

**Minutes of the Committee of the Whole Meeting of the City of Victoria
held Thursday, June 3, 2004**

Committee Present: Mayor Lowe, in the Chair; and Councillors Fleming, Fortin, Holland, Hughes, Savoie, and Thornton-Joe

Staff Present: J. Martignago – City Manager; and M.B. MacKenzie - Committee Secretary

Staff Present for a Portion of the Meeting: D. Atkinson – Director, Parks, Recreation and Community Development; J. Basey – Director of Planning and Development/City Solicitor; L. Chase – Planner; R. Couch – Fire Chief; R. Dennis – Director, Human Resources; C. Higgins – Coordinator, Corporate Communications; D. Koch – Manager, Planning Division; K. Kresse – Transportation; M. Lam – Head, Urban Design; S. Masters – Manager, Administration; J. Matanowitsch – Planner; A. Meyer - Planner; P. O’Reilly – Director of Engineering; W. Smith - Transportation Technician; N. Taylor – Executive Assistant to Mayor; R. Woodland – Corporate Administrator; and W. Zink - Manager, Community Development

1. CALL TO ORDER

The Mayor called the meeting to order at 8:07 a.m.

2. WORKSHOP

2.1 Departmental Strategic Plan Response, 2004

The City Manager and Directors reviewed the Departmental Strategic Plan Response, 2004, dated May 18, 2004 with members of the Committee.

3. ADOPTION OF MINUTES – COMMITTEE OF THE WHOLE, MAY 27, 2004

Action: Councillor Hughes moved that the minutes of the Committee of the Whole meeting held May 27, 2004, be adopted.

CARRIED. 04/402

4. FINANCE

4.1 Capital Projects Loan Authorization

In a report dated June 1, 2004, the Fire Chief reviewed the Fire Department’s three capital projects identified in the Five Year Capital Plan (2004-2008) Bylaw:

Project No.	Station No.	Project Details
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1	1	Demolish Training/Hose Tower and construct new Training Tower at Station No. 3;
2	1	Upgrades to living quarters and asbestos removal; and
3	3	Completion of seismic upgrade to living quarters and new emergency generator.

A current construction boom has inflated construction costs, increasing the costs of the three projects by \$109,839.00. In addition, due to possible health issues related to Station No. 3, staff recommends proceeding with Project No. 3 in 2005, and delaying Project No. 2 until 2006.

Action: Councillor Fleming moved that Council:

1. Amend the City of Victoria Five Year Financial Plan Bylaw (2004), to reflect the adjusted cost estimates for the Fire Department Building Upgrade projects and change project dates to:
 - (a) Project No. 2 - 2006 (Station No. 1, Upgrades to living quarters and asbestos removal); and
 - (b) Project No. 3 - 2005 (Completion of seismic upgrade to living quarters and new emergency generator);
2. Instruct the Finance Department to draft a Loan Authorization Bylaw for the three Fire Department Building Upgrade projects in the amount of \$1,265,770.00; and
3. Seek the electors' assent to the Bylaw through the Alternate Approval Process.

CARRIED. 04/401

5. **PLANNING AND DEVELOPMENT**

5.1 **Development Permit #04-15 – 810 Humboldt Street**

The Head, Urban Design, reviewed his report dated May 28, 2004, outlining a Development Permit application for the construction of a mixed-use project including 126 quarter-share ownership suites with commercial, retail, restaurant and spa uses. The project consists of one eight-storey and one seven-storey building. The two buildings will be connected by three underground parking levels and a ground-level glazed atrium. The applicant requests height and setback relaxations.

The Committee discussed:

- public access to the two walkways;
- width of the sidewalks for handicapped maneuverability; and
- whether or not there should be a non-statutory Public Hearing regarding the new proposed variances.

Action: Councillor Thornton-Joe moved that Council convene a non-statutory Public Hearing at the June 10, 2004 Council meeting prior to Council's

consideration to authorize the issuance of Development Permit #04-15 for 810 Humboldt Street in accordance with:

1. Plans stamped "Development Permit No. 04-15", dated April 23, 2004;
2. Development meeting all bylaw requirements with the following variances:

Section 12.4.3 (b)	Maximum height relaxed from 24.5m to 28m;
Section 12.4.3 (c) (ii)	Humboldt Street setback for building over 18.5m in height from 10m to 3m (Building "B");
Section 12.4.3 (c) (iii)	Humboldt Street setback for building over 21.5m in height from 17m to 10.8m (Building "A") and 3m (Building "B");
Section 12.4.3 (c) (v)	Setback from eastern lot line relaxed from 9m to nil;

3. A covenant be registered with the Land Title Office to ensure that the protection of trees along the Humboldt Street frontage is in accordance with the arborist report dated April 29, 2004;
4. Lot consolidation to include a small driveway area to the east of the site to be arranged to the satisfaction of the Director of Engineering;
5. Easement provisions for vehicular and pedestrian accesses to be arranged to the satisfaction of the Director of Engineering; and
6. Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning and Development.

