

MINUTES - COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, JANUARY 8, 2004, 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, Dowdall, Koch, Leskiw, Sikstrom, Spencer, and Woodland, Ms. Atkinson, Ms. Baryluk, Ms. Chase, Ms. Higgins, Ms. Masters and Ms. Taylor attended for portions of the meeting.
Recording Secretary: Linda Johnson

PLANNING & DEVELOPMENT

DEVELOPMENT PERMIT #03-45 **1831 OAK BAY AVENUE**

04/22

Committee received a memorandum dated December 22, 2003 from the Acting Head, Urban Design regarding Development Permit #03-45 for 1831 Oak Bay Avenue. The application is for a development permit to construct a new 3 storey mixed use commercial/residential building. Level one of the proposal consists of commercial and live/work. There are ten residential units on each of the second and third levels.

The Advisory Design Panel reviewed the proposal on December 17, 2003 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 No. 03-45" dated November 26, 2003.
- 2) Development meeting all bylaw requirements with the following variances:

Section 4.14.1(1)(c)	Variance to allow for a live/work aka residential/commercial use combined on the main floor level
Section 4.14.3	Minimum right of way for Clare Street of 15m reduced to 12.1m
Section 4.14.5	Height relaxation from 10.7m maximum to 11.7m
Section 4.14.6(a)	Street setback (commercial) relaxed from 3m to 2.3m
Section 4.14.6(b)	Flanking street setback (Clare) (commercial) from 2.4m to 0.3m
Section 4.14.7(b)	Side yard setback (commercial) (west) relaxed from 2.4m to 0.3m
Section 4.14.8	Rear yard setback (commercial) relaxed from 6m to 0.3m
Section 4.14.9(a)	Street setback (residential) relaxed from 6m to 2.3m
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| Section 4.14.9(b) | Flanking street setback (Clare) (residential) relaxed from 5.85m to 0.3m |
| Section 4.14.10 | Side yard setback (residential) (west) relaxed from 5.85m to 0.3m |
| Section 4.14.10 | Rear yard setback (residential) (south) relaxed from 5.85m to 4.4m |
| Schedule "C" Section 16(a)(12)(c) | Multiple dwelling parking relaxed from 1.4 parking stalls per dwelling unit to 1.29 parking stalls per dwelling unit for 21 units |
| Schedule "C" 16(c) (4) | Retail parking requirement relaxed from 1 parking space for every 37.5m ² of floor area to 1 parking space for every 53.9m ² of floor area for a maximum of 650m ² of retail |
- 3) Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development.
 - 4) Receipt of a report from Transportation Division staff prior to Council's consideration, dealing with the following three requests from area residents. Members of Council want to know if these requests are possible, and if they are supported by staff:
 - a curb extension and strip of coloured concrete paving on Clare Street to encourage traffic calming and direction.
 - posting Clare Street as a 30 km/hr zone.
 - a crosswalk on Oak Bay Avenue at Clare Street.

DEVELOPMENT VARIANCE PERMIT #03-49
2531 GOVERNMENT STREET

04/21

Committee received a memorandum dated December 22, 2004 from the Senior Planner regarding Development Variance Permit #03-49 for 2531 Government Street. The proposal is to renovate and raise the main floor of an existing commercial/residential building .6m, and to define and improve on-site parking stalls at the rear of the building.

- 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 03-49" dated December 11, 2003.
 - 2) Development meeting all bylaw requirements with the following variances:

Section 7.2.8(2)	Side yard setbacks relaxed from 3m or nil to 0.81m(north) and 1.43m (south)
Schedule "C" Section 16(c)(4)	Relaxation of increase parking requirement for 1 parking space to nil for furniture sales
 - 3) Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development.

CATHEDRAL HILL PRECINCT PLAN REVISIONS

04/20

Committee received a memorandum dated December 2, 2003 from the Planning Division regarding revisions to the Cathedral Hill Precinct Plan. The draft plan was reviewed by Council in August 2003, and was followed up with a walking tour and a community open house. Staff have reviewed the comments received and made text and mapping changes to the plan. Four significant changes were outlined in the report.

