upgrading

Councillor McLean moved that it be recommended to Council that the following motion passed at the September 10th, 2002 meeting of the Heritage Advisory Committee, be endorsed:

“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;

Sufficient funds be allocated in the 2003 budget to undertake a detailed architectural and engineering study for the seismic upgrading of the building, and further, sufficient capital funds be allocated to begin a program of seismic upgrading to the building.”

CLOSED MEETING - 8:10 A.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.

DOCKSIDE LAND BUSINESS CASE

02/435

Committee received a memorandum dated September 12, 2002 from Kim Fowler, Manager, Regulatory & Development Services, outlining a business case for the Dockside Lands, which Council requested as part of the land redevelopment process. The business case provided a comprehensive assessment of development options. Ms. Fowler conducted an information session, in workshop format, for members of Council.

- ACTION:** Councillor Madoff moved that it be recommended to Council that the following recommendations from the Dockside Land Business Case, be endorsed:
- 1) Determine the vision for the Dockside Lands through a value assessment of all aspects, and this form the basis for land use.
 - 2) Develop a communication plan, including a public consultation process, as part of the vision process.
 - 3) Further assess alternate land uses by a full-scale risk and market analysis (financial, environmental, legal, and marketing.)
 - 4) Phase remediation as the sites are sold/leased, (the City negotiates final purchase agreements for the various sites and then commences to remediate that particular site) to achieve the following:
 - a) No significant expenditure of cash for remediation until income is confirmed.
 - b) The City can determine at a later stage how Site 1 should be remediated.
 - c) If Live/Work is determined to be a desired option, the sale of Site 4 first will provide a positive initial cash flow.
 - d) Cost efficiency is achieved through a remediation plan customized to the needs of proposed development.
 - 5) Phase development by the:
 - a) Sale and remediation of Site 1 occurring last, to provide the greatest flexibility and maximize cash flow for the overall project.
 - b) Subdivision of sites to facilitate sale to a broader market, if required.
 - c) Substantial completion of the rezoning process prior to marketing of the properties.

The closed meeting adjourned, and the open public meeting convened at 9:00 a.m.

STATUS OF BYLAW ENFORCEMENT

The Manager, Regulatory & Development Services, introduced the Bylaw Enforcement team, including new employees Andrew Dolan and Cliff Carter. She provided a brief update of work done in the division, and outlined future enforcement priorities.

DELEGATION

THE NEW VI

02/433

Laura Acton, Director of Community Affairs, and Howard Slutsken, General Manager, The New VI, addressed Committee. They thanked the City for its support during their first year of operation and invited Council members and staff to their First Anniversary Open House to be held October 4, 2002.

PLANNING & DEVELOPMENT

DEVELOPMENT VARIANCE PERMIT #02-17 **35 COOK STREET**

02/432

Committee received a memorandum dated September 27, 2002 from the Acting Head, Urban Design, regarding Development Variance Permit #02-17 for 35 Cook Street. The proposal is to redevelop the existing 9 suite apartment building by adding a penthouse suite on the roof. Variances are required for site coverage and minimum site area. The application was reviewed by Advisory Design Panel on September 25, 2002 and was recommended for approval subject to the condition regarding the roof fascia noted below.

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

- 1) Plans stamped "Development Variance Permit #02-17 dated June 13, 2002.
- 2) Plans meeting all bylaw requirements with the following variances:
Section 3.3.4 Site coverage for 3 storeys relaxed from 30% to 40.6%
Section 3.3.9 Minimum site area relaxed from 920m² to 908m²
- 3) Final plans in accordance with plans identified above to the satisfaction of the Director of Planning & Development.
- 4) That the roof fascia board on the new addition match the existing.

DEVELOPMENT PERMIT #02-30 **645/655 TYEE ROAD (PHASE TWO)**

02/431

Committee received a memorandum dated September 26, 2002 from the Acting Head, Urban Design regarding Development Permit #02-30 for 645/655 Tyee Road (Phase Two). The application is to construct a new mixed use office, high tech and retail building of approximately 100,000 sq.ft. which is Phase Two of the Upper Harbour Place development being constructed by Griffiths Milne Clough Inc. The proposed five storey building is a similar design to Phase One, currently under construction. The new building includes 145 underground and surface

parking stalls and retail space on the ground floor. A landscaped pedestrian forecourt is provided at the intersection of Tyee Road and Bay Street and provision has been made for future potential walkway connections through the property to the east to the Galloping Goose Trail. The proposal was reviewed by Advisory Design Panel on September 25, 2002 and was recommended for approval.