CARRIED. 04/400

Action: Councillor Savoie moved that Council instruct the City Solicitor to register a covenant with the Land Title Office to ensure public access to the atrium walkway from dawn to dusk.

CARRIED. 04/399

5.2 Development Permit #04-26 – 1614 Redfern Street

The Committee reviewed a report dated May 26, 2004, from the Planner, providing information on an application for a new Development Permit with a variance for a duplex located at 1614 Redfern Street. Since Council approval of the rezoning application in 2003, the applicant has significantly altered the exterior design of the duplex and is proposing a rear deck that extends into the rear yard setback.

Action: Councillor Fleming moved that Council authorize the issuance of Development Permit #04-26 for 1614 Redfern Street in accordance with:

1. Plans stamped "Development Permit No. 04-26", dated May 11, 2004;

2. Development meeting all bylaw requirements with the following variance:

Section 2.1.5(3)(m)(i)	Rear yard setback relaxed from 12.05m to 8.5m for deck and stairs; and
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3. Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning and Development.

CARRIED. 04/398

5.3 Rezoning Application #03-38 – 2905 Cook Street

The Planner reviewed her report dated May 11, 2004 regarding an application to rezone a portion of the property at 2905 Cook Street from R1-B to R1-S2, Small Lot Zone, in order to subdivide and construct a new house. Although supportive of the application, staff recommends that it be declined as the recent receipt of two additional letters from adjacent property owners show that only 30% support the application. The City's Small Lot Rezoning Policy requires 75% of adjacent property owners' support.

Action: Councillor Thornton-Joe moved that Rezoning Application #03-38, for property located at 2905 Cook Street, be declined, as it does not meet the Small Lot Rezoning guidelines.

CARRIED. 04/397

5.4 Rezoning Application #04-4 – 824 Richmond Avenue

In a report dated May 26, 2004, the Planner highlighted an application for subdivision and rezoning of 824 Richmond Avenue from R1-A (Rockland Single Family Dwelling District) to R1-B Zone, to allow the construction of a new single family dwelling. The new Lot B would be to the northwest of the existing dwelling at 824 Richmond Avenue, and would front onto a lane that is accessible to seven lots along Richmond Avenue. The proposed rezoning is supportable under the General Residential Policies of the Official Community Plan. Although the Rockland Neighbourhood Plan recommends preserving the large lot and single family dwelling character of the neighbourhood, the proposal conserves the generous front yard and single family dwelling character of the Rockland Neighbourhood.

Action: Councillor Thornton-Joe moved that:

1. The application for rezoning be forwarded for consideration at a Public Hearing and that the City Solicitor be instructed to prepare the necessary zoning bylaw requirements;
2. Approval of Development Variance Permit on the lot with the existing house (Lot A) concurrent with the rezoning:

Section 1.1.4	To vary the rear yard setback from 7.5m to 3.0m;
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3. Approval of a Development Variance Permit on the new lot (Lot B) concurrent with the rezoning:

Section 1.2.7	To vary the front yard setback from 7.5m to 4.9m;
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4. An amended, fully dimensioned parking/access plan, to the satisfaction of the Director of Engineering, will be required prior to Public Hearing;
5. An arborist's report is required confirming that proposed additional paving in the lane will not damage the existing oak tree identified on the plan.

CARRIED. 04/396

5.5 Rezoning Application #03-35 – 500/502 Richmond Avenue

At its March 18, 2004 meeting, Committee of the Whole tabled Rezoning Application #03-35 for 200/502 Richmond Avenue, subject to reconsideration of a tree protection covenant and reduction of the building envelope.

In his report dated May 27, 2004, the Planner reviewed the application to subdivide and rezone lands at 500/502 Richmond Avenue from R1-G to R1-G2 Zone to permit the construction of a small lot single family dwelling. The applicant has resubmitted the application with a reduced floor area for the proposed small lot house. To protect the tree that exists partly on City property and the lot, staff recommends that Council require a Construction Impact Report prepared by a qualified arborist, prior to the issuance of the Building Permit.

Action: Councillor Savoie moved that:

1. Rezoning Application #03-35 for 500/502 Richmond Avenue, be forwarded for consideration at a Public Hearing, and that the City Solicitor be instructed to prepare the necessary zoning bylaw amendments; and
2. The applicant enter into an agreement, secured in a form satisfactory to the Director of Planning and Development, for the protection of an existing tree to the front of the new small lot, prior to the issuance of a Building Permit.

