

## **MINUTES - COMMITTEE OF THE WHOLE**

### **MEETING HELD THURSDAY, MARCH 20, 2003, AT 9:00 A.M.**

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

**ABSENT:** Mayor Lowe

Mr. Joe Martignago, City Manager, attended for the entire meeting and Messrs. Barber, Basey, Koch, Lam, Pebernat, Sikstrom, Stevenson, and Timms, Ms. Atkinson, Ms. Chase, Ms. Fowler, Ms. Masters, Ms. Meyer, and Ms. Zink attended for portions of the meeting.  
Recording Secretary: Linda Johnson

### **PLANNING & DEVELOPMENT**

#### **DEVELOPMENT PERMIT APPLICATION #03-10** **2508 SHAKESPEARE STREET**

03/236

Committee received a memorandum dated March 13, 2003 from the Planning Division regarding Development Permit Application #03-10 for 2508 Shakespeare Street. The proposal is to construct a workshop in the rear yard of a property that was rezoned to the R1-S1 zone. At the time of rezoning the parcel was placed in the Small Lot Development Permit area. The applicant has requested a relaxation of the street setback.

Councillor Fortin expressed concern that some property owners are using driveway allowances as an extension of the landscaped area of their property, instead of for off-street parking. He requested confirmation, prior to consideration of the application by Council, that this driveway will be used for off-street parking by the property owner

**ACTION:** Councillor Hughes moved that it be recommended to Council that a Development Permit be issued in accordance with:  
1) Plans stamped "Development Permit #03-10" dated February 26, 2003.  
2) Development meeting all bylaw requirements with the following relaxation:  
Section 3(a) Street setback relaxed to 13.1m from 18m

#### **DEVELOPMENT PERMIT #03-12** **759 COURTNEY STREET**

03/235

Committee received a memorandum dated March 12, 2003 from the Head, Urban Design regarding Development Permit #03-12 for 759 Courtney Street. The proposal is to construct a new four storey office building to replace an existing two storey office building at 759 Courtney Street. Parking is not required under the current zoning and none is provided. The applicant has requested variances for height and setbacks for street and sideyard.

**ACTION:**

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

- 1) Plans stamped "Development Permit #03-12" dated February 25, 2003.
- 2) Development meeting all bylaw requirements with the following variances:  
Section 6.8.3(a) Maximum height 10m on street relaxed to 16.4m  
Section 6.8.3(b) Street setback 1cm for each 5 cm above 10m height relaxed to 0m  
Section 6.85 A side yard setback 4.5m for building height above 15m relaxed to 0m
- 3) The applicant to apply for an encroachment permit for the overhang of the 4<sup>th</sup> floor balcony at building permit stage.
- 4) The applicant to consult with Crime Prevention Through Environmental Design in regards to security and safety issues.
- 5) Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development.
- 6) Referral to the Cycling Advisory Committee for comments prior to the building permit stage.

**DEVELOPMENT PERMIT APPLICATIONS #03-13 & #03-14**  
**645 & 655 TYEE ROAD**

03/234

Committee received a memorandum dated March 17, 2003 from the Planning Division regarding Development Permit Applications #03-13 and #03-14 for 645 and 655 Tye Road. The proposal is to subdivide the property (Upper Harbour Place) and, as this subdivision falls within Development Permit Area #4, a new Development Permit is required.

The property was rezoned on November 14, 2002 to the SBP-5 Zone, and Development Permit #02-30 was issued concurrently with the rezoning. Although the subdivision triggers variances for parking and to allow the parking structure to straddle the proposed property line, in reality, the proposal is exactly the same as approved in November, 2002. The variances are required to satisfy technical aspects of the Zoning Regulation Bylaw.

A new Master Development Agreement has been prepared to divide responsibilities for installation and maintenance of the public amenities between the two properties.

**ACTION:**

Councillor Holland moved that it be recommended to Council that:

- 1) A Development Permit be issued for the subdivision of 645 and 655 Tye Road.
- 2) Development Permits #03-13 and #03-14 be issued, subject to the City receiving confirmation from the Land Title office that the new Master Development Agreement, covenants and easements have been registered on title and that Development Permits #03-13 and #03-14 be in accordance with:
  - a) Plans stamped "Development Permit #03-13" and "Development Permit #03-14" and dated February 27, 2003.
  - b) Development meeting all bylaw requirements except for the following variances:

**645 Tye Road – DP #03-13**

    - General Regulation Section 19 – to permit construction of parking structure over property line.

- Schedule C, Section 5(1) – Variance to permit parking for phase 1 (Proposed Lot B Plan VIP67690) to be located on Phase II (Proposed Lot A Plan VIP67690)  
(Note: Currently 24 stalls are to be located on Lot A – 22 stalls within parking structure and 2 surface stalls)

**655 Tye Road – DP #03-14**

- General Regulation Section 19 – to permit construction of parking structure over property line.
- c) Final plans to be in accordance with plans identified above with the incorporation of responses to the recommendations of the Advisory Design Panel, in their review of Development Permit Application #01-22 and #02-30, to the satisfaction of the Director of Planning & Development.
- d) All proposed landscaping in the public right of way and on the City lot to the satisfaction of the Director of Parks & Community Services.