ACTION:

Councillor Madoff moved that it be recommended to Council that:

- 1) The Cathedral Hill Precinct Plan be sent forward for consideration at a public hearing.
- 2) The recommended Official Community Plan and Zoning Bylaw Amendments be considered concurrently with adoption of the Plan. This includes:
 - designation of a new Cathedral Hill Development Permit Area.
 - amendment of the zoning bylaw relating to the CHP-CR, CHP-OB, and CHP-R3 zones as indicated in the Implementation section of the Plan.
 - rezoning the property at 950 Rockland Avenue from CHP-R3 to R3-A1.
 - rezoning the property at 911 Quadra Street and 990 Burdett Avenue from CHP-PB to reflect the objectives of the Cathedral Hill Precinct Plan.

BONUS DENSITY REVIEW – INFORMATION REPORT

04/19

Committee of the Whole, at its meeting on October 16, 2003, reviewed a discussion paper on Bonus Density and directed that a public workshop be held, and that the paper be distributed to various stakeholders for review.

Committee received a memorandum dated December 4, 2003 from the Manager, City Planning advising that the public consultation has been completed and providing an update on the review, including the following information:

- examples of the application of the current bonus density policy within the city.
- a survey of density bonus policies from other BC municipalities.
- a summary of the public workshop and participants' surveys.
- a list of submissions made in response to the workshop.

A final report with recommendations is anticipated later in the month.

ACTION:

Councillor Madoff moved that the report dated December 4, 2003 from the Manager, City Planning, entitled Bonus Density Review – Information Report, be received for information.

DENSITY BONUS POLICY

04/18

Committee received a memorandum dated December 3, 2003 from the Advisory Planning Commission advising of the following motion made at its December 2nd, 2003 meeting:

“Resolution of the Density Bonus Policy issue requires more technical and community consultation and no final decision should be made until consultation is complete.”

ACTION: Councillor Madoff moved that the report dated December 2, 2003 from the Advisory Planning Commission regarding Density Bonus Policy, be received for information.

GREENWAYS PLAN

04/17

Committee of the Whole, at its November 20th, 2003 meeting requested that it be informed of “recommendations to Council” made by the Advisory Planning Commission (APC).

Pursuant to that request, Committee received a memorandum dated December 3, 2003 from the APC advising of the following recommendation made at its July 15th, 2003 meeting:

“That Council be asked to approve the Greenways Plan and allocate funding for it, subject to the Plan containing an executive summary, detailed economic business case and communications plan.”

ACTION: Councillor Savoie moved that the report dated December 3, 2003 from the Advisory Planning Commission regarding the Greenways Plan, be received for information.

ADVISORY PLANNING COMMISSION INVOLVEMENT

04/16

Committee received a memorandum dated December 3, 2003 from the Advisory Planning Commission advising of the following motion made at its December 2nd, 2003 meeting:

“That Council be requested, as a matter of policy, to include at least one member of the City of Victoria Advisory Planning Commission on all plan review committees and focus or steering committees for planning projects undertaken by the Planning Department.”

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

- 1) The report dated December 3, 2003 from the Advisory Planning Commission (APC) regarding its involvement on review and steering committees, be received for information.
- 2) A policy be established to include at least one member of the APC on all plan review committees.

NOISE AND AIR QUALITY – VICTORIA HARBOUR

04/15

Committee received a memorandum dated November 13, 2003 from the Economic Development Planner regarding an assessment done by Transport Canada of noise and air quality in the Victoria Harbour Airport. The report outlined four recommendations from Transport Canada that relate directly to the City of Victoria, and provided a detailed staff response to each recommendation.

- ACTION:** Councillor Madoff moved that it be recommended to Council that:
- 1) The City Solicitor be instructed to amend Development Area 4, Songhees and Lime Point, in the *Official Community Plan* to include an objective that any development will incorporate design and building technologies that will provide noise attenuation and that the Bylaw amendment be advanced to a public hearing.
 - 2) Copies of the report be forwarded to the Victoria West Community Association, Victoria Harbour Residents Association, James Bay Neighbourhood Environment Association, Greater Victoria Harbour Association, and Victoria-Esquimalt Working Harbour Association, for information.

