

MINUTES - COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, SEPTEMBER 11, 2003, 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, Chow, Dowdall, Leskiw, Matanowitsch, Sikstrom, Wiffen, and Woodland, Ms. Atkinson, Ms. Chase, Ms. Higgins, Ms. Lowe, Ms. Masters, Ms. Taylor, Ms. Zink, and Cst. Anthony attended for portions of the meeting.

Recording Secretary: Linda Johnson

DELEGATION

DOWNTOWN 2020 INITIATIVE

03/628

Mr. Mohan Jawl, Chair, Downtown Victoria Community Alliance (DVCA), addressed Committee regarding a proposal for a conference series of public forums entitled "Downtown Victoria 2020". The DVCA has designed this process and believes it will lead to outcomes consistent with their goal of a revitalized, healthy downtown.

Committee received a letter dated September 8, 2003 from Mr. Jawl, with attachments outlining the DVCA membership list, the Conference Steering Committee, the Conference Series Plan, and the budget.

Mr. Jawl requested Committee's consideration of a request for funding in the amount of \$97,062, through a grant or in-kind assistance.

PLANNING & DEVELOPMENT

DOWNTOWN 2020 FORUM SERIES – FUNDING

03/627

Committee received a memorandum dated September 8, 2003 from the Economic Development Planner advising that the Downtown Victoria Community Alliance is proposing a series of three public forums beginning in November, 2003 and extending into early 2004. This will provide an opportunity to bring a variety of interests together to begin the process of developing a vision and action plan to deal with the threats and opportunities facing the Downtown. The total budget is estimated to be \$274,405. Staff are recommending a contribution of \$60,000 which would not include additional 'in kind' staff time to offset administration costs estimated to be \$20,000 to \$30,000.

ACTION: Councillor Thornton-Joe moved that it be recommended to Council that approval be given to a contribution to the Downtown 2020 Forum Series of \$30,000 in 2003 and a further \$30,000 in 2004, and that the funds be applied to the sponsorship of speakers and administrative costs.

REZONING APPLICATION #03-14

2735 DOUGLAS STREET

03/626

Committee received a memorandum dated September 4, 2003 from the Senior Planner regarding Rezoning Application #03-14 for 2735 Douglas Street. The application is to rezone this property at the northeast corner of Hillside Avenue and Douglas Street (and discharge an existing Land Use Contract) to permit an automobile dealership and second floor offices. The applicant has consulted with the Burnside-Gorge Community Association.

- ACTION:** Councillor Hughes moved that it be recommended to Council that Rezoning Application #03-14 for 2735 Douglas Street be forwarded for consideration at a public hearing, and the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments to rezone the property to the S-1 zone, Limited Service District and discharge the Land Use Contract, subject to:
- 1) Review of the proposed land use and density by the Advisory Planning Commission;
 - 2) Review of the design by the Advisory Design Panel;
 - 3) Amendment of the *Official Community Plan* to include this property in Development Permit Area #7, Blanshard Street North.

REZONING APPLICATION #03-18
1924 STANLEY AVENUE

03/625

Committee received a memorandum dated August 29, 2003 from the Planning Division regarding Rezoning Application #03-18 for 1924 Stanley Avenue. The proposed rezoning is to permit the subdivision of two small lots and the construction of a two storey single family dwelling. The existing house fronts onto Stanley Avenue and the new house would front onto Gladstone Avenue. The applicant has consulted with the Community Association and has polled the surrounding neighbours and received 88% support.

- ACTION:** Councillor Madoff moved that consideration of Rezoning Application #03-18 for 1924 Stanley Avenue be tabled, with a request that the applicant revise the proposal:
- 1) to reduce or eliminate the variances required, particularly the rear yard setback for the existing house and the front yard setback for the proposed house.
 - 2) to remove the need for an easement on Lot 2 to accommodate parking for Lot 1.

REZONING APPLICATION #03-22
517 YATES STREET

03/624

Committee received a memorandum dated September 4, 2003 from the Manager, Planning Division regarding Rezoning Application #03-22 for 517 Yates Street. The application is to add a licensee retail store as a permitted use fronting Commercial Alley in part of a building that houses a night club fronting Yates Street.

