

MINUTES – COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, AUGUST 26, 2004 AT 8:00 A.M.

- Committee Present:** Acting Mayor Holland, Chair, Councillors Coleman, Fleming, Fortin, Hughes, Madoff, Savoie, and Thornton-Joe
- Regrets:** Mayor Lowe, Councillors Fleming and Fortin
- Staff Present:** J. Martignago, City Manager; and M. Moodrey, Committee Secretary
- Staff Present for a Portion of the Meeting:** Messrs. J. Basey, Director of Planning & Development/City Solicitor; S. Barber, Heritage Planner, Planning Division; D. Chow, Manager, Recreation Services; R. Couch, Fire Chief & Emergency Coordinator; B. Dellebuur, Transportation Planner, Engineering; S. Hemmings, Fire Chief Prevention Officer; M. Hill, Downtown Community Development Coordinator; D. Koch, Manager, Planning Division; M. Leskiw, Manager, Parks Division; I. Phillips, Land Development, Engineering; K. Silvester, Acting Director of Engineering; C. Timms, Manager of Transportation & Development, Engineering; B. Wiffen, Property Manager, Planning & Development; R. Woodland, Corporate Administrator;
- Ms D. Atkinson, Director of Parks, Recreation & Community Development; L. Baryluk, Planner, Planning Division; C. Bloedorn, Dockside Project Manager; L. Chase, Planner, Planning Division; K. Fowler, Manager, Regulatory & Development; S. Masters, Manager, Administration; C. O'Regan, Community Recreation Coordinator; W. Zink, Manager, Community Development Division;

CALL TO ORDER

The Chair called the meeting to order at 8:00 a.m.

APPROVAL OF AGENDA

The Agenda of the August 26, 2004 Committee of the Whole meeting was circulated. The following changes were outlined by the City Manager:

REGULAR MEETING:

1. Item 21 – “528 – 532 Pandora Avenue” is taken off the Agenda;
2. Councillors Inquiries: Councillor Savoie has one Inquiry;

3. Councillors Information Sharing: Councillor Savoie on the subject of Blockwatch;
4. Councillor Savoie requested that the matter of '**GALLOPING GOOSE TRAIL – RAILYARD SECTION**' in the Minutes be discussed at today's meeting and that the Staff Liaison of the Cycling Advisory Committee be present to report to Committee. The Chair indicated that this item would be added onto the Agenda as Item 25(a).

CLOSED MEETING:

5. Councillor Inquiries: Councillor Savoie has one inquiry.

ACTION: It was moved by Councillor Hughes that the Agenda of the August 26, 2004 Committee of the Whole meeting be approved as amended.

CARRIED 04/602

ADOPTION OF MINUTES

The Minutes of the August 12, 2004 Committee of the Whole meeting was circulated.

1. It was moved by Councillor Coleman that the August 12, 2004 Committee of the Whole Minutes be corrected by striking out the following text:

RAILYARDS REQUEST FOR A MASTER DEVELOPMENT AGREEMENT

Committee received a memorandum dated August 05, 2004 from the Manager of Transportation and Development, Engineering Department, advising that Chris Le Fevre requested an amendment to the Master Development Agreement for the Railyards development to defer completion of the section of Galloping Goose trail in front of the Phase 2 townhouses (Lot C), which are now under construction ~~and the proposed Phase 3 commercial building (Lot K)~~ and, in exchange, to accelerate the completion of the remainder of the trail to the Point Ellice Bridge. Final design for the section of trail requested to be deferred has not yet been submitted. The Cycling Advisory Committee is recommending some adjustment of the conceptual trail design to comply with the Greenway Plan.

Under the Master Development Agreement, the section of trail requested to be deferred is required to be completed before the developer applies for occupancy of the Phase 2 townhouses, scheduled for November 2004. It is unlikely that a design could now be finalized, approved and constructed to meet this schedule. It is also noted that the design for this section of the Galloping Goose trail is required to be completed before the Phase 4 subdivision plan for the proposed parcel F can be approved.

Committee requested to be informed of the updates on the construction.

ACTION:

Councillor Savoie moved that it be recommended to Council that:

1. *Victoria City Council approves an amendment to the Master Development Agreement for the Railyards development in regard to the timing for design and construction of the Stage 2 Waterfront Linear Park and Dual Trail (Galloping Goose Trail) on the frontage of Lot C (Phase 2 townhouses), ~~Lot K (Phase 3 commercial building)~~ and the Stage 3 Waterfront Linear Park and Dual Trail.*

2. The complete Engineering and landscape design of these sections is to be submitted to the City for review and approval by December 31, 2004. Construction is to be complete before Bike to Work Week in June 2005.
3. Security in an amount satisfactory to the Director of Engineering is to be provided by the developer under a construction agreement for the Phase 2 townhouse section deferred beyond occupancy of these townhouses, and written notice of the deferral in a form satisfactory to the Director of Planning and Development is to be delivered to all purchasers of Phase 2 townhouses prior to completion of their purchases.
4. This matter be forwarded for consideration at the August 12, 2004 Council meeting.

