

MINUTES - COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, APRIL 3, 2003, AT 9:00 A.M.

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

ABSENT: Mayor Lowe, Councillor Holland

Mr. Joe Martignago, City Manager, attended for the entire meeting and Messrs. Barber, Basey, Chow, Koch, Lam, Sikstrom, Timms, and Woodland, Ms. Atkinson, Ms. Chase, Ms. Fowler, Ms. Higgins, Ms. Low, Ms. Masters, Ms. Mayhew, Ms. O'Regan, Ms. Price-Douglas, Ms. Ramsay, and Ms. Zink attended for portions of the meeting.

Recording Secretary: Linda Johnson

PLANNING & DEVELOPMENT

DEVELOPMENT PERMIT #03-11

1190 KINGS ROAD

03/284

Committee received a memorandum dated March 27, 2003 from the Head, Urban Design regarding Development Permit #03-11 for 1190 Kings Road. The application is for a development permit to construct a new Childcare Facility for the Cridge Centre. Council approved a Development Permit on December 13, 2001 for a previous design proposal which was subsequently found to exceed the budget. The current proposal is for a single 2 storey building with access from Hillside Avenue. The Advisory Design Panel reviewed the proposal on March 26, 2003 and recommended its approval with a recommendation that the applicant review the proportional massing support to the entrance canopy at the Building Permit stage with the Urban Design Planner.

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 #03-11 dated February 25, 2003.
- 2) Development meeting all bylaw requirements.
- 3) The Memorandum of Understanding, Section 1.2 Site Access be amended prior to the public hearing to the satisfaction of the Director of Planning & Development.
- 4) Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development.

ACTION: Councillor Fleming moved that the letter dated April 1, 2003 from the Cridge Centre for the Family requesting the City's consideration of waiving the connection fees, building permit fees, and development cost charges, or providing a grant to cover these costs, be referred to staff for a report, and to the Finance and Human Resources Committee for review.

401 GARBALLY ROAD
DEVELOPMENT PERMIT #03-15

03/283

Committee received a memorandum dated March 27, 2003 from the Head, Urban Design regarding Development Permit #03-15 for 401 Garbally Road. The application is for a Development Permit to construct a 4 storey office building including a 1½ storey street front commercial space and a 2 storey parkade. This project is part of the Selkirk Waterfront Development and provides 354 parking spaces for the development. A further 26 parking spaces are provided in front of the building to assist access to the waterfront park.

The Advisory Design Panel approved the proposal on March 26, 2003 with some recommendations.

- 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 #03-15" dated March 4, 2003.
 - 2) Development meeting all bylaw requirements.
 - 3) Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development.
 - 4) The Development Permit application be considered concurrently with the public hearing for the rezoning application.
 - 5) Confirmation from the property owner that proposed landscaping extending onto City property along Garbally Road will be maintained by the property owner.
 - 6) The following recommendations from the Advisory Design Panel:
 - large landscape trees be provided along the park pathway for screening purposes at the building permit stage to the satisfaction of the Planner.
 - the applicant's consideration of an alternate surface treatment to the parking area, such as permeable pavement.

DEVELOPMENT VARIANCE PERMIT #02-44
579 MARIFIELD AVENUE

03/282

Committee received a memorandum dated March 27, 2003 from the Head, Urban Design regarding Development Variance Permit #02-44 for 579 Marifield Avenue. The proposal is to construct a 4 unit townhouse development on a 606.6m² site. A Development Variance Permit is requested to allow relaxation of site coverage, site area, front yard setback, rear yard building setback, east and west side yard setbacks and relaxation of the number of parking stalls required.

The Advisory Design Panel reviewed the proposal on March 26, 2003 and recommended its approval.

- 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 Application #02-44.

- 2) Development meeting all bylaw requirements, except for:

Section 3.3.4(1)	Site coverage relaxed from 30% to 47%
Section 3.3.9	Site area relaxed from 920m ² to 606.6m ²
Section 3.3.10	Front yard setback relaxed from 10.5m to 6.7m
Section 3.3.12	Rear yard building setback relaxed from 5.8m to 4m
Section 3.3.12	West side yard setback relaxed from 5.8m to 0m
Section 3.3.12	East side yard setback relaxed from 5.8m to 1.8m
Schedule C Part A.-12	Parking requirement relaxed from 1.4 spaces per unit to 1.2 spaces per unit.
- 3) Final plans to be in accordance with plans identified above.

