

MINUTES - COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, OCTOBER 2, 2003, AT 9:00 A.M.

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

ABSENT: Councillor Hughes

Mr. Joe Martignago, City Manager, attended for the entire meeting and Messrs. Barber, Basey, Clark, Daly, Dellebuur, Dowdall, Hortsing, Matanowitsch, Scoones, Sikstrom, and Woodland, Ms. Atkinson, Ms. Baryluk, and Ms. Chase attended for portions of the meeting.
Recording Secretary: Linda Johnson

AGENDA

03/668

Councillor Savoie requested that Item #16 (Leases on Wilson Street), in the Closed Meeting portion of the agenda, be moved to the open public meeting. Committee agreed that a general discussion of the issue would take place during the open meeting.

PLANNING & DEVELOPMENT

REZONING APPLICATION #03-23 **931/933 MEARES STREET**

03/667

Committee received a memorandum dated September 25, 2003 regarding Rezoning Application #03-23 for 931/933 Meares Street. The proposal is to rezone 2 properties in the R-K zone to a new zone to permit the construction of 6 townhouses with underground parking. The current zoning would allow for the construction of 5 townhouses.

ACTION: Councillor Madoff moved that it be recommended to Council that Rezoning Application #03-23 for 931/933 Meares Street be forwarded to a public hearing, and the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments based on the draft zone (Appendix 1) and subject to the following conditions:

- 1) Confirmation of consultation with the Fairfield Community Association prior to the public hearing.
- 2) The developer must agree to replace the two trees removed in Pioneer Square with suitable replacement trees to the satisfaction of the Manager of Parks.
- 3) Referral to the Advisory Design Panel.
- 4) Referral to the City Solicitor for a review of the City's rights regarding park trees affected by development.

DEVELOPMENT PERMIT #03-38
2735 DOUGLAS STREET

03/666

Committee received a memorandum dated September 25, 2003 from the Acting Head, Urban Design regarding Development Permit #03-38 for 2735 Douglas Street. The proposal is to construct a new 2 storey building for a Volvo car dealership at the north east corner of Douglas and Hillside Streets. Volvo Victoria wishes to relocate their retail business from their current location on the corner of Johnson and Cook Streets. The Advisory Design Panel has reviewed the application and recommends approval.

- ACTION:** Councillor Madoff moved that it be recommended to Council that:
- 1) The resolution of approval for Development Permit #03-38, 2735 Douglas Street, be considered at the same meeting for which the rezoning application is scheduled, after the public hearing has been completed.
 - 2) A Development Permit be authorized in accordance with:
 - a) Plans stamped "Development Permit Application #03-38 dated September 4, 2003.
 - b) Development meeting all bylaw requirements.
 - c) Review by the Advisory Design Panel at building permit stage.
 - d) Final plans to be in accordance with plans identified above, to the satisfaction of the Director of Planning & Development.

HUMBOLDT VALLEY PRECINCT PLANNING STUDY

03/665

Committee received a memorandum dated September 22, 2003 from the Planning Division regarding the Humboldt Valley Precinct Planning Study. Staff recommend that a focus group composed of representatives from various stakeholders be created in order to identify key issues, establish a vision and develop a set of planning principles that will be used in the development of the Precinct Plan.

- ACTION:** Councillor Madoff moved that the creation of a Humboldt Valley Precinct Stakeholder Focus Group, be endorsed, with up to 10 members including representation from the Fairfield Community Association, an institutional landholder, a business owner, and a resident, in accordance with the terms of reference attached to the memorandum dated September 22, 2003 from the Planning Division. The role of the focus group is to establish a vision and a set of planning principles to guide the development of a draft plan.

NOISE BYLAW UPDATE

03/664

On September 18, 2003 Victoria City Council convened a non-statutory hearing regarding Noise Bylaw #03-12, to consolidate and update the provisions of the Noise Abatement Bylaw, and to establish noise zones within the City. Following the hearing, Council adopted certain amendments to the proposed bylaw, and referred it to Committee of the Whole for further consideration.

Committee received a verbal report from Planning Division staff regarding:
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- decibel levels allowed for leaf blowers and other power equipment
- decibel levels allowed for industrial operations

Committee requested that Planning Division staff meet with industrial groups and present a further report to COTW within 4 weeks.

EXPANSION OF DEVELOPMENT PERMIT AREA #8
NORTH PARK NEIGHBOURHOOD

03/663

Committee received a memorandum dated September 23, 2003 from the Planning Division advising of a planning project, initiated at the neighbourhood level, to expand Development Permit and Heritage Conservation Area #8 in the Harris Green and North Park Neighbourhoods. The *North Park Local Plan, 1996* recommends an expansion to include:

- Amelia Street "heritage" buildings
- Pandora Avenue lots east to Cook Street

Planning staff have informed affected land owners and the North Park Neighbourhood Association of this initiative through a letter and at a public open house held on September 17, 2003.