CARRIED 04/535

2. It was moved by Councillor Thornton-Joe that the August 12, 2004 Committee of the Whole Minutes be corrected by deleting the Councillor Information Sharing, as follows:

~~Councillor Thornton-Joe informed Committee that the delegation of the People's Congress from Jiangsu Province, which is where our Sister City, Suzhou is located, presented to her as Deputy Mayor, a gold cicada insect on piece of Jade carved as a leaf and to Councillor Fortin a silk brocade embroidered with an imperial 5-clawed dragon on July 31, 2004. The Chair of the delegation was Mr. Li Guachao.~~

~~Councillor Thornton-Joe further indicated that the Tourism Victoria complimented the City of Victoria on the excellence of service provided to the tourists and locals to make them feel welcomed. The City of Victoria has been nominated for a Tourism Victoria Hospitality Award.~~

04/525

and replaced by the following:

COUNCILLOR INFORMATION SHARING

Councillor Thornton-Joe informed Committee that the delegation of the People's Congress from Jiangsu Province, which is where our Sister City, Suzhou is located, presented to her as Deputy Mayor, a gold cicada insect on piece of Jade carved as a leaf and to Councillor Fortin a silk brocade embroidered with an imperial 5-clawed dragon on July 31, 2004. The Chair of the delegation was Mr. Li Guachao. Councillors Thornton-Joe and Fortin presented these gifts to the Mayor to be added to the City of Victoria's Protocol Gift Record.

Councillor Thornton-Joe informed Committee that at the August Victoria Hospitality Award meeting, one of the ballots received complimented the City of Victoria for the hanging baskets. Councillor Thornton-Joe wishes to acknowledge the Parks Division and the Department of Parks, Recreation & Community Development for receiving this nomination from a visitor to our City.

04/525

ACTION: It was moved by Councillor Thornton-Joe that the Minutes of the August 12, 2004 Committee of the Whole meeting be approved as corrected.

CARRIED 04/601

CLOSED MEETING - 8:10 A.M.

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 04/600

LEGAL/LAND – BURNSIDE/GORGE

ACTION: Councillor Hughes moved that Shiv Garyali of Garyali Architect Ltd., be allowed to attend this portion of the Closed Meeting.

CARRIED 04/599

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

1. Victoria City Council approve the purchase of 3130 Napier Lane from Tax Sale Land Reserve Fund subject to the terms of the lease being resolved to the satisfaction of the City Solicitor on or before August 27, 2004;
2. Victoria City Council approve the Staff report received August 26, 2004.
3. This matter be forwarded for consideration at the August 26, 2004 Council meeting.

CARRIED 04/598

LEGAL/LAND – DOCKSIDE

ACTION: Councillor Hughes moved that it be recommended to Council that Victoria City Council instruct City staff to:

1. Prepare a rezoning bylaw consistent with the Dockside development concept for:
 - a. all the Dockside Lands between Tye Road and Harbour Road and north of Harbour Road to Bay Street, with the following legal descriptions:
 - i. Lot 8, 21 Esquimalt, Plan VIP53097
 - ii. Lot G, 21 Esquimalt, Plan VIP67690
 - iii. Lot 1, District Lot 119, 21 Esquimalt, Plan VIP61709, Except Plan VIP66539
 - iv. Lot E, District Lot 119, 21 Esquimalt, Plan VIP67690
 - v. Lot A, District Lot 119, 21 Esquimalt, Plan VIP56972
 - vi. Lot D, District Lot 119, 21 Esquimalt, Plan VIP67690
 - vii. Lot 4, District Lot 119, 21 Esquimalt, Plan VIP53097
 - b. all other lands between Tye Road and Harbour Road with the following legal descriptions:
 - i. Parcel Identifier: 024-011-061
Lot A, District Lot 119, Esquimalt District, Plan VIP66539
 - ii. Parcel Identifier: 023-149-787

- Lot 2, District Lot 119, Esquimalt District, Plan VIP61709
2. Evaluate whether Wheelhouse Holdings' Ltd. recent proposal to modify the existing cross contamination agreement is in the best interests of the City.
 3. This matter be forwarded for consideration at the August 26, 2004 Council meeting.

CARRIED 04/597

Committee requested a Special Council Meeting on September 02, 2004, Thursday, 9:00 a.m. to 10:30 a.m. to discuss the draft version of the Request for Proposals on Dockside Lands.

04/596

LEGAL/LIABILITY – FIRE INSPECTION DELEGATION

ACTION: Councillor Hughes moved that it be recommended to Council that Victoria City Council delegate authority to establish a regular inspection of buildings, as required under the Fire Services Act, to the Fire Chief.

CARRIED 04/595

LEGAL/LAND – GARDEN STREET LOTS

Councillor Savoie requested that a Staff report or update on the matter of Community Gardens, separate from the recommendations in this report, be brought back to committee as soon as possible.

