

**MINUTES OF THE COMMITTEE OF THE WHOLE MEETING**  
**HELD THURSDAY, NOVEMBER 6, 2008, 9:00 a.m.**

**1. THE CHAIR CALLED THE MEETING TO ORDER AT 9:02 a.m.**

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

**Staff Present:** P. Ballantyne - City Manager; R. Woodland – Corporate Administrator; C. Havelka - Recording Secretary.

**Staff Present for a Portion of the Meeting:** D. Day – Director of Planning & Development; S. Thompson – Comptroller; M. Hornell – Manager, Community Planning; C. Scott – Planner; L. Strathdee – Development Services Coordinator; W. Zink – Manager, Social Planning & Housing; S. Barber – Senior Heritage Planner.

The Mayor welcomed back Penny Ballantyne, City Manager, who is returning from six months leave.

**2. APPROVAL OF THE AGENDA**

The Chair outlined the following changes to the November 6, 2008, Committee of the Whole agenda:

**Open Meeting:**

- Item # 1A – New Item – Delegation – Victoria Tall Ships Society
- Item # 3 – Additional Correspondence
- Item # 4 – Additional Correspondence
- Item # 5 – Additional Correspondence
- Item # 8 – Withdrawn by applicant
- Item # 15A – New Item – Submission to the Final Proposal Arbitration on Regional Growth Strategy Amendment Bylaw 3443

**Closed Meeting:**

- Item # 29 – Additional Correspondence
- Item # 31 – New Item - Personnel

**Councillor Inquiries / Information Sharing:**

- Councillor Madoff – one sharing and one inquiry
- Councillor Thornton-Joe – two sharing
- Councillor Fortin – two closed inquiries

A Committee member noted the voluminous size of the agenda and the amount of work necessary to prepare for the meeting.

**Action:** Councillor Hughes moved that the Agenda of the November 6, 2008, Committee of the Whole meeting be approved as amended.

CARRIED 08/622

### 3. ADOPTION OF MINUTES

#### 3.1 October 16, 2008 Committee of the Whole Minutes

**Action:** Councillor Holland moved that the minutes from the Committee of the Whole meeting held October 16, 2008, be adopted.

CARRIED 08/621

### 4. REQUEST TO BRING FORWARD

**Mayor Lowe canvassed Council, who approved bringing forward the following reports for approval:**

- Item # 11 – Heritage Designation # 000076 for 865 Academy Close
- Item # 13 – Heritage Designation # 000072 for 823 – 825 Broughton Street
- Item # 14 – Heritage Designation # 000078 for 536 Yates Street
- Item # 15 – Call for Support of BC Heritage Properties Financial Sustainability
- Item # 17 – Water Utility Rate Increase for 2009
- Item # 18 – Sewer Utility Rate Increase for 2009
- Item # 20 – Healthy Food and Beverage Strategy – Grant Application Approval
- Item # 24 – Tender # 08-059 – Steel Watermain Rehabilitation
- Item # 25 – Application for a Liquor Primary Licence – Victoria Conference Centre at Crystal Garden 713 Douglas Street
- Item # 26 – Disposition of Communications dated October 23 & 30, 2008
- Item # 27 – Proclamations

#### 4.1 Heritage Designation # 000076 for 865 Academy Close

Committee received a report dated November 6, 2008, from Community Planning with respect to Heritage Designation # 000076 for 865 Academy Close. This is an owner request to designate an 1883 residence south of St. Ann's Academy in the Fairfield Neighbourhood, as a Municipal Heritage Site.

**Action:** Councillor Hughes moved that, whereas the house at 865 Academy Close is of heritage significance, City Council designate it as a Municipal Heritage Site, including the interior layout of living room, dining room, sunroom and bedrooms organized around the central hallway, and the rock wall at the front of the property.

CARRIED 08/620

#### 4.2 Heritage Designation # 000072 for 823 – 825 Broughton Street

Committee received a report dated November 6, 2008, from Community Planning with respect to Heritage Designation # 000072 for 823 – 825 Broughton Street. This is an owner request to designate a 1912 commercial building at 823 – 825 Broughton Street, adjacent to the Royal Theatre, as a Municipal Heritage Site.

**Action:** Councillor Hughes moved that, whereas the building at 823 – 825 Broughton Street is of heritage significance, City Council designate it as a Municipal Heritage Site.

CARRIED 08/619

#### **4.3 Heritage Designation # 000078 for 536 Yates Street**

Committee received a report dated November 6, 2008, from Community Planning with respect to Heritage Designation # 000078 for 536 Yates. This is an owner request to designate a two-storey commercial building on lower Yates Street, as a Municipal Heritage Site.

**Action:** Councillor Hughes moved that, whereas the building at 536 Yates Street is of heritage significance, City Council designate it as a Municipal Heritage Site.

CARRIED 08/618

#### **4.4 Call for Support of BC Heritage Properties Financial Sustainability**

Committee received a report dated November 6, 2008, from Community Planning with respect to a Call for Support of BC Heritage Properties Financial Sustainability. Correspondence dated August 25, 2008, was received from the management of BC Heritage Properties, enclosing an Executive Summary of the “Provincial Heritage Properties Sustainability Study”. The Ministry of Tourism, Culture and the Arts, responsible for the Properties, has accepted the report recommendations, and is seeking the necessary investment through a Treasury Board submission. BC Heritage Properties supports this initiative, and requested that the City of Victoria also provide its support.

The Heritage Advisory Committee at its meeting of October 14, 2008, recommended that the City provide its support.

**Action:** Councillor Hughes moved that City Council write a letter of support for additional funding for the Provincially owned Heritage Properties.

CARRIED 08/617

#### **4.5 Water Utility Rate Increase for 2009**

Committee received a report dated November 6, 2008, from Engineering with respect to Water Utility Rate Increase for 2009. The CRD has recently reviewed their bulk water rate and are increasing it to cover the ongoing cost of system maintenance in the face of reduced consumption. This will result in an increase of

approximately 10% in the CRD bulk water rate paid by the City, from \$0.4068 to \$0.4463/cu m (\$1.15 to \$1.26/unit) effective January 1, 2009.

