

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING
HELD THURSDAY, APRIL 5, 2007, 9:00 a.m.

Committee Members Present: Mayor Lowe in the Chair, Councillors Chandler, Coleman, Fortin, Holland, Madoff, Thornton-Joe and Young.

Absent: Councillor Hughes.

Staff Present: M. McCliggott - Acting City Manager; R. Woodland - Corporate Administrator; C. Havelka - Recording Secretary.

Staff Present for a Portion of the Meeting: D. Day – Director of Planning & Development; P. Sparanese – Deputy Director of Engineering; A. Hudson – Senior Planner; D. Koch – Manager, Development Services; B. Sikstrom – Senior Planner; A. Meyer – Senior Planner; M. Lam – Senior Urban Design Planner; B. Dellebuur – Transportation; K. Kresse – Transportation; K. Stratford – Research Analyst; R. Linzey – Heritage Planner; M. Hill – Downtown Coordinator; D. Leslie – Manager, Engineering Information & Technology; J. Mitton – Supervisor, Land Development; W. Zink – Manager, Social Planning & Housing; L. Baryluk, Planner; K. Ramsay – Planner, Community Development.

1. CALL TO ORDER

The Mayor called the meeting to order at 9:02 a.m.

2. APPROVAL OF AGENDA

The Mayor outlined the following changes to the April 5, 2007 Committee of the Whole agenda:

- Item # 7 – Additional Correspondence
- Item # 8 – Additional Correspondence
- Item # 9 – Additional Correspondence
- Addition of Item 12a – Economic and Community Development Grants
- Addition of Item 21a – Councillor Inquiry – Victoria/Langford Commuter Rail Service
- Addition of Item 24a – In Camera – Land – Offer to Lease
- Councillor Inquiries / Information Sharing:
 - a. Councillor Thornton-Joe - one sharing
 - b. Councillor Fortin – one sharing.

Action: Councillor Holland moved that the Agenda of the April 5, 2007 Committee of the Whole meeting be approved as amended.

3. ADOPTION OF MINUTES

3.1 March 15, 2007 Committee of the Whole Minutes

Action: Councillor Coleman moved that the minutes of the Committee of the Whole meeting held March 15, 2007 be adopted.

CARRIED 07/193

4. DELEGATIONS

4.1 Greater Victoria Harbour Authority

Committee received a presentation from the Greater Victoria Harbour Authority with Paul Servos, General Manager, and Don Prittie, Chair describing the harbour as the 'heart of the city' as well as the gateway for the City's future and past, and thanked City staff for the support and collaboration the Greater Victoria Harbour Authority has received. They also noted the diversity of the harbour; the Inner Harbour as a tourism draw and gathering place; the role of Ogden Point in supporting the Cruise Ship and cargo industries; the evolving industrial area; and the upgrade now occurring on Fisherman's Wharf.

A Committee member inquired about handicap access on to the docks at Fisherman's Wharf and was advised that the ramps are being modified for safe and easy access. A Committee member inquired about cruise ships running their diesel engines while in port. Committee was advised that using hydro while in dock was not an option due to the amount of energy required. The newer ships coming into port now have the technology to use less diesel in dock. The Harbour Authority is working with VIHA and the CRD to study air quality.

Committee thanked the Greater Victoria Harbour Authority for their time and efforts.

5. CORPORATE AND REGULATORY SERVICES

5.1 Easement over City Property – Ship Point

Committee received a report dated March 15, 2007 from Corporate and Regulatory Services with respect to an Easement over City Property at Ship Point. The purpose of this report is to obtain Council's approval to register an easement over City property between Ship Point and the City parking lot on Wharf Street to install a service trench to increase electrical power to Ship Point from a 200 amp service to 1600 amps. This will benefit events sponsored by the GVHA, the City of Victoria and Tourism Victoria, such as Swiftsure, VicMaui Race, Clipper Round the World Race, Symphony Splash, Dragon Boat Festival, Classic Boat Festival and Tall Ships. It will also enhance service available to the moorage facilities at Ship Point. Currently there is insufficient power and other infrastructure at this location.

The easement will contain wording to the effect that the GVHA may have to relocate the easement should the City decide to develop its property in the future.

- Action:** Councillor Holland moved that Council consents to the GVHA request for an easement over City property to upgrade exiting services to Ship Point, subject to:
1. GVHA being responsible for all costs, permitting, drafting of documents and registration.
 2. Nominal fee consideration for the easement.
 3. Language in the easement document requiring GVHA to relocate easement, if required, due to redevelopment of City lands.

CARRIED 07/192

6. DEVELOPMENT SERVICES

6.1 Rezoning Application # 00114 for 1620 Blanshard Street

Committee received a report dated April 5, 2007 from Development Services with respect to Rezoning Application # 00114 for 1620 Blanshard Street. This application is to redevelop the Gold's Gym Building on the southwest corner of Blanshard and Fisgard plus the lot to the west, for a 15-storey office building and ground level retail/restaurant uses. The development would be serviced by 143 underground parking spaces and 42 bicycle spaces.