- ACTION:** Councillor Madoff moved that it be recommended to Council that:
- 1) The resolution of approval for Development Permit #02-30 for 645/655 Tyee Road (Phase Two) be considered at the same meeting for which the rezoning and hearing is scheduled, after the public hearing has been completed.
 - 2) A Development Permit be issued in accordance with:
 - 1) Plans stamped "Development Permit #02-30" dated September 13, 2002.
 - 2) Development meeting all bylaw requirements.
 - 3) Final plans to be in accordance with plans identified above with the incorporation of responses to the recommendations of the Advisory Design Panel to the satisfaction of the Director of Planning & Development.
 - 4) All proposed landscaping in the public right of way and on the City lot to the satisfaction of the Director of Parks, Recreation & Community Services.

Mayor Lowe advised that he has a professional association with the next application, and because of this potential conflict of interest he left the meeting at 9:15 a.m.

DEVELOPMENT PERMIT #02-31
2200 QUADRA STREET

02/430

Committee received a memorandum dated September 26, 2002 from the Acting Head, Urban Design regarding Development Permit #02-31 for 2200 Quadra Street. The application is to construct 8 three storey street oriented townhouse units on the vacant lot at the north west corner of Quadra Street and Princess Avenue. The applicant has requested relaxations to the front yard setbacks and to the north side yard setback. The proposal was reviewed by the Advisory Design Panel on September 25, 2002 and was recommended for approval.

Committee requested that confirmation be provided, prior to consideration by Council, that adjacent neighbours and the community association have been consulted.

- ACTION:** Councillor Madoff moved that it be recommended to Council that a Development Permit be issued in accordance with:
- 1) Plans stamped "Development Permit #02-31" dated September 19, 2002.
 - 2) Plans meeting all bylaw requirements with the following variances:
 - Section 3.68.9(2)(a) Quadra Street setback relaxed from 7.6m to 6.5m
 - Section 3.68.9(2)(b) Princess Avenue setback relaxed from 4.8m to 2.4m
 - Section 3.68.9(2)(d) North lot line setback relaxed from 5.0m to 3.0m
 - 3) Final plans in accordance with plans identified above to the satisfaction of the Director of Planning & Development.

DEVELOPMENT PERMIT APPLICATION #02-32

1479 WESTALL AVENUE

02/429

Committee received a memorandum dated September 27, 2002 from the City Planning Division regarding Development Permit Application #02-32 for 1479 Westall Avenue. The application is to construct a rear addition to an existing house to create a duplex on a corner lot. Relaxations are required to allow a reduced rear yard setback to 9.3m from 12.8m, to allow a rear yard garage within the flanking street setback, and to allow a two storey plus basement building.

This development permit application was initially considered concurrently with a rezoning application for the property and was approved in 1998. The owner is now ready to proceed with the project, however the Development Permit has lapsed.

- ACTION:** Councillor Madoff moved that it be recommended to Council that a Development Permit be issued in accordance with:
- 1) Plans stamped "Development Permit Application #02-32" dated September 13, 2002.
 - 2) Development meeting all bylaw requirements with the following variances:
Section 2.1.4(l)(b)(ii) Setback to flanking street relaxed from 7.5m to 5.4m
Section 2.1.3(b) Allow a two storey plus basement building
Section 2.1.5(3)(m) Rear yard setback reduced from 12.8m to 9.3m
 - 3) Final plans in accordance with plans identified above to the satisfaction of the Director of Planning & Development.
 - 4) A fully dimensioned parking and access plan to the satisfaction of the Director of Engineering.

Mayor Lowe returned to the meeting at 9:25 a.m.

PRELIMINARY REZONING REVIEW (DEVELOPMENT GUIDELINES) **701 TYEE ROAD – RAILYARDS**

02/428

At its meeting on August 8, 2002 Committee of the Whole considered Rezoning Application #02-16 for the Railyards Development at 701 Tyee Road. Committee adopted a motion to forward the application to a public hearing subject to a number of conditions including "Review of the Railyards Development Guidelines by the Advisory Design Panel".

