

MINUTES - COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, DECEMBER 12, 2002, AT 9:00 A.M.

PRESENT: Mayor Lowe, in the Chair, and Councillors Coleman, Fleming, Fortin, Holland, Hughes, Madoff, Savoie and Thornton-Joe.

Mr. Joe Martignago, City Manager, attended for the entire meeting and Messrs. Barber, Basey, Carlsen, Dennis, Dowdall, Kresse, Sikstrom, Timms, Wiffen, and Woodland, Ms. Atkinson, Ms. Baryluk, Ms. Chase, Ms. Higgins, Ms. Low, Ms. Masters, Ms. Mayhew, Ms. Zink, and Chief Thoresen attended for portions of the meeting.

Recording Secretary: Linda Johnson

ECO-STAR AWARD

02/581

Councillor Savoie congratulated Gary Pleven, the City's Pollution Abatement Officer, on his receipt of the Capital Regional District Eco-Star Award. The award was presented to Mr. Pleven for "Excellence in Environmental Protection", and recognized his work on the model Storm Water Bylaw and the Code of Practices.

PLANNING & DEVELOPMENT

REZONING APPLICATION #02-09 **160 WILSON STREET**

02/580

Committee of the Whole, at its meeting on August 8, 2002 considered Rezoning Application #02-09 for 160 Wilson Street. Committee recommended that the application be forwarded to a public hearing, with some conditions, one being referral to the Advisory Planning Commission and the Advisory Design Panel.

Committee received a memorandum dated December 4, 2002 from the Advisory Planning Commission, stating that the Commission reviewed the application and recommended that it be declined. The report outlined three reasons for the decision.

ACTION: Councillor Madoff moved that the report dated December 4, 2002 from the Advisory Planning Commission regarding Rezoning Application #02-09 for 160 Wilson Street, be received for information.

DEVELOPMENT PERMIT APPLICATION #02-39
160 WILSON STREET

02/579

Committee received a memorandum dated November 29, 2002 from the Head, Urban Design regarding Development Permit Application #02-39 for 160 Wilson Street. The proposal is to construct an 11-storey (123 unit) residential building on the vacant site south of Westside Village and north of Triangle Park, between Wilson Street and Tyee Road.

The Advisory Design Panel reviewed the application on November 27, 2002 and recommended approval.

ACTION:

Councillor Madoff moved that it be recommended to Council that:

- 1) The resolution of approval for Development Permit Application #02-39 for 160 Wilson 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:
 - a) Plans stamped "Development Permit Application #02-39" dated November 6, 2002.
 - b) Development meeting all bylaw requirements with the following variances:

Section 10.40.3(2)	Height relaxed from 32m to 36m
Schedule C Building class 12(c)	Number of parking spaces relaxed from 1.4 spaces per dwelling unit to: - 0.75 spaces per studio - 1.0 spaces per 1 bedroom/+den - 1.4 spaces per 2 bedroom/+den
- 3) Final plans to be in accordance with plans identified above with the incorporation of responses to the Advisory Design Panel's recommendation to the satisfaction of the Director of Planning & Development.

M-3 REZONING – VICTORIA WEST PARK

02/578

Committee received a memorandum dated December 4, 2002 from the Economic Development Planner regarding Victoria West Park, a property that is owned by the Provincial Government and is the subject of a long term lease to the City for the purpose of a park. The property is in the M-3 Zone, Heavy Industrial District, and should be included in the M-3 rezoning project that Council, at its meeting on October 24, 2002, forwarded to a public hearing.

ACTION:

Councillor Madoff moved that it be recommended to Council that:

- 1) Victoria West Park be rezoned from the M-3 Zone, Heavy Industrial District, to the R1-B Zone, Single Family Dwelling District.
- 2) The City Solicitor include Victoria West Park in the necessary Zoning Bylaw amendments and that the revised rezoning package be forwarded to a public hearing.

ROCK BAY PLANNING STUDY – ADVISORY COMMITTEE

02/577

Committee of the Whole, at its meetings on November 21, 2002 requested that staff prepare a report regarding the structure and role of an advisory committee for the Rock Bay planning study.

Committee received a memorandum dated December 4, 2002 from the Economic Development Planner, outlining the Terms of Reference for the committee, including: role, responsibilities, composition, procedures, and code of conduct and values.

