

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING
HELD THURSDAY, JULY 12, 2007, 9:00 a.m.

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

On Leave: Councillor Chandler.

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

Staff Present for a Portion of the Meeting: D. Koch – Manager, Development Services; D. Day – Director of Planning & Development; P. Sparanese – Director of Engineering; K. Ramsay Cline – Community Development Planner; M. Mayhew – Executive Assistant; W. Zink – Manager, Social Planning & Housing; M. Lam – Head, Urban Design Planner; A. Hudson – Senior Planner; S. Barber – Senior Heritage Planner; B. Sikstrom – Senior Planner; L. Baryluk – Planner; T. Snow – Manager, Civic Services; G. Price-Douglas – Community Development Planner; J. Daly – Manager, Research, Planning & Design; S. Gustafsson – Project Assistant.

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

The Chair outlined the following changes to the July 12, 2007 Committee of the Whole agenda:

- Additional correspondence item # 6 - 1701 Douglas Street (The Hudson)
- Additional correspondence item # 8 – 427 Belleville Street
- Additional correspondence item # 13 – 923 Burdett Avenue
- Addition of a report, item # 24A. – Public Washrooms
- Correction to a report item # 25 – Traffic Orders
- Addition of a Closed report item # 34 – Legal – Litigation

Councillor Sharing or Inquiry:

- a) Councillor Madoff – one sharing.
- b) Councillor Coleman – one sharing.

Action: Councillor Fortin moved that the Agenda of the July 12, 2007 Committee of the Whole meeting be approved as amended.

CARRIED 07/397

3. ADOPTION OF MINUTES

3.1 June 21, 2007 Committee of the Whole Minutes

Councillor Coleman noted an error on page 11 with respect to Idling Control Bylaw where the fine levied should be \$200.00 not \$200,000.

Action: Councillor Hughes moved that the minutes of the Committee of the Whole meeting held June 21, 2007 be adopted as corrected.

CARRIED 07/396

3.2 June 28, 2007 Special Committee of the Whole Minutes

Action: Councillor Hughes moved that the minutes of the Special Committee of the Whole meeting held June 28, 2007 be adopted.

CARRIED 07/395

4. REQUEST TO BRING FORWARD

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

- Development Variance Permit # 00044 for 2582 Empire Street
- Heritage Designation # 000051 for 530 – 534 Broughton Street / 1005 Langley Street
- Owner Request for Heritage Designation # 000049 for 1689 Earle Street
- Heritage Alteration Permit # 00059 for 29 Menzies Street
- Heritage Designation # 000045 for 1109 Catherine Street
- Traffic Orders
- Revised *Parks Regulation Bylaw*
- Disposition of Communications dated July 6, 2007
- Councillor Thornton-Joe - International Downtown Association

4.1 Development Variance Permit # 00044 for 2582 Empire Street

Committee received a report dated July 3, 2007 from Development Services for Development Variance Permit # 00044 for 2582 Empire Street. This application in the Oaklands neighbourhood is to build a small one-storey addition to the rear unit of an existing duplex. In order to leave more room for the rear garden area, the existing parking space is to be moved a short distance to the east next to the existing front door.

This Development Variance Permit application is subject to notification, sign posting and a Public Hearing.

- Action:** Councillor Hughes moved that Council authorize the issuance of a Development Variance Permit in accordance with:
1. Plans stamped "Development Variance Permit # 00044" dated June 29, 2007.
 2. Development meeting all bylaw requirements, with the following variances:
 - i. Section 2.1.5 (3)(m)(i) – Rear yard setback relaxed from 13.3m to 8.5m;
 - ii. Section 2.1.5 (3)(s) – Screening of parking relaxed from 0.6m to nil (south).
 3. Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development.

CARRIED 07/394

4.2 Heritage Designation # 000051 for 530 – 534 Broughton Street / 1005 Langley Street

Committee received a report dated June 26, 2007 from Development Services with respect to Heritage Designation # 000051 for 530 – 534 Broughton Street / 1005 Langley Street. The owner of the existing Heritage Registry building at 530 – 534 Broughton Street, Mr. Richard Holmes, of Hobo Holdings, Ltd. has submitted an application dated June 5, 2007 for heritage designation in order to qualify for the Building Incentive Program of the Victoria Civic Heritage Trust. City Council, at its meeting of May 10, 2007 approved a Heritage Alteration Permit to permit construction of a one storey addition and exterior alterations, in conjunction with a substantial upgrading and rehabilitation of this important heritage building.