Victoria City Police have indicated no objection but suggest improved lighting. No response has been received from the School District.

ACTION: Councillor Madoff moved that it be recommended to Council that Rezoning Application #03-22 for 517 Yates Street, be declined.

TEMPORARY USE PERMIT FOR PARKING LOT
808 YATES STREET

03/623

Committee received a memorandum dated September 4, 2003 from the Manager, Planning Division regarding an application for a Temporary Use Permit for a Parking Lot at 808 Yates Street. The proposal is to convert a vacant lot to 26 surface parking spaces. Changes would include a permeable surface and a one metre landscape screen along the sidewalk. The target market is short term, especially during the key times of 11 a.m. to 2 p.m. week days and 6 p.m. to 9 p.m. Fridays and Saturdays. Temporary use permits, which require a public notice and a Council resolution, are good for two years and renewable for a further two years.

ACTION: Councillor Madoff moved that it be recommended to Council that the Application for a Temporary Use Permit for a Parking Lot for 808 Yates Street, be declined.

Mayor Lowe advised that he has a business association with the following application. Because of this potential conflict of interest he left the meeting at 10:15 a.m. Councillor Fleming assumed the Chair.

DEVELOPMENT PERMIT APPLICATION #03-35
732 CORMORANT STREET

03/622

Committee received a memorandum dated September 5, 2003 from the Acting Head, Urban Design advising members of Council of Development Permit Application #03-35 for 732 Cormorant Street. The application is for a new 12 storey residential strata condominium, and it is recommended for approval by staff and the Advisory Design Panel. Presentation of the application is being withheld pending resolution of a bylaw compliance issue concerning the surface parking lot.

Council has set a deadline of October 8, 2003 for the owners to remedy this (and other) non-conforming parking lot(s).

ACTION: Councillor Madoff moved that:

- 1) the report dated September 5, 2003 from the Acting Head, Urban Design regarding Development Permit Application #03-35 for 732 Cormorant Street, be received for information;
- 2) Council's policy be confirmed: the application will be withheld until the bylaw compliance issue is resolved.

Mayor Lowe returned to the meeting at 10:25 a.m.

DEVELOPMENT PERMIT APPLICATION #03-26

1739 FORT STREET

03/621

Committee received a memorandum dated September 5, 2003 from the Planning Division regarding Development Permit Application #03-26 for 1739 Fort Street. The application is to vary the 'seating to parking ratio' in the C1-P-FL zone in order to legally increase the amount of seating.

ACTION: Councillor Thornton-Joe moved that consideration of Development Permit Application #03-26 for 1739 Fort Street, be tabled and Planning Division staff, with Councillors Coleman and Fleming, be requested to work with the applicant to resolve the non-compliance issue regarding the seating to parking ratio.

DEVELOPMENT VARIANCE PERMIT #03-06
2628 RICHMOND ROAD

03/620

Committee received a memorandum dated March 10, 2003 from the Planning Division regarding Development Variance Permit Application #03-06 for 2628 Richmond Road. The proposal is to construct an addition to facilitate the development of a 3-chair hair salon in conjunction with the existing local convenience store.

ACTION: Councillor Madoff moved that it be recommended to Council that Development Variance Permit Application #03-06 for 2628 Richmond Road, be declined.

DEVELOPMENT VARIANCE PERMIT #03-33
615 RAYNOR AVENUE

03/619

Committee received a memorandum dated August 27, 2003 from the Senior Planner regarding Development Variance Permit #03-33 for 615 Raynor Avenue. The application is to permit two front yard parking spaces. Approval would legalize the removal of a single car basement garage and its replacement with a suite. A previous owner created the rental suite without benefit of a building permit. A driveway and two parking spaces behind the house would require removal of a significant amount of side and rear yard landscaping.