Rezoning is requested to permit a density increase from 3.01:1 to 7.6:1 floor space ratio, an increase in maximum height from 43 m to 58 m and for massing of upper portions of the building facades and the side yard configuration. The proposal is generally consistent with the policies of the *Official Community Plan, Downtown Victoria Plan* and the draft *Downtown Plan Update: Vision, Principles and Goals*. The following points were taken into account in evaluating this application from a triple bottom line perspective:

- a density lift of 4.6:1 FSR is requested in exchange for amenities: Housing Trust Fund contribution, some underground customer parking, public open space and streetscaping along streets and at the intersection, mid-block walkway system expansion, economic revitalization of the north end of Downtown and unique design qualities in the form of green building features (LEED, green roof and public art in the form of "green walls");
- the applicant is proposing a height increase of 15 m over the 43 m maximum building height limit and relief from massing back requirements for street facades above 10 m in height. Height and massing of the building are complementary to nearby existing buildings and planned buildings, e.g. the Hudson;
- the applicant has submitted a financial analysis;
- the building size fits within the range anticipated in the recently commissioned *Urban Development Potential in Downtown Victoria: 2006-2026* report.

The applicant has met with neighbours and the community associations' land use committees. The letters dated November 14, 2006 and February 9, 2007 from the

Downtown Residents Association and North Park Neighbourhood Association were attached to the report.

Committee discussed the following:

- Concerns with respect to the mid-block walkway were discussed. The walkway is expected to develop and evolve, triggered by the City's determination as outlined in the Master Development Agreement.
- The amount of public parking is being negotiated; the applicant is working with Robbins Parking.
- The office building pro forma shows a lease rate which is capped and allows an assumption on the value of the building. Comparing this value with the sale of a condo shows the two assets are comparable.
- Committee recognized the need for office space in the downtown area.
- The Mayor expressed concerns with respect to the height of the project.
- Councillor Madoff requested clarity on the principals of a green wall as public art versus greenspace.

Action: Councillor Holland moved that Council approves:

- A) That the application be forwarded for consideration at a Public Hearing and that the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments, based on the draft zone outline attached in part 6.1 subject to:
- A1. Review and comment on the density by the Advisory Planning Commission.
 - A2. Submission of the following to the satisfaction of the Director of Engineering:
 - Plans confirming proposed streetscaping consistent with all utilities (e.g. Telus), bike lane provision, location of any street trees and building overhangs, prior to review and comment by the Advisory Design Panel;
 - Sanitary Sewer Impact Study;
 - A3. Review and comment by the Advisory Design Panel with special attention to the following:
 - Design, height and massing;
 - An exceptionally high quality of building design, exterior finishes and landscaping consistent with its context, as noted in the *Downtown Plan*, at a gateway and street head intersection on the boundary between Downtown and North Park;
 - Liveability of the existing and planned neighbouring dwellings;
 - A high quality of pedestrian experience with reference to surface treatment, shop frontage transparency and activity/interest along both streets;
 - Mid-block path to be designed for implementation in two phases – initially as an ornamental area attractively fenced off from public uses and later as a public walkway with safe sight lines from both streets and wheelchair accessibility from Fisgard to mid-block (with related construction costs identified for phase 2);
 - Landscaping and green roof design;

- CPTED principles;
 - Wind impact analysis to confirm development would result in no worsening of wind conditions on the adjoining public sidewalks, adjacent walkway and corner plaza.
- A4. Legal agreements to the satisfaction of the Director of Planning & Development as follows:
- Secure public access over west side yard for future pedestrian mid-block walkway, with allowance for future construction activity, if needed at the discretion of the City – to be attractively landscaped, fenced and maintained all at the owner’s expense;
 - Contribution of \$100,000 for Housing Trust Fund;
 - 2 m easement for Blanshard sidewalk, bike lane and boulevard improvements;
 - LEED certification including green roofs;
 - At least \$350,000 for public art in the form of living green wall for the bottom three floor levels (north and east facades) plus provision for its creative design and on-going maintenance;
 - Provision for public use of surplus parking
- B) That City staff be directed to bring forward a zoning amendment consistent with *Downtown Plan* policy 3.2.2.4 if the building permit has not been obtained and construction completed or in progress towards completion, within two years of the date of this application’s zoning bylaw’s adoption.
- C) That this project be referred to the Public Art Project Advisory Committee to review the principals defining a “greenwall” and how they relate to public art.

CARRIED 07/191

Mayor Lowe voted against this motion

Councillor Coleman withdrew from Council Chambers at 9:50 a.m.

Councillor Coleman returned to Council Chambers at 9:55 a.m.

6.2 Development Permit # 000072 for 755 Caledonia Avenue (‘The Radius’) – Revised Design

Committee received information from staff with respect to the concurrent Rezoning and Development Permit Applications for 755 Caledonia Avenue. This application was at the Advisory Design Panel (ADP) on April 4, 2007 and today’s verbal report is to update Committee on design revisions. Staff described the public space design as two mid-block walkways that meet at the centre of the block where the university entrance is situated. This widens up and provides open space integrated with Herald Street. An increase in elevation up to Blanshard Street resulted in a redistribution of density from the east residential tower to the west residential tower. 54.71 meters is the new height due to the redistribution of density. The ADP recommended approval in principal.