Accordingly, it is proposed that the City's water rate be raised from \$1.98 to \$2.18/unit to cover this CRD increase, reduced consumption and the cost of inflation. This is also approximately a 10% increase.

**Action:** Councillor Hughes moved that Council approve the water consumption fee increase from \$1.98 to \$2.18 per unit effective January 1<sup>st</sup>, 2009.

CARRIED 08/616

#### **4.6 Sewer Utility Rate Increase for 2009**

Committee received a report dated November 6, 2008, from Engineering with respect to Sewer Utility Rate Increase for 2009. Sanitary sewer services are provided by the City Sewer Utility funded by user fees. Due to increased costs and expenditures, staff recommends an increase in these fees.

Some of the other significant factors that are affecting the increases this year are funding for design and construction to increase the capacity of our sanitary sewer system that services the Downtown, and projects to reduce Inflow & Infiltration in our sanitary sewer system.

It is proposed that the sewer consumption fee be raised from \$1.08 to \$1.35 (per unit). The sewer frontage rate will remain unchanged.

Another significant change is that 2009 will be the first year of a three year phased implementation plan to move the CRD Sewer Cost from the property tax bill to the sewer utility bill. This was approved by Committee of the Whole in September 2008. This will result in a change from an assessment to a consumption based system, similar to our fee system and the start of CRD increases to pay for future sewage treatment. A CRD sewer consumption fee of \$0.3862 per unit effective January 1<sup>st</sup>, 2009 will be applied to the utility bill with an offsetting reduction in the CRD sewer charges applied to assessments.

**Action:** Councillor Hughes moved that Council approve the sewer consumption fee increase from \$1.08 to \$1.35 per unit effective January 1<sup>st</sup>, 2009.

CARRIED 08/615

#### **4.7 Healthy Food and Beverage Strategy – Grant Application Approval**

Committee received a report dated October 29, 2008, from Parks, Recreation and Community Development with respect to Healthy Food and Beverage Strategy – Grant Application Approval. The purpose of this report is to seek approval from Council to apply for Phase 2 of the Healthy Food and Beverage Sales (HFBS) Grant program valued at Seventy Five Hundred Dollars (\$7500). This grant opportunity is made available in partnership with the BC Recreation and

Parks Association (BRPA) and the Union of BC Municipalities (UBCM) who are co-leading the Healthy Food and Beverage Sales in Recreation Facilities & Local Government Buildings Initiative.

If successful with the application, the HFBS grant program will provide the funding necessary to contract the services of a Registered Dietician to help staff review and make improvements on the current food and beverage services within the Department.

**Action:** Councillor Hughes moved that Council support the application for Phase 2 of the Healthy Food & Beverage Sales Grant and that this funding be used to contract the services of a Registered Dietician to review the food and beverage services within Parks, Recreation & Community Development Department.

CARRIED 08/614

#### **4.8 Tender # 08-059 – Steel Watermain Rehabilitation**

Committee received a report dated October 27, 2008, from Finance with respect to Tender # 08-059 – Steel Watermain Rehabilitation. For Tender # 08-059, a prequalification was advertised and twenty-two firms were issued prequalification packages. As a result, seven firms were prequalified in three categories and issued tender packages with two of those firms submitting tender responses.

A committee was formed to conduct the evaluation of the proposals. Current City policy states that all expenditures in excess of \$500,000 require the approval of City Council. Funds are available for this award.

**Action:** Councillor Hughes moved that Council approve that Tender #08-059 - Steel Watermain Rehabilitation be awarded to Insituform Technologies Ltd., for an estimated annual cost of \$5,392,071.17 (excluding GST) based on being the overall lowest tender.

CARRIED 08/613

#### **4.9 Liquor Primary Application – Victoria Conference Centre at Crystal Garden**

Committee received a report dated October 31, 2008, from Legislative and Regulatory Services with respect to Liquor Primary Application – Victoria Conference Centre at Crystal Garden. The proposed licensed person capacity (occupant load), which includes staff and patrons is 1,150 persons, interior.

The proposed hours are seven days a week, 09:00h - 02:00h.

The additional conference centre space is located in a heritage building designed by architects F.M. Rattenbury and Percy James which originally housed a salt water swimming pool. The Victoria Conference Centre at Crystal Garden is across Douglas Street from the Victoria Conference Centre and will provide 25,000 square feet of additional space for hosting meetings, tradeshow, meal functions and special events.

**Action:** Councillor Hughes moved that Council convenes a Public Hearing and invite residents and property owners to provide comments regarding the application from the Victoria Conference Centre at Crystal Garden for liquor primary licence located at 713 Douglas Street, with hours of service seven days a week, 09:00h - 02:00h, with an occupant load of 1,150 persons.

CARRIED 08/612

#### **4.10 Disposition of Communications dated October 23 & 30, 2008**

**Action:** Councillor Hughes moved that the Disposition of Communications dated October 23 & 30, 2008, from the Manager, Legislative Services, be received for information and filed.

CARRIED 08/611

#### **4.11 Proclamation – “Restorative Justice Week”**

**Action:** Councillor Hughes moved that November 16<sup>th</sup> – 23<sup>rd</sup>, 2008 be proclaimed as “Restorative Justice Week” in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED 08/610

#### **4.12 Proclamation – “Elevator Escalator Safety Awareness Week”**

**Action:** Councillor Hughes moved that second full week of November 2008 be proclaimed as “Elevator Escalator Safety Awareness Week” in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED 08/609

### **5. DELEGATION**

#### **5.1 Victoria Tall Ships Society**

Committee received correspondence dated October 31, 2008, from the Victoria Tall Ships Society and a presentation from Mr. Bob Cross, President. Mr. Cross outlined for Committee a request for support for an invoice from the City for \$26,460 for fire boat services. Mr. Cross advised Committee that this charge was not budgeted for and was unexpected and may impede their ability to fund for the next event in 2011. This successful event brought \$5.8 million to the economy in Victoria this year which was achieved with the support of Council, many sponsors and over 1,000 volunteers.

Mr. Cross requested more details regarding the invoice. Committee noted that this subject will take some discussion and that the Finance Committee may be the best venue for this to occur.