DEVELOPMENT VARIANCE PERMIT #03-03
35 COOK STREET

03/281

Committee received a memorandum dated March 28, 2003 from the Head, Urban Design regarding Development Variance Permit #03-03 for 35 Cook Street. The application is for a Development Variance Permit to allow a roof top addition to an existing lawful, non-conforming, 2 storey apartment building built in the 1960's. The number of dwelling units will not be increased. The applicant has requested a variance for minimum site area. The Advisory Design Panel reviewed the proposal on March 26, 2003 and recommended its approval.

- 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 #03-03" dated March 10, 2003.
 - 2) Development meeting all bylaw requirements with the following variances:

Section 9	Relax minimum lot area from 920m ² to 902m ²
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 - 3) Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development.

DEVELOPMENT VARIANCE PERMIT #03-16
337 VANCOUVER STREET

03/280

Committee received a memorandum dated March 26, 2003 from the Planning Division regarding Development Variance Permit #03-16 for 337 Vancouver Street. A Development Variance permit application for this property was declined in 2001. Since that time the applicant modified the proposal and completed additional consultation with adjacent property owners. The proposal is to construct a 2 storey single family dwelling on an existing 332m² lot that is currently used as a yard for a single family dwelling on a separate 282m² lot. Front and rear yard variances are required for the proposed new house.

- 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 Application #03-16" dated February 17, 2003 and to the satisfaction of the Director of Planning & Development.

- 2) Development meeting all bylaw requirements with the following variances:

General Regulations	Variance to permit the siting of 2 houses on one lot where one house has been constructed prior to 2003 and over the property line
Section 1.2.7	Front yard setback varied from 7.5m to 4.32m
Section 1.2.9	Rear yard setback varied from 7.5m to 6m
- 3) Final plans to be in accordance with plans identified above with the incorporation of responses from the Advisory Design Panel to the satisfaction of the Director of Planning & Development.

SIGN DEVELOPMENT VARIANCE PERMIT SI#03-44
1150 DOUGLAS STREET

03/279

Committee received a memorandum dated March 26, 2003 from the Heritage Planner regarding Sign Development Variance Permit SI#03-44 for 1150 Douglas Street. The application is to install 6 illuminated identification signs for The Bay on the former Eaton's Department Store. Variances to the Sign Bylaw are required in order to approve the signage package.

ACTION: Councillor Madoff moved that consideration of Sign Development Variance Permit SI#03-44 for 1150 Douglas Street be tabled for 1 week to allow time for staff and Councillors to work with the applicant to revise the proposed signage to be more in keeping with the City's Sign Bylaw.

REQUEST FOR HERITAGE DESIGNATION
651 TRUTCH STREET

03/278

Committee received a memorandum dated March 26, 2003 from the Heritage Planner advising that the owner of 651 Trutch Street has requested that the house and garage be designated as a municipal heritage site.

ACTION: Councillor Madoff moved that it be recommended to Council that, whereas the house (including the interior main hallway) and the garage at 651 Trutch Street are worthy of heritage designation, this site be designated as a municipal heritage site.

REQUEST FOR HERITAGE DESIGNATION
25 COOK STREET

03/277

Committee received a memorandum dated March 26, 2003 from the Heritage Planner advising that the owner of 25 Cook Street has requested that it be designated as a municipal heritage site.

ACTION: Councillor Madoff moved that it be recommended to Council that, whereas the house at 25 Cook Street (including the inglenook and entry foyer on the interior) is worthy of heritage designation, it be designated as a municipal heritage site.

REQUEST FOR HERITAGE DESIGNATION
1243 RUDLIN STREET

03/276

Committee received a memorandum dated March 27, 2003 from the Heritage Planner advising that the owner of 1243 Rudlin Street has requested that it be designated as a municipal heritage site. The owners plan to restore the house to its original historic character by removing the stucco and restoring the porch.