Committee received a memorandum dated September 26, 2002 from the Acting Head, Urban Design stating that the Advisory Design Panel reviewed the Guidelines on September 25, 2002 and recommended them for approval subject to amendments listed on an attachment to the report.

- ACTION:** Councillor Madoff moved that it be recommended to Council that the Railyards Development Guidelines be amended in accordance with the recommendations of Advisory Design Panel at its meeting on September 25, 2002, and this be considered in conjunction with the public hearing for Rezoning Application #02-16.

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

Committee received a memorandum dated September 5, 2002 from the Heritage Planner advising that the owner of the house at 715 Catherine Street has requested that it be removed from the City's Heritage Registry. The applicant, Angela Brown, was present, and discussed her request with Committee.

ACTION: Councillor Madoff moved that it be recommended to Council that, whereas the Heritage Registry house at 715 Catherine Street has historical significance, it not be removed from the City's Heritage Registry.

DEVELOPMENT VARIANCE PERMIT #02-07
826 CORMORANT STREET & 831 FISGARD STREET

02/426

Committee of the Whole, at its meeting on September 19, 2002 tabled consideration of Development Variance Permit #02-07 for 826 Cormorant Street & 831 Fisgard Street, pending review by the Advisory Design Panel (ADP).

Committee received a memorandum dated September 30, 2002 from the ADP stating that they reviewed the proposal on September 25, 2002, and outlining their concerns with the application.

ACTION: Councillor Madoff moved that:

- 1) the report dated September 19, 2002 from the Advisory Design Panel regarding Development Variance Permit #02-07 for 826 Cormorant Street & 831 Fisgard Street, be received for information.
- 2) a public hearing for the application be set for October 24, 2002.

ENGINEERING

CROSSWALK ON TYEE ROAD

02/425

Committee of the Whole, at its meeting on August 8, 2002, referred the issue of a marked crosswalk on Tyee Road to the Advisory Transportation Committee for review.

Committee received a memorandum dated September 20, 2002 from the Advisory Transportation Committee, advising that the matter was reviewed at its meeting on August 20, 2002 and outlining a recommendation.

ACTION: Councillor Savoie moved that it be recommended to Council that the following recommendation from the Advisory Transportation Committee, be endorsed:

Support be given to the installation of a crosswalk on Tyee Road at Harbour Road when the intersection is signalized, and the design of Triangle Park and boulevard space on Tyee Road be referred to the Parks, Recreation & Community Services Advisory Committee for review.

LIQUOR LICENSING

PATRON PARTICIPATION ENTERTAINMENT ENDORSEMENT

ROYAL CANADIAN LEGION – 411 GORGE ROAD EAST

02/424

Committee received a memorandum dated September 25, 2002 from the Manager, Administration regarding a liquor license application received from the Pro Patria Branch #3, Royal Canadian Legion at 411 Gorge Road East. The Legion is requesting a permanent change to their "B" Liquor License to allow Patron Participation Entertainment – Dancing. The "B" Liquor License covers a specific dining room in the legion facility. The addition of patron participation will allow the Legion to have dancing at functions such as retirement dinners, family gatherings and weddings without the continued requirement of a special occasion license.

ACTION: Councillor Savoie moved that it be recommended to Council that support be given to the granting of a "B" license endorsement to permit patron participation entertainment proposed by The Pro Patria Branch #3, The Royal Canadian Legion, located at 411 Gorge Road East in the City of Victoria provided:

- Alcoholic beverage sales cease at 24:00h in the Class "B" licensed area and the dining room closes for business at 00:30h.

ADMINISTRATIVE MATTERS

PANHANDLING

02/423

Committee of the Whole, at its September 19, 2002 meeting, tabled consideration of the issue of Panhandling to a meeting at which all council members were present.

Committee now considered a memorandum dated July 17, 2002 from the City Solicitor with attached draft bylaws amending portions of the Streets & Traffic Bylaw and the Ticket Bylaw dealing with obstructive panhandling. The amendments were modeled after a Vancouver bylaw recently upheld by the B.C. Supreme Court.

ACTION: Mayor Lowe moved that it be recommended to Council that the provisions of the Streets & Traffic Bylaw dealing with obstructive panhandling be amended as set out in the draft bylaw attached to the report dated July 17, 2002 from the City Solicitor.