**Action:** Councillor Young moved that Committee refer the request from the Victoria Tall Ships Society to the Finance Committee for more details and support

regarding an invoice for \$26,460 for fire boat services, and report back to Committee.

CARRIED 08/608

## 6. DEVELOPMENT SERVICES

### 6.1 Rezoning Application # 00206 for 2631 Quadra Street

Committee received a report dated October 7, 2008, from Development Services with respect to Rezoning Application # 00206 for 2631 Quadra Street. The proposal is to rezone the lands from the C1-QV Zone, Quadra Village District, to a new zone that would permit a liquor retail store.

The following points were considered in assessing this application:

- The *Official Community Plan* designates the site as a “secondary centre”, serving as retail commercial focal points. The proposed liquor retail store use is consistent with the *Official Community Plan*.
- The *Hillside-Quadra Neighbourhood Plan* identifies the site as being included in the “Commercial Core” of Quadra Village. The policies in that document pertain mainly to new construction; however, retail uses are encouraged.
- The application complies with the *Licensee Retail Store Rezoning Policy*.
- The Victoria Police Department has no concerns with regard to this application.
- The property is within Development Permit Area 28, Quadra Village. This Development Permit Area controls the exterior design and finish of buildings and establishes landscape standards. As the proposal does involve exterior changes to the building, a Development Permit is required. The Development Permit application will be presented to Committee of the Whole at a future meeting.
- The Hillside-Quadra Neighbourhood Action Group has reviewed the application.

Committee discussed with staff and the applicant, Mr. Calveley, the following:

- The covenant that would set specific operating hours which would match Fairways market hours.
- Retail sales will highlight products from the Cascadia region and other products of value.
- That the restrictive covenant is for this operator but the covenant would not apply if there was a change in proprietorship.
- Concerns regarding support from the neighbourhood; the applicant is committed to being a good neighbour.
- Recent, significant improvements in the neighbourhood; Fairway a good anchor tenant.

Mr. Calveley outlined for Committee his commitment as a local operator and that they plan to develop a neighbourhood agreement with specific operating principles. The previous applicant was from Alberta and their operating model was as a discount retailer.

**Action:** Councillor Holland 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 subject to:

1. Creating a site specific zone based on the C1-QV Zone, Quadra Village District, to allow one liquor retail store, not to exceed a floor area of 200 m<sup>2</sup>.
2. The applicant registering a Section 219 Covenant on title, restricting the hours of operation of the liquor retail store to be consistent with the Fairway Market.

CARRIED 08/607

**Action:** Councillor Hughes moved that this item be forwarded to the Council meeting of November 6, 2008, for approval.

CARRIED 08/606

## **5.2 Development Permit Application # 000139 for 60/70 Saghalie Road (Bayview Lot 5)**

Committee received a report dated November 6, 2008, from Development Services with respect to Development Permit Application # 000139 for 60/70 Saghalie Road (Bayview Lot 5). The proposal is to construct a 17 - storey, 194-unit residential building.

The following points were taken into consideration when reviewing the proposal:

- The requested variances related to height (11 storeys to 17 storeys) are considered supportable because:
  - improved view corridors are achieved by using a slimmer building form
  - the requested taller building fits with the grouping of taller buildings which are planned around the area (Dockside and Roundhouse)
  - the approach to building height as one moves away from the Harbour's edge is gradual
  - the use of a partial podium along the Saghalie Road frontage helps to create a human scaled pedestrian environment
- The variances related to the build to line and a balcony setback are considered supportable because they help establish a more interesting building form
- The parking variance is considered supportable because of the provision of a Transportation Demand Management program
- The proposal is generally consistent with the intent and direction of the *Songhees Hillside Urban Design Guidelines, 2005*
- Advisory Design Panel (ADP) reviewed the application on October 2, 2008 and recommended approval unanimously.

This Development Permit Application includes variances, therefore it requires notification, sign posting and a hearing.

A Committee member inquired regarding the context for the proposed recommendation, specifically the Downtown Height - Interim Guidelines and proposed height limits. Staff advised that topographical integrity is one of the principles they are working with and that 25% increase is the discretionary height allowance in the interim guidelines.

Committee discussed the following:

- The attractiveness of low buildings versus tall buildings;
- Comparing other jurisdictions' response to geodetic and shoreline height to Victoria.
- The Hudson and the height of that building being an exception;
- Limitations on height in the Inner Harbour and the areas surrounding the Legislature Building;
- Pedestrian linkages between the downtown core and this area;

A Committee member noted that various stakeholders have expressed interest in a design charrette process to provide certainty for the Vic West community, Bayview and Dockside developers.

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

1. Plans stamped "Development Permit #000139" dated October 10, 2008.
2. Development meeting all Zoning Regulation Bylaw requirements with the following variances:
  - a. Section 10.42.37 (a) - Height of building relaxed from 45m maximum to 57.5m
  - b. Section 10.42.37 (b) - Storeys of building relaxed from 11 to 17
  - c. Section 10.42.44 - Build to line percentage of building face (Saghalie) for the first 2 storeys varied from the 80/20% ratio at 6m
  - d. Section 10.42.45(b) - Rear yard (west) relaxed from 6.0m to 4.3m
  - e. Schedule "C" Section A 12 - Residential parking requirement relaxed from 1.4 parking stalls per unit (272 parking stalls) to 1.26 parking stalls per unit (246 parking stalls)
3. That a Restrictive Covenant be registered on title securing the one vehicle car-share co-op as a Transportation Demand Management strategy, prior to a hearing.
4. Final plans to be in accordance with the plans identified above with refinements to break up the visual height of the building, prior to the issuance of a building permit, to the satisfaction of the Director of Planning and Development.

CARRIED 08/605

Councillor Madoff voted against this motion

**Action:** Councillor Holland moved that this item be forwarded to the Council meeting of November 6, 2008, for approval.

CARRIED 08/604

Councillor Fortin and Madoff voted against this motion

### **5.3 Development Permit Application # 000140 for 65 Saghalie Road (Bayview Lot 2)**

Committee received a report dated October 29, 2008, from Development Services with respect to Development Permit Application # 000140 for 65 Saghalie Road. The proposal is to construct a 21-storey, 222-unit residential building.

