

**Minutes of the Committee of the Whole Meeting of the City of Victoria
held Thursday, December 16, 2004**

Committee Present: Mayor Lowe, in the Chair; and Councillors Coleman, Fleming, Fortin, Holland, Hughes, Madoff, 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 of Parks, Recreation and Community Development; L. Baryluk – Planner; S. Barber – Heritage Planner; J. Basey – Director of Planning and Development/City Solicitor; C. Bloedorn – Project Manager; D. Carlsen – Economic Development Planner; T. Claxton – Engineering; K. Dowdall – Director of Finance; K. Fowler – Manager, Regulatory and Development Services; M. Hill – Downtown Community Development Coordinator; D. Koch – Manager, Planning Division; M. Lam – Head, Urban Design; M. Leskiw – Manager, Parks Division; M.B. MacKenzie – Committee Secretary; J. Martignago – City Manager; S. Masters – Manager, Administration; M. Mayhew – Assistant to the Mayor; M. McCliggott – Comptroller; A. Meyer – Planner; G. Oberg – Manager, Supply Management Services; P. O'Reilly – Director of Engineering; B. Sikstrom – Senior Planner; N. Taylor – Project Manager, Victoria Agreement; C. Timms – Manager, Transportation and Development; 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. CLOSED MEETING - 8:07 A.M.

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

Staff Present: J. Basey – Director of Planning and Development/City Solicitor; C. Bloedorn – Project Manager; D. Carlsen – Economic Development Planner; K. Fowler – Manager, Regulatory and Development Services; M.B. MacKenzie – Committee Secretary; J. Martignago – City Manager; S. Masters – Manager, Administration; M. Mayhew – Assistant to the Mayor; M. McCliggott – Comptroller; G. Oberg – Manager, Supply Management Services; C. Timms – Manager, Transportation and Development; R. Woodland – Corporate Administrator; and W. Zink – Manager, Community Development

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. 04/848

Councillor Fortin advised of an indirect pecuniary conflict of interest and was not in attendance for discussion of the following item.

2.1 Land – Dockside Lands

The Project Manager reviewed:

- the Final Report from K. Panayotof, Community Advisor for the Dockside Project; and
- the summary of public feedback

Responding to questions from the Committee, staff clarified:

- housing relative to the project;
- the public consultation process;
- next stages; and
- wording of the Media Release

Action: Councillor Savoie moved that project for the redevelopment of the Dockside Lands, be awarded to Windmill Developments/VanCity Enterprises, subject to staff carrying out negotiations during the next 60 days in order to finalize a preliminary agreement.

CARRIED. 04/847

Members of the Committee expressed their confidence in the thorough public consultation process resulting in a leading edge project that will leave a legacy for generations. Those involved in the process, including the Manager of Regulatory and Development Services and the Project Manager, were commended for their hard work in coordinating this project.

3. ADJOURNMENT OF CLOSED MEETING

The Closed meeting adjourned at 9:00 a.m.

Councillor Fortin joined the meeting at 9:12 a.m.

4. CALL TO ORDER – REGULAR COMMITTEE OF THE WHOLE MEETING

The Mayor called the Regular Committee of the Whole meeting to order at 9:12 a.m.

5. ADOPTION OF MINUTES - COMMITTEE OF THE WHOLE, DECEMBER 9, 2004

Action: Councillor Thornton-Joe moved that the minutes of the Committee of the Whole meeting held December 9, 2004, be adopted, with the following change:

- on Page 7, Item No. 10.2, Rezoning Application No. 04-5 – 225 Menzies Street:
 1. delete Section 2 of the resolution and reword Section 1 as follows:
 - “1. Referral to the Advisory Planning Commission, the James Bay Neighbourhood Environment Association and the Advisory Design Panel;”
 2. re-number Sections 3 and 4, to Sections 2 and 3, respectively.

CARRIED. 04/846

Action: Councillor Madoff moved that the minutes of the Closed Committee of the Whole meeting held December 9, 2004, be adopted.