- Action:** Councillor Hughes moved that, whereas the building at 530 – 534 Broughton Street / 1005 Langley Street is of heritage significance, City Council designate it as a municipal heritage site.

CARRIED 07/393

4.3 Owner Request for Heritage Designation # 000049 for 1689 Earle Street

Committee received a report dated June 26, 2007 from Development Services with respect to Owner Request for Heritage Designation # 000049 for 1689 Earle Street. This is an owner request to designate an existing 1914 Arts and Crafts-style house and selected interior features as a Municipal Heritage Site. The house is not on the *Heritage Registry* and is located in the Gonzales neighbourhood.

- Action:** Councillor Hughes moved that as the house at 1689 Earle Street is of heritage significance, City Council designate it as a Municipal Heritage Site, including the following interior features:
- Built-in storage unit in dining room;
 - Original heat vents;

- Living room ceiling;
- Interior wood and door frame mouldings.

CARRIED 07/392

4.4 Heritage Alteration Permit # 00059 for 29 Menzies Street

Committee received a report dated July 4, 2007 from Development Services with respect to Heritage Alteration Permit # 00059 for 29 Menzies Street. The proposal is to construct a new wood stairway to an existing deck at the rear of the Heritage Designated house at 29 Menzies Street. Alterations are also proposed for the existing rear addition to create a glazed roof over a sunroom, and a glazed canopy above the new wood stair. Whereas the current building is non-conforming as to setbacks, approval of variances to the rear yard and side yard setbacks is required. The application was reviewed by the Heritage Advisory Committee at its meeting of June 12, 2007 and was recommended for approval. As variances are requested, a copy of the application was forwarded to the Chairman of the CALUC for the James Bay Neighbourhood on June 5, 2007. To date, a response has not been received. A Public Hearing is required.

Action: Councillor Hughes moved that, pursuant to Heritage Designation Bylaw No. 7067, City Council authorize the issuance of Heritage Alteration Permit # 00059 in accordance with:

1. Plans dated May 25, 2007.
2. Development meeting all bylaw requirements except for:
 - i. Section 1.2.9 – Rear yard setback relaxed from 9.64m to 7.5m
 - ii. Section 1.2.10 – Side yard setback (north) relaxed from 1.52m to 1.2m
3. Final plans to be in accordance with plans identified above.

CARRIED 07/391

4.5 Heritage Designation # 000045 for 1109 Catherine Street

Committee received a report dated June 27, 2007 from Development Services with respect to Heritage Designation # 000045 for 1109 Catherine Street. This application is from the owner of an existing Heritage Designated house to extend the protection of the heritage designation to the interior stairwell, and all interior woodwork. The house was designated in 1976 and is in the Victoria West neighbourhood.

Action: Councillor Hughes moved that, whereas the interior stairwell, doors and existing woodwork in the interior of 1109 Catherine Street are of heritage significance, City Council designate these features pursuant to Section 967(2)(c) of the Local Government Act.

CARRIED 07/390

4.6 Traffic Orders

Committee received a report dated June 26, 2007 from Engineering with respect to Traffic Orders, which were attached to the report. A correction to Traffic Order, Item No. 7, for Oswego Street, "Two Hour Limited Parking Zone", was provided by City Staff, as follows:

"LOCATION: between Michigan Street and Superior Street except where otherwise designated."

Action: Councillor Hughes moved that Council approve the list attached to the report of eight traffic orders, as corrected.

CARRIED 07/389

4.7 Revised Parks Regulation Bylaw

Committee received a report dated July 3, 2007 from Corporate and Regulatory Services with respect to Revised *Parks Regulation Bylaw*. In May 2003 Council passed a resolution authorizing the Corporate Administrator to proceed with a bylaw revision and consolidation project. The Corporate Administrator tabled for Council's consideration draft *Parks Regulation Bylaw No. 07-59*, which:

- consolidates 11 *Parks Regulation Bylaw* amendments into the proposed bylaw;
- proposes revisions to the bylaw to clarify its intent and concordance with the law;
- proposes amendments to the bylaw to improve its administration.

