

MINUTES - COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, JUNE 5, 2003, AT 9:00 A.M.

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

ABSENT: Councillors Coleman and Fleming

Mr. Joe Martignago, City Manager, attended for the entire meeting and Messrs. Barber, Basey, Daly, Hopcraft, Koch, Kresse, Lam, O'Reilly, Scoones, Sikstrom, Silvester, Timms, and Woodland, Ms. Chase, Ms. Fowler, and Ms. Masters attended for portions of the meeting.

Recording Secretary: Linda Johnson

PRESENTATION

CAPTAIN DAVE MYLES, PPCLI

03/432

City employee Dave Myles, Manager Underground Operations and also Captain with the Princess Patricia Canadian Light Infantry, and has just returned from a one year peace-keeping assignment in Bosnia. He presented Mayor Lowe with a woodburned plaque with the PPCLI insignia, crafted by a military colleague. Captain Myles thanked the City for its support during his overseas assignment.

DELEGATION

CELCELIA CREEK WATERSHED DEMONSTRATION OF A WORKING MODEL

03/431

Grade 4 students of Burnside Gorge Community School, with their teachers and advisors, demonstrated a working model of the Cecelia Creek Watershed. The students became interested in the clean-up and prevention of pollution in the creek which runs past their school. Using a topographical model of the watershed area, complete with buildings, trees, vehicles, and roads, they demonstrated how rainfall transfers various pollutants into the creek.

Following a short question period, Mayor Lowe and Councillors thanked the students for a very effective presentation, and presented them with City of Victoria pins.

Councillor Madoff advised that she has a personal association with the next application. Because of this potential conflict of interest she left the meeting at 9:23 a.m.

PLANNING & DEVELOPMENT

REZONING #03-1 – 240-252 COOK STREET AND 1035/39/43 SUTLEJ STREET

03/430

Committee received a memorandum dated May 30, 2003 from the Planning Division advising that Council, at its meeting on May 22, 2003, tabled Rezoning Application #03-1 for 240-252 Cook Street and 1035/39/43 Sutlej Street. At that meeting staff indicated that the development proposal was being altered and that discussions between the applicant and the Fairfield Community Association were occurring. As a result of these discussions, the applicant has modified the proposal to address some of the concerns expressed by the Fairfield Community Association at the facilitated dialogue held on April 29, 2003.

An amended data sheet from the applicant was attached to the memorandum. It was also reported that the applicant has verbally indicated that a similar amenity package will accompany the revised proposal.

Staff advised that a report reviewing the modifications to the development will be forwarded to the June 12th, 2003 Committee of the Whole meeting.

ACTION: Councillor Hughes moved that the report dated May 30, 2003 from the Planning Division regarding Rezoning Application #03-1 for 240-252 Cook Street and 1035/39/43 Sutlej Street, be received for information.

Councillor Madoff returned to the meeting at 9:29 a.m.

DEVELOPMENT PERMIT #03-25 860 VIEW STREET

03/429

Committee received a memorandum dated May 30, 2003 from the Head, Urban Design regarding Development Permit #03-25 for 860 View Street. The proposal is to construct an 8 storey, 61 unit (including 4 live-work) residential building. It will replace an existing one storey vacant building (the former St. Vincent de Paul Society building).

Development Permit #02-07, for a 13 storey, 133 unit rental apartment tower was approved by Council on May 23, 2002. Work on this project never commenced because of poor market conditions. The current proposal for a small development is an endeavour by the applicant to make the project more viable.

The project was reviewed by the Advisory Design Panel on May 28, 2003 and was recommended for 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 02-25" dated May 21, 2003.

- 2) Development meeting all bylaw requirements except:

- Section 3.67.6
- a) Relaxation of build-to line distance for residential from 3.5m to 1.59m and less than 75% of building wall.
 - b) Relaxation of build-to line for non-residential from 0.5m to 1.59m and less than 75% of building wall.
- 3) Final plans to be in accordance with plans identified above with the incorporation of responses to the Advisory Design Panel recommendations to the satisfaction of the Director of Planning & Development.
 - 4) The landscape plan to be referred to the Advisory Design Panel for review prior to building permit stage.

