

MINUTES - COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, MAY 1, 2003, AT 9:00 A.M.

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

ABSENT: Councillor Savoie

Mr. Patrick O'Reilly, Acting City Manager, attended for the entire meeting and Messrs. Koch, Lam, Leskiw, Phillips, Scoones, Timms, Wiffen, and Woodland, Ms. Atkinson, Ms. Fowler, Ms. Low, Ms. Masters, and Mr. Peter Johnson from Staples McDannold Stewart attended for portions of the meeting.

Recording Secretary: Linda Johnson

PLANNING & DEVELOPMENT

DEVELOPMENT PERMIT #03-18 **533 CORNWALL STREET**

03/357

Committee received a memorandum dated April 15, 2003 from the Head, Urban Design regarding Development Permit Application #03-18 for 533 Cornwall Street. The application is for a Development Permit to construct a kitchen addition and exterior garden stairs in the rear yard of a property that was rezoned to the R1-S2 zone.

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 #03-18" dated March 27, 2003.
- 2) Development meeting all bylaw requirements with the following relaxations:
Section 1.7.5 Rear yard setback relaxed from 6m to 5.17m
Section 1.7.6 Side yard setback relaxed from 1.5m to 1.25m
- 3) Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development.

DEVELOPMENT PERMIT #03-20 **750 HUMBOLDT STREET**

03/356

Committee received a memorandum dated April 23, 2003 from the Head, Urban Design regarding Development Permit #03-20 for 750 Humboldt Street. The application is for a development permit to construct a 19 storey residential tower with 165 residential units and retail commercial space. The proposal site is the middle parcel of the site known as the Y-Lot. The Marriott Hotel occupies the parcel immediately to the west and is currently under construction.

The Advisory Design Panel reviewed the proposal at its April 23rd, 2003 meeting and recommended approval.

- ACTION:** Councillor Madoff moved that it be recommended to Council that a Development Permit be issued in accordance with:
- 1) Plans stamped "Development Permit #03-20" dated April 2, 2003.
 - 2) Development meeting all bylaw requirements, with the following exceptions:
Section 6.8.3(b) Relaxation of massing setback above 10m in height from 8.34m to 3.8m for Fairfield Road
Section 6.8.3(c) Maximum building height relaxed from 43m to 54.3m
 - 3) A registered easement for the temporary vehicle passage over the property west of the proposal site to be arranged to the satisfaction of the Director of Engineering.
 - 4) A registered easement for the permanent vehicle passage over the property immediately east of the proposal site to be arranged to the satisfaction of the Director of Engineering.
 - 5) A restrictive covenant on the property east of the proposal site to ensure that a permanent vehicle passage is provided for the proposed residential development to be arranged to the satisfaction of the Director of Engineering.
 - 6) Review by Advisory Design Panel prior to Building Permit stage.
 - 7) Final plans to be in accordance with plans identified above with responses to Advisory Design Panel's recommendations to the satisfaction of the Director of Planning & Development.

DEVELOPMENT PERMIT #03-21
791 PANDORA AVENUE

03/355

Committee received a memorandum dated April 14, 2003 from the Manager, Planning Division regarding Development Permit #03-21 to vary the parking requirement for 791 Pandora Avenue (The Backpackers Inn).

- 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 #03-21" dated April 4, 2003.
 - 2) Development meeting all bylaw requirements with the following relaxation:
Section 6.8.6(i) Relaxation of parking requirement from 16 stalls to nil
 - 3) Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development.

DEVELOPMENT PERMIT #03-22
200 ESQUIMALT ROAD

03/354

Committee received a memorandum dated April 25, 2003 from the Head, Urban Design regarding Development Permit #03-22 for 200 Esquimalt Road. The application is for a development permit to develop a 28 unit residential complex by recycling the existing Fleming Printing building and adding a 4 unit, 2 storey extension.

The Advisory Design Panel reviewed the proposal at its April 23rd, 2003 meeting and recommended approval.

- 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 #02-22" dated April 8, 2003.
 - 2) Development meeting all bylaw requirements except for:

Section 10.2.9	Relaxation to permit surface parking stalls for residential building
Section 10.2.14	Building setback (Sitkum Rd.) relaxed from 4.98m to 3m to match existing building setback
Section 10.2.15	Building setback (North) relaxed from 10m to nil (existing) for residential use
Section 10.2.19	Relaxation of minimum open site space for residential building from 10% to 31.5%
Section 10.2.21	Relaxation to permit parking within Esquimalt and Sitkum setback area
 - 3) Cross connection of the storm drain to the sanitary sewer main to be corrected to the satisfaction of the Director of Engineering.
 - 4) Final plans to be in accordance with plans identified above with responses to Advisory Design Panel's recommendations to the satisfaction of the Director of Planning & Development.

