

MINUTES - COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, OCTOBER 16, 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

ALSO PRESENT: Mr. Joe Martignago, City Manager, attended for the entire meeting. Messrs. Barber, McCliggott, Matanowitsch, Sikstrom, Woodland, Ms Baryluk, and Ms. Zink attended for portions of the meeting.

Recording Secretary: Ming Moodrey

APPROVAL OF AGENDA

03/703

The Committee of the Whole Agenda of October 16, 2003 was circulated for review. There were two late items and several Councillor inquiries added to the Agenda.

ACTION It was moved by Councillor Hughes that the Committee of the Whole Agenda of October 16, 2003 be approved as amended.

APPROVAL OF MINUTES

03/702

The Committee of the Whole Minutes of October 09, 2003 were circulated for review.

ACTION It was moved by Councillor Fleming that the Committee of the Whole Minutes of October 09, 2003 be approved as circulated.

Wendy Zink, Manager of the Community Division introduced the City's new Downtown Coordinator, Michael Hill, to the Mayor and Councillors.

PLANNING & DEVELOPMENT

REZONING APPLICATION #03-29 **453 KIPLING STREET**

03/701

Committee received a memorandum dated October 09, 2003 from the Planning Division regarding an application to rezone 453 Kipling Street (Lot 108, Plan 884), from the R1-B zone to the Small Lot zone to permit subdivision and construction of a new single-family dwelling.

Variances are requested as part of the Development Permit application for this property, which is considered concurrently. There was a previous application for small lot rezoning for this property. As per City Policy, a year has elapsed since that application was declined, and the application has been revised.

ACTION:

Councillor Madoff moved that it be recommended to Council that:

1. That rezoning application #03-29 for 453 Kipling Street be forwarded for consideration at a Public Hearing and the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments, subject to confirmation of consultation with the Fairfield Community Association.
2. Approval of the following relaxations as part of the Development Permit be considered concurrently with the rezoning:
 - For Lot A Front Setback Section 1.23.8(a)(i) from 6.0 meters to 2.0 meters
 - Rear Setback Section 1.23.8(b) From 6.0 meters to 3.15 meters
 - Floor Area Section 1.23.5 From 190 m² to 201 m²
 - For Lot B Front Setback Section 1.23.8(a)(i) From 6.0 meters to 4.5 meters
 - Rear Setback Section 1.23.8(b) From 6.0 meters to 5.0 meters

REZONING APPLICATION NO. 03-27
2828 ROCK BAY AVENUE

03/700

Committee received a memorandum dated October 09, 2003 from the Planning Division regarding an application to rezone the existing Travellers Inn Extended Stay Suites Motel (Lot A, Plan 26242) from the T-1 zone to the C1-T zone, Limited Commercial Transient Accommodation District, to permit permanent accommodation and film production offices in addition to transient accommodation. The proposal includes conversion of an open area below the building to film production offices and the addition of two handicapped accessible suites on the main floor at the front of the building. Forty-three units are proposed. Windows are proposed on the west side of the building, overlooking the Ellice Park to the west. The applicant is also proposing to upgrade the lighting as well as the hard and soft landscaping in Ellice Street Park as well as donate \$6000 per year to maintain the Park. Onsite Parking for 25 cars is provided.

This area is designated Services in the *Official Community Plan, 1995*. Similarly, the *Burnside Neighbourhood Plan, 1992*, identifies this area for "light industry". At its meeting on March 27, 2003, Council adopted a policy of not supporting additional motel conversions in the Gorge Road area of the Burnside-Gorge neighbourhood. The proposal for permanent accommodation is not in keeping with Council's recently adopted policy on motel conversions. The proposed units do not meet a number of the characteristics in the City's Motel Conversion Guidelines including minimum size, unit mix and greenspace.

ACTION: Councillor Madoff moved that it be recommended to Council that the Rezoning Application No. 03-27 for 2828 Rock Bay Avenue Street be declined.

REZONING APPLICATION NO. 03-18
1924 STANLEY STREET

03/699

Committee received a memorandum dated October 09, 2003 from the Planning Division regarding an application to rezone 1924 Stanley Street (Lot 1, Plan 518) from the R1-B zone to the R1-S2 zone to permit the subdivision of two small lots and the construction of a two-storey, single-family dwelling. The subject lands are on the southwest corner of Stanley Avenue and Gladstone Avenue. The existing house fronts onto Stanley Avenue (Lot 1). The newly constructed dwelling would be to the west of the existing house and would front onto Gladstone Avenue (Lot 2).