The following points were taken into consideration in reviewing the proposal:

- The requested variances related to height (13 storeys to 21 storeys) are considered supportable because:
  - improved view corridors are achieved by using a slimmer building form
  - the requested taller building fits with the grouping of taller buildings which are planned around the area (Dockside and Roundhouse)
  - there is a graduated approach to building height as one moves away from the Harbour's edge
  - the use of a partial podium along the Saghalie Road frontage helps to create a human scaled pedestrian environment.
- The build to line variance is considered supportable because it helps to establish a more interesting building form.
- The parking variance is considered supportable because of the provision of a Transportation Demand Management program.
- The proposal is generally consistent with the intent and direction of the *Songhees Hillside Urban Design Guidelines, 2005*.
- Advisory Design Panel (ADP) reviewed the application on October 2, 2008 and recommended approval unanimously.

This Development Permit Application includes variances, therefore it requires notification, sign posting and a hearing.

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

1. Plans stamped "Development Permit #000140" dated October 10, 2008.
2. Development meeting all Zoning Regulation Bylaw requirements with the following variances:
  - a. Section 10.42.4 (a) - Height of building relaxed from 45m maximum to 68m
  - b. Section 10.42.4 (b) - Storeys of building relaxed from 13 to 21
  - c. Section 10.42.11 - Build to line percentage of building face (Saghalie) for the first 2 storeys varied from the 80/20% ratio at 6m
  - d. Schedule "C" Section A 12 - Parking requirement relaxed from 1.4 parking stalls per unit (311 parking stalls) to 1.17 parking stalls per unit (261 parking stalls).
3. That a Restrictive Covenant be registered on title securing the one vehicle car-share co-op as a Transportation Demand Management strategy, prior to a hearing.
4. Final plans to be in accordance with the plans identified above with refinements to break-up the visual height of the building, prior to the issuance of a building permit, to the satisfaction of the Director of Planning and Development.

CARRIED 08/603

Councillor Madoff voted against this motion

**Action:** Councillor Holland moved that this item be forwarded to the Council meeting of November 6, 2008, for approval.

CARRIED 08/602

Councillor Fortin and Madoff voted against this motion

A Committee member requested that a design process integrating the community and staff discussions be considered to provide Committee with an integrated report.

**Action:** Councillor Madoff moved that Council supports the community planning process to develop a vision for Songhees peninsula and surrounding areas by collaborating with Victoria West Community Association, Dockside Green and Bayview Properties and for City staff to report back to Committee on a framework and expected costs.

CARRIED 08/601

Committee discussed with staff the reporting framework for this proposal to develop a future vision for this area.

Committee also discussed with staff the 'lock-off units' being proposed for this development. Staff advised Committee that these are similar to hotel units that can be rented out as a mortgage helper.

#### **5.4 Development Variance Permit # 00060 for 950 Humboldt Street**

Committee received a report dated November 6, 2008, from Development Services with respect to Development Variance Permit Application # 00060 for 950 Humboldt Street. The proposal is for a three to four-storey apartment building with 44 units of permanent, supportive housing, including 38 studio and six one-bedroom units. The building includes common amenity spaces and administrative office and storage space. Enclosed parking is provided for five vehicles with two additional spaces in the front yard. An enclosed landscaped courtyard will provide outdoor space on-site.

The proposed building meets all the R3-AM1 Zone, Mid-rise Multiple Dwelling District zoning standards as well as a three-storey height limit resulting from a restrictive covenant in favour of adjacent properties to the north.

There are a number of variances associated with this application which are considered supportable for the following reasons:

- The requested reductions in vehicle parking from 48 to 7 stalls and bicycle parking from 50 to 15 stalls are supportable as the supportive housing tenants are less likely to own vehicles or bicycles.
- The location of two visitor spaces in the front yard is supportable based on the proposed landscape screening and the permeable unit pavers.
- The requested reductions in front and rear yard building setbacks are minor and supportable given that most of the building is three rather than four storeys.

- The reduced setbacks and increased site coverage for the parkade are supportable given the existing retaining walls and proposed landscaping of the parkade structure where it is above existing grades.

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

A Committee member noted that supportive housing should have the same consideration with respect to design principles and requested that the Advisory Design Panel review this application prior to the November 27 meeting.

Committee discussed the following:

- The importance of the green roof feature and how a garden program would benefit the clients;
- That photographs be taken of the existing building to document its history, with consultation of the heritage planner;
- That the tenants currently living there will be sufficiently housed;
- The dialogue with the community which has resulted in no concerns voiced;
- The leadership and partnership between BC Housing, the City and Pacifica to take this progressive step towards housing.

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

1. Plans stamped "Development Variance Permit #00060" dated October 24, 2008
2. Development meeting all Zoning Regulation Bylaw requirements with the following variances:
  - a. Section 3.10.9(b) - Site coverage relaxed from 40% to 42.2% (parkade only)
  - b. Section 3.10.11 - Front setback relaxed from 10.5 m to 9.1 m
  - c. Section 3.10.12 - Setbacks for rear yard and side yard (east) relaxed from 5.3 m to 0.41 m (rear) and nil (east) for parkade projection above existing grade
  - d. Section 3.10.6 and 3.10.16 (a) (b) – Front yard open site space and parking location relaxed to allow 2 parking spaces in the front yard within 6 m of the street boundary
  - e. Schedule "C" Section B.1 – Parking requirement relaxed from 1.1 parking stalls per unit (48 stalls) to 0.15 stalls per unit (7 stalls)
  - f. Schedule "C" Section 17 (2) – relaxation of bicycle parking from 50 to 15 spaces
3. Final plans to be in accordance with the plans identified above with incorporation of responses to the design comments of staff to the satisfaction of the Director of Planning and Development prior to the Building permit Stage.
4. That this application be forwarded to Advisory Design Panel for review.

CARRIED 08/600

**Action:** Councillor Holland moved that this item be forwarded to the Council meeting of November 6, 2008, for approval.