Councillor Madoff advised that she is the registered owner of 642 Battery Street, therefore could not consider the following application. She left the meeting at 9:27 a.m.

HERITAGE ALTERATION PERMIT #117
642 BATTERY STREET

03/353

Committee received a memorandum dated April 16, 2003 from the Heritage Planner regarding Heritage Alteration Permit #117 for 642 Battery Street. The application is for a variance to the parking requirements of a business license to operate one room for a bed and breakfast in a Heritage Designated house. The zoning bylaw requires one off-street parking stall for this use. The applicant is requesting a relaxation to this requirement in order to preserve the heritage landscape context, including a Victorian picket fence, and to preserve the turn of the century character of Battery Street.

- ACTION:** Councillor Holland moved that it be recommended to Council that, pursuant to Heritage Designation Bylaw #32, Heritage Alteration Permit #117 be issued in accordance with:
- 1) Plans dated April 2, 2003.
 - 2) Development meeting all bylaw requirements except for:

Schedule D, Section 11(3)	Relaxation of parking requirement for one bedroom transient accommodation to nil
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 - 3) Final plans to be in accordance with plans identified above.

Councillor Madoff returned to the meeting at 9:28 a.m.

PARKS, RECREATION & COMMUNITY DEVELOPMENT

PUBLIC PAY PHONES – 1300 BLOCK DOUGLAS STREET

03/352

Committee of the Whole, on April 10, 2003, tabled consideration of a proposal by adjacent businesses to remove three public pay phones from the 1300 block of Douglas Street, pending receipt of further information from staff regarding revenue from the phone booths, alleged illegal use, and the impact of fewer phones available for emergency use.

Committee received a memorandum dated April 25, 2003 from the Manager, Transportation and the Manager, Community Development advising that:

- The revenue information is confidential and could be reviewed at a closed meeting.
- The Police Department have no information available on the alleged illegal use of, or incidents at, the pay phones.
- The public pay phones are set for outgoing calls only.
- There are 19 public phones distributed in 12 locations in the downtown area.

ACTION: Councillor Hughes moved that it be recommended to Council that the City investigate relocation of one or two of the pay phones for better distribution in the downtown area.

CAMAS DAY AND BEACON HILL EVENT APPROVALS

03/351

Committee received a memorandum dated April 25, 2003 from the Director, Parks, Recreation and Community Development advising that on May 3, 2003 the Friends of Beacon Hill Park and the Victoria Natural History Society will host the 11th Annual CAMAS Day Event in Beacon Hill Park. Up to 100 participants are expected for this event.

Past practice has required Council approval for events in Beacon Hill Park with more than 50 participants. Staff now requested Council's consideration of changing this participant number to 100.

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

- 1) The CAMAS Day Event for May 3, 2003 in Beacon Hill Park, be approved.
- 2) The Beacon Hill Park Policy be modified to permit the Manager of Parks to approve applications for small events (100 participants or less) that are within the context of the Appropriate Activity Assessment Framework.

VIC WEST FEST

03/350

Committee received a memorandum dated April 25, 2003 from the Manager, Parks Division advising of a permit request from the Victoria West Community Y to hold the 3rd annual "Vic West Fest" event in the Vic West Y building and Banfield Park on May 10, 2003.

In addition to the plans approved for the 2002 event, there are plans for a stage area, musicians, sound amplification and a requirement to use the tennis court. These activities require Council approval as exemptions to the permitted uses under the Parks Bylaw.

ACTION:

Councillor Coleman moved that it be recommended to Council that:

- 1) The 2003 Vic West Festival, to be held in Banfield Park on May 10th, 2003, including the non-complying activities outlined in the report dated April 25, 2003, be approved.
- 2) The Vic West Community Y post appropriate notification to tennis court users.

FERNWOOD NEIGHBOURHOOD SPRING BBQ

03/349

Committee received a memorandum dated April 25, 2003 from the Manager, Parks Division advising that the Fernwood Community Centre Society has applied to host a Fernwood Neighbourhood Spring BBQ in Stevenson Park on May 10, 2003. The event requires Council approval for the following non-complying activities: barbecue, fundraising raffle, sponsor recognition.

ACTION:

Councillor Fortin moved that it be recommended to Council that the Fernwood Neighbourhood Spring BBQ, including the non-complying activities outlined in the report dated April 25, 2003 from the Manager, Parks Division, be approved.