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

1. Approve a new 5 year nominal license with the Fairfield Community Association for the use of Lot 15, as a community garden; and
2. Authorize staff to endeavor to sell Lot 9, subject to approval of design by the Engineering Department, with a view to protecting the storm drain.

CARRIED 04/594

LEGAL/LAND – OLIVE STREET

ACTION: Councillor Savoie moved that it be recommended to Council that Victoria City Council agree to enter into a licence of occupation with the Fairfield Community Association for the City lot at 181 Olive Street with the following terms:

1. Term: 2 years commencing October 01, 2004;
2. Consideration: nominal fee of \$1.00;
3. City to be shown as co-insured on Fairfield Community Association liability insurance policy;
4. Fairfield Community Association is responsible for all maintenance of property and improvements, to the satisfaction of the City's representatives.

CARRIED 04/593

LEGAL - SIDEWALK POLICY

ACTION: Councillor Savoie moved that it be recommended to Council that Victoria City Council endorse "Sidewalk Policy No. 001P" and that it be duly signed by the Mayor and Corporate Administrator.

ACTION: Councillor Coleman moved that it be recommended to Council that this matter be forwarded for consideration at the August 26, 2004 Council meeting.

CARRIED 04/592

The City Manager requested that the following closed meeting items be considered after the regular meeting.

Item #07	Legal – Save-On-Foods Memorial Centre
Item #10	Status Of Legal Proceedings
Item #10(a)	Legal/City Solicitor

ACTION: Councillor Thornton-Joe moved that the Closed Meeting be adjourned.

CARRIED 04/591

Closed Meeting Adjourned at 9:10 a.m.

PARKS, RECREATION & COMMUNITY DEVELOPMENT

DOGS IN PARK STEERING COMMITTEE – INTERIM REPORT

Committee received a memorandum dated August 26, 2004 from the Manager, Parks Division and the Director, Parks, Recreation & Community Development.

In March 2004, Victoria City Council established a Dogs in Parks Steering Committee to provide recommendations for Leash Optional areas within the City of Victoria. Over the past six months, the Dogs in Parks Steering Committee have worked together to provide Victoria City Council with context and recommendations for implementation of leash-optional areas. Councillors Coleman and Thornton-Joe serve as liaisons to this group.

Through site reviews, considerable discussion and extensive group process, the Dogs in Parks Steering Committee has prepared a report and recommendations that are focused on parks locations and hours for proposed leash optional use. Karen Sawatzky and Sue Tam, members of the Dogs in Parks Steering Committee presented the background, criteria used in making its recommendations, its Terms of Reference and the Committee's preliminary recommendations for leash optional areas in the City of Victoria, as follows:

Preliminary Recommendations

1. That the parks and hours listed in Table 1 be incorporated for leash optional area (Parks in Table 1, include: Arbutus, Banfield, Victoria West, Fisherman's Wharf, Oaklands, Redfern, Topaz, Central, Stevenson, Pemberton, Brooke Street, Oswald).

2. That as part of a one year pilot, Oaklands, Pemberton, Central, Brooke Street and Fisherman's Wharf parks are used for leash optional areas, provided that there is a group of residents who will agree to take a level of responsibility for the park.
3. That Ross Bay Cemetery, Pioneer Square, and the area known as Circle C in Beacon Hill Park not be accessible for any dog activity. The Dogs in Parks Steering Committee also recommends that a further review be undertaken to examine areas of Stadacona Park, Barnard Park and Holland Park as future no dog area sites.
4. That all dogs be restricted to a minimum of 10 metres away from areas with children's playground, except if there is already some form of closer demarcation in place, such as fencing, that would keep dogs clear of such areas.
5. That proposed changes to incorporate leash optional areas be reflected in dog bylaws and that the City advocate to the Province of British Columbia for changes to the current fine structure.
6. That the parks and hours recommended in Table 1 be phased in and monitored within two months of Council approving this report and recommendations.
7. That the Dogs in Parks Steering Committee has identified the important issues regarding responsible ownership and will communicate these key points through its communication strategy.
8. That the Dogs in Parks Steering Committee undergo monitoring and evaluation of the implementation of leash optional areas and provide a further report to Council with its findings.
9. That subject to this report circulating to stakeholders and the City Solicitor, that Victoria City Council proceeds with implementing leash optional areas by Fall 2004.

The Dogs in Parks Steering Committee is planning to circulate its preliminary report and recommendations for public and stakeholder feedback prior to returning to Council with its final recommendations for the implementation of Leash Optional areas. The final report of the Dogs in Parks Steering Committee will consider the feedback received as well as address education, enforcement and resource requirements for implementation of the final recommendations.

Committee thanked the facilitators, organizers and members of the Dogs in Parks Steering Committee together with City staff for their hard work and for doing such commendable job in trying to balance the interests of dog owners and other park stakeholders.

- ACTION:** Councillor Coleman moved that it be recommended to Council that
1. This report be received for information;
 2. Victoria City Council approves the recommendations in the Staff report dated August 26, 2004;
 3. This matter be forwarded for consideration at the August 26, 2004 Council Meeting.