CARRIED 08/599

## 5.5 Development Permit Application # 000127 for 1725 Government Street

Committee received a report dated October 29, 2008, from Development Services with respect to Development Permit Application # 000127 for 1725 Government Street. The purpose of this report is to provide Council with information, analysis and recommendations regarding a Development Permit Application for a five-storey mixed-use 27-unit residential/commercial building at the corner of Government and Herald Streets in Chinatown.

The site is located in the Old Town/Chinatown Heritage Conservation Area and therefore Council approval is required for the exterior design and landscaping. The proposed design is a five-storey "L-shaped" building with 27 residential units on the upper floors and commercial space on the ground floor fronting on Government and Herald Streets. Eighteen parking stalls are provided at the rear of the ground floor. A landscaped courtyard is proposed for the second storey at the rear of the project. The proposed design responds to the context of Chinatown in a number of ways: materials, window fenestration, variegated roofline, massing, storefront design, and a splayed corner.

The application was reviewed by the Joint Advisory Design Panel/Heritage Advisory Committee at its meeting on October 15, 2008 and was recommended for approval. A public hearing will be required.

This Development Permit application includes variances, therefore it requires notification, sign posting and a hearing.

A Committee member requested that the Chinese Consolidated Benevolent Association and other Chinese neighbourhood groups be consulted for their comments regarding the proposal. Staff advised they will convey this request to the applicant.

**Action:** Councillor Holland moved that Council authorize the issuance of Development Permit #000129 in accordance with:

1. Plans stamped "Development Permit 000129", dated September 16, 2008.
2. Development meeting all zoning bylaw requirements except for:
  - a. Section 6.6.1 - Height relaxed from 15.0 m maximum to 16.25 m
  - b. Section 6.8.3(b) - Street massing for building over 10 m in height relaxed from 1.25 m to nil for Government and Herald Streets
  - c. Section 6.8.5 - For buildings over 15 m in height one side yard setback of 4.5 m relaxed to nil
  - d. Section 6.8.6(ii) - Parking relaxation from 70% of units (19 stalls) to 66% of units (18 stalls).
3. Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning and Development.

CARRIED 08/598

**Action:** Councillor Holland moved that this item be forwarded to the Council meeting of November 6, 2008, for approval.

A Committee member complimented this thoughtful design that meets the guidelines and responds to the scale and texture of the neighbourhood. Also noted was that the re-scheduled, joint ADP and HAP meeting was not adequately posted and requested better notification in the future.

A Committee member complimented the applicant's thoughtful approach to bicycle storage that defines sustainability.

## **5.6 Development Variance Permit # 00049 for 672 Niagara Street**

Committee received a report dated October 29, 2008, from Development Services with respect to Development Variance Permit # 00049 for 672 Niagara Street. The application is for a four-unit townhouse project which is four storeys in height. Two of the planned townhouse units front onto Niagara Street, one unit fronts onto Thetis Lane and the final unit fronts onto Violet Lane at the rear. Each of the units has individual pedestrian access at street level. To accommodate this proposal the applicant is requesting a total of thirteen variances from the existing R3-2 Zone, Multiple Dwelling District.

The following points were considered in assessing this application:

- The proposed development is consistent with the *Official Community Plan* and the *James Bay Neighbourhood Plan*.
- The subject lands are an irregular shape and have less area (553 m<sup>2</sup>) than the minimum lot area required under the Zoning Bylaw (920 m<sup>2</sup>). The proposed development is generally considered too large for the site.
- The reduced setback along Niagara Street is out of character with the immediate area, especially the apartment building to the west.
- The request for increased site coverage limits the amount of space available for landscaping and greenspace.
- The subject lands do not meet the minimum lot area required for a duplex under the Zoning Bylaw (555 m<sup>2</sup>), therefore four units would not be considered appropriate.

Committee requested the applicant to speak to this proposal as staff has recommended it be declined.

Mike Dillistone described the uniqueness of the this lot with its three frontages and that this was a creative solution to provide four units. There is enclosed parking, private access for all units and roof top gardens. A duplex may be supported under existing zoning but is more economically viable for four units.

Committee discussed the following:

- The neighbourhood association's response to this proposal; an in-depth discussion resulted in a fair bit of support.
- The number of requested variances and the idea that there are other alternatives for this site.
- Economic variables should not be a part of Council's consideration.

- The current state of the property is such that relations with neighbours are poor.

**Action:** Councillor Holland moved that Council decline Development Variance Permit Application #00049.

CARRIED 08/596

Councillor Coleman and Hughes voted against this motion

## **5.8 Harbour Road Industrial Waterfront – Update**

Committee received a report dated October 29, 2008, from Development Services with respect to the Harbour Road Industrial Waterfront Update. The purpose of this report is to advance the *Harbour Road Industrial Waterfront Design Guidelines* and associated zoning bylaw amendments for consideration at a public hearing.

This report will also update Council on:

- details of the zoning bylaw amendments which would increase the maximum height allowances for the site
- revisions made to the draft *Harbour Road Industrial Waterfront Design Guidelines* in order to reflect the establishment of new height limits
- correspondence received from Dockside Green Limited regarding concerns about the height
- correspondence received from Ralmax, requesting the addition of new uses at the northern end of the site

There has not been an opportunity to hold a “Community Meeting” as required under Council’s approved Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning Applications, nor has there been time to complete a full staff review of the request to add new uses. The normal process would be that the lessee would first request permission from the City to submit a rezoning application; if City Council grants permission, the next step would be for the lessee to submit a rezoning application which would then proceed through the normal process. To help Ralmax advance their proposal, Council could grant permission for them to make a rezoning application. The recommendations below include this direction.

*Councillor Thornton-Joe withdrew from the meeting at 10:29 a.m.*

Staff outlined for Committee concerns between Dockside Green and Point Hope Shipyard regarding the possibility of three large buildings along Harbour Road. Future lease agreement between the City and Point Hope Shipyards would see existing operations relocated and smaller buildings take their place.

*Councillor Thornton-Joe returned to the meeting at 10:32 a.m.*

Committee discussed with staff concerns related to ensuring the removal of the building which is contingent on the lease renewal. Staff advised that this is the

intention of any future lease agreements, noting that the additional land required for the new structure would be found on the south part of the site.