HERITAGE ALTERATION PERMIT #103
1437 STORE STREET

04/14

Victoria City Council, at its meeting on May 22, 2003, tabled consideration of Heritage Alteration Permit #103 regarding a sign that was placed on a heritage designated building without the required approvals. Staff proposed that issuance of the permit be subject to the applicant agreeing to move the sign, however, Council requested a specific time frame for this relocation.

Committee received a memorandum dated November 28, 2003 advising that the applicant has submitted a letter committing to move the sign within two years.

- ACTION:** Councillor Madoff moved that it be recommended to Council that, pursuant to Heritage Designation Bylaw #303, Heritage Alteration Permit #103 be issued in accordance with:
- 1) Plans dated May 5, 2003.
 - 2) Removal of existing black metal frame.
 - 3) Alteration of background colour from white to taupe to match the colour of the cornice.
 - 4) Addition of a black border to the sign background to visually reduce the size of the oval sign face.

PARKS

MATSON LANDS

Committee of the Whole, at its meeting on November 20, 2003, requested that Parks Division staff provide further information on the development of Matson Landing Park.

Committee received a memorandum dated January 8, 2004 from the Manager, Parks Division advising that on October 19, 2000 Council endorsed a capital grant of \$15,000 to acquire and preserve the Matson Lands, an area located in the Township of Esquimalt but bordering City of Victoria parkland. The money was to be held in trust until the property was purchased.

Recently, a developer has subdivided the property and donated the Matson Lands to the Nature Conservancy of Canada. This organization will manage and restore the site, raising endowment funds through the Habitat Acquisition Trust.

- ACTION:** Councillor Fleming moved that it be recommended to Council that:
- 1) The Council motion passed on October 19, 2000 regarding the contribution of funds towards the purchase of Matson Lands, be rescinded.
 - 2) Future funding be considered to assist in the restoration of Barnard Park as it relates to Matson Lands.

RECREATION

UPDATE – RELOCATION OF SILVER THREADS SERVICES

This agenda item was withdrawn.

ADMINISTRATIVE MATTERS

CANADIAN CAPITAL CITIES ORGANIZATION – DIRECTORS’ MEETING

04/12

Committee received a memorandum dated December 16, 2003 from Councillor Fleming outlining plans for the Canadian Capital Cities Organization (CCCO) Board of Directors meeting. Councillor Fleming is the 2003-04 Treasurer for the Organization, and is required to attend the meeting to present audit and budget documents.

- ACTION:** Councillor Holland moved that it be recommended to Council that Councillor Fleming be authorized to attend the CCCO Board of Directors meeting in Ottawa, February 20-22, 2004, at a cost not to exceed \$1,200.

DISPOSITION OF COMMUNICATIONS

04/11

Committee received a memorandum dated December 12, 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 December 12, 2003 from the Manager, Administration, be received for information and filed.

GVPL CENTRAL LIBRARY PROJECT PROJECTED IMPACT ON OPERATING COSTS

This agenda item was withdrawn.

COUNCILLOR INQUIRIES

RESOLUTION TO OPPOSE BILL 85

04/10

Councillor Fleming presented a "Resolution to Oppose Bill 85" for Committee's consideration.

Committee requested that, before the resolution is considered by Council, staff provide information on UBCM's position on this issue.

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

Whereas the Government of British Columbia passed the *BC Hydro Public Power Legacy and Heritage Contract Act* (Bill 85) in the Legislature on November 4, 2003;

And Whereas the BC government has not consulted with British Columbians about the implications of Bill 85;

And Whereas Section 2(2)(a), (b), and (c) of Bill 85 allow the BC government to dispose of generation, storage, transmission, and distribution assets of BC Hydro for vague and arbitrary reasons such as:

- a) the assets are no longer "used" or seen as "useful" [in the public sector]
- b) the assets are no longer "fit for their intended purpose" [in the public sector]
- c) the assets are to be "replaced" [by the private sector];

And Whereas Section 3 of Bill 85 allows the Lieutenant Governor in Council, also known as Cabinet, to override decisions about electricity rates made by the BC Utilities Commission – an arm's length regulatory body for BC Hydro;

Therefore be it resolved that the City of Victoria calls upon the BC government to:

- 1) Immediately repeal Bill 85;
- 2) Hold broad and meaningful consultations with British Columbians about the future of BC Hydro and our province's electricity system;
- 3) Reverse all legislative, regulatory, and contractual measures to date which give (or potentially give) control of BC Hydro and its assets to the private sector.