Committee requested that Planning Division staff review the following issues:

- 1) The possibility of providing members of Council with a detailed site analysis for planning applications when conditions of the site affect the design of the proposed development (i.e. soil conditions prohibiting underground parking)
- 2) Adding to next year's work plan consideration of changes to the zoning bylaw to eliminate the variance problem with "build-to" lines, with particular reference to the R-48 zone.

DEVELOPMENT PERMIT #4029
100 SAGHALIE ROAD

03/428

Committee received a memorandum dated May 29, 2003 from the Head, Urban Design regarding Development Permit #4029 for 100 Saghalie Road, approved by Council on December 17, 1998. The Parks Division has, by letter dated May 21, 2003, requested that the Advisory Design Panel review an alternate planting plan for this designated park created over the contaminated soil containment cell on the south-west corner of Songhees Hilltop. Parks Division staff, following a recent and final review of the landscape proposal, has found that the planting could be improved in response to the changed circumstances since its approval in 1998.

At its meeting on May 28, 2003, the Advisory Design Panel supported the plant selection refinement.

ACTION: Councillor Savoie moved that the report dated May 29, 2003 from the Head, Urban Design, regarding Development Permit #4029 for 100 Saghalie Road, be received for information.

LAND USE PROCEDURES BYLAW

03/427

Committee received a memorandum dated May 30, 2003 from the Manager, Planning Division advising that, in a program to streamline and define submission requirements, staff is revising all planning applications. In order to achieve this, the Land Use Procedures Bylaw No. 98-8 must be amended to remove the application forms as schedules of the bylaw. This will provide staff with the flexibility to amend and update the application forms without further bylaw amendments.

ACTION: Councillor Madoff moved that staff be instructed to forward the new Land Use Procedures Bylaw, removing the following application forms and deleting the referral process for building permits, to Council for readings and approval:

- Rezoning

- Official Community Plan Amendment
- Land Use Contract Amendment
- Heritage Revitalization Agreement
- Temporary Use Permits
- Development Permits
- Development Permit with Relaxations
- Development Variance Permit
- Heritage Alteration Permit

HERITAGE ALTERATION PERMIT #118
3020 QUADRA STREET

03/426

Committee received a memorandum dated May 28, 2003 from the Heritage Planner regarding Heritage Alteration Permit #118 for 3020 Quadra Street. The application is to reconstruct an existing porch/sunroom/shed area on the rear of this heritage designated house. The area in question will be reconstructed using materials sympathetic to the existing house and will add a small area on the south west corner of the house. The application was reviewed by the Heritage Advisory Committee on May 13, 2003 and was recommended for approval subject to the conditions noted below.

- ACTION:** Councillor Madoff moved that it be recommended to Council that, pursuant to Heritage Designation Bylaw No. 284, Heritage Alteration Permit #118 be issued in accordance with:
- 1) Plans dated April 23, 2003.
 - 2) Development meeting all bylaw requirements.
 - 3) The south elevation of the proposed addition be set back 0.3m from the existing wall.
 - 4) Type No.1 cedar shingles be used.
 - 5) Final plans to be in accordance with plans identified above.

ENGINEERING

RESIDENTIAL STRATA TITLE APPLICATION
2670 CAPITAL HEIGHTS

03/425

Committee received a memorandum dated May 30, 2003 from the Supervisor, Development Engineering advising that the owner has applied to strata title a proposed duplex at 2670 Capital Heights into two residential strata units. The proposal is to construct a two-storey dwelling unit (Strata Unit 1) behind the existing residence (Strata Unit 2). A building permit was issued on March 10, 2003 approving the construction of the new unit along with renovations to the existing residence.

The applicant advises that the existing residence is vacant.

- ACTION:** Councillor Madoff moved that it be recommended to Council that the application to strata title the proposed duplex at 2670 Capital Heights be approved subject to compliance with applicable provincial codes and municipal bylaws.