CARRIED 04/590

INTERNATIONAL SOCIETY OF ARBORIST CONFERENCE

Committee received a memorandum dated August 04, 2004 from the Manager, Parks Division and the Director, Parks, Recreation & Community Development with respect to the 2005 International Society of Arborists Conference that will be held in Victoria, British Columbia, on September 23 – 25, 2005. The Pacific Northwest Chapter of the Society, which is a non-profit organization dedicated to research and education of the care of trees, has applied to the Parks Division for permission to conduct components of their 2005 conference in Beacon Hill Park and at Clover Point.

Activities proposed for Beacon Hill Park over 3 days include a tree climbing demonstration and competition, tree climbers certification and certified arborist exams; as well as clinics, demonstrations and public outreach on a variety of subjects such as tree care, heritage trees and Garry Oak ecosystems and recovery projects. The Appropriate Activity Assessment Framework was applied to this new event, with the finding that the event is appropriate for the park. Activities proposed for Clover Point on September 26, 2005 are exhibitor displays of various pieces of tree related equipment, with associated corporate signage in the park. Council approval is required for the new event in Beacon Hill Park and the set up and operation of equipment and associated corporate signage at Clover Point.

ACTION: Councillor Coleman moved that it be recommended to Council that Victoria City Council approve both the Beacon Hill Park and Clover Point components of the International Society of Arboriculture 2005 Conference with the following conditions:

1. No commercial activity of any kind permitted in Beacon Hill Park. Organizers to work with staff to ensure there is no impact to the environment of the park and to promote the educational components of the event.
2. Approval given for this event only and not to be taken as approval for future requests.
3. Applicant to obtain all necessary park permits and to abide by all rules and regulations.

CARRIED 04/589

ROSS BAY CEMETERY

Committee received a memorandum dated August 18, 2004 from the Manager of Research, Planning & Design, Parks Division, the Manager, Parks Division, and the Director of Parks, Recreation & Community Development with respect to the development of detailed design work associated with the perimeter of the southwest quadrant of Ross Bay Cemetery. A Public Open House was held on June 29, 2004. Approximately 100 people attended the Open House, and 53 of the attendees completed a questionnaire. Responses to the questionnaire indicate strong support (74-83%) for the proposed detailed design.

Staff will be submitting an application for a Heritage Alteration Permit to the Heritage Advisory Committee based on the detailed design presented at the Public Open House. The Heritage Advisory Committee will forward their recommendation to Council following consideration of this application. A subsequent staff report addressing the final design for the perimeter of the cemetery, a proposed schedule for construction of these works and

issues related to the possible realignment of Memorial Crescent will be forwarded to City Council following receipt of the recommendations from the Heritage Advisory Committee.

ACTION: Councillor Madoff moved that this report be received for information.

CARRIED 04/588

STREET RETAILING PILOT PROJECT

Committee received a memorandum dated August 26, 2004 from the Downtown Community Development Coordinator, the Manager of Community Development and the Director of Parks, Recreation and Community Development. This report is intended to solicit support for a street retailing pilot project in downtown Victoria mid-September 2004. It is proposed that a pilot project for this purpose be conducted in two blocks of lower Douglas and Government Streets. This would be undertaken through a Special Event permit sponsored by the Greater Victoria Chamber of Commerce. The sponsor would be responsible for signing up interested businesses within the designated area, collecting an administration fee, ensuring businesses have appropriate insurance coverage and that they agree to the terms of the trial. Specific locations for display will be reviewed by the City's Engineering Department. Upon completion of the pilot project, an evaluation report would be completed, incorporating the sponsor's assessment, and determining the feasibility of establishing and implementing an ongoing program for business access to sidewalk space.

Committee expressed concerns regarding the signage along the two blocks of lower Government Street and the length of time that these signs have been allowed up. Committee suggested that the City communicate with the Chamber of Commerce to ask for their cooperation to work with the City regarding this signage problem.

Committee thanked the Downtown Community Coordinator and Community Development Division for organizing this comprehensive street retailing pilot project.

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

1. Victoria City Council endorse a pilot project for street merchandising in accordance with the stipulated requirements for a two week period in September 2004 with an amendment to the registration fee of \$50 for each block instead of \$50 for each participant;
2. The Downtown Community Development Coordinator report back to Committee regarding the feasibility of developing an ongoing program.
3. This matter be forwarded for consideration at the August 26, 2004 Council meeting.

CARRIED 04/587

PLANNING & DEVELOPMENT

1127 FORT STREET – REZONING APPLICATION NO. 04-19

Committee received a memorandum dated August 11, 2004 from the Planning Division with respect to the Rezoning Application No. 04-19 for 1127 Fort Street to amend a restrictive covenant that was registered on the subject property in 1979, limiting the use of a C-1 zoned

property to a tea house and curio shop. The applicant proposes to use the house for professional offices. The Covenant also prohibits demolition or exterior alteration of the property. The property is on the City Heritage Registry. The *Official Community Plan* contains policies that support the retention and adaptive reuse of heritage resources. The underlying Zone (C-1) permits the proposed use of professional offices. The applicant has consulted with the Fairfield Community Association. City Staff are in support of the application.