The applicant wanted the rezoning to proceed concurrently with the Development Permit but design detail is needed by the ADP before the Public Hearing. If the height variance is dealt with through the Development Permit, a second Public Hearing would be required. Committee expressed concerns that once rezoned the height becomes a right within that zone. The Director of Planning & Zoning advised that allowable height could be written into the zoning guidelines.

Some Committee members were concerned about the revisions to the design with respect to feeling less informed. It was noted that the ADP did approve the design of the walkway and six issues of concerns brought to the ADP were addressed.

Committee expressed a desire to move this application forward with height restrictions written into the zoning guidelines. However the Corporate Administrator advised that Committee has already passed a motion which may need to be amended at the April 12, 2007 Council meeting.

Action:

Councillor Holland moved that Council approve:

1. That staff include height relaxations as part of the zoning amendment bylaw for Rezoning Application No. 00096 respecting 755 Caledonia ('The Radius').
2. That the applicant submit detailed design information as part of Development Permit Application No. 000072 for further review by the Advisory Design Panel.

CARRIED 07/190

Councillors Chandler, Fortin and Madoff voted against this motion.

Councillor Chandler withdrew from Council Chambers at 10:21 a.m.

6.3 Development Permit # 000071 for 321 Waterfront Crescent / 2940 Jutland Road

Committee received a report dated March 27, 2007 from Development Services with respect to Development Permit # 000071 for 321 Waterfront Crescent / 2940 Jutland Road. This application is for a six-storey, mixed use building comprised of 44 residential units, 279 m² of ground floor commercial space, underground parking and bicycle storage. The building comprises a two storey podium of waterfront condominiums oriented towards the pedestrian boardwalk and a four-level curved slab of residential units over the podium and commercial space along Jutland Road. The applicant has described the proposal in a letter to Council dated January 24, 2007.

The subject site is identified within the *Selkirk Waterfront Urban Design Manual* as "Development Area 2" and as the "Waterfront Apartments". Together, these guidelines prescribe a six-storey landmark building at the Waterfront Crescent/Jutland road intersection, with facades oriented towards both landscaped open spaces and the urban street environment along Jutland Road. The applicant has provided terracing along the west elevation to accommodate a green roof and private patios facing the water, which the guidelines encourage. The building has been designed to provide a distinction between the residential and commercial uses. A landscaped court leading to a residential lobby is provided off Waterfront

Crescent and entrance to the commercial space is located at the intersection facing the South Circle roundabout. Glazed commercial frontage is also provided along Jutland Road. The proposed design embodies the fundamental design principles within the *Manual*.

The applicant is proposing five variances as part of this application. Staff considered the proposed variances and have no objections. A description of the variances and analysis is provided in Section 4(b) of this report. The application was also considered by the Burnside Gorge Community Association which has provided comment in the letter to Council dated February 9, 2007.

This Development Permit with variances requires sign posting, notification and a hearing.

A Committee member questioned why this application was not brought before the Advisory Design Panel (ADP). Staff advised that there were some variances but it was felt they were consistent to guidelines. Staff reviews applications to determine which ones go to ADP. The cost of the building permit also determines which ones go to ADP. A Committee member expressed concerns with respect to imposing delays on developers.

Action: Councillor Madoff moved that this application be referred to the Advisory Design Panel for review.

Mayor Lowe and Councillors Coleman, Holland, Thornton-Joe and Young voted against this motion.

DEFEATED 07/189

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

1. Plans stamped 'Development Permit 000071 dated January 22, 2007';
2. Development meeting all bylaw requirements, with the following variances:

Section 12.1.1	Build to line percentage of building face for first three storeys varied from the 75/25% ratio for both Waterfront Crescent and Jutland Road.
Section 12.1.7(g)(ii)	Build to line distance relaxed from 3.0m (Jutland Rd.) to 0.5m.
Section 12.1.7(h)	Build to line distance above three storeys relaxed from 2.5m further setback to nil for both Waterfront Crescent and Jutland Road.
Section 12.1.7(j)	Side yard setback (south) relaxed from 4.9m to 3.9m.
Section 12.1.7(k)(ii)	Setback from high water mark (rear yard) relaxed from 7.0m to nil for portion of building at third floor and higher.

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

CARRIED 07/188

6.4 Rezoning Application # 00071 for 516 – 518 Discovery Street

Committee received a report dated April 5, 2007 from Development Services with respect to Rezoning Application # 00071 for 516 – 518 Discovery Street. At the October 5, 2006 Committee of the Whole meeting concerns were raised with respect to the Development Permit and Committee asked that staff report back on the following:

- Concerns on how the passengers could get onto connecting transportation to other locations and the routes that buses would take and the impact on the City – of concern is the City's lack of authority on this matter;
- The surrounding sidewalks or lack thereof for pedestrians;
- How the Bus Depot would affect adjacent sites;
- Information on the future development of the rest of the site east of the proposed bus depot and the financial sustainability of the bus depot on its own without development of the rest of the property.