**DEVELOPMENT VARIANCE PERMIT #03-06**  
**2628 RICHMOND ROAD**

03/233

Committee received a letter dated March 19, 2003 from the applicant for Development Variance Permit #03-06 requesting that the application be deferred as they were unable to attend the March 20<sup>th</sup>, 2003 Committee of the Whole meeting, and they wish to confer further with their neighbours before proceeding with the application.

**GORGE ROAD MOTEL CONVERSIONS**

03/232

Committee received a memorandum dated March 13, 2003 from the Senior Planner advising that motel conversions along Gorge Road have triggered a number of concerns from residents and the Burnside Gorge Community Association. The report reviewed these concerns; outlined policy options; provided information on existing motels; and discussed the potential for additional motel conversions.

**ACTION:**

Councillor Savoie moved that it be recommended to Council that:

- 1) the City of Victoria adopt a policy of not supporting additional motel conversions in the Gorge Road area of the Burnside-Gorge neighbourhood, and that staff be directed to make any necessary plan amendments.
- 2) Staff be directed to undertake an update of the Gorge Road area of the Burnside Neighbourhood Plan, focusing on a vision and design for the area and incentives/strategies that would enable and encourage redevelopment of motel sites for housing, particularly affordable apartments and/or family type townhouses.
- 3) In areas outside the Gorge Road area, approval will only be considered for those motel conversion applications that clearly comply with the Motel Transient Conversion Guidelines and that are in locations with adequate and convenient neighbourhood services.
- 4) In areas outside the Gorge Road area, Public Consultation Guidelines will be used by applicants for motel conversions where rezoning is not a

requirement, e.g. applicants wishing to undertake supportive/assisted housing for temporary residents.

**INFORMATION REQUIREMENTS  
OF THE ADVISORY PLANNING COMMISSION**

03/231

Committee received a memorandum dated March 11, 2003 from the Secretary, Advisory Planning Commission advising that the members had expressed a need for more information, particularly regarding major rezoning applications involving density bonus. The Advisory Committee adopted the following motion:

“That City Council be requested to direct staff to provide the following information to the Advisory Planning Commission:

- 1) General information about global proposals and updates of impending planning issues.
- 2) All related reports on rezoning applications (e.g. transportation).
- 3) Complete information on the value of density bonus on rezoning applications.

The report included staff comments on options for providing the requested information to Advisory Committee members.

Following discussion, Committee agreed that:

- 1) the first request is a good idea and this reporting should also be periodically extended to members of Council.
- 2) due to the implication of processing time, staff is directed to further review the second request with APC members.
- 3) the third idea has merit, and will be covered by the impending review of the density bonus policy as part of this year’s work program.

**ACTION:** Councillor Holland moved that the report dated March 11, 2003 from the Secretary, Advisory Planning Commission regarding Information Requirements of the Advisory Planning Commission, be received for information.

**APC RESPONSE TO THE PROPOSED NOISE BYLAW**

03/230

Committee received a memorandum dated March 14, 2003 from the Secretary, Advisory Planning Commission, with attached comments from Commission members in response to the Noise Bylaw presentation made at its meeting on February 4, 2003.

**ACTION:** Councillor Holland moved that the report dated March 14, 2003 from the Secretary, Advisory Planning Commission, providing comments from Advisory Planning Commission members to the proposed Noise Bylaw, be received for information.

**AMENDMENT TO HERITAGE ALTERATION PERMIT #109  
525 FORT STREET**

Committee received a memorandum dated March 10, 2003 from the Heritage Planner advising that at its meeting on January 23, 2003 Council approved Heritage Alteration Permit #109 to install a new door on the Heritage Designated building at 525 Fort Street. Further staff review has determined that a variance to the Sign Bylaw is required for the location of the proposed signage above the ground floor.

- ACTION:** Councillor Hughes moved that it be recommended to Council that Heritage Alteration Permit #109 for 525 Fort Street be amended to include the proposed signage in accordance with:
- 1) Plans dated January 16, 2003.
  - 2) Development meeting all bylaw requirements except for:  
Sign Bylaw #92-30, Section 11.2 4(b) Relaxed to allow 2 projecting signs higher than the lowest sill of the second floor of the building.
  - 3) Final plans to be in accordance with plans identified above.

### **DOCKSIDE REDEVELOPMENT PROJECT** **PUBLIC CONSULTATION PHASE**

03/228

Committee received a memorandum dated March 17, 2003 from the Manager, Regulatory & Development Services providing an update on the Dockside public consultation process. The Dockside Advisory Committee is finalizing the vision and planning principles for the site. Six public workshops will be held at the end of March and the beginning of April. The land use and marketing analysis and geotechnical study will be completed by June. Staff expects to provide Council with a development concept report in September.