ACTION: Councillor Madoff moved that it be recommended to Council that, whereas the house at 1243 Rudlin Street is of heritage significance, it be designated as a municipal heritage site.

HERITAGE ALTERATION PERMIT #113
1117 WHARF STREET

03/275

Committee received a memorandum dated March 26, 2003 from the Heritage Planner regarding Heritage Alteration Permit #113 for 1117 Wharf Street. The application is to install a pair of wood doors and window transom in one bay of the storefront of this heritage designated building.

ACTION: Councillor Thornton-Joe moved that it be recommended to Council that, pursuant to Heritage Designation Bylaw #6, Heritage Alteration Permit #113 be issued in accordance with:

- 1) Plans dated March 10, 2003.
- 2) Development meeting all bylaw requirements.
- 3) Final plans to be in accordance with plans identified above.

HERITAGE ALTERATION PERMIT #114
805 GORDON STREET (UNION CLUB)

03/274

Committee received a memorandum dated March 26, 2003 from the Heritage Planner regarding Heritage Alteration Permit #114 for 805 Gordon Street. The application is to construct a 1700 sq.ft. addition for a new fitness centre on the north side of the Union Club, a heritage registry building.

ACTION: Councillor Thornton-Joe moved that it be recommended to Council that Heritage Alteration Permit #114 be issued in accordance with:

- 1) Plans dated March 7, 2003.

- 2) Development meeting all bylaw requirements.
- 3) Final plans to be in accordance with plans identified above.

HERITAGE ALTERATION PERMIT #115
755-765 YATES STREET – DOMINION HOTEL

03/273

Committee received a memorandum dated March 25, 2003 from the Heritage Planner regarding Heritage Alteration Permit #115 for 755-765 Yates Street. The proposal is to construct a new 3 storey addition on the east side of the Dominion Hotel on the current site of the one storey beer and wine store. Also proposed are a series of alterations to the exterior of the existing hotel, a heritage registry building.

Council originally approved the proposal on April 12, 2001 through Heritage Alteration Permit #82. This permit expires April 12, 2003 and the applicant wishes to renew it.

- ACTION:** Councillor Madoff moved that it be recommended to Council that Heritage Alteration Permit #115 for 755-765 Yates Street, the Dominion Hotel, be issued in accordance with:
- 1) Plans dated March 17, 2003.
 - 2) Development meeting all bylaw requirements.
 - 3) Final details of new windows and doors to the satisfaction of the Heritage Planner.
 - 4) Final plans to be in accordance with plans identified above.
 - 5) Submission of masonry repointing specifications to the satisfaction of the Heritage Planner.
 - 6) Registration of an encroachment for the proposed entrance canopy to the satisfaction of the Director of Engineering.
 - 7) An amended, fully dimensioned parking/access plan, to the satisfaction of the Director of Engineering, will be required prior to building permit.

GOVERNMENT OF CANADA HISTORIC PLACES INITIATIVE

03/272

Committee received a memorandum dated March 20, 2003 from the Heritage Planner regarding the Government of Canada Historic Places Initiative. The Minister of Finance announced, in his 2003 federal budget, a commitment of \$10 million per year for 3 years for financial incentives for historic preservation. Heritage advocates have worked for three years on the implementation of a system of tax credits based on a very successful US system. The proposed federal budget allocation does not provide for tax credits and the amount is too small to have any significant impact on historic preservation in Canada.

The Heritage Advisory Committee, on March 11, 2003, considered a resolution, and recommended that it be adopted by Council and submitted to the Minister of Finance.

ACTION: Councillor Madoff moved that it be recommended to Council that the following resolution be adopted and forwarded to the Minister of Finance with copies to the Minister of Canadian Heritage; the Honourable David Anderson, Member of Parliament for Victoria; and the Federation of Canadian Municipalities.