RESIDENTIAL STRATA TITLE APPLICATION
2646 CAPITAL HEIGHTS

03/424

Committee received a memorandum dated May 30, 2003 from the Supervisor, Development Engineering advising that the owners have applied to strata title a proposed duplex at 2646 Capital Heights into two residential strata units. The proposal is to construct a one-storey dwelling unit with basement (Strata Unit 2) behind the existing residence (Strata Unit 1) as shown on the attached site plan. A building permit was issued on March 27, 2003 approving the construction of the new unit along with renovations to the existing residence.

The applicants have submitted a Tenant Plan, and advise that there are no current plans to sell the existing residence and therefore it will remain a rental unit.

ACTION: Councillor Madoff moved that it be recommended to Council that the application to strata title the proposed duplex at 2646 Capital Heights be approved subject to compliance with applicable provincial codes and municipal bylaws.

Staff was requested to report to Committee of the Whole on the process of delegating to staff approval of simple strata title applications, as permitted by the *Local Government Act*.

RAILYARDS DEVELOPMENT PROJECT - APPLICATION TO PROVINCIAL GOVERNMENT TO CONSTRUCT WATERFRONT PUBLIC AMENITIES

03/423

Committee received a memorandum dated May 30, 2003 from the Supervisor, Development Engineering advising that the Provincial Government requires Council to pass a resolution to accompany the City's application to secure a lease for public amenities to be built at the Railyards Development Project (RDP). The owner of the RDP is obligated under the Master Development Agreement to design and construct a number of amenities. Two of the amenities, the Central Spur Pier and Launch, and the Pierhead and Pavilion are located within a portion of the adjacent Selkirk Waters. RDP has received approval in principal from the Province to proceed with these projects, however, a Council resolution is required before a License of Occupation can be issued.

Staff was directed to request that RDP use Best Management Practices from the Department of Fisheries and Oceans in construction of the waterfront amenities.

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

- 1) The proper officers of the City of Victoria apply and secure a License of Occupation from the Provincial Government over land adjacent to the Railyards Development Project to authorize the construction of the public amenities (Central Spur Pier and Launch, Pierhead and Pavilion) in the location shown on the plan attached to the report dated May 30, 2003 from the Supervisor, Development Engineering.
- 2) The proper officers of the City of Victoria be authorized to execute any plans and documents required as part of this application.

TRAFFIC ORDERS

03/422

Committee received a memorandum dated May 22, 2003 from the Senior Technologist, Transportation, outlining a list of 13 Traffic Orders for consideration by Council. Staff have conducted an onsite investigation for each and recommend that the orders be approved.

ACTION: Councillor Madoff moved that it be recommended to Council that the Traffic Orders outlined in the report dated May 22, 2003 from the Senior Technologist, Transportation, be approved.

COMMUNITY DEVELOPMENT

SPECIAL PROJECT GRANT REQUEST **FAIRFIELD COMMUNITY ASSOCIATION**

03/421

City Council, at its meeting on May 8, 2003, requested that staff review an application, previously declined, from the Fairfield Community Association (FCA) for a grant of \$3,000 to assist with International Car Free Day.

Committee received a memorandum dated May 29, 2003 from the Downtown Coordinator advising that staff met with representatives of the FCA and clarified the sections of the application that were considered not to have met the criteria for a Special Project grant.

The proposal is to have the event become sustainable within three years by building the capacity of the volunteers and partners who organize Car Free Day activities. A City grant would make it possible for the FCA to provide additional staff resources on a declining basis over the next three years until the existing committee can assume full responsibility for the event.

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

- 1) A grant of \$1,500 be approved to the Fairfield Community Association for International Car Free Day.
- 2) The final report submitted after the event include an indication of new or expanded partnerships and funding assistance successfully obtained.
- 3) Any future grants over the next two years be for declining amounts of assistance.