Staff discussed these concerns and the need to address them with the applicant. In response, the applicant has clearly addressed the first two concerns by:

1. Agreeing to enter into a letter of understanding with the City regarding PCL bus routing to enable Council input into any future changes; and
2. Preparing plans for sidewalks to Government Street and a greenways treatment for Pembroke Street in consultation with staff and to be secured as part of any approval.

The applicant responded to the last two concerns by means of letters.

A Committee member questioned the manoeuvrability of motor coaches turning onto Government Street should the intersections bulbs be expanded along that route. Engineering staff advised that consideration of the turning radius of motor coaches would be considered in any future expansion.

Action: Councillor Holland moved that this report be received for information.

CARRIED 07/187

Councillor Fortin voted against this motion

6.5 Rezoning Application # 00110 for 221 Quebec Street and 506 – 508 Pendray Street

Committee received a report dated March 28, 2007 from Development Services with respect to Rezoning Application # 00110 for 221 Quebec Street and 506 – 508 Pendray Street. At its meeting on December 14, 2006, City Council requested staff to report back on options for further consideration of this application. The

proposal is to rehabilitate a heritage-designated house located at 221 Quebec Street and construct six townhouses on vacant property located on the corner of Pendray and Kingston. Staff recommended the application be declined in the report dated November 30, 2006.

An option for further consideration is the use of a Heritage Revitalization Agreement instead of a rezoning, heritage alteration permit and development permit. It can include provisions regarding phasing and timing and could require the rehabilitation of the heritage-designated house before (or concurrently with) completion of the townhouses. This option could be used for the current scheme or for a scheme with fewer townhouse units. The applicant has indicated he is willing to enter into Heritage Revitalization Agreement as an alternative to rezoning.

To date, the City has not used Heritage Revitalization Agreements. However, this is a potential mechanism that will entail negotiations with applicants, legal support and assistance, and some new administrative procedures and information to the public.

The use of a Heritage Revitalization Agreement for this proposal could ensure the rehabilitation of the heritage-designated house; however, staff cannot support the related proposal to develop six townhouses at the corner of Pendray and Kingston Street. The density and siting of the proposed townhouses result in a development that crowds the site and leaves minimal private outdoor open space.

Committee was advised that there were no changes from the original proposal but this is a response to Committee's request to provide options. In response to the density concern, the applicant, Mr. Imhoff noted that four units were not viable and support from the neighbours for the six unit development has been positive. Mr. Imhoff noted that he had advised neighbours of the option of developing four units on that site.

Committee were supportive of the Heritage Revitalization Agreement but expressed concerns with respect to the formal design of the buildings.

Action: Councillor Fortin moved that this application be postponed and that the applicant reassess the design and site plan of the proposed townhouses to more fully meet the Heritage Revitalization Agreement and planning principles.

CARRIED 07/186

Councillor Young excused himself from the meeting at 11:20 a.m. as he has an indirect pecuniary interest in the following item which creates a conflict of interest.

Mayor Lowe withdrew from Council Chambers at 11:22 a.m. Councillor Madoff assumed the Chair.

6.6 Rezoning Application # 00112 for 427 Government Street

Committee received a report from Development Services dated March 7, 2007 with respect to Rezoning Application # 00112 for 427 Government Street. The application is to rezone a 370 m² lot fronting on Government Street (with a rear

yard frontage on Young Street) to permit the linkage of a garage with the main house and its use as a secondary suite.

The following points were considered when reviewing the application:

- The proposal does not comply with the City's policies for duplex rezonings, conversion regulations or the proposed approach regarding secondary suites.
- The proposal entails increasing the floor space ratio, reducing the rear yard setback (caused by linking the buildings) and not providing an additional parking space on a property that does not meet standard single family lot area or width. Current policy does not support two dwellings units in a house or property of this size.
- Although the proposal has limited impact, there would be a concern if it were seen as a precedent and, if approved, other residential garage conversion applications with significant localized impacts may be expected throughout the City.

The James Bay Neighbourhood Environment Association and neighbours have been consulted.

Committee discussed the policy of secondary suites being situated outside the main building and the need for discussion around this subject. The applicant, Michael Jansen, noted that the renovations carried out on the ancillary building were legally done and adding a sink and cooking facility are the only changes required. He also noted that three parking spots are available for this property. Committee commented on the unique aspect of this project and the need to be cautious with this type of application.

Action: Councillor Coleman moved that the application be forwarded for consideration at a Public Hearing and that the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments, based on the draft zone outline:

Draft Zone Outline

All of the uses and regulations in the R-2 Zone, Two Family Dwelling District, with the following exceptions:

Additional Permitted Use: secondary suite
Floor space ratio: 0.6:1 (max)
Rear yard setback: 1.5 m (min).

CARRIED 07/185

Committee recessed at 11:45 a.m.

Councillor Fortin withdrew from Council Chambers at 11:45 a.m.

The Mayor returned to the meeting and assumed the Chair at 11:47 a.m.

Councillor Young returned to the meeting at 11:47 a.m.

The meeting was reconvened at 11:48 a.m.