- ACTION:** Councillor Savoie moved that the report dated March 17, 2003 from the Manager, Regulatory & Development Services regarding the Dockside Redevelopment Project Public Consultation Phase, be received for information.

### **LICENSEE LIQUOR RETAIL STORES REZONING CRITERIA**

03/227

Victoria City Council, at its meeting on March 13, 2003, referred the issue of Licensee Liquor Retail Stores Rezoning Criteria back to Committee of the Whole for further discussion.

- ACTION:** Councillor Fleming moved that it be recommended to Council that the Licensee Liquor Retail Stores Rezoning Criteria, as presented to Committee of the Whole on March 6, 2003, be adopted as Council policy for the evaluation of rezoning applications for Licensee Retail Stores, with the following addition to the Approval Process:
- The application will be referred to School District #61 and Victoria City Police for up to 30 days, to ensure that their comments are considered in Council's decision.

### **TRANSPORTATION**

**HORSEDRAWN SIGHTSEEING INDUSTRY**  
**CONTINUATION OF CRUISE SHIP PERMIT PROCESS**

03/226

Committee received a memorandum dated March 10, 2003 from the Transportation Section advising that on June 27, 2002, City Council approved a report on the creation of a separate permit process for horsedrawn sightseeing vehicles servicing the cruise ship industry at Ogden Point. Part of the recommendation included a sunset clause of October 31, 2002, and was intended to coincide with the completion of an overall review on the commercial use of public space. This review has not been completed, and, rather than preventing service to Ogden Point this year, staff recommend amending the sunset clause date to October 31, 2003.

**ACTION:** Councillor Holland moved that it be recommended to Council that the City Solicitor be instructed to amend the sunset clause date in Section 3.1(7) of the Vehicles for Hire Bylaw to October 31, 2003.

**JUBILEE TRIAL ROAD CLOSURES EVALUATION**  
**CONSULTATION PROCESS**

03/225

On November 14, 2002, Council instructed staff to “complete an evaluation of the 18 month Jubilee Trial Road Closures, and report back to Committee of the Whole with recommendations”.

Committee received a memorandum dated March 18, 2003 from the Transportation Section advising that the report to Council will contain updated data on traffic volume, speed, accidents and intersection delay, as well as the results of public consultation . The report recommended seeking feedback from several groups, including residents of the closed streets and residents of the 1700 block of Bay Street.

**ACTION:** Councillor Savoie moved that it be recommended to Council that the consultation process for the Jubilee Trial Road Closures Evaluation, as outlined in the report dated March 18, 2003 from the Transportation Section, be endorsed, with the following addition:

- in the first line of referrals (i.e. City neighbourhood association representatives), include the Community Association Network.

**ADMINISTRATIVE MATTERS**

**DISPOSITION OF COMMUNICATIONS**

03/224

Committee received a memorandum dated March 14, 2003, 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 March 14, 2003 from the Manager, Administration, be received for information and filed.

## **SOUND GARDEN CABARET**

03/223

The Manager, Regulatory & Development Services provided an update on the City's closure of the Sound Garden Cabaret. The electrical work has been completed and electricity has been restored to the building so that tests can be conducted. The operator's business license is still under suspension.

## **COUNCILLORS' INQUIRIES**

### **SPEED LIMIT AT QUADRA SCHOOL**

03/222

Councillor Hughes referred to a letter dated March 5, 2003 from the Principal and the PAC President of Quadra School expressing a safety concern regarding a discrepancy in speed limits on streets adjacent to the school. Finlayson Street has a 30 km per hour school zone speed limit while Quadra Street has a 50 km per hour speed limit.

Councillor Hughes requested that this issue be referred to the Advisory Transportation Committee for its review.

## **COUNCILLORS' INFORMATION SHARING**

### **WATER CONSERVATION**

03/221

Councillor Fortin congratulated the Manager, Water & Environment, and his staff for their prompt implementation of recommendations from the Regional Water Supply Commission, including: full cost water pricing; the utility bill concept; and an equitable water rate structure. The City of Victoria is leading other area jurisdictions in instituting the recommendations.

## **REMINDER OF IMPORTANT DATES**

03/220

Councillor Thornton-Joe reminded Councillors of two important dates:

- March 20, 2003 – the last showing of the movie Fix in a commercial theatre in Victoria
- March 21, 2003 – International Day for the Elimination of Racism

## **CLOSED MEETING - 10:30 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.

**HARRIS GREEN CAMP**

03/219

The City Manager, the City Solicitor, and the Director of Parks, Recreation and Community Development provided information on a "Peace Camp" established on Harris Green.

The meeting adjourned at 10:50 a.m.

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Councillor Madoff, Chair