Whereas, the Government of Canada, in its February 25, 2003 budget, announced the commitment of \$10 million per year for 3 years for financial incentives for historic preservation for the Historic Places Initiative;

And whereas, heritage advocates and the City of Victoria consider a system of tax credits for historic rehabilitation to be a more effective and substantial mechanism for stimulating the preservation and rehabilitation of Canada's heritage buildings;

And whereas, \$10 million spread across Canada is woefully inadequate to address the needs for heritage preservation in this country;

And whereas, the City of Victoria contributes over \$500,000 annually to its heritage program;

And whereas, the City of Victoria, on its own, through its Tax Incentive Program has stimulated \$34 million worth of rehabilitation in 10 heritage buildings since 1998;

And whereas, City of Victoria officials have spent numerous hours assisting officials of the Department of Canadian Heritage with the development of the Historic Places Initiative program details;

NOW THEREFORE BE IT RESOLVED

That the City of Victoria congratulates the Government of Canada for its first commitment of financial resources to address the loss of Canada's heritage buildings;

Nonetheless

The City of Victoria considers the current proposal of \$10 million for financial incentives for the Historic Places Initiative to be woefully inadequate;

And further

The City of Victoria strongly urges the Minister of Finance and the Minister of Canadian Heritage to reconsider the financial incentive mechanism and to adopt a tax credit system similar to the US model as a more effective means of stopping the continuing demolition and neglect of Canada's heritage buildings.

2002 ANNUAL REPORT & DRAFT WORK PLAN

03/271

Committee received a memorandum dated March 28, 2003 from the Director of Planning & Development, with an attached *2002 Annual Report* and *2003 Draft Work Plan* for the Planning & Development Department.

ACTION: Councillor Fleming moved that consideration of the *2002 Annual Report* and *2003 Draft Work Plan* for the Planning & Development Department, be tabled for further discussion at a workshop to be held on April 17, 2003 as the last item on the Committee of the Whole agenda.

ENGINEERING

RESIDENTIAL STRATA TITLE APPLICATION **656/658 MOSS STREET**

03/270

Committee received a memorandum dated March 31, 2003 from the Supervisor, Development Engineering advising that the owner has applied to strata title the existing side-by-side duplex at 656/658 Moss Street. The proposal is to strata title and renovate the duplex in preparation for its sale. The building is vacant and a building permit was issued on March 21, 2003 approving the proposed renovations.

ACTION: Councillor Fleming moved that it be recommended to Council that the application to strata title the existing duplex at 656/658 Moss Street be approved subject to compliance with applicable provincial codes and municipal bylaws.

COMMUNITY DEVELOPMENT

PROPOSED PUBLIC MARKET AT SHIPS POINT

03/269

Committee received a memorandum dated April 1, 2003 from the Community Development Planner regarding a request received from the Downtown Public Market Association to start an open air summer market on weekends during the months of April to September 2003. The site requested, Ship's Point area, is parkland and a public market is not a permitted use. The site is a very busy location for festivals and special events, including 10 days in July for Folkfest.

In addition, the City presently provides space for a number of other public markets. The City is encouraging tourists to move beyond the Inner Harbour and explore market venues in the northern part of downtown.

Committee suggested that Community Development staff prepare an assessment, in the Fall of 2003, of all community markets in the City. The report should include a discussion of the possibility of a future market at Ship's Point, and if feasible, a Request for Proposals process. Councillor Savoie suggested that, at the same time, Council could look at the possibility of developing this piece of land, already designated as parkland, into a useable park.

ACTION: Councillor Savoie moved that it be recommended to Council that the proposal for a public market on park land at Ship's Point, be declined.

ADMINISTRATIVE MATTERS

DISPOSITION OF COMMUNICATIONS

03/268

Committee received a memorandum dated March 31, 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 Hughes moved that the Disposition of Communications dated March 31, 2003 from the Manager, Administration, be received for information and filed.

BEQUESTS TO THE CITY

03/267

Councillor Savoie referred to Correspondence #11 on the Disposition of Communications, dealing with a bequest to the Parks and Recreation Foundation of Victoria. She requested that the City Solicitor and the Corporate Administrator provide information to Councillors on the City's policies regarding bequests.

COUNCILLOR INQUIRIES

ZONING BYLAWS PERTAINING TO CASINOS

03/266

Councillor Hughes requested that Planning Division staff bring forward, to the April 10th, 2003 meeting, the zoning bylaws that pertain to casinos in Victoria, and a report on the process required to initiate a public discussion on the matter.