MEETING SCHEDULE

COMMITTEE OF THE WHOLE AND COUNCIL

02/422

Committee received a memorandum dated October 1, 2002 from the Corporate Administrator regarding the meeting schedule for Committee of the Whole and Council for November and December 2002 and January 2003. Council's direction was sought regarding scheduling meetings between the Civic Election on November 16, 2002 and the Inaugural meeting on December 2, 2002.

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

- 1) A Council meeting be held on November 28, 2002.
- 2) December 2002 Committee of the Whole meetings be held on the 5th and 12th only.

- 3) December 2002 Council meeting be held on the 12th only.
- 4) The regular meeting schedule be resumed on January 9, 2002 with meetings of both Council and Committee of the Whole.

DISPOSITION OF COMMUNICATIONS

02/421

Committee received a memorandum dated September 27, 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 Savoie moved that the Disposition of Communications dated September 27, 2002 from the Manager, Administration, be received for information and filed.

COUNCILLOR INQUIRIES

CLEAN AIR RESOLUTION

02/420

Councillor Savoie referred to a memorandum dated September 20, 2003 from the Federation of Canadian Municipalities (FCM) requesting that Council consider a draft resolution encouraging the federal government to implement its commitment to clean air.

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

WHEREAS a high quality of life depends on healthy and sustainable communities;

WHEREAS air pollution threatens quality of life;

WHEREAS exposure to today's concentrations of fine particulate matter, a major component of smog, increases the risk of premature death, asthma attacks, breathing difficulty, lung cancer and heart attacks;

WHEREAS thousands of Canadians die prematurely each year from air pollution;

WHEREAS health costs from air pollution reaches \$1 billion dollars annually in Ontario alone, according to the Ontario Medical Association;

WHEREAS Canadians need to be fully informed on the state of the air they breathe;

WHEREAS Canadians need to better understand options for cutting air pollution;

WHEREAS it is known that the pollution causing smog can contribute to climate change, and that taking action on clean air will also help protect the climate;

WHEREAS municipal governments must partner with federal and provincial/territorial governments to develop and implement programs and policies to improve air quality;

WHEREAS the 2001 Speech from the Throne made clean air a priority for the Government of Canada;

WHEREAS more scientific research is needed to better understand the link between air pollution and health;

BE IT RESOLVED THAT the City of Victoria calls on the Government of Canada to accelerate the delivery of its Clean Air Agenda and specifically focus on the need to develop and implement a comprehensive Clean Air Action Plan that will:

- advance scientific understanding of the link between air pollution and health;
- provide financial resources to municipal governments for programs that cut smog and climate pollution;
- ensure Canadians have access to accurate information on the quality of their air and on action they can take to reduce their exposure and their emissions;
- ensure significant emission reductions from the transportation sector; and
- partner with provincial/territorial governments to encourage stronger pollution reduction standards for industry and the electric power generation sector.

BE IT FURTHER RESOLVED THAT this resolution be communicated to our Member of Parliament; federal environment, health and finance ministers; provincial finance, health, environment and energy ministers; federal and provincial opposition leaders; community media; and the Federation of Canadian Municipalities.

CLOSED MEETING - 10:15 A.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.

COUNCILLOR INQUIRIES

POLICE BOARD APPOINTMENT

02/419

Mayor Lowe advised that the City must re-appoint its representative to the new Police Board to be established following the amalgamation of the Victoria-Esquimalt police departments on January 1, 2003.

ACTION: Councillor Holland moved that it be recommended to Council that Maureen Meikle be appointed to the new Victoria Police Board, effective January 1, 2003.

CITY DISCRETIONS – MULTIPURPOSE ARENA

02/418

Committee received a memorandum dated September 27, 2002 from the Director and the Project Manager; Parks, Recreation & Community Development providing an update on the Multipurpose Facility project, including information on design improvements, the Quantity Surveyor's report, the war memorial, the operating agreement, and the guarantee agreement.

ACTION: Councillor Hughes moved that it be recommended to Council that, subject to receipt of the final Quantity Surveyor's report and Parent Company Guarantee Agreement and the revisions recommended by Council to the Design-Build and Operating Agreements, approval in principle be given to the Design-Build

Contract, the Operating Agreement and the Parent Company Guarantee Agreement as presented, and staff be directed to finalize for Council approval.

The meeting adjourned at 12:10 p.m.

Councillor McLean, Chair