CARRIED. 04/845

6. PLANNING AND DEVELOPMENT

6.1 Development Permit Application No. 04-37 – 100 Saghalie Road

The City Manager advised that this application has been withdrawn at the request of the applicant.

6.2 Development Permit Application No. 04-39 – 463 Belleville Street

The Senior Planner reviewed his report dated December 8, 2004, regarding Development Permit Application No. 04-39 for 463 Belleville Street. If approved, storage facilities will replace 14 parking stalls in the underground parkade at the Hotel Grand Pacific.

Responding to questions from the Committee, the applicant's agent advised that a Transportation Demand Management Plan for staff is underway, and there is existing sheltered parking for bicycles.

Action: Councillor Coleman moved that Council authorize the issuance of a Development Permit in accordance with:

1. Plans stamped “Development Permit No. 04-39” dated October 27, 2004;
2. Development meeting all bylaw requirements except for:

Section 5.11.14	Total number of parking stalls relaxed from 246 stalls to 236 stalls; 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. 04/844

6.3 Rezoning Application No. 04-46 – 2735 Douglas Street

The Committee reviewed a report dated December 6, 2004 from the Senior Planner reviewing Rezoning Application No. 04-46, for 2735 Douglas Street. This is the same application previously declined by Council following a Public Hearing on November 13, 2003. If approved, 3024m² of land at the northeast corner of Hillside Avenue and Douglas Street will be rezoned to permit an automobile dealership and second floor offices. In addition, an existing Land Use Contract will be discharged.

Although the previous application was reviewed and recommended by the Advisory Planning Commission and the Advisory Design Panel, staff recommends the application be declined, based on the Official Community Plan and Burnside Neighbourhood Plan policies identifying the area for intensive, mixed commercial/tourist/residential development.

Action: Councillor Fleming moved that the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments to rezone the property at 2735 Douglas Street to the S-1 Zone, Limited Service District, and discharge the Land Use Contract, and the application be forwarded for consideration at a Public Hearing subject to:

1. Amendment of the Official Community Plan to include this property in Development Permit Area No. 7, "Blanshard Street North".

CARRIED. 04/843

6.4 Rezoning Application No. 04-38 – 1617 Haultain Street

The Planner reviewed her report dated December 6, 2004, regarding Rezoning Application No. 04-38 for 1617 Haultain Street. If approved, the property will be rezoned from the R1-B Zone (Single Family Dwelling District) to a new zone based on the R-2 (Two Family Dwelling District) to allow the construction of a duplex on a 510m² lot that would have a floor area of 321m² and a density of 0.63:1. Staff recommends the application be declined, as it does not meet the duplex rezoning policy for density, siting and lot size.

While some members of Council were supportive of the application proceeding to a Public Hearing, others expressed concerns over lack of neighbourhood support and that the proposal does not meet the Neighbourliness Guidelines for Duplexes.

Action: Councillor Madoff moved that Rezoning Application No. 04-38 for 1617 Haultain Street, be declined.

CARRIED. 04/842

6.5 Rezoning Application No. 04-44 – 80 Regatta Landing

The Planner outlined her report dated December 8, 2004, for Rezoning Application No. 04-44. If approved, the zoning at 80 Regatta Landing will be amended to permit six live/work units on the second floor. The ground floor will continue to be commercial.

Members of the Committee asked the applicant to consider work/live units, and requested a visual representation of the view of the berm/parking garage from the Galloping Goose Trail. The applicant and staff were asked to revisit the design of the section of park between the parking structure and the Galloping Goose.

Action: Councillor Madoff moved that the City Solicitor be instructed to prepare the Zoning Bylaw amendments for Rezoning Application No. 04-44 for 80 Regatta Landing, and that the application be forwarded for consideration at a Public Hearing subject to review by the Advisory Design Panel.