- ACTION:** Councillor Madoff moved that it be recommended to Council that
1. The Application be forwarded to a Public Hearing; and
 2. The City Solicitor be instructed to prepare the necessary covenant amendment documents.

CARRIED 04/586

930 VIEW STREET – REZONING APPLICATION NO. 04-6

Committee received a memorandum dated August 26, 2004 from the Manager, Planning Division with respect to Rezoning Application No. 04-6 to rezone the lands at 930 View Street (Harris Green Village), to permit a liquor retail store. The Public Hearing concluded on June 10th and the application was then referred by Council to Committee of the Whole for a staff report on limiting the floor area, the number and location of liquor outlets permitted on this site and the implementation of Crime Prevention Through Environment Design (CPTED) Guidelines. Since then, the applicant commissioned a CPTED study and plan to alter the View Street forecourt.

- ACTION:** Councillor Madoff moved that it be recommended to Council that
1. The report be received for information;
 2. Victoria City Council forward the application to a new Public Hearing subject to securing an agreement in a form satisfactory to the City Solicitor, restricting liquor retail store use to only one establishment having a floor area not to exceed 2006 sq. ft. (not counting bottle return storage).

CARRIED 04/585

2330 GOVERNMENT STREET – REZONING APPLICATION NO. 04-22

Committee received a memorandum dated August 18, 2004 from the Planning Division with respect to 2330 Government Street, Rezoning Application No. 04-22 for rezoning to allow an additional use of high-tech offices within an existing building. Vancouver Island Brewery currently occupies the building. The property is within an established industrial/service commercial area, with the potential for a number of transitional uses. Key zoning changes in 2000 introduced an M2-I zone, Douglas Blanshard Industrial District, allowing for a broader range of uses, east of Government Street. The Rock Bay Draft Plan supports this type of use. The applicant has consulted with the Rock Bay Rate Payers Association. The Burnside Gorge Community Association did not meet on this application, but have provided comments.

- ACTION:** Councillor Coleman moved that it be recommended to Council that
1. The Application be forwarded for consideration at a Public Hearing;

2. The City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments, based on the draft zone outline in Section 4.0, subject to an amended fully dimensioned parking/access plan provided to the satisfaction of the Director of Engineering.

CARRIED 04/584

Councillor Madoff declared an indirect pecuniary conflict of interest with the following matter, and was excused from the meeting at 10:15 a.m.

240 – 242 COOK STREET / 1035 – 1043 SUTLEJ STREET
DEVELOPMENT PERMIT NO. 04-30

Committee received a memorandum dated August 19, 2004 from the Head of Urban Design, Planning Division, with respect to 240 – 252 Cook Street and 1035 – 1043 Suttlej Street, Development Permit No. 04-30. The application is for a Development Permit to construct a commercial / residential complex on 2 lots, created by consolidation / subdivision on the southwest corner of the Cook / Suttlej intersection. The Advisory Design Panel at its meeting of July 28, 2004 reviewed the proposal and recommended its approval.

The Manager, Planning Division, indicated that there have been corrections to the Rezoning report and the corrections will be circulated to Committee.

The Development Permit application is not subject to a notification requirement and a hearing. However, the concurrent Rezoning Application No. 04-05 in progress will require a Public Hearing.

- ACTION:** Councillor Hughes moved that it be recommended to Council that
1. Final consideration of the Development Permit be considered in the same Council meeting as the Public Hearing for the rezoning application.
 2. Victoria City Council authorize the issuance of a Development Permit in accordance with:
 - A. Plans stamped "Development Permit Application 04-30" dated July 28, 2004.
 - B. Development meeting all bylaw requirements except for:
 - Development Area 1 Variances**
 - Height relaxed from 10.7m to 15.0m
 - Number of storeys from 3 to 4
 - Front yard setback relaxed from 3m to 0
 - Rear yard setback relaxed from 3m to 0
 - North side yard setback relaxed from 3m to 0m
 - South side yard setback relaxed from 3m to 1.8m
 - Development Area 2 Variances**
 - Relax height from 8.5m to 15.5m
 - Relax number of storeys from 3 to 5

3. Applicant to provide for the Cook Street commercial ground floor frontage a setback of 2m for the shop-fronts and 3m for the access doorways.
4. Site consolidation and subdivision to be arranged to the satisfaction of the Director of Engineering.
5. Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Planning & Development.

CARRIED 04/583

Councillor Madoff returned to the meeting at 10:40 a.m.

123 NIAGARA STREET – DEVELOPMENT VARIANCE PERMIT NO. 04-40

Committee received a memorandum dated August 16, 2004 from the Head of Urban Design, Planning Division, with respect to Development Variance Permit No. 04-40 for 123 Niagara Street. The proposal is to construct a duplex on a lot zoned for medium density townhouses. The existing single-family dwelling is one storey with a floor area of 68m² and will be demolished. Variances are required for:

1. increase building height and number of storeys
2. a reduced rear yard setback for one of the units
3. elimination of the east side landscape strip.