ACTION:

Councillor Madoff moved that it be recommended to Council that:

- 1) The City Solicitor be instructed to prepare the necessary bylaw to amend the *Official Community Plan* to expand Development Permit Area #8, as shown on the map attached to the report dated September 23, 2003 from the Planning Division.
- 2) Notification of the public hearing be sent to all affected property owners and the North Park Neighbourhood Association.

AVALON ROAD AND HUNTINGTON PLACE
HERITAGE CONSERVATION AREA

03/662

Committee received a memorandum dated September 22, 2003 from the Planning Division outlining a proposal to designate a Heritage Conservation Area at Avalon Road and Huntington Place in the James Bay Neighbourhood. The objective of this proposed designation is the enhancement of the heritage character of the area through:

- the conservation of heritage buildings;
- the exercise of design control over alterations and additions to existing buildings and new buildings.

Staff will consult with affected land owners, the James Bay Neighbourhood Environment Association, and residents. Consultation will include a letter explaining the initiative, and an open house. A public hearing is also required to amend the *Official Community Plan* to implement a Heritage Conservation Area.

ACTION:

Councillor Madoff moved that:

- 1) The Avalon Road and Huntington Place Heritage Conservation Area report dated September 22, 2003, be received for information.
- 2) Staff be instructed to proceed with the planning process working toward designating the specified area at Avalon Road and Huntington Street as a Heritage Conservation Area.

GOVERNMENT OF CANADA
HISTORIC PLACES INITIATIVE

03/661

The City of Victoria has received a proposal from the Heritage Branch, Province of BC for a grant of \$52,250 for a contract to update the documentation standards of 47 properties on the City of Victoria Community Heritage Register. This will enable these properties to be nominated to the new federal government Canadian Register of Historic Places. Properties must be on this Register to qualify for financial incentives available under the Historic Places Initiative. The City is not required to make any financial contribution beyond staff time. The proposed work is included in the Planning & Development Department's 2003 Work Plan.

ACTION:

Councillor Madoff moved that it be recommended to Council that:

- 1) City staff be authorized to execute the contract with the Province of British Columbia, Ministry of Community, Aboriginal and Women's Services, Heritage Branch, for the update of documentation standards for the Heritage Registry.
- 2) City staff be requested to prepare terms of reference for heritage consultant services by way of a two stage proposal call including advertisement for expressions of interest and call for proposals.
- 3) A steering committee for the contract be established consisting of the Heritage Planner, Chair of the Heritage Advisory Committee, and President of the Victoria Civic Heritage Trust.

HERITAGE ALTERATION PERMIT #125
506 FORT STREET

03/660

Committee received a memorandum dated September 24, 2003 from the Heritage Planner regarding Heritage Alteration Permit #125 for 506 Fort Street. The application is to change the windows and exterior finish of the existing 3rd storey addition on this Heritage Registry building.

ACTION:

Councillor Madoff moved that it be recommended to Council that Heritage Alteration Permit #125 be issued in accordance with:

- 1) Plans dated September 5, 2003.
- 2) Development meeting all bylaw requirements.
- 3) Simplification of the roof cornice to eliminate the "dentils".
- 4) Final plans to be in accordance with plans identified above.

PARKING LOT ENFORCEMENT

03/659

On May 8, 2003 Council granted a moratorium to October 8, 2003 to the owners and operators of approximately 12 unlicensed parking lots, allowing them time to complete a rezoning or temporary use process for Council's consideration.

Committee received a memorandum dated September 17, 2003 from the Manager, Regulatory & Development Services, providing an update of the situation, and proposing an extension of the moratorium.

ACTION: Councillor Fortin moved that it be recommended to Council that the owners of properties presently being used for pay parking, that are not in compliance with the City's Zoning Bylaw, be advised they have a further time extension to December 8, 2003 to submit an application for rezoning or a temporary use permit for these properties.

Committee requested that this decision be communicated to the Greater Victoria Chamber of Commerce and Robbins Parking Services Ltd.

PARKS

PANEL UNVEILING FOR THE TRANS CANADA TRAIL PAVILION

03/658

Committee received a memorandum dated September 16, 2003 from the Manager, Parks Division advising that Vancouver Island Trails B.C. has requested permission to hold a panel unveiling for the Trans Canada Trail Pavilion at the south end of the Selkirk Trestle on Sunday, November 2, 2003, 1:00 – 2:30 p.m.

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

- 1) Approval be given to the permit application for the Panel Unveiling for the Trans Canada Trail Pavilion, including: fundraising activities; setting up a tent for display material; and holding a ceremony to commemorate donors.
- 2) The applicant obtain a Park permit and abide by all rules and regulations.