6.7 Rezoning Application # 000126 for 2918 and 2924 Shelbourne Street

Committee received a report dated April 5, 2007 from Development Services with respect to Rezoning Application # 000126 for 2918 and 2924 Shelbourne Street. The application is to rezone two lots on the west side of Shelbourne Street, between Myrtle Avenue and Pearl Street, from the Single Family Dwelling District to the Shelbourne Townhouse District. The approval of rezoning will allow the construction of seven townhouses.

The land use and density meet with the guidelines within the *Oaklands Neighbourhood Plan*. The applicant is requesting two variances at this time. The property is included in Development Permit Area 18 – Shelbourne, and approval of this application will require a development permit that will regulate form and character (but not exterior finishes or landscaping).

Staff if recommending changes to the design for improvements to the Shelbourne Street streetscape and this would necessitate returning this application to Committee of the Whole for further direction after Advisory Design Panel review. These changes may affect the variances requested.

Councillor Fortin returned to the meeting at 11:50 a.m.

Committee members discussed late item additions which included a change in elevation, door and sidewalk changes. The lot to the south is privately owned and the applicant was unable to purchase it. Committee members expressed concern with the back of the project which transitions onto Scott Street and to single family dwellings.

Action: Councillor Thornton-Joe moved that this application be tabled to address Committee's concerns with respect to the setback at the rear of the buildings and how they interface with single family dwellings on Scott Street.

CARRIED 07/184

6.8 Development Permit # 000076 (to amend DP 04-05) – 225 Menzies Street

Committee received a report dated March 27, 2007 from Development Services with respect to Development Permit # 000076 (to amend DP 04-05) for 225 Menzies Street. The applicant by letter dated March 23, 2007 requested using "head houses" as substitution for the flush-mounted hatches over individual private staircases due to technical difficulties and poor availability. While the flush-mounted hatch solution would be exempt from height calculation, "head houses" would not. The substitution will result in a height variance of 1.9m above the maximum zoning allowance of 14.6m and a floor number variance from four to five storeys. It is noted that the 11 "head houses" proposed on the roof are lower than the required shaft projections of the communal staircases and elevator that are exempt from height calculations. The locations of the private staircases remain the

same. The distance separating the larger roof patios from the roof edges also remains the same.

The rest of the proposal to construct the four-storey commercial/residential building at 225 Menzies Street as authorized by Council on February 24, 2005 and the refinements as presented to Committee of the Whole on August 25, 2005 remain unchanged.

The application was considered by the James Bay Neighbourhood Environment Association, which has provided comments attached to this report. It is noted that this Development Permit (Amendment) with the additional variances requires sign posting, notification and a hearing.

Committee was advised by staff that an extra storey was created to deal with technical difficulties. A flush mounted hatch became a more complicated solution than expected. The James Bay Neighbourhood Environment Association was in support of this project.

Action: Councillor Holland moved that Council authorize the issuance of a Development Permit as amended to the previously approved Development Permit # 04-35 in accordance with:

1. Plans stamped 'Development Permit # 000076 dated January 31, 2007' (roof plan and access details);
2. Development meeting all bylaw requirements, with the following variance:
Section 4.64.3 – relaxation of the maximum height from 14.6m to 16.5m and the maximum number of storeys from four to five for roof top accesses.
Schedule C 7.2(h) – relax rear yard landscape strip from 0.3m to 0m. (approved previously).
3. Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development Department.

CARRIED 07/183

6.9 Draft Rock Bay Plan – Implementation

Committee received a report dated March 28, 2007 from Development Services with respect to Draft Rock Bay Plan Implementation SC File # 23-04. On October 12, 2006 to the Burnside Gorge Community Association, the Rock Bay Ratepayers and the Downtown Residents' Association. In addition, a Community Meeting was advertised and held on December 18, 2006 at the Burnside Community Association and the owners of each of the affected properties have been consulted. A letter from the Burnside Gorge Community Association and letters from two of the property owners is attached to this report.

Through the consultation process a number of issues were identified. The background section of this report makes recommendations for addressing each of the issues.

Committee was advised that the M2-1 Zone allows for professional offices which would include health services such as the needle exchange. Councillor Thornton-Joe advised that the Downtown Service Providers were involving the community in the decision to relocate the needle exchange.

A Committee member noted that the long term outlook of this area could include office and residential buildings and evolve to become a part of downtown. The Director of Planning & Development advised this is why it is a temporary plan and boundaries are one issue staff will be bringing back to Committee.

Action:

- Councillor Holland moved:
1. That Council direct staff to amend the proposed City Initiated Zoning Amendments as follows:
 - a) Amend the M2-I Zone, Douglas-Blanshard Industrial District by:
 - removing the words “work-live” from section 7.2.1.1(1) (b)
 - including “sports facility” as a permitted use under section 7.2.1.1 (2)
 - b) Rezone the properties shown hatched on the attached map to the M2-I zone.
 - c) Amend the M3-G Zone, Government Heavy Industrial District, shown cross hatched on the attached map (530 Chatham and 1950 Government Streets) by substituting the amended M2-I Zone as its base zone but provide the same allowance for retail space as is permitted in the current M3-G Zone (Government Heavy Industrial District)
 2. That Council advance this City Initiated Rezoning for Consideration at a Public Hearing.