Council's decision is subject to Local Government Act notification requirements to owners and occupiers of the subject property. A Council hearing is required for this application.

ACTION: Councillor Madoff moved that it be recommended to Council that Victoria City Council authorize the issuance of a Development Variance Permit in accordance with:

1. Plans stamped Development Variance Permit Application No. 04-08, dated July 27, 2004. Development meeting all bylaw requirements with the following variances:
 - Section 2.1.5 (3)(b)(i): Height of building relaxed from a 7.6m and 2 storeys to 9.6m and 2 1/2 storeys
 - Section 2.1.5 (3)(m): Rear yard setback (south) relaxed from 12.78m to 5.6m
 - Section 2.1.5 (3)(s): Relaxation of the east side yard landscape strip from 0.6 m to nil.
2. Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development.

CARRIED 04/582

2122A GOVERNMENT STREET – DEVELOPMENT VARIANCE PERMIT NO. 04-33

Committee received a memorandum dated August 18, 2004 from the Planning Division with respect to a Development Variance Permit No. 04-33 for 2122A Government Street. This is an application for a Development Permit to permit a relaxation of the overall parking requirement for the automotive and retail centre at the subject property from 59 stalls to 49 stalls to allow the expansion of the Club Phoenix Health Fitness and Tanning.

Council's decision is subject to Local Government Act notification requirements to owners and occupiers of the subject property. A Council hearing is required for this application.

Councillor Savoie requested that City Staff report back to Committee on the landscape improvement to the parking lot.

ACTION: Councillor Madoff moved that it be recommended to Council that Victoria City Council authorize the issuance of a Development Variance Permit in accordance with:

1. Plans stamped "Development Variance Permit No. 04-33" dated August 17, 2004.
2. Development meeting all bylaw requirements with the following variances:
Schedule C Part B3 – relax parking requirement for athletic instruction from 1 parking space for every 9.5m² of floor area used for assembly purposes to 1 parking space for every 12.1m² of floor area used for assembly purposes reducing total parking for assembly use from 46 spaces to 36 spaces for daytime use.
3. A restrictive covenant be registered outlining the parking restrictions for any future development of the site noting that the combined parking requirement, as specified by the Zoning Bylaw, for any businesses open after 6:00 p.m. may not exceed four stalls, while the Club Phoenix Fitness Centre is open.
4. Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development

CARRIED 04/581

65 OSWEGO – HERITAGE DESIGNATION

Committee received a memorandum dated August 09, 2004 from the Heritage Planner, Planning Division, with respect to an owner request to designate an existing house on 65 Oswego, in James Bay, as a municipal heritage site.

ACTION: Councillor Madoff moved that it be recommended to Council that whereas the house at 65 Oswego Street is worthy of heritage designation, Victoria City Council designate it as a municipal heritage site.

CARRIED 04/580

ENGINEERING

The Manager of Transportation & Development, Engineering Department, Mr. Clive Timms announced that Mr. Ian Phillips, Supervisor, Land Development, Engineering Department will be retiring at the end of August 2004 as he has completed 35 years of dedicated service to the City of Victoria. Mr. Timms commended Mr. Phillips for the excellence of service that he has provided for the City, for Council, and for the public this past 35 years.

Committee thanked Mr. Phillips for his outstanding contribution to the City of Victoria for 35 years.

Mr. Phillips commented on how enjoyable and satisfying his job has been for the past 35 years working with Council, City staff and the public.

04/579

RESIDENTIAL STRATA TITLE APPLICATION – 220 MOSS STREET

Committee received a memorandum dated August 26, 2004 from the Director of Engineering and the Manager, Transportation & Development, Engineering, with respect to an application to strata title a previously occupied building located at 220 Moss Street, into five residential strata units. This application requires approval of the City of Victoria pursuant to the Strata Property Act. These residential units range in size from approximately 850 sq. ft. to 1,050 sq. ft. within this three level building. The project provides 1 parking stall for each unit. Construction is substantially complete and it is expected that an occupancy permit will be issued before the end of August.

ACTION: Councillor Madoff moved that it be recommended to Council that the application to strata title the building at 220 Moss Street to five (5) residential strata units be approved subject to compliance with applicable Provincial Codes and Municipal Bylaws.

CARRIED 04/578

RESIDENTIAL STRATA TITLE APPLICATION – 627/629 TORONTO STREET

Committee received a memorandum dated August 20, 2004 from the Director of Engineering and the Manager, Transportation & Development, Engineering, with respect to an application to strata title a previously occupied building located at 627/629 Toronto Street. This application requires approval of the City of Victoria pursuant to the Strata Property Act. The building is two levels and each unit has a floor area of approximately 1350 sq. ft. A parking stall is provided for each unit on the west side of the building. The building was built in 1902 as a single family dwelling and converted to a duplex earlier this year. The applicant advised that 627 (Unit B) is vacant and 629 (Unit A) is rented.