**Action:** Councillor Holland moved:

1. That Council advance consideration of Zoning Amendment Bylaws #08-075, #08-076 and #08-077 and Official Community Plan Amendment Bylaw #08-019 for consideration at a public hearing.
2. That Council direct the City Property Manager to include a provision, in any future lease agreements for 203 Harbour Road between the City and Ralmax, requiring that the building at the north end of the site be removed once the existing operations are relocated and that future buildings in that area are built to a smaller scale as described in the Harbour Road Design Guidelines.
3. That Council authorizes Ralmax to submit a rezoning application for the properties currently within the S-PH Zone, Point Hope Ship Yards District in order to introduce new uses.

Note: Council considers consultation under 879(2) of the *Local Government Act* and determines that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board and the federal government and its agencies.

CARRIED 08/595

**Action:** Councillor Holland moved that this item be forwarded to the Council meeting of November 6, 2008, for approval.

CARRIED 08/594

## 6. COMMUNITY PLANNING

### 6.1 Heritage Designation # 000077 for 538 Yates Street

Committee received a report dated November 6, 2008, from Community Planning with respect to Heritage Designation # 000077 for 538 Yates. This is an owner request to designate a two-storey commercial building on lower Yates Street, as a Municipal Heritage Site.

A Committee member requested that the wood shingles be preserved as part of the heritage of the building.

**Action:** Councillor Thornton-Joe moved that, whereas the building at 538 Yates Street is of heritage significance, City Council designate it as a Municipal Heritage Site, excluding the wood shingles.

CARRIED 08/593

### 6.3 Heritage Designation # 000075 for 713 – 715 Johnson Street

Committee received a report dated November 6, 2008, from Community Planning with respect to 713 – 715 Johnson Street. This is an owner request to designate a 1908 commercial building, the former Mable Carriage Works Building at 713 – 715 Johnson Street, as a Municipal Heritage Site.

A Committee member requested that the sign on the east wall be preserved. Staff advised that the heritage alteration permit does recognize the sign and intends to leave it as is.

**Action:** Councillor Thornton-Joe moved that, whereas the building at 713 – 715 Johnson Street is of heritage significance, City Council designate it as a Municipal Heritage Site.

CARRIED 08/592

*Mayor Lowe withdrew from Council Chambers at 10:42 a.m. due to a direct pecuniary interest in the following item as he is doing business at Bear Mountain located in the District of Highlands. Councillor Young assumed the Chair.*

#### **6.7 Submission to the Final Proposal Arbitration on Regional Growth Strategy Amendment Bylaw 3443 File: SC #12-96(2)**

Committee received a report dated October 29, 2008, from Community Development with respect to Submission to the Final Proposal Arbitration on Regional Growth Strategy Amendment Bylaw 3443 File: SC #12-96(2). This report presents a proposal prepared in accordance with Council's direction regarding the final proposal arbitration process established for CRD Bylaw No. 3443, "Regional Growth Strategy (RGS) Bylaw No. 1, 2002, Amendment Bylaw No. 1, 2007". The bylaw proposes expansion of the Regional Urban Containment and Servicing Policy Area (RUCSPA) within the District of Highlands, to facilitate the extension of CRD services for the Bear Mountain comprehensive development west of Millstream Road.

The Manager of Community Planning outlined for Committee the points on the map that show a significant reduction in the containment boundary and the language used to deal with the extension.

A Committee member advised Committee that the CRD has also reviewed this amendment with some for and against it, but in principle supported the regional containment Boundary.

Committee discussed with staff the following:

- Oak Bay submitted a proposal for the boundary to remain as is;
- Status quo is an option for the arbitrator to consider, but not recommended;
- A regional plan akin to giving up local control; a compromise helps regional planning work;
- Status quo and making a statement regarding urban sprawl;
- Supporting Highlands Council's difficult decision.

Committee felt the material required more review and consideration with staff noting that a decision must be forwarded to the arbitrator by November 10, 2008.

**Action:** Councillor Fortin moved that Committee postpone consideration of this item.

CARRIED 08/591

Councillors Holland and Young voted against this motion

**Action:** Councillor Fortin moved that Committee direct staff to report back to Council at the Council meeting of November 6, 2008, with an alternative recommendation.

CARRIED 08/590

Mayor Lowe returned to the meeting at 11:14 a.m. and assumed the Chair

## 7. SOCIAL PLANNING & HOUSING

### 7.1 Housing Agreement for 1025, 1029, 1035 and 1075 Tolmie Avenue

Committee received a report dated October 29, 2008, from Social Planning and Housing with respect to Housing Agreement for 1025, 1029, 1035 and 1075 Tolmie Avenue. At Council's meeting of June 26, 2008, a rezoning application for the above properties was declined. This application was to rezone the subject properties from the R1-B Zone, Single Family District to the R-J Zone, Low Density Attached Dwelling, which would have allowed a ten-unit townhouse development.

At the City Council meeting of October 9, 2008, the applicant requested that Council reconsider that application based on the inclusion of a Housing Agreement. The Housing Agreement would include the following provisions:

- four townhouses would be rental for a period of five years
- rental of the four townhouses would be managed by a professional property management company
- no rental restrictions on the remainder of the townhouses and further, that rental will be permitted on all units in perpetuity.

The applicant has further reviewed mechanisms for controlling the rent levels, and has indicated that this is not feasible at this time.

While the inclusion of rental housing secured by a Housing Agreement does address the issue of the loss of rental housing, the application does not meet the intent of the *Hillside-Quadra Neighbourhood Plan*, which does not provide for townhouses in that location.

Committee discussed the following:

- This proposal is not aligned with the neighbourhood plan; bonus density and approving rezoning in exchange for rental accommodation;

- The community is in favour of the development and it is consistent with the adjacent municipality;
- The Housing Agreement protects units; the Housing Agreement could go further.

Staff outlined for Committee the CMHC market reports and how rent is an average based on stock, which in this proposal are large, three to four bedroom townhouses.