COUNCILLOR INFORMATION SHARING

INTEGRATED POLICE SERVICES

03/265

Councillor Fortin referred to published comments from the Solicitor General that favoured partial integration of Greater Victoria's police departments. Councillor Fortin stated that this proposal doesn't go far enough, and requested that the City encourage full amalgamation of police services.

ACTION: Councillor Fortin moved that it be recommended to Council that the City advise the Solicitor General that the City of Victoria is in favour of full amalgamation of the region's police services, and suggest that the province try to achieve this by the end of 2003.

TRADES AND APPRENTICESHIP PROGRAMS

03/264

Councillor Fleming expressed concern about changes to the provincial Trades and Apprenticeship Programs, that will likely result in a less skilled work force. He requested that

the Inspections staff and the City Solicitor review this issue and provide a risk assessment for the City.

NAFTA

03/263

Councillor Fleming advised that he will present a motion for Committee's consideration on April 10th, 2003 – reiterating the City's 2001 position regarding the affect of the North American Free Trade Agreement on local governments.

DOWNTOWN COMMUNITY ACTIVITY CENTRE

03/262

Councillor Thornton-Joe provided an update on the proposed change of operations at the Downtown Community Activity Centre. The Centre will remain open 5 days per week, 7 hours per day for a trial period of 6 months. Also, office and meeting space will be provided for the Downtown Neighbourhood Association.

Councillor Thornton-Joe also announced that Sandy Merriman House will re-open on April 8, 2003 for day programs.

TOURISM VICTORIA AWARDS

03/261

Councillor Thornton-Joe reported that Tourism Victoria, on March 31, 2003, presented its Miracle Award to Mr. Ian Haddow of Rogers' Chocolates. In addition, Environmental Awards were given to: Mr. Jack Eldridge; the Peninsula Streams Society; and Butchart Gardens.

ART THOMPSON

03/260

Councillor Madoff announced the passing of prominent Victoria First Nations artist, Mr. Art Thompson. He will be remembered for his distinctive art work and his community service. The Victoria Conference Centre lobby features one of Mr. Thompson's totems, and a wreath has been placed at the foot of the totem in his honour.

CLOSED MEETING - 10:25 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.

POUNDKEEPER APPOINTMENTS

Committee received a memorandum dated March 27, 2003 from the Senior Bylaw Officer requesting approval of Poundkeeper appointments for four new Capital Regional District (CRD) Bylaw Enforcement Officers, pursuant to section 4 of the City's Animal Control Bylaw.

- ACTION:** Councillor Madoff moved that it be recommended to Council that:
- 1) The following CRD Bylaw Enforcement Officers be appointed Poundkeepers pursuant to section 4 of the Animal Control Bylaw: Sheila Weitman, Don Brown, Neil Bacik, Neil Logan.
 - 2) Poundkeeper appointments for the following CRD Bylaw Enforcement Officers be rescinded: Stephan Drouin, Garrett Legault.

LEGAL – STEPHEN v. CITY OF VICTORIA

03/258

Committee received a memorandum dated March 31, 2003 from the City Solicitor regarding a proposed settlement in Stephen v. City of Victoria.

- ACTION:** Councillor Fortin moved that it be recommended to Council that a settlement of Stephen v. City of Victoria be entered into as recommended in the report dated March 31, 2003 from the City Solicitor.

LEGAL – FACILITY USE AGREEMENT

03/257

Committee received a report dated April 1, 2003 from the Community Development division regarding the facility use agreement between the City of Victoria and the Victoria Cool Aid Society (VCAS). The report included background information on the operation of the Downtown Community Activity Centre, and VCAS's announcement of its plan to close the facility at the end of March, 2003. The report also discussed the current VCAS plan to keep the centre open for a trial period of 6 months. In addition it outlined the City's financial contributions towards the operation of the Activity Centre, and provisions of the Agreement that covering the possible closure of the facility.

LEGAL – BYLAW ENFORCEMENT **HARRIS GREEN PEACE CAMP**

03/256

City staff advised Committee that the Harris Green Peace Camp has been disbanded. Parks Department staff are clearing the area, and re-seeding the grass.

The meeting adjourned at 11:40 a.m.

Councillor Coleman, Chair