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 #03-33" dated July 30, 2003, with the addition of landscape screening on the east side of the parking pad.
- 2) Development meeting all bylaw requirements with the following variance:
Schedule C.4 Relax parking behind front line of the building to front yard
- 3) Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development.
- 4) Details of landscape screening being provided to Council prior to the public hearing.

DEVELOPMENT VARIANCE PERMIT #03-37

335 WINDERMERE PLACE

03/618

Committee received a memorandum dated August 29, 2003 from the Planning Division regarding Development Variance Permit Application #03-37 for 335 Windermere Place. The application is to relax the requirement for screening of proposed off street parking for a duplex. The applicant has indicated that due to the location of the existing retaining wall immediately abutting the property line there is insufficient space to locate a 60 cm. landscape strip as required by the bylaw. A staff site visit has confirmed that the applicant has constructed a five foot fence between the properties to provide screening.

- 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 03-37" dated August 25, 2003.
 - 2) Development meeting all bylaw requirements with the following variance:
Schedule C 7.2(h) Relax required landscape area from 60 cm. (2') to
0
 - 3) Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development.

NOISE BYLAW CHANGES

03/617

Committee received a memorandum dated September 4, 2003 from the Planning Division regarding proposed amendments to the Noise Bylaw.

Staff have reviewed a proposal from the James Bay Neighbourhood Environment Association and the Harbour Authority for modifying the boundaries of the Intermediate District in James Bay. Recommended changes were outlined on an attached Noise District Map.

Staff have received inquiries regarding placing certain parks in the Intermediate District. Following meetings with Parks and Recreation staff, it is recommended that all parks be placed in the Quiet District, except MacDonald, Topaz, Victoria West and Royal Athletic Park. Staff recommend that parks and recreation maintenance activities be exempt from the bylaw from 7 a.m. to 5 p.m. weekdays and weekends.

Council previously requested information on the decibel range for refrigeration unit trucks. The report advised that the range suggested by the Consultant is 65-80 dB at 15 metres.

- ACTION:** Councillor Holland moved that it be recommended to Council that:
- 1) The Noise Bylaw Noise District Map be amended as illustrated on the map attached to the report dated September 4, 2003 from the Planning Division.
 - 2) Section 12(j) of the Noise Bylaw be amended to read "the City's Parks and Recreation Divisions Maintenance work between 7:00 a.m. and 5:00 p.m., weekdays and weekends.

REQUEST FOR HERITAGE DESIGNATION **907 COLLINSON STREET**

Committee received a memorandum dated August 27, 2003 from the Heritage Planner advising that the owner of 907 Collinson Street has requested that this house be designated as a municipal heritage site. The request was considered by the Heritage Advisory Committee at its meeting on August 26, 2003.

ACTION: Councillor Madoff moved that it be recommended to Council that, whereas the house at 907 Collinson Street is worthy of heritage designation, it be designated as a municipal heritage site.

ENGINEERING

APPEAL TO ACCEPT AN APPLICATION FOR STRATA CONVERSION – 402-410 COOK STREET

03/615

Committee received a memorandum dated August 27, 2003 from the Manager, Transportation & Development and the Manager, Community Development regarding an appeal of City policy on strata conversion, which states that applications will not be accepted when the CMHC vacancy rate falls below 4%. It is most recently reported as 1.2%.

The appeal is for a strata conversion of a vacant residential building containing 5 units at 402-410 Cook Street. The proposal is to update all 5 units in this 62 year old building, and develop the basements, resulting in four bedroom row house dwelling units. The applicant has offered to register a covenant to assure the units remain in a rental tenure for 10 years.

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

- 1) The appeal submitted by Monkeyhill Properties to strata title 402-410 Cook Street be approved and that the Director of Engineering be authorized to accept a complete strata title conversion application.
- 2) The City Solicitor be instructed to prepare a Restrictive Covenant for consideration at the same time the conversion application is submitted.

PARKS

CHEERIOS MOTHER DAUGHTER WALK FOR HEART & STROKE

03/614

Committee received a memorandum dated August 27, 2003 from the Manager, Parks Division advising that the Heart & Stroke Foundation has requested permission to hold their Mother Daughter Walk for Heart and Stroke event along Dallas Road, from Clover Point to Ogden Point, on Sunday, September 21, 2003 from 7:00 a.m. to 12:00 p.m. The event has been held since 1996 and is well organized and managed.