Both the revisions and the proposed amendments to the Bylaw must be considered and approved by Council. The following new amendments are highlighted for Council's consideration:

1. Proposed delegation to the Director in Section 5 to approve Special Events in a park that are consistent with Council policy.
2. Proposed delegation to the Director to approve the temporary erection or construction of a tent, building or other structure in a Park in accordance with an event permit.
3. Proposed repeal of the public's right to use a chainsaw on a beach in favour of the proposed delegation to the Director to authorize the use of a chainsaw on a beach.
4. Proposed Research Permit system to authorize botanical or biological study in a park.
5. Proposed impound authority for specific items found in Victoria Youth Park during its closed hours.
6. Proposed prohibition on the consumption of alcoholic beverages in a park outside of an area licensed for that purpose.
7. Proposed use of the Municipal Ticket Information for enforcement of this Bylaw.

Since *Bylaw No. 07-59* includes amendments not previously approved by resolution or bylaw, a new bylaw is proposed for Council's consideration. This process enables Council to consider the amendments concurrently with the

consolidated and revised text of the bylaw that was prepared under the Corporate Administrator's authority.

Action: Councillor Hughes moved that Council considers giving three readings to *Parks Regulation Bylaw No. 07-59 and Ticket Bylaw Amendment Bylaw No. 07-60*.

CARRIED 07/388

4.8 Disposition of Communications dated July 6, 2007

Action: Councillor Hughes moved that the Disposition of Communications dated July 6, 2007 from the Manager, Administration, be received for information and filed.

CARRIED 07/387

4.9 Councillor Thornton-Joe - International Downtown Association Conference

Committee received a report dated June 22, 2007 from the Office of the City Manager with respect to the International Downtown Association Conference. The International Downtown Association Conference will be held in New York in September 2007.

Action: Councillor Hughes moved that Council approves the attendance of Councillor Thornton-Joe at the 2007 International Downtown Advisory Conference.

CARRIED 07/386

5. DELEGATIONS

5.1 City of Victoria Butler Book Prize Submissions

Committee received a presentation from Bess Jillings with respect to this year's submissions for the City of Victoria Butler Book Prize. The competition for the 2007 prize resulted in fifty entries, the largest amount to date. The books will be short-listed by the end of August and the winner will be announced on awards night on October 17, 2007. Committee members discussed promoting literacy at international literary day and having the nominated books available in City Hall for reading.

5.2 Victoria Airport Authority

Mr. Peter Bray, City of Victoria Representative on the Victoria Airport Authority Board, introduced Mr. Richard Paquette, President and CEO of the Victoria Airport Authority, who presented to Committee of the Whole, as follows:

- the financial report of for the Victoria International Airport as an independent entity;
- the development of a long-range plan for Victoria International Airport; and
- the Pat Bay Highway / McTavish Road intersection.

Mr. Paquette also described the Master Plan:

- Define probable growth of aviation activity;
- Define runway, taxiway, apron and navigational aids requirements;
- Determine passenger terminal expansion requirements;
- Protect lands for required development; and,
- Develop the Airport in an environmentally sustainable manner.

Mr. Paquette responded to Committee members' inquiries about security issues and lease arrangements.

6. DEVELOPMENT SERVICES

6.1 Downtown Heritage Building Economic Study

Committee received a report dated June 26, 2007 from Development Services and a presentation from Coriolis Consulting Corp. with respect to Downtown Heritage Building Economic Study.

In October 2006 the City commissioned Coriolis Consulting Limited to undertake an investigation of the current development costs for heritage building rehabilitation in downtown Victoria and to analyze the effectiveness of the City's existing financial incentive programs. The final report dated June 2007 concludes that the current high renovation costs and property values are rendering the rehabilitation of heritage buildings uneconomic, despite existing incentive programs.

Mr. Wollenberg of Coriolis Consulting Limited outlined the importance of extending the tax exemption from ten years to twenty years and considering bonus density to encourage heritage rehabilitation. A Committee member questioned the financial implications of this proposal and how to designate areas for bonus density.

A Committee member noted that the Federation of Canadian Municipalities would benefit from a review of this report, as well as Members of Parliament.

Action:

Councillor Thornton-Joe moved:

1. That the Final Report "Downtown Heritage Building Economic Study" by Coriolis Consulting dated June 2007, be received for information.
2. That staff be directed to investigate the feasibility of establishing a program of transferable heritage density bonuses, and adjustment of other existing incentive programs to address the economic viability of heritage building rehabilitation in downtown Victoria. Staff are also directed to investigate other potential financial assistance mechanisms to address this issue.

3. That the City of Victoria acknowledge the financial assistance for this study from the Government of Canada Western Diversification Program, the Real Estate Foundation of BC, and the Government of British Columbia Community Heritage Planning Program.
4. That the City of Victoria send a copy of the Downtown Heritage Building Economic Study to the Honourable John Baird, Minister of the Environment, to reinforce Council's motion of March 8, 2007, requesting the Government of Canada to include financial incentives for historic places in the next federal budget.