CROSSING GUARD PROGRAM

04/09

Councillor Hughes referred to a letter from the Oaklands Parent Advisory Committee, received in mid-December, 2003, that expressed concern regarding funding for the adult crossing guard program.

Councillor Fleming advised that Sonja Curry, District Coordinator, Crossing Guard Program, will be attending the January 15th, 2004 Finance Committee meeting to discuss this issue.

OAKLANDS COMMUNITY ASSOCIATION

04/08

Councillor Hughes reported that the Oaklands Community Association has requested that its boundary be changed from Haultain Street to Bay Street, to correspond with School District boundaries.

Committee referred the request to Community Development staff for review and a report.

SCHOOL DISTRICT AND CITY PROPERTIES

04/07

Councillor Savoie referred to ongoing negotiations between City and School District staff regarding their properties. She requested an update on the issue, focusing on how proposed settlements will be incorporated into neighbourhood and greenways plans.

COUNCILLOR INFORMATION SHARING

SHORELINE RESTORATION

04/06

Councillor Savoie advised that a property purchased by the City adjacent to Banfield Park and The Land Conservancy has been included in a University of Victoria course on Coastal Shoreline Restoration.

CLOSED MEETING - 10:15 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.

LAND – VCC LEASE RENEWALS

04/05

Consideration of this agenda item was postponed for one week.

Committee requested a progress report on the leasing of the gallery space at the Victoria Conference Centre.

PERSONNEL – POUNDKEEPER APPOINTMENTS

04/04

Committee received a memorandum dated January 5, 2004 from the Senior Bylaw Officer advising that the Animal Control Bylaw is now being enforced Victoria Animal Control Services (VACS) Ltd., therefore previous poundkeeper appointments of Capital Regional District staff should be rescinded, and new appointments of VACS staff be made. It was noted that Ian Fraser (VACS) is already appointed as a Poundkeeper.

- ACTION:** Councillor Hughes moved that it be recommended to Council that:
- 1) Maureen Ann Accleton and Dann Roy Marchessault be appointed to the position of Poundkeeper effective immediately.
 - 2) The appointments of Jani Thomas, Deborah Juch, Neil Logan, Lance Hurrell, Tony Dobos, Brad Cornell, Neil Bacik, Sheila Weitman, Doug Wilde, and Don Brown as Poundkeepers, be rescinded.

LAND/LEGAL – CENTRAL LIBRARY PROJECT

04/03

Committee received a report dated December 30, 2003 from the Corporate Administrator providing an update on the Central Library relocation proposal. Information was provided on the outstanding negotiation issues and the due diligence studies completed to date.

- ACTION:** Councillor Hughes moved that the report dated December 30, 2003 from the Corporate Administrator regarding the Central Library Project, be received for information.

LEGAL – SETTLEMENT

04/02

Committee received a memorandum dated January 6, 2004 from the City Solicitor regarding a settlement offer for a recent court case.

- ACTION:** Councillor Coleman moved that it be recommended to Council that the settlement offer as set out in the report of the City Solicitor dated January 6, 2004, be accepted.

LEGAL – BYLAW ENFORCEMENT – SPCA

04/01

Mayor Lowe provided an update on an action against the BC SPCA to enforce the City's Noise Abatement Bylaw. He provided details of a draft agreement that has been developed through a series of negotiations between the two parties.

- ACTION:** Councillor Holland moved that it be recommended to Council that Mayor Lowe be authorized to sign the agreement with the BC SPCA as outlined in his verbal report of January 8th, 2004.

The meeting adjourned at 11:35 a.m.

Mayor Lowe, Chair