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

- 1) Approval be given to the permit application for the Mother Daughter Walk for Heart and Stroke on September 21, 2003 and subsequent years providing no concerns are identified and there are no significant changes.
- 2) The applicant obtain a Park permit and abide by all rules and regulations.

Councillor Coleman advised that a family member resides at 1040 Southgate Street, and because of this potential conflict of interest he left the meeting at 10:50 a.m.

REQUEST FOR REMOVAL OF TREE AND RAISED PLANTER
1040 SOUTHGATE STREET

03/613

Committee received a memorandum dated August 18, 2003 from the Manager, Parks Division regarding a request received from Strata Plan #92 to remove a tree and the retaining planter that was left in the lane behind 1040 Southgate Street when the strata complex was built. The tree is in decline and should be removed as it poses an undue risk to the public. The City and the strata organization share ownership of the tree and planter.

The resident of 1011 Pakington Street has requested that the tree be replaced as it acts as a screen between his property and the strata, and it slows traffic in the lane. Parks staff advises that the raised planter is not a suitable location for a tree, and recommends against replacing the tree in that location. The strata has offered to plant a tree in the resident's yard, but that offer has been declined.

ACTION: Councillor Hughes moved that consideration of a request for removal of a tree and raised planter at 1040 Southgate Street, be tabled and the Manager, Parks and Councillor Holland be requested to work with Strata Plan #92 to develop other options for this parking lot/landscaping issue.

Councillor Coleman returned to the meeting at 11:07 a.m.

LIQUOR LICENSING

PERMANENT CHANGE TO A LIQUOR LICENSE
SWEETWATERS NIGHTCLUB

03/612

Committee of the Whole, at its July 24th, 2003 meeting tabled consideration of a application from Sweetwaters Nightclub, 27 – 560 Johnson Street, for two changes to their Liquor Primary Liquor License #113467: extension to the hours of sale; and addition of a licensed patio area.

Committee received a memorandum dated September 4, 2003 from the Manager, Administration advising that the applicant has decided to withdraw the application for a patio area, but would like to continue with the request for extension of hours.

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

- 1) Victoria City Council recommends the following amendments to the liquor license for Sweetwaters Nightclub, #27 – 560 Johnson Street, Liquor Primary License #113467:
 - a) On Sunday extending the hours of sale to 15:00h – 02:00h;
 - b) Monday – Saturday, extending the hours of sale to 15:00h – 02:00h.
- 2) Victoria City Council, in consideration of the applicant's need to remain competitive in the industry by matching hours to similar establishments, provides the following comments on the prescribed considerations as follows:
 - a) The potential for noise due to the hours increase is slightly increased from that of the current operation; however the Good Neighbour Agreement is in place to manage any noise that arises. Details are outlined in the attached staff report dated July 17, 2003.
 - b) The impact on and to the community will be minor since the business is located in a downtown commercial area.
 - c) The views of the residents were obtained through a public notice and response to a notification letter sent to surrounding residents and property owners as described in the staff report to Council dated July 17, 2003 to which Council received four letters.

ADMINISTRATIVE MATTERS

CATHEDRAL HILL PRECINCT DRAFT PLAN

03/611

ACTION: Councillor Madoff moved that Item #03/566, Cathedral Hill Precinct Draft Plan, **be lifted from the table** and considered at this time.

ACTION: Councillor Madoff moved that:

- 1) The report dated August 7, 2003 from the Planning Division and the draft Cathedral Hill Precinct Plan, be received for information.
- 2) The draft plan be referred to the Advisory Planning Commission for comment.
- 3) The draft Cathedral Hill Plan and Design Guidelines be referred to the Advisory Design Panel for comment.
- 4) A Community Open House be held in the City Hall Antechamber to allow stakeholder groups and the public an opportunity to review and provide feedback on the draft plan.