CARRIED 07/385

6.2 1701 Douglas Street (The Hudson)

- **Heritage Alteration Permit # 00061**
- **Development Permit Application # 000094**

Committee received a report dated June 27, 2007 from Development Services with respect to 1701 Douglas Street (The Hudson) – Heritage Alteration Permit # 00061 and Development Permit Application # 000094.

The two applications focus on proposed rehabilitation of the former Hudson Bay Company Department Store at 1701 Douglas Street, a Heritage designated building, to accommodate ground floor commercial uses, and new residential units on the upper floors. A new elevation treatment for the blank façade of the existing building is proposed. The existing basement will accommodate parking. A new, two-storey addition for additional residential units is proposed for the roof on the eastern portion of the building. With respect to the Development Permit Application, the proposal also involves development of the carriageway and all underground parking.

The Heritage Alteration Permit # 00061 submitted on June 12, 2007 includes a Conservation Plan prepared by Commonwealth Historic Resource Management Ltd., June 2007. The application was reviewed by the Heritage Advisory Committee on June 26, 2007 and although there was not a quorum; the members present were unanimous in recommending that the Heritage Alteration Permit be approved in principle.

A Committee member noted the importance of design guidelines with respect to the interrelation of adjacent residents.

- Action:** Councillor Holland moved that, pursuant to Heritage Designation Bylaw No. 547, City Council approve Heritage Alteration Permit # 00061 in principle, in accordance with:
1. Plans dated June 12, 2007;
 2. Development meeting all bylaw requirements;
 3. Submission of further details prior to building permit of the following:
 - a) Terra cotta repair methodologies, unit replacement materials, cleaning techniques, repointing specifications, etc.

- b) Window rehabilitation details;
- c) Repair and replacement scope and details for sheet metal cornice and parapet, including details of waterproof roof membrane installation;
- d) Colour scheme;
- e) Details of storefront elevations, ground floor entrances and canopies.

Action:

Councillor Holland moved that Council authorize the issuance of a Development Permit in accordance with plans stamped Development Permit # 000094 dated June 25, 2007, conditional on the following:

1. Development meeting all Zoning Bylaw requirements.
2. Final streetscape, civil engineering plans and traffic impact information to the satisfaction of the Director of Engineering prior to issuance of Development Permit.
3. Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Planning and Development.
4. Areaway encroachment agreement legally secured to the satisfaction of Director of Engineering in consultation with City Solicitor prior to issuance of Development Permit

CARRIED 07/384

Action:

Councillor Holland moved that that these items be forwarded to the Council meeting of July 12, 2007 for approval.

CARRIED 07/383

6.3 Development Permit Application # 000072 for 755 Caledonia Avenue (“The Radius”)

Committee received a report dated June 28, 2007 from Development Services for Development Permit Application # 000072 for 755 Caledonia Avenue (“The Radius”). This Development Permit Application for a 32,320 m² mixed use development comprising residential use, workplaces, a university, a daycare, eateries, public underground parking and a public mid-block walkway connecting Caledonia Avenue with Herald Street. The Rezoning Application that is in process at this site is a new CA-60 Zone and has received third reading by Council and would permit the uses within the CA-4 Zone, a density of 4.85:1 FSR and a maximum height of 54m for two of the buildings if amenities are provided. Adoption of the bylaw is being held until the landowner satisfies Ministry of Environment requirements with respect to site remediation.

The applicant has refined the design by providing more details of the public realm and CPTED principles, conducted a pedestrian wind analysis and applied architectural materials to consider liveability in a high density residential area. The Advisory Design Panel has recommended approval to Council, subject to further

review at the building permit stage of ground-plane details, particularly lighting and paving.

There are no variances proposed as part of this Development Permit application, therefore, the application was not referred to CALUC and no Public Hearing is required.

In response to a Committee member's inquiry, staff advised that the applicant has made strong commitments to follow CPTED principles.

Action: Councillor Holland moved that Council authorize the issuance of a Development Permit in accordance with plans stamped Development Permit # 000072 dated June 25, 2007, conditional to the following:

1. Council adoption of Zoning Amendment Bylaw No. 07-15.
2. Development meeting at Zoning Bylaw requirements.
3. Final streetscape and civil engineering plans to the satisfaction of the Director of Engineering.
4. Wind control measures applied to the pedestrian connection through the commercial building and along the pedestrian bridges joining the residential towers at building permit stage.
5. Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Planning and Development.