CARRIED 07/182

6.10 Rezoning Application # 00122 for 1 Cook Street

Committee received a report dated March 27, 2007 from Development Services with respect to Rezoning Application # 00122 for 1 Cook Street. This rezoning application is to permit a “tea room” restaurant in addition to the bed and breakfast accommodation within the Dashwood Manor at 1 Cook Street. There are currently eleven bed and breakfast rooms in operation within Dashwood Manor. The applicant proposes to renovate one of the bedrooms in order to expand the dining area to accommodate the use. The use would be available not only to bed and breakfast patrons, but to the general public as well. Dashwood Manor is a heritage designated building and the applicant has stated that no changes to the building would be required. The applicant has described the proposal in the letter to Council dated February 6, 2007 which is attached to this report.

For purposes of the Zoning Bylaw, a “tea room” is considered a “restaurant”. The *Official Community Plan* designates the property as part of the ‘General Residential’ area which is predominantly made up of detached, small residential structures. The Plan states that these areas may also contain limited commercial and service developments to service the neighbourhood. There are no neighbourhood planning policies that support expanded commercial use for this property. Further, a parking variance for nine stalls would be required to

accommodate the restaurant use, which may have an impact on Dallas Road and Cook Street.

The application was reviewed by the Planning and Zoning Committee of the Fairfield Community Association, with comments noted in the letter to Council dated January 30, 2007 attached to this report.

Committee discussed the amount of parking required for this proposal with the applicant, Dave Layzell, advising most clients arrive without vehicles. Committee expressed concerns with respect to enforcing zoning as there doesn't exist a "tea room" category.

Action: Councillor Holland moved that this application be declined.

CARRIED 07/181

Councillor Fortin withdrew from the Council Chambers at 12:34 p.m. as he is the Executive Director of the Burnside Gorge Community Association and has a direct pecuniary interest with the following item.

7. SOCIAL PLANNING AND HOUSING

7.1 Economic Development Grants; Community Development Program Grants

Committee received a report dated April 5, 2007 from Social Planning and Housing, summarizing the 2007 program grant requests and recommendations. It incorporates all the grants previously submitted from Parks, Recreation and Community Development as well as the Economic Development Grants.

Economic Development Grants

	Organization Name	2006 Grant	2007 Request	2007 Recommendation
ED1	SportHost Victoria	\$7,500	\$10,000	\$7,500
ED2	Greater Victoria Film Commission	\$45,000	\$45,000	\$45,000
ED3	Vancouver Island Advanced Technology Centre	\$22,500	\$25,000	\$22,500
ED4	Tourism Victoria	\$47,500	\$60,000	\$47,500
	Total	\$122,500	\$140,000	\$122,500

Community Development Program Grants

	Organization Name	2006 Grant	2007 Request	2007 Recommendation
CD1	Downtown Ambassadors Program	\$15,000	\$20,000	\$15,000
CD2	Bike to Work Week	\$2,500*	\$3,000	\$2,500
CD3	Youth Outreach Worker Program	\$55,000	\$55,000	\$55,000
CD4	Adult Street Outreach Program	\$25,000	\$25,000	\$25,000
CD5	Summer Opportunities Program	\$2,000	\$2,000	\$2,000

CD6	Meet & Greet Program	\$2,250	\$2,000	\$2,000
	Total	\$101,750	\$107,000	\$101,500

* Bike to Work Week - \$2500 from general grants in 2006

The total amount of the program grants recommended for 2007 is \$224,000. Recommendations remain at the same levels as 2006. With the above recommendations, there will be \$2750 remaining in the Community Development Program Grants budget. There are no current plans for these funds. Staff recommends these remaining funds be held in reserve pending the outcome of external funding reviews and allocations (such as the United Way).

The Mayor confirmed that Bike to Work Week received \$3,000 in 2006 with staff advising that \$500 was for 'in kind' support.

Action: Councillor Young moved that Council approve the recommended 2007 Program Grants allocations of \$224,000 as presented with the following standard conditions:

- Acknowledgment of the City's support of the program in print and publicity materials for the program;
- Submission of an interim and final report for the community development grants;
- Results of exit surveys and economic impact studies for the economic development grants;
- Access to photographic databases (where they exist) for use in City of Victoria publications;
- Bike to Work Week demonstrates contributions from other municipalities as part of the final report and any future grant requests;
- Our Place approach other funders such as the DVBA to contribute to the cost of an expanded program;
- The balance of the Community Development Grants (\$2,750) is held in reserve pending the outcome of external funding reviews and allocations (such as the United Way).

CARRIED 07/180

Councillor Fortin returned to the meeting at 12:38 p.m.

8. ENGINEERING

8.1 Traffic Orders

Committee received a report dated March 13, 2007 from Engineering with respect to Traffic Orders. Attached to the report is a list of twelve Traffic Orders for consideration by Council. Staff have conducted an onsite investigation for each and recommend the orders be approved.