DISPOSITION OF COMMUNICATIONS

03/610

Committee received two memorandums dated September 8, 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 September 8, 2003 from the Manager, Administration, be received for information and filed.

PROCLAMATIONS

03/609

ACTION: Councillor Madoff moved that the following proclamations be approved and forwarded to the appropriate Council meeting:

<i>Her Majesty's Canadian Submarine Victoria</i>	<i>September 6, 2003</i>
<i>Ovarian Cancer Month</i>	<i>September, 2003</i>
<i>Alzheimer Society of B.C. Day</i>	<i>September 18, 2003</i>

COUNCILLOR INQUIRIES

ROCK BAY REMEDIAL PLAN

03/608

Councillor Savoie advised that BC Hydro and Transport Canada have completed their remedial plan for the Rock Bay area. She requested that representatives be invited to a Committee of the Whole meeting to discuss this issue.

BC TRANSIT COMMISSION

03/607

Councillor Savoie suggested that the BC Transit Commission be requested to include the subject of 'governance' in scheduled public discussions of its five-year plan.

CLOSED MEETING - 11:20 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.

Mayor Lowe left the meeting at 11:20 a.m. Councillor Fleming assumed the Chair.

HAUGHIAN v. CITY OF VICTORIA

03/606

Committee received a memorandum dated September 8, 2003 from the City Solicitor regarding the proposed settlement of Haughian v. City of Victoria.

ACTION: Councillor Holland moved that it be recommended to Council that the mediated settlement as set out in the City Solicitor's report dated September 8, 2003, be approved.

LEASE – SILVER THREADS SERVICES

03/605

Committee received a memorandum dated September 9, 2003 from the Manager, Recreation Services regarding the temporary re-location of the Silver Threads Services.

- ACTION:** Councillor Hughes moved that it be recommended to Council that:
- 1) Execution of a lease for temporary accommodation for the Silver Threads Services be authorized, in a form satisfactory to the City Solicitor, and at the rent and details specified in the background information attached to the report dated September 9, 2003 from the Manager, Recreation Services, for the space located at 1728, 1724, and 1740 Douglas Street.
 - 2) Support be given to an application from Silver Threads Services for a permissive tax exemption, if possible, for the leased premises, with the provision that the operating costs paid by the City for the premises, will be reduced by a proportionate amount.
 - 3) The funding strategy, as outlined in the background section of the above-mentioned report, be approved with the condition that the funds taken from the proceeds of the sale of the current facility for tenant improvements be replaced over the period of the temporary lease.

APPOINTMENT – VICTORIA AIRPORT AUTHORITY

03/604

Committee received a letter dated July 21, 2003 from the Chair, Victoria Airport Authority advising that the term of Mr. Geoff Young, Victoria's appointee to the Victoria Airport Authority Board of Directors, expires December 31, 2003.

- ACTION:** Councillor Savoie moved that it be recommended to Council that Mr. Geoff Young be re-appointed to the Victoria Airport Authority Board of Directors for a three year term, expiring December 31, 2006.

NEW LEASES – CENTENNIAL SQUARE

03/603

Committee received a memorandum dated September 8, 2003 from the Property Manager regarding two expired leases for city-owned property in Centennial Square.

- ACTION:** Councillor Holland moved that it be recommended to Council that:
- 1) A new lease for #12 Centennial Square, with City Green, be approved for an 18 month period commencing October 1, 2003 at a rental rate of \$7,200 per annum.
 - 2) A new lease for #18 Centennial Square, with Angelika Ellis (using a company name yet to be determined), be approved for a one year period commencing October 1, 2003, with a one year renewal option, at a rental rate of \$6,000 per annum.

LEGAL – BYLAW ENFORCEMENT – SPCA

03/602

The City Solicitor provided an update on an action against the BC SPCA to enforce the City's Noise Abatement Bylaw.

LAND - PROPOSED CENTRAL LIBRARY RELOCATION

03/601

The Corporate Administrator provided an update on a proposal to relocate the Central Library to the downtown Bay building.

The meeting adjourned at 12:10 p.m.

Mayor Lowe, Chair