CARRIED 07/382

6.4 Development Permit Application # 000080 for 427 Belleville Street

Committee received a report dated June 27, 2007 from Development Services for Development Permit Application # 000080 for 427 Belleville Street. This is a Development Permit Application to construct a new 155-room hotel at 427 Belleville Street in the Inner Harbour area. The proposed hotel would replace the existing Days Inn. The existing beer and wine store and the Swiftsure restaurant and lounge are proposed to continue as tenants and both commercial uses are provided at ground level.

This application was previously presented to Committee of the Whole at its meeting of May 3, 2007, when it was recommended the applicant reconsider the building design. The proposal remains a contemporary approach intended to provide a contrast to its surroundings. Site planning and building orientation remain as originally proposed, however, the applicant has revised the design in elevation. The proposal is consistent with the *Advisory Design Guidelines for Buildings, Signs and Awnings* and the applicant has improved the design through revisions to materials, fenestration and architectural treatments changing the colour scheme.

There are no variances proposed as part of the Development Permit application, therefore, the application was not referred to CALUC and no Public Hearing is required.

Committee members expressed concerns regarding this application not benefiting from the Advisory Design Panel's review and the neighbourhood association, particularly in respect to parking.

The applicant expressed concerns with respect to moving this project forward and advised that dialogue had occurred with some neighbourhood representatives.

Committee agreed to move this project forward contingent on the Advisory Design Panel reviewing the application and forwarded their advice to the Director of Planning & Development.

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

1. Plans stamped "Development Permit # 000080" dated June 22, 2007.
2. Development meeting all Zoning Bylaw requirements.
3. Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Planning and Development considering the advice of the Advisory Design Panel.

CARRIED 07/381

Action: Councillor Holland moved that that this item be forwarded to the Council meeting of July 12, 2007 for approval.

CARRIED 07/380

Committee members discussed review of the procedure for moving projects through the Advisory Design Panel process.

Councillor Coleman withdrew from the Council Chambers at 10:51 a.m. as he plays cricket for the team sponsored by the applicant of Rezoning Application No. 05-11 for 425 – 475 Simcoe Street, which creates a non-pecuniary interest in the following item.

6.5 Rezoning Application # 05-11 for 425 - 475 Simcoe Street

Committee received a report dated July 3, 2007 from Development Services for Rezoning Application # 05-11 for 425 – 475 Simcoe Street. This is an application to rezone the James Bay Square commercial/residential building to permit retail liquor sales use (licensee retail store). The store will occupy 200 m² floor space, located on the Simcoe frontage of the building. The tasting room that was part of this application has been removed and will operate as a restaurant in an adjacent lease area.

The following points were taken into consideration in assessing this application:

- The *Official Community Plan* designates the area as a Secondary/District Centre. Retail uses are permitted in this area.
- The *James Bay Neighbourhood Plan* identifies the area as a Commercial centre. The proposal is in keeping with this designation.

- The Liquor Control and Licensing Branch of the provincial government has issued pre-clearance approval of this location. The School Board, Police and *James Bay Neighbourhood Association* have reviewed this application.
- The surrounding uses are those of the James Bay commercial centre, primarily apartment residential, retail, office and restaurants. The proposed use will add retail and pedestrian activity to this area.
- The proposal is generally in keeping with the City's *Licensee Retail Stores Rezoning Policy*, and now conforms with the size limitation. While there is a government liquor store within 200m at Parliament Mews, the Guidelines state that a reduced distance may be warranted in locations such as neighbourhood or district centres.

Committee members discussed enforcing closure of the business at 22:00 h, with the Corporate Administrator advising that a covenant can be used to restrict hours of business, but as the applicant is a tenant, the property owner's approval is required to register such a covenant.

A Committee member noted that the liquor store at Parliament Mews does not sell single sales of alcohol and the importance of extending this requirement to this location.

The Mayor expressed concerns with respect to the 200-meter policy, which this application contravenes.

Action: Councillor Holland moved that the City's Solicitor be instructed to prepare the necessary zoning amendments, based on the draft zone contained in the report, and the application be forwarded for consideration at a Public Hearing.

CARRIED 07/379

The Mayor voted against this motion

Councillor Coleman returned to Council Chambers at 11:00 a.m.