CARRIED. 04/841

6.6 Development Permit No. 04-47 – 1545 Pandora Street

In a report dated December 10, 2004, the Planner advised of an application to reduce the parking requirement at 1545 Pandora Avenue (Stadacona Centre) from 230 to 204 stalls, prompted by a change in business tenants seeking Business Licences. A history of changes to the property, including strata titling of the building, has left a shortage of parking stalls. Although the residential units are triggering the need for the variance, it is the businesses that are suffering from the current non-conforming status.

Action: Councillor Madoff moved that Council authorize the issuance of a Development Permit in accordance with:

1. Plans stamped "Development Permit No. 04-47" dated October 29, 2004; and
2. Development meeting all bylaw requirements except for:

Schedule C, Section 12 (c)	Parking relaxation from 1.4 parking stalls per unit (147 stalls) to 1.15 parking stalls per unit (121 stalls); and
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3. This item be forwarded to the December 16, 2004 Council meeting for consideration.

CARRIED. 04/840

6.7 Sign Development Variance Permit No. SI 04-50 – 2555 Government Street

The Heritage Planner reviewed his report dated December 9, 2004, for an application for a new freestanding sign that has already been erected. Since the Sign Bylaw allows only one freestanding sign on the lot, Council approval of a Sign Development Variance Permit is required.

Action: Councillor Coleman moved that Council authorize the issuance of Sign Development Variance Permit No. SI 04-50 for 2555 Government Street in accordance with:

1. Plans stamped Sign Development Variance No. SI 04-50;
2. Development meeting all bylaw requirements except for:

Sign Bylaw 7.13 (3)	Varied to allow more than one free-standing sign;
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3. Final plans to be in accordance with plans identified above.

CARRIED. 04/839

6.8 Proposed Replacement of Tiles – 1001-1019 Douglas Street/Sussex Place

This item was withdrawn from the agenda by staff.

Councillor Coleman left the meeting at 10:03 a.m.

6.9 Removal from Heritage Registry – 715 Catherine Street

The Committee reviewed a report from the Heritage Planner dated December 7, 2004, regarding an owner request to remove 715 Catherine Street from the Heritage Registry. Noting that the residence is constructed of brick, a rare method of construction in Victoria, staff recommends the property be retained on the Heritage Registry.

The owner of the property, Kirk Kendall, asked the Committee to consider his request to have the house removed from the Heritage Registry. He stated his frustration with the additional layer of approvals that are required in addition to the required permits for construction and demolition.

Members of the Committee believed that being on the Heritage Registry does not put an undue onus on the owner, but rather allows access to valuable advice from staff and the Heritage Advisory Committee.

Action: Councillor Madoff moved that, whereas the Heritage Registry house at 715 Catherine Street is of significant historical value, it not be removed from the City's Heritage Registry.

CARRIED. 04/838

Councillor Coleman rejoined the meeting at 10:06 a.m.

6.10 Downtown Plan Review

In a report dated December 10, 2004, the Manager, Planning Division, outlined the review to the City's 1990 Downtown Victoria Plan with an incentive policy to encourage housing including the public consultation process, expected outcomes over the next two years, and Steering Committee Term of Reference.

Comments from members of the Committee included:

- concerns regarding the 2006 timeline and the opportunities available to Council if the Downtown Plan is completed sooner;
- the need to give the Downtown Plan Review priority, resources, and retain a consultant with a vision and expertise in this area; and

- the need for a workshop between Council and staff early in 2005 to consider the budget, a work plan, and selection of Committee members to ensure achievement of a triple bottom line

The Director of Planning and Development suggested the Committee wait until the Spaxman report, reviewing the organization of the Planning Division, is received.

Action: Councillor Madoff moved that the report dated December 10, 2004, from the Manager, Planning Division, outlining the Downtown Plan Review, be received for information.

CARRIED. 04/837

6.11 Rezoning Process Changes

In his report dated December 3, 2004, the Manager, Planning Division, provided information to the Committee on the process for evaluating rezoning applications that are in conflict with Planning policies, including:

- consultation with other City departments;
- a preliminary report to Committee of the Whole; and
- an opportunity for the applicant to make a presentation to the Committee.

Action: Councillor Madoff moved that the report dated December 3, 2004, from the Manager, Planning Division, outlining rezoning process changes, be received for information.