This application was presented to Committee of the Whole on September 11, 2003 where it was tabled. The Committee requested that the applicant revise the proposal and resubmit the proposal with the following changes:

- Off-street parking for Lot 1 is accommodated on Lot 1 with access from Stanley Street. A variance will be required to permit parking in the front yard.
- The proposed house on Lot 2 was moved further back from the front lot line and is now in line with the existing house on Lot 1. A front yard setback variance is required.
- The rear yard setback on Lot 2 has been reduced to accommodate an increased front yard setback. A rear yard setback variance is required.

Note: The lots for the new and existing house will be included in Intensive Residential Development Permit Area #26 regulating the exterior design, finish and landscaping.

ACTION: Councillor Hughes moved that the Rezoning Application No. 03-18, 1924 Stanley Street, be tabled.

In order for the application to receive further consideration, the applicant should undertake the following:

- Remove the need for an easement on Lot 2.
- Reduce the number of variances required for this proposal.
- Reduce the size of the proposed house so that it better fits in with neighbouring houses.
- Consult with surrounding neighbours to inform them of the redesign of the application.

REZONING APPLICATION NO. 03-19
1621 FERNWOOD ROAD

03/698

Committee received a memorandum dated September 30, 2003 from Planning Division regarding an application to rezone portions of 1621 Fernwood Road (Lots 1 and 2, Plan 2088) from the R1-B Single Family Dwelling District to the R1-S2, Restricted Small Lot (Two Storey) District. The proposal is to permit a subdivision and the construction of two single-family

dwellings. The existing Lots 1 and 2 are in the R1-B zone. Lot 1 contains a duplex conversion and Lot 2 is vacant. The applicant is proposing to create a new lot to the rear (east) of Lot 1 and Lot 2, fronting onto Balmoral Road.

The proposal would result in the following situation:

- Lot A – existing duplex conversion, zoned R1-B
- Lot B – new single family dwelling, zoned R1-S2
- Lot C – new single family dwelling, zoned R1-S2

The proposal is in accord with the “general residential” policy which covers the site in the *Official Community Plan, 1995*. This application is consistent with the *Fernwood Neighbourhood Plan*. The two proposed single-family dwellings generally comply with Council’s small lot rezoning policies. According to the applicant, there is 100% support for this application by the Community Association and surrounding neighbours.

Note: The two proposed small lots will be included in Intensive Residential Development Permit Area #26 regulating the exterior design, finish and landscaping.

ACTION:

Councillor Madoff moved that it be recommended to Council that:

1. The application be forwarded for consideration at a Public Hearing and that the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments.
2. Approval of the following relaxation on Lot C as part of the Development Permit concurrent with the rezoning:
Section 1.23.8(c) to vary the west side yard setback from a minimum of 2.4 meters to a minimum of 1.5 meters.
3. A Development Variance Permit be issued for Lot A, concurrent with the rezoning, to provide for the following relaxation:
Section 1.2.9 to vary the rear yard setback from a minimum of 7.5 meters to a minimum of 5.49 meters.
4. A Tree Retention Plan for trees located outside of the building envelope to be provided by the applicant.
5. A designation process be undertaken for consideration of the existing building for heritage designation.

Committee requested that staff communicate to the applicant that improvement to the proposed designs of the two new buildings be considered.

PROPOSED FERNWOOD VILLAGE DEVELOPMENT PERMIT AREA

03/697

Committee received a memorandum dated September 30, 2003 from the Planning Division regarding a proposal to establish a Development Permit Area in the Fernwood Village, which was triggered by a recommendation in the *Fernwood Neighbourhood Plan, 1994*, Section 3.1.2, as follows:

“That a further amendment to the Official Community Plan be considered to create a Fernwood Village Heritage Development Permit Area centered on the commercial area of the Gladstone and Fernwood, where there is support from affected owners and residents.”

The purpose of this designation is:

1. to preserve and enhance the heritage qualities of the Fernwood Village;
2. to revitalize the commercial vitality of the Fernwood Village;
3. To establish policy objectives and guidelines for the form and character of buildings in the Village, including exterior design and finish, and landscaping standards.