**Action:** Councillor Fortin moved:

1. That Rezoning Application # 00166 be forwarded for consideration at a Public Hearing and that the City's Solicitor be instructed to prepare the necessary Zoning Bylaw amendments, based on project details contained in the Project Information Table in the staff report dated May 27, 2008;
2. That prior to the Public Hearing, the following conditions be satisfied:
  - a. Applicant to provide a sanitary sewer impact assessment study to the satisfaction of the City Engineer;
  - b. Advisory Design Panel to review application to allow for refinements in the design, siting and landscaping;
  - c. Compliance with the Tree Preservation Bylaw;
  - d. Registration of a covenant to ensure that the project is built in accordance with the approved plans to the satisfaction of the Director of Planning & Development;
  - e. A Housing Agreement be prepared that requires four townhouse units to be rental for a five year period; that the townhouse rental be managed by a professional property management company; that there is no rental restriction on the development in perpetuity; and that the applicant submit annual reports to the Director of Planning & Development for the initial five year period.

CARRIED 08/589

Councillors Madoff and Young voted against this motion

## 9. PARKS, RECREATION & COMMUNITY DEVELOPMENT

### 9.1 City of Victoria – Street Tree Management Program

Committee received a report dated October 24, 2008, from Parks, Recreation & Community Development, with respect to the City of Victoria Street Tree Management Program. The City has had a capital budget funding program in place since 2007 to manage the Street Tree Program. To date this program has been mostly used to manage trees on the issue by issue basis. City staff are interested in establishing a more structured program where every street tree is managed on a regular basis.

The proposed program would have many benefits, including improved maintenance of the ageing street tree inventory, improved quality of pruning of trees for hydro lines, better use of public/ taxpayer assets for management of trees, and the ability to re-allocate existing arboriculture program staff to other

priority tree work. The proposed program involves a 5 year service and funding agreement with BC Hydro.

Staff advised Committee that this program has been the result of talks with BC Hydro to respond to tree management on a pro-active basis. The program includes inventory of the trees, and pruning for health and safety.

*Councillor Fortin withdrew from Council Chambers at 11:33 a.m.*

This will free-up time for the limited arboriculture staff and allows flexibility for replanting trees on boulevards and in parks.

*Councillor Fortin returned to Council Chambers at 11:35 a.m.*

A Committee member noted that this is a significant step forward that ties into the work on the urban forest and the Parks Master Plan.

**Action:** Councillor Madoff moved:

1. That the proposal to establish a new Street Tree Management program be approved in concept.
2. That staff work with BC Hydro to prepare a 5 year funding Agreement to establish a City operated Street Tree Management program and a BC Hydro funding contribution of \$400,000 to the program over the term of the agreement for consideration by Council.
3. That staff develop a 2009 budget proposal for consideration by Council as part of the 2009 budget approval process that if approved would see this program implemented in April 2009.

CARRIED 08/588

## **10. FINANCE**

### **10.1 Request for Grant – BC Families in Transition**

Committee received a report dated October 29, 2008, from Finance with respect to Request for Grant – BC Families in Transition. BC Families in Transition is a Victoria based non-profit organization that provides counselling and legal support for children, teens and adults who are experiencing separation, divorce or other family relationship challenges.

They are requesting a contribution from the City of Victoria and the City will be recognized as a Corporate sponsor for their 30<sup>th</sup> Anniversary Celebration.

*Councillor Holland withdrew from the meeting at 11:35 a.m.*

The Executive Director, Richard Routledge, outlined for Committee, the service BC Families in Transition, provides to the community, now for over thirty years. An important change is that they now help people to stay together as well.

*Councillor Holland returned to the meeting at 11:37 a.m.*

Committee discussed the principle of bestowing grants on an 'ad hoc' basis. They acknowledged that the request is small and the cause is worthwhile, however there are concerns about grants requests not adhering to policy.

Committee also discussed:

- Contributions from other municipalities;
- Creative options to broaden the grant policy to include such requests; a possible discussion for the Finance Committee;
- Ad-hoc requests are becoming routine and will grow;
- A letter of support from the Mayor's office could be provided.

Committee expressed their regret to the applicant but advised they are considering the bigger issues. The City Manager advised that working with the Finance Committee on a Terms of Reference review would help provide clarity on the grant policy.

**Action:** Councillor Madoff moved that Council declines the request for a grant to BC Families in Transition.

CARRIED 08/587

## **10.2 Foundation House Grant Request for 512 Cecelia Road Folio 10734018**

Committee received a report dated October 28, 2008, from Finance with respect to Foundation House Grant Request for 512 Cecelia Road, Folio 10734018. The Vancouver Island Addiction Recovery Society has requested a grant for the property taxes on a property purchased in March 2008.

**Action:** Councillor Young moved that Council decline Foundation House Grant Request for 512 Cecelia Road Folio 10734018.

CARRIED 08/586

*Councillor Coleman withdrew from Council Chambers at 11:47 a.m.*

## **10.3 RFP # 08-048 – Parking Meter Replacement Program**

Committee received a report dated October 28, 2008, from Finance with respect to RFP # 08-048 for Parking Meter Replacement Program. The purpose of this report is to implement the next component of the City of Victoria Parking Strategy 2007, which is to replace the single headed meters with improved parking technology.

The City of Victoria Parking Strategy 2007 was ratified at the June 14<sup>th</sup>, 2007 Council Meeting. The purpose of the strategy was to enhance parking services to all users of downtown. The City has achieved many of the objectives to date. Another one of the objectives of the strategy is to "improve parking technology to make it more user-friendly". The main strategy for this objective is to replace single head parking meters with pay stations. The cost to outfit the City with this new

technology was estimated to be \$5,000,000. A borrowing bylaw was approved to replace the 1,900 meters, with approximately 250 on-street pay stations.

On June 30<sup>th</sup>, 2008 the City issued Request for Proposal (RFP) #08-048 - Parking Meter Replacement Program. Twenty-nine packages were issued generating five responses. A committee was formed to conduct the evaluation of the proposals and one was selected. Current City policy states that all expenditures in excess of \$500,000 require the approval of City Council. Funds are available for this award.