CARRIED. 04/395

5.6 Development Variance Permit #04-19 – 312 Niagara Street

The Committee reviewed a report dated May 14, 2004, from the Planner, highlighting Development Variance Permit Application #04-19, for 312 Niagara Street, to allow reconstruction of an existing single family dwelling by renovating the existing building and adding a second storey. All construction will be carried out within the confines of the existing foundation. The applicant requests variances for maximum height, and

front and rear yard setbacks. Since previous applications to Council and the Board of Variance were declined, the applicant has amended the proposed building plans, including a flat roof in an attempt to reduce the massing.

Action: Councillor Thornton-Joe moved that Council authorize the issuance of Development Variance Permit #04-19 for 312 Niagara Street, in accordance with:

1. Plans stamped "Development Variance Permit #04-19", dated May 5, 2004;
2. Development meeting all bylaw requirements with the following relaxations:

Section 1.2.5 (2)	Maximum height relaxed from 7.6m to 8.2m;
Section 1.2.7	Front yard setback relaxed from 7.5m to 4.0m;
Section 1.2.9	Rear yard setback relaxed from 7.5m to 2.1m

3. Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning and Development.

CARRIED. 04/394

5.7 Development Variance Permit #04-23 – 1325/1329 Cook Street

The Committee reviewed a report dated May 26, 2004, from the Planner, reviewing Development Variance Permit Application #04-23, for a renovation that would join two buildings and consolidate the properties located at 1325 and 1329 Cook Street. Variances are required for front and rear yard setbacks and parking.

The Committee expressed dissatisfaction with the lack of information regarding the design detail and construction materials to be used. Staff advised that since the property was not in a Development Permit area, Committee could approve only the variances, not the design. The applicant was asked to take the Committee's comments into consideration during the design of the project.

Action: Councillor Thornton-Joe moved that Council authorize the issuance of Development Variance Permit #04-23, for 1325 and 1329 Cook Street in accordance with:

1. Plans stamped "Development Variance Permit No. 04-23", dated May 4, 2004;
2. Development meeting all bylaw requirements with the following variances:

Section 4.1.4	Front yard setback relaxed from 6m to 1.47m
Section 4.1.6	Rear yard setback relaxed from 6m to 1.47m
Schedule C, Section C4	Relaxation of parking requirement for additional floor space (46m ²) for 1 parking space to nil

3. Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning and Development.

CARRIED. 04/393

5.8 Development Permit #03-51B – 150 Langford Street

The Committee reviewed a report dated May 26, 2004, from the Planner, regarding Development Permit Application #03-51B, to amend Development Permit #03-51 approved by Council on March 25, 2004. The amendment is necessary to reduce the number of parking stalls required for a mini-storage warehouse/self storage facility at 150 Langford Street.

The Committee discussed:

- possible future use of the consolidated properties;
- parking in exchange for landscaping; and
- the Committee's reluctance to increase the storage area.

Action: Councillor Savoie moved that Development Permit #03-51B, for 150 Langford Street, be tabled, pending receipt of design reconfiguration to include landscaping.

CARRIED. 04/392

5.9 Bonus Density Review – Public Workshop

A report dated May 27, 2004, from the Manager, Planning Division, summarized results of the Bonus Density Public Workshop held March 24, 2004 including:

- a mix of generic, neighbourhood-driven amenities, chosen by the City;
- consideration of the location of affordable housing;
- community consensus on height including policy formation, and determined by urban fit and scale and protection of view corridors; and
- open-ended density dependent on community support and neighbourhood visioning.

Action: Councillor Fleming moved that the report dated May 27, 2004, from the Manager, Planning Division, summarizing results of the Bonus Density Public Workshop held March 24, 2004, be received for information.

CARRIED. 04/391

6. ENGINEERING

6.1 Lang Street Residential Parking

The Committee reviewed a report dated May 28, 2004, from the Transportation Technician, regarding a petition from residents of the 1400 block Lang Street, for "residential parking only" as a result of increased occupancy of nearby businesses. A recommendation to Council to install "residential parking only" signs on both sides of the east half of the 1400 block Lange Street, raised concerns by local businesses.

Following a meeting with a group of Lang Street residents and affected business representatives staff developed a proposal that would address the concerns of both groups and meet the objective of on-street “shared use”. Although staff supports implementing “residential parking only” on both sides of the street, after further consultation with both the residents and the business representatives, staff recommends “residential parking only” be installed on the south side of the 1400 block Lang Street.

Committee members discussed alternative parking areas for both residents and businesses, and the public use of streets.

Action: Councillor Fleming moved that Council approve Traffic Orders #1 and #2 for “residential parking only” on the south side of the 1400 block Lang Street, and time-limited parking on the north side of Lang Street adjacent to the office building.