CARRIED. 04/836

6.12 Variance Applications – Public Notification and Hearing Standards

The Manager, Planning Division, outlined his report dated December 2, 2004, reviewing three options to ensure consistency for public notification and hearings for variance applications.

Action: Councillor Madoff moved that:

1. Council replace its current variance permit procedures with a single approach based on Option No. 2, outlined in the report dated December 2, 2004, from the Manager, Planning Division; and
2. Added costs for Planning and Legislative Services be recovered through application fees increases.

CARRIED. 04/835

7. PARKS, RECREATION AND COMMUNITY DEVELOPMENT

Councillor Madoff declared an indirect pecuniary conflict of interest with the following item, and was excused from the meeting at 10:28 a.m.

7.1 Capital Grant Request – Cridge Centre for the Family, 1190 Kings Road

The Manager, Community Development, reviewed a \$50,000.00 Capital Grant application from the Cridge Centre for the Family to assist in the development of supportive housing for frail low-income seniors at its site at 1190 Kings Road. The

proposal is a combination conversion and new build addition totaling 75 units of which 40 will be subsidized and 35 self-funded.

Although supportive of the application, some members of the Committee wished to see a fairer process for applications so all agencies have access to grant monies, while others were in favour of the current practice of approving grant requests as they are received. Staff was asked to draft a policy to address future Capital Grant applications.

Action: Councillor Holland moved that:

1. Council approve a Capital Grant of \$16,500.00 to the Cridge Centre for the Family for a seniors supportive housing project at 1190 Kings Road in 2004;
2. Council refer the balance of the Capital Grant request (\$33,500.00) to the 2005 budget discussions; and
3. This item be forwarded to the December 16, 2004 Council meeting for consideration.

CARRIED. 04/834

Councillor Madoff rejoined the meeting at 10:40 a.m.

7.2 Welfare Legislation – Employment and Assistance Act

In her report dated December 16, 2004, the Secretary, Advisory Social Planning Committee, reviewed a letter from the Mayor of Port Moody requesting support of a resolution related to the new welfare legislation in the Employment and Assistance Act. The Advisory Social Planning Committee recommends support of the resolution with an amendment to reinstate and increase benefit rates rather than repealing the cuts to benefit rates.

Action: Councillor Fleming moved that:

1. Council endorse the amended Employment and Assistance Act Welfare Legislation resolution and send a letter to the Union of British Columbia Municipalities and other municipal Councils in British Columbia explaining the amended resolution and encouraging other Councils to support it;
2. The Mayor correspond with the Mayor of Port Moody to acknowledge the resolution and explain Victoria's amendment; and
3. The Mayor send a copy of the amended resolution to all MLAs representing residents of Victoria.

CARRIED. 04/833

7.3 Tree Protection Bylaw

The City Manager advised that this item has been deferred to the January 27, 2005 Committee of the Whole meeting.

7.4 2005 Route for Times Colonist 10K Run

In his report dated December 16, 2004, the Community Development Coordinator reviewed the revised route for the 2005 Times Colonist 10K Run, removing the finish line outside of Beacon Hill Park.

Action: Councillor Fortin moved that

1. The identified route for the 2005 Times Colonist 10K Run attached to the report dated December 16, 2004 from the Downtown Community Development Coordinator be approved; and
2. Ship Point be made available for festivities following the run.

CARRIED. 04/832

7.5 Dogs in Parks Steering Committee - Final Recommendations , Beacon Hill Park

The Manager, Parks Division, highlighted his report dated November 26, 2004, entitled "Dogs in Parks Steering Committee – Final Recommendations related to Beacon Hill Park".

Members of the Committee expressed concerns with Area "C" boundaries in Beacon Hill Park. Councillors Coleman and Thornton-Joe and members of the Dogs in Parks Steering Committee were thanked for their hard work, especially given the difficulty in dealing with this issue and finding a solution that will work for everyone.