Action: Councillor Holland moved that Council approve the list of twelve traffic orders attached to the report dated March 13, 2007.

8.2 Development Permit for Subdivision – Dockside Wastewater Treatment Plant

Committee received a report dated March 28, 2007 from Engineering with respect to Development Permit for Subdivision – Dockside Wastewater Treatment Plant. The City received an application to subdivide a parcel at 394 Harbour Road. Subdivision of this property was not identified at the time of the original Development Permit (Development Permit # 000059, for the Dockside Green Wastewater Treatment Plant, approved November 9, 2006). The Wastewater Treatment Plant needs to be on a separate parcel because it will be owned by the Dockside Green Community Association.

The proposed subdivision is within Development Permit Area C – Dockside. Under Section 920 (1) (a) of the Local Government Act a Development Permit for a subdivision is required.

Action: Councillor Madoff moved that Council approves the Development Permit No. 000079 for the proposed subdivision of 394 Harbour Road.

CARRIED 07/178

8.3 Terasen Gas Locate Policy

Committee received a report dated March 26, 2007 from Engineering with respect to Terasen Gas Locate Policy. City of Victoria staff have been working with other Vancouver Island municipalities regarding Terasen Gas Inc.'s decision to stop doing field locates of their gas utility.

When working in the vicinity of gas mains, Vancouver Island municipalities and contractors have relied on Terasen Gas to physically locate their gas utility. Terasen advised that they will discontinue this service to the municipalities as of April 2, 2007. Staff believes the removal of this service is a concern and may affect the City's cost and liability to provide these locate services.

Terasen does not share the municipal views regarding their change in policy. Staff have developed an approach to require Terasen to reconsider the new policy:

1. Request Council support a resolution that Nanaimo will bring to Association of Vancouver Island Coastal Communities (AVICC) Annual General Meeting asking the Province to change the legislation to require Terasen to provide field locates of their utility.
2. Staff, in conjunction with other Vancouver Island municipalities, will pursue the municipalities' ability to enact a bylaw to require private utility companies to physically locate their utility.
3. If Council is unable to enact a bylaw, Staff, in conjunction with other Vancouver Island municipalities, will pursue an application to the BC Utilities Commission asking the BC Utilities Commission to amend the Interim Operating Agreement to require field locates.
4. Staff will continue to gather information to support Staff's position that Terasen's policy is a concern from a cost and liability point.

Action: Councillor Madoff moved that Victoria City Council:

1. Support a resolution at the AVICC Annual General Meeting to ask the Province to change legislation to require Terasen to provide locate services.
2. Endorse the approach outlined above, that staff developed in partnership with Nanaimo and other Vancouver Island municipalities.

CARRIED 07/177

Committee recessed at 12:40 p.m.

The meeting was reconvened at 1:05 p.m.

9. FINANCE

9.1 2007 Tax Rates and Ratios

Committee received a summary of the 2007 budget from the Director of Finance who advised that the operating and capital property tax increase is still at 3.99%.

Operating Budget Highlights:

- Funding for six new Police Officers approved in 2006 but phased over 2 years.
- Increased funding for Police Overtime.
- Increased funding for Corporate and Regulatory Services
- New Deputy for the Fire Department.
- Additional Planning Dept. Resources.
- Additional funding for Downtown Sidewalk Cleaning.
- Increase in Capital Budget Funding

Capital Budget Highlights:

- Conference Centre Expansion.
- City Hall Accessibility.
- Rehabilitation of View and Vancouver Streets.
- Parkade Upgrades.
- Fire Boat.
- Overall increase in Capital Programs (i.e. Streets, Sewer, Storm Drains, etc.)

Committee discussed the tax ratio in comparison with residential and commercial rates. The Director advised that over the last several years they've kept the increases the same but adjusted ratios for the various classes.

A Committee member noted that the business property tax rate and ratio is driving the economics of building office space. The upcoming sewer project was considered and the impact on residential and commercial properties. Also

discussed was Esquimalt's decision to reduce their police budget by \$50,000 which would affect the City's budget.

The Director of Finance discussed seven options for tax rates and ratios. Councillor Young noted that a lower tax rate for commercial properties would help keep businesses in Victoria, which supports urban sustainability.

- Action:** Councillor Young moved that Council approve Option # 7:
1. The Business and Industrial Tax Ratios to remain unchanged and all rates to be adjusted to produce a Tax Increase of 3.99 % for the Residential Property Class.
 2. The Utility Class would increase by two and a half times the business rate.
 3. The remaining additional New Construction Revenue (\$121,600) be added to the contingency account to help fund 2007 Collective Agreement Settlements.

CARRIED 07/176

Councillor Fortin voted against this motion.

10. ADMINISTRATIVE MATTERS

10.1 Bi-Weekly Schedule Review

Staff reviewed with Committee the bi-weekly schedule and canvassed their opinion on keeping this schedule. Many Committee members initially thought it would not be viable but are now supportive. It allows other meetings to be scheduled, does not negatively impact businesses and is better for staff. Committee requested that summer meetings are coordinated to allow for Council and Committee of the Whole meetings to occur on the same day.