LEASE OF CITY PROPERTY FOR TEMPORARY STORAGE OF CONSTRUCTION MATERIALS

03/657

Committee held a general discussion regarding requests from developers to lease City property for temporary storage of construction materials. It was agreed that generally, the City does not support this activity, however, each request will be reviewed individually.

RECREATION

VICTORIA ARENA UPDATE

03/656

The Project Manager, Victoria Arena, provided a verbal update on the Victoria Arena Project. Building demolition was completed in the spring, and the City was pleased to see that much of the concrete was re-utilized. Site remediation required more work than anticipated, although both City risk items (asbestos and soil remediation) were within budget. The City has received environmental closure reports for hazardous materials and soil remediation. Monitoring wells have been installed to continually assess groundwater issues.

Structural earthworks are now completed. Due to less than favourable site conditions, work during the summer necessitated the removal and replacement of thousands of cubic metres more material than was anticipated by the developer. This took extra time and resources, however this item was a developer's responsibility within the Design-Build Agreement.

A building permit was issued on September 15, 2003, with several conditions applied, including: final signoff of Advisory Design Panel (ADP) recommendations; utility company signoffs; and receipt of a final site-servicing plan.

The developer has advised that the final response to outstanding ADP issues will be submitted next week. This will include proposals for site signage, site lighting and other items of interest to the ADP.

An updated landscape plan has been received and will be forwarded to Engineering and Parks staff to review and confirm that the City's share of the works are within budget and meet requirements.

The formwork fabrication has started, including those of the mass footings for the stair towers. In two or three weeks, rebar and concrete will be placed for tower and column footings.

To deal with delays caused by site preparation, the contractor has made some changes to construction methodology, and will be doing more precast and prefabricating work. In addition, work schedules are being adjusted. The City's Quantity Surveyor has received a new Schedule of Values and Construction Schedule reflecting these changes.

A current challenge for the developer is changes in the labour market conditions since the original signing of the contract. RG Construction has proven in other cities that they are capable of meeting difficult deadlines. At this time, the Developer continues to aim for an August 28th, 2004 opening and seems confident that this is achievable.

It has been determined that qualifying for LEED certification based on existing budget and current LEED criteria is not achievable. City staff will meet with the Canadian Green Building Council to determine the potential for having this project used as a pilot for establishing revised criteria for this type of building.

The draft arena traffic and parking study has been circulated for comment. Later this fall Council will receive a staff report on community use of the arena rink and meeting room.

RG Properties has hired Mr. Ken Noakes as General Manager.

The War Veterans fund raising for a memorial wall continues to go well, and the Greater Victoria Sports Hall of Fame is hoping to build a Sports Hall in the community area of the arena concourse.

- Committee requested that further information be provided on the following two issues:
- the building permit process as it relates to Advisory Design Panel recommendations.
 - response from the developer regarding use of local contractors.

FINANCE

PERMISSIVE PROPERTY TAX EXEMPTIONS

03/655

Committee received a memorandum dated September 26, 2003 from the Manager, Business Support and Risk Management regarding Permissive Property Tax Exemptions. Each year Council must pass a bylaw before October 31st to specify the properties they wish to exempt from property taxes for the following year. In the past, the practice has been to deal only with changes in the list of properties from the previous year.

This year all recipients of tax exemptions were asked to submit applications for 2004. The Finance Committee has reviewed all these applications, as well as the new applications received. In addition, the Finance Committee reviewed a draft permissive tax exemption policy that will guide Council in future years. The draft policy will be brought forward at a later date, with a recommendation that it be implemented for all applications for 2005 and subsequent tax years.

ACTION: Councillor Fleming moved that it be recommended to Council that staff be directed to prepare a permissive tax exemption bylaw for 2004, incorporating the changes recommended in the schedule attached to the report dated September 26, 2003 from the Manager, Business Support and Risk Management, except for exemptions to the Chinese Consolidated Benevolent Association and the Chinese Freemasons of Victoria.

Councillor Thornton-Joe advised that she has an association with the following two organizations, therefore could not consider their applications for permissive property tax exemptions. Because of this potential conflict of interest, she left the meeting at 11:00 a.m.

ACTION: Councillor Coleman moved that it be recommended to Council that staff be directed to include in the permissive tax exemption bylaw for 2004, exemptions to the Chinese Consolidated Benevolent Association and the Chinese Freemasons of Victoria, as recommended in the schedule attached to the report dated September 26, 2003 from the Manager, Business Support and Risk Management.

Councillor Thornton-Joe returned to the meeting at 11:01 a.m.

ADMINISTRATIVE MATTERS

DISPOSITION OF COMMUNICATIONS

03/654

Committee received a memorandum dated September 26, 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 September 26, 2003 from the Manager, Administration, be received for information and filed.