Action: Councillor Coleman moved that Council:

1. "amend the motion of December 2, 2004 and add:
"1(b) define the "no dog" area in Beacon Hill Park and refer this item back to the Dogs in Parks Steering Committee for review;"
2. this amended motion be forwarded to the December 16, 2004 Council meeting for consideration.

CARRIED. 04/831

8. ENGINEERING

8.1 Strata Title Application – 1813 Chestnut Street

In his report dated December 10, 2004, the Land Development Technologist reviewed an application from Pacific Island Constructors Ltd., the owner of 1813 Chestnut Street, to strata title the existing five-unit residential building.

Action: Councillor Madoff moved that:

1. The application to strata title the five-unit residential building at 1813 Chestnut Street be approved, subject to compliance with applicable Provincial Codes and City bylaws; and
2. This item be forwarded to the December 16, 2004 Council meeting for consideration.

CARRIED. 04/830

9. **ADVISORY COMMITTEES**

9.1 **Advisory Transportation Committee – Funding for Public Transportation**

At its November 16, 2004 meeting, the Advisory Transportation Committee made the following recommendation:

“The Advisory Transportation Committee requests City Council send a letter to the Province of British Columbia requesting increased and sustained funding for public transit throughout the province.

Noting the increase in transit ridership, one member of the Committee indicated a need for a letter to be sent to the Province requesting sustained transit funding. Councillor Fleming agreed to draft the letter.

Action: Councillor Coleman moved that the report regarding funding for public transportation dated November 20, 2004, be received from the Secretary, Advisory Transportation Committee.

CARRIED. 04/829

9.2 **Environment and Shoreline Advisory Committee – EcoStar Awards**

At its November 17, 2004 meeting, the Environment and Shoreline Advisory Committee discussed the EcoStar Awards and made the following recommendation:

“That in recognition of the above, the City of Victoria Environment and Shoreline Advisory Committee recommends that the City of Victoria sponsor the EcoStar Awards in 2005 by contributing \$1,500.00.”

Action: Councillor Savoie moved that the report dated December 1, 2004, from the Secretary, Environment and Shoreline Advisory Committee, recommending the City of Victoria contribute \$1,500.00 to sponsor the EcoStar Awards in 2005, be received for information.

CARRIED. 04/828

9.3 **Environment and Shoreline Advisory Committee – Resolution on Community Gardens**

At its November 17, 2004 meeting, the Environment and Shoreline Advisory Committee discussed a resolution on community gardens, and made the following recommendation:

“That the City of Victoria develop an official policy within a year, to promote, support and develop community gardens in the City. In addition, the Committee recommends that this policy be developed in partnership with the City’s community associations and relevant advisory committees including the Environment and Shoreline, the Parks, Recreation and Community Services, and the Social Planning and Housing Advisory Committees.”

Action: Councillor Savoie moved that the Environment and Shoreline Advisory Committee’s resolution on community gardens be supported in principle, and referred to staff for a recommendation.

CARRIED. 04/827

10. ADMINISTRATIVE MATTERS

10.1 Dispositions of Communications

Committee reviewed reports dated December 13 and 15, 2004, from the Manager, Administration, reporting that certain communications received in the Legislative Services Division were dealt with on the date and in the manner indicated.

Action: Councillor Coleman moved that the Dispositions of Communications dated December 13 and 15, 2004 from the Manager, Administration, be received for information and filed.

CARRIED. 04/826

10.2 Proclamation

Action: Councillor Hughes moved that January 25, 2005, be proclaimed “Family Literacy Day” in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED. 04/825

11. COUNCILLOR INQUIRIES / INFORMATION SHARING

11.1 Island Corridor Foundation

Councillor Savoie expressed concerns with the Island Corridor Foundation’s proposal relative to the Songhees Hillside, and requested a meeting between staff and Council to discuss the issues.

11.2 CREST Funding

Councillor Fortin advised that CREST recently approved the funding structure approved by the City.

11.3 Housing Trust Fund Report

Councillor Fortin advised that the Housing Advisory Committee received a presentation from the Victoria Foundation and a report advising Council on the terms and structure of the Housing Trust Fund will be coming forward in the next three months.