ACTION: Councillor Madoff moved that consideration of the establishment of a Rock Bay Advisory Committee, be postponed to the January 9, 2003 Committee of the Whole meeting, with a request for further information from staff regarding broader representation on the committee and more comprehensive terms of reference.

CATHEDRAL HILL PRECINCT PLANNING STUDY

02/576

Committee received a memorandum dated December 8, 2002 from the City Planning Division regarding the Cathedral Hill Precinct Plan, which has been included in the Planning Division's work program for 2002. As a result of many neighbourhood boundary shifts over the years, Cathedral Hill is now part of the Fairfield planning area, however there are no current planning policy documents that provide detailed direction for this 5 block area.

Staff has recommended that a focus group be created in order to identify key issues, establish a vision, and form a set of planning principles that will be used in the development of the Precinct Plan.

ACTION: Councillor Madoff moved that it be recommended to Council that the creation of a 5-7 member focus group be endorsed, with representation from the Fairfield Community Association, a major institutional landholder, a business owner, and a resident, in accordance with the terms of reference attached to the report dated December 8, 2002 from the City Planning Division.

NOISE BYLAW PROJECT

02/575

Committee received a memorandum dated December 6, 2002 from the City Planning Division regarding the Noise Bylaw Project. Attached was a draft *Updated Noise Bylaw – Background Report* prepared by Wakefield Acoustics Ltd. The draft bylaw and noise map will be reviewed by the City's legal advisors prior to consideration by Council.

Staff anticipate that the draft bylaw and noise district map will be presented to Committee of the Whole on January 9, 2003. If Council has no objections to the bylaw, a public open house will be scheduled in early February 2003.

ACTION: Councillor Fleming moved that the report dated December 6, 2002 from the City Planning Division, with the attached draft *Updated Noise Bylaw – Background Report*, be received for information.

APPLICATION FOR TAX INCENTIVE FOR RESIDENTIAL CONVERSION
850 HUMBOLDT STREET – ST. JOSEPH’S HOSPITAL

02/574

Committee received a memorandum dated December 4, 2002 from the Heritage Planner regarding regarding an application for a 10 year tax exemption for a 70-unit, non-profit housing development in the former St. Joseph’s Hospital, a heritage designated building at 850 Humboldt Street. The building is outside the downtown target area for the City’s Tax Incentive Program for Residential Conversion, however the project will seismically upgrade and rehabilitate an important heritage building and provide affordable housing.

ACTION:

- Councillor Madoff moved that it be recommended to Council that:
- 1) The City Solicitor be instructed to prepare a Tax Exemption Bylaw for 850 Humboldt Street for 10 years pursuant to Section 342 of the Local Government Act, with the following conditions:
 - a) That a covenant identifying the tax exemption be registered on land title and any possible future strata titles.
 - b) Final costs of seismic upgrading be verified by the Victoria Civic Heritage Trust.
 - c) That the landscaping be completed in accordance with Heritage Alteration Permit #100 (Landscape Plan by Forth Land Planning, dated July 8, 2002) prior to:
 - issuance of the occupancy permit;
 - implementation of the tax exemption;
 - arrangements to implement the final configuration of the traffic roundabout to the satisfaction of the Director of Planning & Development.
 - 2) That the Managers of both the Community Development and Planning Divisions review the existing minimum square footage requirement for residential units and provide a policy recommendation to Committee of the Whole, independent of Council’s consideration of the T.I.P. application for 850 Humboldt Street.

INSPECTION AND ENFORCEMENT POWERS

02/573

Committee received a memorandum dated December 4, 2002 from the Senior Bylaw Officer advising that Mr. Walter Lowe has been seconded on a part time basis to the Bylaw Enforcement Section to assist with enforcement of the Graffiti Bylaw. Mr. Lowe will require authorization to exercise the powers of Section 6 of the bylaw which enables a person authorized by a Municipal Police Constable to enter property to remove unsightly graffiti.

ACTION:

- Councillor Holland moved that it be recommended to Council that Mr. Walter Lowe be authorized to exercise the powers of Section 6 of the Graffiti Bylaw.

ENGINEERING

TRAFFIC ORDERS

02/572

Committee received a memorandum dated December 5, 2002 from the Transportation Division, outlining a list of 11 Traffic Orders for consideration by Council. Staff have conducted an onsite investigation for each and recommend that the orders be approved.