It is also proposed that a number of key buildings in this area be added to the Heritage Registry in order to protect the character of this precinct.

- 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 establish the Fernwood Village Development Permit Area, as shown on the attached map.
 2. Notification of the Public Hearing be sent to all affected property owners and the Fernwood Community Association.
 3. City Council adopt a resolution, pursuant to Section 954 of the Local Government Act, to add the following properties to the Heritage Registry:
 - a. Rennie & Taylor Bakery – 1280-1298 Gladstone Avenue
 - b. Parfitt Building – 1301-1311 Gladstone Avenue
 - c. Apartment Building – 2008-2010 Fernwood Road

DISCUSSION PAPER – DRAFT DENSITY BONUS POLICY

03/696

Committee received a memorandum dated October 09, 2003 from the Manager of the Planning Division and the Manager of the Community Development Division regarding the discussion paper, which provides an overview of the Victoria's *Draft Density Bonus Policy* and suggests a process for its public review following Council's direction.

Density bonus is defined in our *Official Community Plan* as: "Density that exceeds the level generally applicable under neighbourhood policy for localized zoning. The central principle of the bonus system is that of an exchange of advantages. The developer gains additional density in exchange for specified public amenities. The bonus system is not mandatory and is available to developers by way of an application for rezoning."

Staff consider the policy to be important in achieving city plan objectives e.g. waterfront access, accessible housing and public art. It tends to be most effective during strong development markets. It does not, on its own, create development.

This discussion paper and its appendices set out the current state of the City's various density bonus policies and the enabling provincial legislation. Victoria has a long experience with density bonus, both in its generic zoning and in its approach to site specific rezoning. Before the public workshop, more research will be undertaken to present characteristics of projects approved to date and associated issues, as well as experience in other British Columbia municipalities.

- ACTION:** Councillor Madoff moved that it be recommended to Council that:
1. This discussion paper be received for information.

2. That a public workshop be held and input on this discussion paper be solicited from the Community Associations, Urban Development Institute, Advisory Planning Commission, Heritage Advisory Committee and Advisory Housing Committee.
3. Following the workshop, staff to forward a summary report on the review with recommendations to Committee of the Whole.

HERITAGE DESIGNATION AND REZONING APPLICATION NO. 03-16
1020 ST. CHARLES STREET

03/695

Committee received a memorandum dated October 06, 2003 from the Heritage Planner, submitted in accordance with Section 968(5) of the Local Government Act, which requires a report be prepared regarding the heritage value of the property and other related information. City Council at its meeting of September 11, 2003, passed a motion to forward Rezoning Application #03-16 to a public hearing, subject to heritage designation of the house at 1020 St. Charles Street.

ACTION: Councillor Madoff moved that the Heritage Designation and Rezoning Application No. 03-16 for 1020 St. Charles Street be tabled, pending a review by the City Advisory Committees.

HERITAGE ALTERATION PERMIT NO. 116B
1900 FORT STREET

03/694

Committee received a memorandum dated October 06, 2003 from the Heritage Planner regarding a proposed addition to a heritage-designated building, the Pemberton Memorial Operating Theatre, located at 1900 Fort Street. On February 11, 1999, City Council approved a Heritage Alteration Permit to restore the Pemberton Memorial Operation Theatre and to construct an 860 sq. ft. addition on the west side to provide archive, library space and meeting space for the Victoria Medical Society. Due to the construction of a parking lot on the west side of the site, reconfiguration of the proposed addition is required. Whereas, this is a heritage-designated building, Council's approval is required. A public hearing is not required.

ACTION: Councillor Madoff moved that it be recommended to Council that pursuant to Heritage Designation Bylaw No. 360, City Council authorize the issuance of Heritage Alteration Permit #116B in accordance with:

1. Plans dated May 9, 2003.
2. Development meeting all bylaw requirements.
3. Final plans to be in accordance with plans identified above.

STAFFING REDUCTION – PROVINCE OF B.C. HERITAGE BRANCH

03/693

Committee received a memorandum dated October 07, 2003 from the Heritage Planner regarding the recent Provincial Government cutbacks that have reduced the staff of the Provincial Heritage Branch from 15 to 7 employees. This reduction included eliminating the

position of the Director of the Provincial Heritage Branch and the Manager of the Heritage Properties Branch.