11.4 Saanich/Oak Bay – 100th Anniversaries

Councillor Thornton-Joe asked the Committee to consider how the City of Victoria can participate in the Saanich and Oak Bay upcoming 100th Anniversaries.

11.5 Notice of Motion - Dangerous Dogs

Councillor Thornton-Joe served Notice of Motion, to discuss at the January 13, 2005 Committee of the Whole meeting, the City's letter to the Union of British Columbia Municipalities regarding the monitoring of Ontario's legislation, and the root causes of dangerous dogs.

The Mayor left the meeting at 11:25 a.m., and Councillor Hughes assumed the Chair.

12. CLOSED MEETING - 11:25 A.M.

Committee Present: Mayor Alan Lowe (part), and Councillors Coleman, Fleming, Fortin, Holland, Hughes, Madoff, Savoie and Thornton-Joe

Staff Present: D. Atkinson – Director of Parks, Recreation and Community Development; J. Basey – Director of Planning and Development/City Solicitor; D. Carlsen – Economic Development Planner; S. Hortsing – Project Manager; D. Koch – Manager, Planning Division; M.B. MacKenzie - Committee Secretary; M. Mayhew – Assistant to the Mayor; J. Martignago – City Manager; N. Taylor – Project Manager; R. Woodland – Corporate Administrator; and W. Zink – Manager, Community Development

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. 04/824

12.1 Land/Lease – The Lower Causeway

Action: Councillor Madoff moved that the report dated December 13, 2004 from the Property Manager and the Economic Development Planner be received, and representatives of the Greater Victoria Harbour Authority be

invited to attend an upcoming Committee of the Whole meeting to discuss the Lower Causeway.

CARRIED. 04/823

Mayor Lowe rejoined the meeting at 11:53 a.m., and reassumed the Chair.

12.2 Appointments to Committees, Commissions and Boards

Action: Councillor Thornton-Joe moved that Sandra Meigs be appointed to the Downtown Advisory Committee for the term commencing January 1, 2005.

CARRIED. 04/822

Action: Councillor Savoie moved that Harvey Williams be appointed to the Environment and Shoreline Advisory Committee for the term commencing January 1, 2005.

CARRIED. 04/821

Action: Councillor Coleman moved that Dennis Seed be appointed to the Parks, Recreation and Community Services Advisory Committee for the term commencing January 1, 2005.

CARRIED. 04/820

Action: Councillor Hughes moved that the preceding three Committee appointments be forwarded to the December 16, 2004 Council meeting for consideration.

CARRIED. 04/819

12.3 Legal – CREST

The Corporate Administrator updated the Committee on the City's request for information from CREST.

At the request of Mayor Lowe, Reverend Al Tysick – Open Door; David Stewart – Upper Room; and Brenda McBain – City Spaces Consulting, joined the meeting at 12:00 a.m., for discussion of the following item.

12.4 Legal/Land

Members of the Committee discussed a land disposition issue in the City.

Reverend Tysick, David Stewart and Brenda McBain left the meeting at 12:59 p.m.

The Committee agreed not to rise and report, but requested that the discussion and the resolution be recorded and kept confidential.

(Resolution Closed - 04/818)

Tony Steadman, Quantity Surveyor, joined the meeting at 1:28 p.m., for discussion of the following item.

12.5 Land – Save-On-Foods Memorial Centre Update

Action: Councillor Holland moved that:

1. The verbal report from the Project Manager, providing an update on the Save-On-Foods Memorial Centre, be received for information; and
2. The Project Manager be directed to provide, at Total Completion, a full report including a value audit and verification of conformance with the Approved Design and Performance Specifications (estimated cost \$25,000.00).

CARRIED. 04/817

The Committee agreed not to rise and report on an additional resolution, but requested that it be recorded and kept confidential.

(Resolution Closed - 04/816)

13. ADJOURNMENT

The meeting adjourned at 2:30 p.m.

Mayor Lowe, Chair