ACTION: Councillor Madoff moved that it be recommended to Council that the application to strata title the duplex at 627/629 Toronto Street be approved.

CARRIED 04/577

ACTION: Councillor Hughes moved that the Strata Title Applications of 220 Moss Street and 627/629 Toronto Street be forwarded for consideration at the August 26, 2004 Council meeting.

CARRIED 04/576

ENGINEERING COMMITTEES

CYCLING ADVISORY COMMITTEE – DOCKSIDE DEVELOPMENT

Committee received a memorandum dated August 09, 2004 from the Recording Secretary of the Cycling Advisory Committee. The Cycling Advisory Committee at its meeting on March 23, 2004 discussed the Dockside Development. It was expressed that while the

Dockside Development Concept is supported, the following concerns were noted: the width of the Galloping Goose Trail from Bay Street Bridge to Harbour Road, the Galloping Goose trail terminus is in Victoria West rather than east of Johnson Street Bridge, signage at the south end of the Selkirk Trestle, and the possibility of making 'traffic calming' intersection design changes at the north end of Harbour Road. As a result of these discussions, the following motions were made.

1. The Cycling Advisory Committee supports the Dockside Development Concept.
2. The Cycling Advisory Committee recommends that:
 - a. The Galloping Goose Trail paved path be widened to five metres between the Point Ellice Bridge and Harbour Road;
 - b. The City reaffirm the priority of the Galloping Goose Trail at its intersection with Harbour Road; and
 - c. Any future intersection design emphasize the Galloping Goose Trail's significance as a greenways corridor.

ACTION: Councillor Savoie moved that this report be received for information.

CARRIED 04/575

CYCLING ADVISORY COMMITTEE – BICYCLE COURIER BYLAW

Committee received a memorandum dated August 09, 2004 from the Recording Secretary of the Cycling Advisory Committee. The Cycling Advisory Committee at its meeting on March 23, 2004 discussed the Victoria Police Department request to amend the Bicycle Courier Bylaw by incorporating a suspension clause for the bicycle couriers who repeatedly violate the Motor Vehicle Act and City Bylaws. After extensive discussion, the following motion was made.

The Cycling Advisory Committee supports amending the Bicycle Courier Bylaw to include a suspension clause through a show-cause hearing, with an update report on the effectiveness of the amendment twelve months after approval.

ACTION: Councillor Savoie moved that it be recommended to Council that Victoria City Council instruct the City Solicitor to amend the Bicycle Courier Bylaw, in accordance with the Victoria City Police request, by providing for the suspension or cancellation of bicycle courier business licenses for repeat offences under the Motor Vehicle Act and the *Streets and Traffic Bylaw*.

CARRIED 04/574

GALLOPING GOOSE TRAIL – RAILYARD SECTION

At the August 12, 2004 Committee of the Whole meeting, Councillor Savoie indicated that she will discuss with the Cycling Advisory Committee (CAC) the motion passed by the CAC at its meeting of July 27, 2004 and report back to Committee of the Whole. She inquired as to when the Staff report with respect to recommendations from the CAC would be ready. The Staff Liaison of CAC, Brad Dellebuur, informed Committee that the Staff report would be ready at the next Committee of the Whole meeting.

CARRIED 04/573

ADMINISTRATION

CITY FIRE HALL UPGRADING – ALTERNATE APPROVAL PROCESS **LOAN AUTHORIZATION BYLAW NO. 04-60**

Committee received a memorandum dated August 17, 2004 from the Corporate Administrator. Council gave three readings to the Loan Authorization Bylaw No. 04-60 – City Firehall Upgrading (attached) on June 24, 2004. The bylaw, which authorizes an expenditure of up to \$1,265,770 for upgrades to Firehall Nos. 1 & 3 has received the Inspector of Municipalities' approval. The costs of borrowing for this project are accounted for in the Five-Year Financial Plan Bylaw (2004). Prior to adopting this bylaw Council must receive the electors' assent through either a referendum or the Alternate Approval Process (AAP). An AAP is recommended for this bylaw in light of the value of the loan (\$1,265,770) relative to the cost of a referendum (\$100,000). For each AAP, Council must:

1. Establish the deadline for receiving elector responses;
2. Establish elector response forms, which must be available to the public at City Hall;
3. make a fair determination of the total number of electors in the City of Victoria.

ACTION: Councillor Hughes moved that it be recommended to Council that Victoria City Council proceeds with the Alternate Approval Process for Loan Authorization Bylaw No. 04-60, and establish the following process parameters:

1. The Elector Response Form is the form attached to the Staff report dated August 17, 2004;
2. The deadline for the receipt of Elector Response Forms is 4:30 pm on October 05, 2004;
3. The number of electors in the City of Victoria is 46,937.

ACTION: Councillor Coleman moved that it be recommended to Council that this matter be forwarded for consideration at the August 26, 2004 Council meeting.