PARKS

LUMINARA VICTORIA COMMUNITY LANTERN FESTIVAL

03/420

Committee received a memorandum dated May 26, 2003 from the Manager, Parks Division regarding an application from the InterCultural Association to hold the Luminara Victoria Community Lantern Festival in Beacon Hill Park on July 26, 2003. The event, held annually since 2000, involves extensive set up of lantern installations in the ornamental areas of the park and on the cricket pitch, and includes road closures for the duration of the event.

The Appropriate Activity Assessment Framework for Beacon Hill Park was applied to the application and the event was determined to be appropriate as proposed, with staff recommending that organizers continue to work with them to minimize the impacts of large numbers of participants on the park and surrounding neighbourhoods.

- ACTION:** Councillor Madoff moved that it be recommended to Council that:
- 1) The Luminara Victoria Community Lantern Festival, as proposed for 2003, be approved under the condition that the Organizer obtain a Special Event Permit and that a post-event evaluation be conducted.
 - 2) Staff be authorized to approve this event in future years if there are no significant changes.

ADMINISTRATIVE MATTERS

VEHICLES FOR HIRE BYLAW **TAXI DRIVERS PERMIT**

03/419

Committee received a memorandum dated May 28, 2003 from the City Solicitor regarding a proposed amendment to the Vehicles For Hire Bylaw, Part 4 Division 1 – Taxi Driver's Permit. It clarifies the nature and time frames of the offences for which the Chief must refuse a permit, and clarifies Council's authorities with respect to its role.

- ACTION:** Councillor Hughes moved that staff be instructed to forward the proposed amendment to the Vehicles for Hire Bylaw to Council for adoption, with the following change:

Section 4.3: In order to determine whether an applicant meets the requirements of section 4.2(d), the Chief may require the applicant to undertake a ~~written test of the applicant's knowledge of English~~ **oral, reading, and writing proficiency related to occupational functions**, the geography of the City and its surrounding municipalities, and the contents of this Bylaw, and the Chief may from time to time establish the form and content of the test to be administered under this section.

DISPOSITION OF COMMUNICATIONS

03/418

Committee received a memorandum dated June 2, 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.

Councillor Savoie inquired about the following communications:

#10: The Greater Victoria Harbour Authority is reviewing a report from the Vancouver Island Public Interest Research Group entitled *Ripple Effects: The Need to Assess the Impacts of Cruise Ships in Victoria*. Councillor Savoie requested that the report from the Harbour Authority be distributed to members of Council. In addition, she would like information regarding any follow-up action that will address some of the issue outlined in *Ripple Effects*.

#15: Councillor Savoie requested that staff review the possibility of arranging a Living Water Project clinic for Council.

- ACTION:** Councillor Savoie moved that the Disposition of Communications dated June 2, 2003 from the Manager, Administration, be received for information and filed.

LIQUOR LICENSING

LIQUOR LICENSE APPLICATION **CHANGE OF HOURS, SALTAIRE LOUNGE**

03/417

Committee received a memorandum dated May 30, 2003 from the Corporate Administrator advising that Points West Restaurant Group is requesting an extension to the operating hours of the liquor-primary business at the Saltaire Lounge, 407 Swift Street. Current operating hours are 11:00h to 23:00h seven days a week. The application is to extend hours of operation to 11:00h to 24:00h Sunday through Thursday and 11:00h to 01:00h Friday and Saturday. The patio's closing hour would remain at 23:00h.

Council considered a similar request from the previous owner in 2002, and at that time the application was declined. The matter is being brought to Council again because the new owner has obtained conditional letters of support from the Mermaid Wharf Strata Council and the Mermaid Wharf residents' group. City Planning, Bylaw Enforcement and Victoria City Police note that increasing the hours of operation of Saltaire Lounge would likely create additional late night disturbances for residents of the Mermaid Wharf and Swift Street Apts.