At its annual conference in Winnipeg, Manitoba, on September 18th and 19th, 2003, the membership of the Heritage Canada Foundation unanimously endorsed the attached resolution expressing its concern at these actions. It is recommended that the City of Victoria express its concern over these cutbacks to the Minister of Community, Aboriginal and Women's Services, The Honourable George Abbott.

The Heritage Advisory Committee considered this matter at its meeting of September 23, 2003 and endorsed the recommendations below.

- ACTION:** Councillor Holland moved that it be recommended to Council that the City of Victoria:
1. send a letter to The Honourable George Abbott, Minister of Community, Aboriginal and Women's Services, expressing the City's opposition to the reduction of staff and financial resources for the Provincial Heritage Branch;
 2. send a letter to UBCM requesting that UBCM also express its concern at the reduction of staff and financial resources for the Provincial Heritage Branch.

FINANCE

CORRECTION TO ASSESSMENT ROLLS

03/692

Committee received a memorandum dated September 30, 2003 from the coordinator of Accounts Receivable regarding corrections to Assessment Rolls. The City has received Supplementary Rolls, #19 for 2001 and #14 for 2002 and #3, #4, #5, #6 for 2003 prepared under the provisions of the Assessment Act. Section 434 of the Local Government Act requires that: " *the Collector shall report the facts to Council which shall authorize the necessary adjustments.*"

- ACTION:** Councillor Holland moved that it be recommended to Council that the adjustments to taxes based on the revised assessments be approved.

ADMINISTRATIVE MATTERS

DISPOSITION OF COMMUNICATIONS

03/691

Committee received a memorandum dated October 10, 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 October 10, 2003 from the Manager, Administration, be received for information and filed.

PROCLAMATIONS

03/690

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

- *Canadian HIV/AIDS Awareness Week and World AIDS Day*
"Canadian HIV/AIDS Awareness Week" November 24 –
December 01, 2003
- "World AIDS Day" December 01, 2003*

COUNCILLOR INQUIRIES

VICTORIA DOWNTOWN 20/20

03/689

Councillor Madoff informed Committee that The Downtown Victoria 2020 conference "Ideas For a Better Downtown" will be held on November 17th and 18th at the Victoria Conference Centre. She said that those who are interested in attending this conference should register as soon as possible. All the members of the Committee present at this meeting indicated that they would like to attend this conference. The City Manager took the registration form for the conference offered to take care of the registration for everybody.

BARKERVILLE COALITION

03/688

Councillor Madoff invited Committee to represent the City of Victoria by meeting at the steps of the Legislature, on October 22, 2003, at 2:00 p.m., at which time, "Queen Victoria" will be addressing the Barkerville Coalition's concerns with the Premier and one of his ministers on the recent Provincial budget cut in Barkerville.

ULF (6 LITRE) TOILETS

03/687

Councillor Fortin addressed the issue of the Regional Water Supply Commission's recommendation, at its meeting of September 17, 2003, to endorse the proposal to supplement the existing water regulation under Article 692 of the Provincial Plumbing Code and Regulation to mandate ULF toilets in the water service area. In addition, the Commission requested the City's support of this important initiative by sending a letter of support to the Ministry of Community, Aboriginal and Women's Services, Building Policy Branch, to the attention of Trudy Rotgans, Manager, Building Code Development & Policy, with a copy to the Commission.

ACTION: Councillor Fortin moved that it be recommended to Council that the City of Victoria support of this important initiative by sending a letter of support to the Ministry of Community, Aboriginal and Women's Services, Building Policy Branch, to the attention of Trudy Rotgans, Manager, Building Code Development & Policy, with a copy to the Commission.

COUNCILLOR INFORMATION SHARING

ELECTION TO UBCM

03/686

Committee received a copy of Mayor Alan Lowe's letter dated October 9, 2003 to Mayor Frank Leonard, District of Saanich, extending his congratulation to Mayor Leonard, with respect to Mayor Leonard being elected as President of UBCM for 2003-2004.

CLOSED MEETING - 10:10 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.

PERSONNEL

03/685

Mayor Lowe updated Committee on a personnel matter.

The meeting adjourned at 10:15 a.m.

Mayor Lowe, Chair