ACTION: Councillor Fleming moved that it be recommended to Council that the Traffic Orders outlined in the report dated December 5, 2002 received from the Transportation Division, be approved.

VICTORIA CENTRE ARENA – BC HYDRO POLES

02/571

Committee received a memorandum dated December 9, 2002 from the Manager, Transportation & Development regarding the BC Hydro pole line on Caledonia Avenue that runs past the arena site. This has caused concerns on two fronts: the pole line would detract from the view of the new arena and its plaza; and, the high voltage conductors are too close to the old arena to permit safe de-construction unless the circuit is de-energized or relocated.

At its meeting on November 14, 2002, Council approved an expenditure of \$138,000 to relocate two poles to the south side of Caledonia Street. BC Hydro has since reconsidered a scaled-down version of placing the line underground. This would bury the lines in a duct across Blanshard Street and along most of the site frontage. This option has a cost to the City of \$120,000 and can be achieved in time to de-energize the overhead line for de-construction. The work has been authorized and fieldwork is expected to start the week of December 16, 2002.

ACTION: Councillor Holland moved that the report dated December 9, 2002 from the Manager, Transportation & Development regarding BC Hydro Poles at the Victoria Centre Arena site, be received for information.

ADMINISTRATIVE MATTERS

DISPOSITION OF COMMUNICATIONS

02/570

Committee received a memorandum dated December 9, 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 Holland moved that the Disposition of Communications dated December 9, 2002 from the Manager, Administration, be received for information and filed.

2002 CIVIC ELECTION OFFICIAL RESULTS REPORT

02/569

Committee received a memorandum dated December 11, 2002 from the Chief Election Officer providing the *2002 Civic Election Official Results* and a final statement of the Ballot Account.

ACTION: Councillor Fleming moved that it be recommended to Council that the *2002 Civic Election Official Results Report*, be received for information.

CLOSED MEETING - 10:35 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.

**LAND – OFFER TO PURCHASE
CLOSED PORTION OF MARY STREET**

02/568

Committee received a memorandum dated December 9, 2002 from the Property Manager regarding an Offer to Purchase received for the city-owned closed off portion of Mary Street.

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

- 1) counter the Offer to Purchase at \$128,000;
- 2) register a driveway easement in favour of 403 Raynor Avenue, prior to closing.

LAND - VICTORIA WEST LAND NEGOTIATIONS

02/567

Committee received a memorandum dated November 25, 2002 from the Manager, Regulatory & Development Services regarding Victoria West Land Negotiations – Dockside Lands, Lots 102 and 1. In addition, a copy of a letter dated December 10, 2002 from Mayor Lowe to the Honourable Stan Hagen was received, outlining the agreement between the City and the Province regarding transfer terms.

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

- 1) For Lot 102 – accept the offer of \$262,500 through release of the Province’s obligation of \$200,000 of park improvements in the Songhees Hillside Master Agreement, and the payment of \$62,500 from the park acquisition fund.
- 2) For Lot 1 – bring forward a Statutory Right of Way agreement for Council approval.
- 3) For the Dockside former transit corridor lands – offer \$491,000 for the five lots, which includes a discounted amount for environmental remediation.

**APPOINTMENTS – PRIVATE PROPERTY
MAINTENANCE COMMITTEE**

02/566

Committee received a memorandum dated December 9, 2002 from the Corporate Administrator advising that the Council member appointments to the Private Property Maintenance Committee expire December 31, 2002. The outgoing appointees are Councillors Fleming and Savoie. David McLean's appointment ended December 2, 2002 with the swearing in of the new Council.

ACTION: Councillor Holland moved that it be recommended to Council that Councillors Hughes, Savoie, and Coleman be appointed to the Private Property Maintenance Committee for the term from January 1, 2003 to December 31, 2003.

LEGAL - HOLLOWAY ET AL v. CITY OF VICTORIA

02/565

Committee received a memorandum dated December 5, 2002 from the City Solicitor regarding Holloway et al v. City of Victoria.

ACTION: Councillor Holland moved that it be recommended to Council that the recommendation of settlement, as set out in the report of the City Solicitor dated December 5, 2002, be accepted.

LEGAL – FIRE SERVICES AGREEMENT

02/564

The City Manager provided an update on the Fire Services Agreement between the City of Victoria and the Township of Esquimalt.

The meeting adjourned at 11:20 a.m.

Mayor Lowe, Chair