LIQUOR LICENSING

PERMANENT CHANGE TO A LIQUOR LICENSE
STEAMERS PUB

03/348

Committee of the Whole, at its meeting on April 10, 2003 tabled consideration of a request from Steamers Pub Inc. at 570 Yates Street for extended hours of sale for Liquor Primary License #6442, pending receipt of a report from the Community Development Division regarding social consequences of the requested 9:00 a.m. opening, and information regarding the applicant's claim of lost revenue between midnight and 2:00 a.m.

Committee received a memorandum dated April 24, 2003 from the Manager, Community Development and the Downtown Coordinator outlining their concerns regarding a 9:00 a.m. opening. In addition, a further report dated April 24, 2003 was received from the Manager, Administration advising that the applicant has adjusted his request, and is now seeking hours of service from 11:00h to 02:00h Monday to Friday, and from 09:00h to 02:00h Saturday and Sunday. The establishment is currently licensed for liquor sales between the hours of 12:00h-02:00h Monday to Saturday and 11:00h to 24:00h on Sunday.

ACTION:

Councillor Thornton-Joe moved that it be recommended to Council that:

- 1) Victoria City Council, after reviewing the attached Committee of the Whole reports, and conducting a review with respect to noise and community impacts of the permanent change to a liquor-primary license application from Mr. Andrew Wickens, 570 Yates Street, Liquor License #6442, supports the application for the extension of daytime hours of service Monday to Friday starting at 11:00h, and Saturday and Sunday at 9:00h, for the following reasons:
 - The location of the establishment is in a mixed use downtown commercial area;
 - Any increase in daytime noise will have no impact due to the site's busy downtown location;

- There will be no impact related to parking as the site is located across the street from a parkade and there is also on street parking;
 - There is no increase in the numbers of seats and therefore there is no impact to the area's overall 'licensed seat' density.
- 2) After considering social concerns, the concerns of adjacent property owners, and the potential for a "breakfast bar" as outlined by Police and Community Development, Council does not support 09:00h opening during weekdays.
 - 3) As there is no residential accommodation adjacent to Steamers Pub on Yates Street, that City Council supports the application for extension of Sunday hours of service for Steamers Pub, Liquor License #6442 to 02:00h.

ADMINISTRATIVE MATTERS

DISPOSITION OF COMMUNICATIONS

03/347

Committee received a memorandum dated April 25, 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 April 25, 2003 from the Manager, Administration, be received for information and filed.

CLOSED MEETING - 10:00 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

03/346

Committee received a memorandum dated April 22, 2003 from the Senior Bylaw Officer requesting approval of a Poundkeeper appointment for a new Capital Regional District (CRD) Bylaw Enforcement Officer, pursuant to section 4 of the City's Animal Control Bylaw.

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

- 1) Deborah Juch be appointed to the position of Poundkeeper effective immediately.
- 2) The appointment of Miles Drew as Poundkeeper be rescinded.

Councillor Holland advised that the following item involves a member of her immediate family. Because of this conflict of interest, she left the meeting at 10:00 a.m.

SIDEWALK ENCROACHMENT – FINLAYSON STREET

03/345

Committee received a memorandum dated April 24, 2003 from the Property Manager advising that the owner of 1351 Finlayson Street has stated that a city sidewalk and boulevard encroaches onto his property and has requested compensation. Staff have confirmed the encroachment.

ACTION: Councillor Coleman moved that staff be directed to review all the properties in the section of Finlayson Street referred to in the report dated April 24, 2003 from the Property Manager and negotiate statutory right of way agreements with the property owners, as required.

Councillor Holland returned to the meeting at 10:10 a.m.

LAND – VICTORIA WEST LAND NEGOTIATIONS

03/344

The Manager, Regulatory & Development Services provided an update on Victoria West land negotiations.

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

- 1) For the five lots comprising the former transit corridor through the Dockside Lands, the Mayor and Corporate Administrator be authorized to execute a contract of purchase and sale with Land and Water British Columbia Inc. in the amount of \$491,000, subject to final review of the terms of that agreement by the City Solicitor.
- 2) The Mayor and Corporate Administrator be authorized to execute the Statutory Right of Way document over Lot 1, Plan VIP54427, subject to finalization of the terms of that right of way to the satisfaction of the City Solicitor.
- 3) In view of the Province's insistence that its standard environmental clauses be retained in the contract for Lot 102, DL 119, Esquimalt District Plan 3237, the City offer the amount of \$200,000 for that property, the purchase price to be paid through release by the City of the Province's obligation to provide \$200,000 of park improvements under the Songhee's Hillside Master Agreement.

The meeting adjourned at 10:30 a.m.

Mayor Lowe, Chair