CARRIED. 04/390

Staff was asked to notify affected businesses of the changes in parking requirements of the 1400 block Lang Street following Council approval at its June 10, 2004 meeting.

7. ADMINISTRATIVE MATTERS

7.1 Disposition of Communications

Committee received a memorandum dated May 31, 2004, 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 Fleming moved that the Disposition of Communications dated May 31, 2004 from the Manager, Administration, be received for information and filed.

CARRIED. 04/389

7.2 Proclamations

Action: Councillor Hughes moved that the following proclamations be approved and forwarded to the appropriate Council meeting:

<i>Pride Week 2004</i>	<i>June 26 - July 4, 2004</i>
<i>Single Parent Week</i>	<i>June 20 - 26, 2004</i>
<i>Spina Bifida and</i>	
<i>Hydrocephalus Awareness Month</i>	<i>June 2004</i>
<i>Rick Hansen Wheels in Motion Day</i>	<i>June 13, 2004</i>

CARRIED. 04/388

7.3 Municipal Contribution Agreement – Save-on-Foods Centre

The Committee reviewed a correspondence dated May 28, 2004, from the Township of Esquimalt, advising that its Council is not prepared to proceed with approval of the electors to enter into the Municipal Contribution Agreement for the Save-on-Foods Centre. Esquimalt Council will consider the issue annually during budget deliberations starting in 2005 when a full year's service is contemplated.

8. COUNCILLOR INQUIRIES

8.1 Proposed Taxi Fare Increase – Resolution of Support

Councillor Fleming asked that this item be tabled, pending receipt of additional information from the Motor Carriers Commission.

8.2 Demolition – 1176 Yates Street

Councillor Fleming advised the Committee of the possible issuance of a Demolition Order for a building at 1176 Yates Street. Noting the building's historic value and uniqueness, staff was asked to prepare a report for the June 10, 2004 Committee of the Whole meeting regarding inclusion of the building in the City's Heritage Registry.

8.3 Bylaw Enforcement Issues

Councillor Fortin requested that staff look at options to deal effectively with nuisance properties, i.e., properties used for criminal activities such as marijuana grow operations and drug laboratories, and report back to the Committee.

8.4 Safe Injection Sites

Councillor Fortin stated a need for a fair and open public consultation process prior to consideration of the placement of safe injection sites in the community.

9. COUNCILLOR INFORMATION SHARING

9.1 Souper Bowls of Hope – Friday June 11, 2004

Councillor Hughes invited all members of the community to attend the 7th Annual Souper Bowls of Hope, to be held at the Fairmont Empress, 11:00 a.m. to 1:30 p.m., Friday June 11, 2004. Proceeds support downtown Summer programs and extended hours for the Alliance Club's Youth Drop-In Centre.

9.2 Downtown Ambassadors

Councillor Thornton-Joe advised that the orientation for 80 Downtown Ambassadors will take place at 1:00 p.m. at Victoria City Hall on June 3, 2004.

9.3 Gas Tax

Councillor Savoie announced that the Federation of Canadian Municipalities has advised that with the exception of the Federal Conservative Party, all Federal political parties have agreed to rebate a portion of the gas tax to municipalities to assist with road infrastructure projects.

9.4 Gorge Inlet - Shoreline Clean-up

Councillor Fleming asked for community volunteers to assist with cleaning-up the Gorge Inlet shoreline beginning at 10:00 a.m., Sunday, June 6, 2004.

10. CLOSED MEETING - 11:08 A.M.

Committee Present: Mayor Lowe; and Councillors Fleming, Fortin, Holland, Hughes, Savoie and Thornton-Joe

Staff Present: J. Basey – Director of Planning and Development/City Solicitor; M.B. MacKenzie - Committee Secretary; J. Martignago – City Manager; and R. Woodland – Corporate Administrator

Action: Councillor Hughes moved that Committee of the Whole convene a closed meeting that excludes the public under Section 11(6) of the Council Bylaw for the reason that the following agenda items deal with matters specified in Section 11 (3) and/or (4) of the Council Bylaw.

CARRIED. 04/387

10.1 Appointment – Heritage Advisory Committee

The Committee reviewed a report dated May 31, 2004, from the Corporate Administrator, advising of the resignation of Emma Halls from the Heritage Advisory Committee (HAC), and reviewing applications from citizens interested in serving on the HAC.

Action: Councillor Thornton-Joe moved that Council select Kerri Ward to fill the vacancy on the Heritage Advisory Committee for the balance of the Committee's term, which expires December 31, 2004.

CARRIED. 04/386

11. ADJOURNMENT OF CLOSED MEETING

The meeting adjourned at 11:10 a.m.

Mayor Lowe, Chair