*Councillor Coleman returned to Council Chambers at 11:50 a.m.*

Committee discussed with staff the following:

- Customer errors when purchasing tickets; receipt is proof of payment.
- The wireless system on the meters; not expected to be a backbone for a wireless system.
- Cost for replacing current meters; their life span is at an end and they are no longer being manufactured. This new technology provides better technology and better enforcement.
- The pay stations do comply to current standards for wheelchair accessibility.
- The meters can be programmed to start at certain times.
- The \$400,000 in proposed operating costs and current costs.
- The meter posts will remain as markers for parking spaces.
- Better use of these funds would be towards transportation alternatives and parking education.
- Repeat metering, refunds, smart car stalls and booking a meter for a construction site; the new system addresses all these functions.

A Committee member noted the importance of parking regulation in the City and that the new system will have a challenging learning period. Staff advised that there will be parking ambassadors to help the public become familiarized with the new meters.

**Action:** Councillor Young moved that Council approve that RFP #08-048 - Parking Meter Replacement Program be awarded to AParc Systems, for an estimated total purchase cost of \$3,005,330 plus GST and an annual estimated operating cost of \$400,000, based on providing the best overall value to the City.

CARRIED 08/585

Councillor Chandler voted against this motion

**Action:** Councillor Fortin moved that this item and item #4.8 *Tender # 08-059 – Steel Watermain Rehabilitation* be forwarded to the Council meeting of November 6, 2008, for approval.

CARRIED 08/584

## 13. COUNCILLOR INFORMATION SHARING AND INQUIRIES

### 13.1 Councillor Madoff – Cascadia Region Green Building Council

Councillor Madoff outlined for Committee the request for support to attend a conference entitled *Transforming How We Think of Existing and Heritage Buildings: Green Rehabilitation and Sustainability Forum*. The forum is scheduled from November 25<sup>th</sup> – 26<sup>th</sup>, 2008 and costs \$175.00 unless the delegate is a member of Cascadia.

**Action:** Councillor Madoff moved that Council approve the request for support from Cascadia Region Green Building Council for their conference *Transforming How We Think of Existing and Heritage Buildings: Green Rehabilitation and Sustainability Forum*.

CARRIED 08/583

### **13.2 Councillor Madoff – Proposed Marina in Front of Royal Quays**

Councillor Madoff outlined for Committee an inquiry regarding the proposed marina in front of Royal Quays. Also noted was the correspondence dated November 4, 2008, that Council received from six citizens which outlines concerns with respect to this development. As the Victoria West liaison, Councillor Madoff would like to know how best to respond to those inquiries. The Corporate Administrator advised that staff will conduct a detailed review on the correspondence and anticipates reporting back to Council on November 27<sup>th</sup>.

### **13.3 Councillor Thornton-Joe – ICCA Convention in Victoria**

Councillor Thornton-Joe outlined for Committee the opening of the International Congress and Convention Association (ICCA) Convention that is now in Victoria. This is the first time this conference has been in Canada and the importance of the event is to be noted. The opening ceremony received a standing ovation and staff should be congratulated on an outstanding job.

The Corporate Administrator advised Committee that an amendment is required to item # 4.6 *Sewer Utility Rate Increase for 2009*.

**Action:** Councillor Young moved that the motion regarding *Sewer Utility Rate Increase for 2009* be amended as follows:

1. That Council approve the sewer consumption fee increase from \$1.08 to \$1.35 per unit effective January 1<sup>st</sup>, 2009.
2. **That Council approve the CRD Sewer consumption fee be set at \$0.3862 per unit effective January 1<sup>st</sup>, 2009.**

CARRIED 08/582

## **14. CLOSED MEETING at 12:22 p.m.**

Committee recessed at 12:22 p.m.

Committee reconvened at 12:34 p.m.

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

**Staff Present:** P. Ballantyne – City Manager; R. Woodland – Corporate Administrator; C. Havelka – Recording Secretary.

**Staff Present for a Portion of the Meeting:** M. McCliggott – Assistant City Manager; D. Schaffer – Manager, Legislative Services; T. Scott – Director, Human Resources; K. Friars – Director, Parks, Recreation & Community Development; K. Josephson – Manager, Communications; D. Day – Director, Planning & Development; A. Meyer – Manager, Development Services; P. Johnson – Staples McDannold Stewart.

**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 08/581

#### **14.1 Minutes from the Closed Portion of the Committee of the Whole Meeting held October 16, 2008**

**Action:** Councillor Hughes moved that the Closed Portion of the minutes from the Committee of the Whole meeting held October 16, 2008, be adopted.

CARRIED 08/580

#### **14.2 Legal – Housing Emergency Bylaw**

Committee received correspondence dated October 29, 2008, from the City's Solicitor regarding the Housing Emergency Bylaw.

The discussion was recorded and kept confidential.

#### **14.3 Appointment – Board of Cemetery Trustees of Greater Victoria**

Committee received a report dated October 29, 2008, from Legislative and Regulatory Services regarding Appointments to the Board of Cemetery Trustees of Greater Victoria.

**Action:** Councillor Holland moved that Council approve that Chris Lawless and Michael Davidson be reappointed to the Board of Cemetery Trustees of Greater Victoria for a three-year term, ending January 31, 2012.

CARRIED 08/579

#### **14.4 Councillor Fortin – Affordable Housing and Shelter Beds**

Councillor Fortin outlined for Committee an inquiry regarding Affordable Housing and Shelter Beds.

The discussion was recorded and kept confidential.

*Councillor Holland withdrew from Council Chambers at 1:18 p.m.*

*Councillor Holland returned to Council Chambers at 1:22 p.m.*

*Councillor Madoff withdrew from the meeting at 1:30 p.m.*

*Councillor Madoff returned to the meeting at 1:32 p.m.*

#### **14.5 Councillor Fortin – Tents in Parks Policy**

Councillor Fortin outlined for Committee an inquiry regarding the Tents in Parks Policy.

The discussion was recorded and kept confidential.

#### **14.5 Personnel**

Committee received information from the City Manager regarding a Personnel matter. Recording staff was not present for this discussion.

### **15. ADJOURNMENT**

**Action:** Councillor Hughes moved that the Committee of the Whole meeting of November 6, 2008, be adjourned at 2:40 p.m.

CARRIED 08/578

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Mayor Lowe, Chair