10.2 Disposition of Communications dated March 16 and March 29, 2007

- Action:** Councillor Coleman moved that the Disposition of Communications dated March 16, 2007 and March 29, 2007 from the Manager, Administration, be received for information and filed.

CARRIED 07/175

10.3 Proclamations – “Honouring Jewish Veterans of WWII Day”

- Action:** Councillor Coleman moved that the day of May 8th, 2007 be proclaimed as “Honouring Jewish Veterans of WWII Day” in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED 07/174

10.4 Proclamations – “The British Columbia Paraplegic Association Day”

Action: Councillor Coleman moved that June 12th, 2007, be proclaimed as “The British Columbia Paraplegic Association Day” in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED 07/173

10.5 Proclamations – “National Day of Mourning”

Action: Councillor Coleman moved that April 28th, 2007 be proclaimed as “National Day of Mourning” in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED 07/172

10.6 Proclamations – “ALS Awareness Week and ALS Flower Day” (Lou Gehrig’s Disease)

Action: Councillor Coleman moved that the week of May 28th – June 3rd, 2007 be proclaimed as “ALS Awareness Week and ALS Flower Day” (Lou Gehrig’s Disease) in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED 07/171

10.7 Proclamations – “10 by 10 Challenge”

Action: Councillor Coleman moved that April 12th, 2007 be proclaimed as “10 by 10 Challenge” day in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED 07/170

10.8 Proclamations – “Lights Out BC!”

Action: Councillor Coleman moved that May 16th, 2007 be proclaimed as “Lights Out BC!” in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED 07/169

11. COUNCILLOR INQUIRIES AND SHARING

11.1 Councillor Chandler – Regional Affordable Housing Strategy

Committee tabled this item due to Councillor Chandler being absent.

11.2 Councillor Young – Victoria/Langford Commuter Rail Service

Committee received a memo dated April 2, 2007 with respect to a request for Council to contribute \$5,000 towards a study for a Victoria/Langford Commuter Rail Service – E&N Line.

Action: Councillor Young moved that Council approve funding \$5,000 towards a market assessment study for a commuter rail link between Victoria and Langford.

CARRIED 07/168

11.3 Councillor Thornton-Joe – Lochside Elementary School City Hall Tour

Councillor Thornton-Joe shared with Committee Lockside Elementary School's response to their tour of City Hall. While at City Hall they learned about the Dogs in Park issue, resulting in a project where they wrote what they had learned. This project was presented to Councillor Madoff.

11.4 Councillor Fortin – BC Transit and Youth

Councillor Fortin shared with Committee concerns that two classes at Vic High have with respect to affordable housing and bus service. BC transit has reduced services and as well, all bus service ends at 12:00 p.m. Drivers with an "N" can't drive past 11:00 p.m. The request is to put forward this view that public transit does not meet their needs.

12. CLOSED MEETING at 1:58 p.m.

Committee Members Present: Mayor Lowe in the Chair, Councillors Coleman, Fortin, Holland, Madoff, Thornton-Joe and Young.

Committee Members Absent: Councillors Chandler and Hughes.

Staff Present: M. McCliggott – Acting City Manager; R. Woodland – Corporate Administrator; C. Havelka - Recording Secretary.

Staff Present for a Portion of the Meeting: B. Wiffen – Property Manager; T. DeSouza – Staples McDannold Stewart.

Action: Councillor Thornton-Joe 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 07/167

Mayor Lowe withdrew from Council Chambers at 2:00 p.m. Councillor Madoff assumed the Chair.

12.1 March 15, 2007 Committee of the Whole In Camera Minutes

Action: Councillor Thornton-Joe moved that the In Camera Minutes of the Committee of the Whole meeting held March 15, 2007 be adopted.

CARRIED 07/166

12.2 Land – Offer to Purchase – Lot 6 Plan 1069

Committee received a report dated February 12, 2007 with respect to an Offer to Purchase for Lot 6, Plan 1069.

Action: Councillor Fortin moved that consideration of this item be postponed pending the purchaser's review of the proposal with the North Jubilee Community Association and the receipt of written comments from the community association.

CARRIED 07/165

12.3 Legal – Litigation

Committee received correspondence dated March 29, 2007 from the City's Solicitor with respect to a Litigation.

The discussion and resolution were recorded and kept confidential
(Resolution Closed 07/164)

12.4 Land – Offer to Lease – Dockside Green Ltd. Biomass Facility

Councillor Fortin withdrew from the meeting at 2:07 p.m. as he is the Executive Director of the Burnside Gorge Community Association and has a direct pecuniary interest with the following item.

Committee received a report dated March 8, 2007 from the Corporate Administrator with respect to an Offer to Lease – Dockside Green Ltd., Biomass Facility.

Action: Councillor Thornton-Joe moved that this item be postponed due to the absence of several Committee members.

CARRIED 07/163

13. ADJOURNMENT

Action: Councillor Thornton-Joe moved that the Committee of the Whole meeting of April 5, 2007 be adjourned at 2:20 p.m.

CARRIED 07/162

Mayor Lowe, Chair