COUNCILLOR INQUIRIES

EXCAVATION IN VICTORIA WEST

03/653

Councillor Savoie advised that excavation was done for the second building in the Upper Harbour Place development, however it now appears that the project is at a standstill. She requested that the developer be asked to move the large pile of soil that is now on the site.

BUS DEPOT – DOUGLAS AND GOVERNMENT STREETS REZONING APPLICATION #02-19

03/652

Councillor Savoie requested information on the new bus depot that was to be built at Douglas and Government Streets. She reminded Committee that this project was given priority consideration in 2002, as it was slated for immediate construction. To date, it has not gone forward. She advised that a viable business in the area closed due to the proposed development, and she requested an update on the project.

ROYAL VICTORIA MARATHON

03/651

The 2003 Royal Victoria Marathon will be held on October 12th. Councillor Coleman had previously accepted, on behalf of the City, a framed marathon poster, given in appreciation of the City's sponsorship of the event. He now presented this to Mayor Lowe.

DEVELOPMENT PERMIT APPLICATION #03-26 – 1739 FORT STREET CHRISTIE'S CARRIAGE HOUSE

03/650

At the September 11th, 2003 Committee of the Whole meeting consideration of Development Permit Application #03-026 for 1739 Fort Street was tabled and Councillors Coleman and Fleming were requested to work with the applicant to resolve the non-compliance issue regarding the seating-to-parking ratio. Councillor Coleman advised that a meeting has been scheduled, and two options will be reviewed.

NEW BALANCE VICTORIA WALK WEEK

03/649

Councillor Fleming advised Committee of a Walking Event scheduled for October 9, 2003 as part of the New Balance Victoria Walk Week. Committee agreed to enter a team of four Council members.

UBCM CONFERENCE

03/648

Councillor Holland reported that the workshops she attended at the recent UBCM Conference were very beneficial, particularly one on Sustainable Cities.

She requested that Mayor Lowe send a letter of congratulations to Saanich Mayor Frank Leonard on his election as UBCM President.

ORCAS IN THE CITY

03/647

Councillor Thornton-Joe outlined a fund raising project developed by the Lions Society for Children of Disabilities. Sponsors purchase a fiberglass orca that is then decorated by one of a number of local artists. The painted whale is displayed by the business or organization, as part of a city-wide attraction, for several months, then auctioned for the charity. This fund-raising format has been successfully used in several Canadian cities.

ACTION:

Councillor Fleming moved that it be recommended to Council that:

- 1) agreement in principle be given to the City's participation in the "Orcas in the City" fund raising project.
- 2) further information regarding funding be provided at the October 9th, 2003 Committee of the Whole meeting.

CLOSED MEETING - 11:35 A.M.

Councillor Thornton-Joe 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.

LAND – LEASE **160 WILSON STREET**

03/646

Committee received a memorandum dated September 23, 2003 from the Property Manager advising that the developer of a project at 160 Wilson Street has requested to lease a portion of an adjacent city-owned vacant property for the temporary storage of construction materials. The developer would be required to fence the subject area while it is occupied (after which time the lands will be developed into a City park) and carry liability insurance to the satisfaction of the City Solicitor.

Committee noted that the City lands are currently undeveloped and that the request would therefore not unduly interfere with the public's use of park amenities.

ACTION:

Councillor Fleming moved that it be recommended to Council that:

- 1) Approval be given to the temporary use of portions of Triangle Park, at the rates, and subject to the conditions, noted in the report dated September 23, 2003 from the Property Manager.
- 2) The funds and/or services provided by the developers be used for park improvements in Triangle Park.

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 11:55 a.m.

LAND – LEASE
105 WILSON STREET

03/645

Committee received a memorandum dated September 23, 2003 from the Property Manager advising that the developer of a project at 105 Wilson Street has requested to lease a portion of an adjacent city-owned property, presently in use as a park, for the temporary storage of construction materials. The developer, who is currently encroaching on the City park, would be required to fence the subject area while it is occupied, restore the land to it's original state when complete, and carry liability insurance to the satisfaction of the City Solicitor.

ACTION: Councillor Savoie moved that it be recommended to Council that the request to lease a portion of a city park adjacent to 105 Wilson Street, be declined.

Councillor Madoff returned to the meeting at 12:00 p.m.

Councillor Coleman left the meeting at 12:00 p.m.

LAND – CENTRAL LIBRARY PROJECT

03/644

The Corporate Administrator provided an update on the Central Library project.

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

- 1) the Terms of Reference for the Central Library Project Negotiating Team, be approved and the Corporate Administrator and the City Solicitor be appointed as the City's negotiators.
- 2) the Terms of Reference for the Central Library Project Steering Committee, be approved and the City Manager be appointed to the Steering Committee.
- 3) an estimated budget of \$25,000 from contingencies, be approved for the negotiations.

The meeting adjourned at 12:30 p.m.

Mayor Lowe, Chair