CARRIED 04/572

2004 UBCM CONFERENCE

Committee received a memorandum dated August 18, 2004 from the Office of the City Manager with respect to the 2004 UBCM Conference being held in Kelowna, British Columbia, from September 20 – 24, 2004. Mayor Alan Lowe, Councillor Bea Holland, Councillor Chris Coleman and Councillor Rob Fleming have each expressed an interest in attending the conference.

ACTION: Councillor Madoff moved that it be recommended to Council that Victoria City Council approve:

1. The attendance of Mayor Alan Lowe, Councillor Bea Holland, Councillor Chris Coleman and Councillor Rob Fleming to the 2004 UBCM Conference in Kelowna.
2. Funding of approximately \$6,640.00 to cover related expenses.

CARRIED 04/571

DISPOSITIONS OF COMMUNICATIONS

Committee received Dispositions of Communications dated August 16 and 23, 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 Savoie moved that the Dispositions of Communications dated August 16 and 23, 2004 be received for information and filed.

CARRIED 04/570

PROCLAMATIONS

ACTION: Councillor Coleman moved that:

1. September 13 - 17, 2004 be proclaimed "Think Pink Week" in the City of Victoria, British Columbia;
2. September 18, 2004 be proclaimed "Langham Court Theatre Day", celebrating its 75th Anniversary in the City of Victoria, British Columbia.

CARRIED 04/569

COUNCILLOR INQUIRIES

Councillor Savoie inquired whether the *Zoning Regulation Bylaw* could effectively regulate bingo hall uses and requested a staff report on this matter.

Councillor Savoie inquired about the riprap deposited under the Bay Street Bridge. The Chair indicated that the City Manager will provide a report on this matter.

04/568

COUNCILLOR INFORMATION SHARING

Councillor Savoie updated Committee as to Block Watch program in the City of Victoria.

Block Watch is a program of neighbors watching out for each other. It is designed to enlist the active participation of citizens in cooperation with the Police to reduce crime and improve the quality of life in their neighborhoods by:

- o becoming acquainted with your neighbours.
- o working together to identify and solve problems in your neighborhood.
- o helping the Police by being aware of and reporting unusual activities.
- o learning to use 9-1-1 and non emergency calls wisely

Block Watch leaves the responsibility of apprehending criminals where it belongs, with the Police Department.

The Block Watch Information Meetings for the Neighbourhoods in the City of Victoria are on how to get started with Block Watch, reasons for participating in the Block Watch Program, how to get a grip on crime in the neighbourhood; and what makes the Block Watch Program work. The dates of the meeting are on the fourth Tuesday of every month, except for December, as follows:

1. September 28, 2004
2. October 26, 2004
3. November 23, 2004; and
4. December 07, 2004

The meetings will be held at the Victoria Police Department, 850 Caledonia Avenue, Victoria, B.C., from 7:00 pm to 9:00 pm.

Bev Stewart is the Block Watch Coordinator responsible for the publicity. For further information, Ms Stewart could be contacted at Telephone: (250) 995-7409.

The Website for Victoria/Esquimalt Block Watch is:

http://www.victoriaesquimaltblockwatch.com/program_information.php?#anchor1

04/567

CLOSED MEETING - 11:15 A.M.

ACTION: Councillor Coleman 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 04566

LEGAL – SAVE-ON-FOODS MEMORIAL CENTRE COMMUNITY USE FEES BYLAW

ACTION: Councillor Coleman moved that it be recommended to Council that Victoria City Council approve Schedule A, Rental & Admission Fees for the Save-On-Foods Memorial Centre Facility for Community Use.

CARRIED 04/565

STATUS OF LEGAL PROCEEDINGS

ACTION: Councillor Savoie moved that this report be received for information.

CARRIED 04/564

LEGAL/CITY SOLICITOR – E & N ROUNDHOUSE

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

1. The City Solicitor to forward a letter to Island Corridor Foundation to advise that the City of Victoria will proceed with the litigation matter on the Court dates of September 09 and 10, 2004.
2. The Mayor to write to the Chair of Capital Regional District requesting that City staff be fully briefed on what is being negotiated with Island Corridor Foundation on behalf of the City of Victoria.

3. This matter be forwarded for consideration at the August 26, 2004 Council meeting.

CARRIED 04/563

LEGAL/CITY SOLICITOR – COUNCIL PROCEDURES

The City Solicitor gave Committee advice on Council procedures.

CARRIED 04/562

Committee requested that the October 07, 2004 the Closed Committee of the Whole meeting commence at 8:00 a.m. for two hours and that the regular Committee of the Whole meeting commence at 10:00 a.m.

04/561

COUNCILLOR INQUIRIES – CLOSED MEETING

1405 FERNWOOD ROAD

Councillor Savoie had an inquiry about 1405 Fernwood Road. Committee requested a staff report on this property.

04/560

ADJOURNMENT OF CLOSED MEETING

ACTION: Councillor Coleman moved that the Closed Meeting be adjourned.

CARRIED 04/558

Closed Meeting was adjourned at 12:05 p.m.

Acting Mayor Bea Holland, Chair