- ACTION:** Councillor Holland moved that it be recommended to Council that a Liquor Licensing Hearing be convened at the June 26, 2002 Victoria City Council meeting and that residents and property owners within a 50 metre radius of 407 Swift Street be notified of the hearing for the Saltaire Lounge regarding their request to:
- Extend the closing hour for liquor service to 24:00h Sunday through Thursday;
 - Extend the closing hour for liquor service to 01:00h Friday & Saturday nights;
 - Continue operating the patio until 23:00h seven days a week.

COUNCILLOR INQUIRIES

CANADA DAY FIREWORKS

03/416

Councillor Thornton-Joe provided an update on fundraising efforts for the Canada Day fireworks project.

- ACTION:** Councillor Holland moved that it be recommended to Council that Councillor Thornton-Joe be authorized to advise the fireworks supplier to prepare materials for the Canada Day Fireworks up to a cost of \$35,000.

Councillor Thornton-Joe advised that she will prepare a report for Committee's consideration regarding future fundraising for Canada Day fireworks.

TREE REMOVAL **BURNSIDE AND BALFOUR**

03/415

Councillor Fortin advised that trees identified for preservation in a Development Permit application for Burnside Road and Balfour Avenue have been removed. He requested that City Planning Division staff provide an explanation of the planning regulations as they apply to this project.

CAPITAL PROJECTS

03/414

Councillor Savoie requested that information be provided to members of Council on Capital Projects that have been approved in City budgets and have been completed.

WELCOME TO VICTORIA SIGN

03/413

At the May 22, 2003 Committee of the Whole meeting, Councillor Thornton-Joe expressed concern that the Welcome to Victoria floral sign on the lower Causeway had not been planted.

She now stated that she received a reply from the Parks Department advising that, in the past, planting was not done until after the Swiftsure weekend. Next year, however, there will be either winter or summer plants in the sign, depending on the weather.

MEETING WITH MAYOR OF EL SALVADOR

03/412

The City Manager advised that a meeting with the Mayor of El Salvador and accompanying City officials has been scheduled for June 9, 2003, 4:30 – 5:30 in the Ante Chamber.

CLOSED MEETING - 10:27 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.

LEGAL – BYLAW ENFORCEMENT BI-ANNUAL REPORT

03/411

Committee received a memorandum dated June 3, 2003 from the Senior Bylaw Officer providing a Bylaw Enforcement Bi-Annual Report that included information on the status of the existing caseload, and significant cases in accordance with Council's bylaw enforcement priorities of: significant fire and life safety, City liability, Nuisance and Other.

ACTION: Councillor Fortin moved that it be recommended to Council that the Bylaw Enforcement Bi-Annual Report dated June 3, 2003 from the Senior Bylaw Officer, be received for information.

ACTION: Councillor Fortin moved that staff be requested to prepare an amendment to the Sign Bylaw so that the sign allowance applies to total signage, and not to signage of each category.

ACTION: Councillor Savoie moved that staff add a lighting review to the City's Design Guidelines.

**APPOINTMENTS – ENVIRONMENT & SHORELINE ADVISORY COMMITTEE
AND PARKS, RECREATION & COMMUNITY SERVICES ADVISORY COMMITTEE**

03/410

Committee received a memorandum dated June 4, 2003 from the Corporate Administrator advising that there are two remaining positions for citizen members on the Parks, Recreation & Community Services Advisory Committee and one remaining position on the Environment & Shoreline Advisory Committee.

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

- 1) John Harvey and Donna Wong be appointed to the Parks, Recreation & Community Services Advisory Committee for the term of July 1, 2003 to December 31, 2004.
- 2) Michael Canzi be appointed to the Environment & Shoreline Advisory Committee for the term of July 1, 2003 to December 31, 2004.

APPOINTMENT – VICTORIA BOARD OF VARIANCE

03/409

Committee received a memorandum dated June 4, 2003 advising that the term of Board of Variance appointee Peggy Pedersen expires June 30, 2003.

ACTION: Councillor Madoff moved that it be recommended to Council that Peggy Pedersen be re-appointed to the Victoria Board of Variance for a three year term, ending June 30, 2006.

The meeting adjourned at 11:12 a.m.

Mayor Lowe, Chair