6.6 Rezoning Application # 00133 for 1048 Craigdarroch Road

Committee received a report dated June 29, 2007 from Development Services for Rezoning Application # 00133 for 1048 Craigdarroch Road. The proposal is to add 80 m² of floor area to the existing Craigdarroch Care Home in Rockland. A rezoning is required as the care home is in a converted house, which limits floor area to 333 m² and prohibits major exterior changes except through rezoning.

The proposed changes will increase the number of resident's rooms by five as well as add a new elevator with additional space for dining, lounge and staff areas. The increased number of rooms technically requires the provision of one additional parking space.

The following points were considered in reviewing this application:

- The proposal is in keeping with both the *official Community Plan, 1995* and the *Rockland Neighbourhood Plan, 1986*.
- The proposed changes are in keeping with the existing building and will have minimal impacts on shadowing or privacy of neighbouring properties.
- The building will continue to fit in with the street, which has a number of large homes and other buildings nearby.
- While parking standards would require an additional parking space, the impact on the street of not providing the additional space is likely to be small.

The application was considered by the *Rockland Neighbourhood Association* and their comments have been provided in a letter to Council attached to the report.

Committee members expressed concerns with respect to the proposed design not addressing heritage standards and the institutional look of the plan. The applicant advised that safety and code issues are being addressed in this proposal and the neighbourhood associations endorsed this project.

Action: Councillor Holland moved that the application be forwarded to Public Hearing and the City's Solicitor be instructed to prepare the necessary Zoning Regulation Bylaw amendments, based on the draft zone outline in section 5 of this report, subject to the provision of a landscape plan and screening for the proposed rear yard parking to the satisfaction of the Director of Planning and Development.

DEFEATED 07/378

Mayor Lowe and Councillors Fortin, Madoff and Young voted against this motion

6.7 Rezoning Application # 00123 for 920 – 926 Caledonia Avenue

Committee received a report dated July 12, 2007 from Development Services for Rezoning Application # 00123 for 920 – 926 Caledonia Avenue. The application is to permit the construction of two - four unit townhouse buildings. The proposal is for three bedroom "ground-oriented" units, three storeys in height. The vacant site fronts onto Caledonia Avenue to the south and abuts the City's Royal Athletic Park parking lot to the east.

The following points were considered in assessing this application:

- The proposed use and density is consistent with the *North Park Local Plan* and the City of Victoria *Official Community Plan* and the *Greenways Plan*.
- The *North Park Local Plan* also contains "Guidelines for New Housing Developments" which emphasize street relationship, open space, landscaping and crime prevention and a requirement that all rezoned sites be placed in a Development Permit Area to control exterior design and landscaping.
- Variances from the generic R3-A1 Zone are supported for site coverage, number of buildings and setbacks. The rationale for these variances and staff recommendations for design improvements for CPTED, liveability and green

building features will be reviewed in more detail during the Development Permit process and can be incorporated in the Development Permit.

- This design is an improvement over previous applications.
- The proposal provides an additional visitors parking stall and exceeds open space standards.
- The *North Park Neighbourhood Association* has been consulted and the minutes are attached to the report.

Mayor Lowe withdrew from Council Chambers at 11:21 a.m.

Committee members expressed concerns with respect to the placement of the public sidewalk. The Director of Planning & Development advised that staff will consult with Parks to address this issue.

Mayor Lowe returned to Council Chambers at 11:23 a.m.

Action: Councillor Holland moved:

1. That the application be forwarded for consideration at a Public Hearing and that the City's Solicitor be instructed to prepare the necessary Zoning Bylaw and *Official Community Plan* amendments to place this site within Development Permit Area 8, subject to:
 - a) The Development Permit to be reviewed by Advisory Design Panel and processed concurrently with the rezoning and;
 - b) The following conditions to be secured in a form satisfactory to the Director of Planning & Development:
 - i. 2.4m easement granted on Caledonia for City Right-of-Way for greenway;
 - ii. Tree Preservation Plan and Arborist Report for Ash Tree on Southeast corner;
 - iii. Civil Submission / Landscape Package for Caledonia.
 - iv. Consultation with Parks' staff with respect to placement of the sidewalk.
2. That, with respect to amendment to the *Official Community Plan*, Council, having given consideration to the requirements of Section 879 and other sections of the Local Government Act:
 - a) approves including this site within Development Permit Area 8;
 - b) authorizes staff to prepare the necessary amendment bylaw to the *Official Community Plan*;
 - c) directs staff to seek public input through a Statutory Public Hearing, and;
 - d) does not require consultation with the CRD board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board, and the federal and provincial governments and their agencies because none of these agencies are considered to be affected by this application.

CARRIED 07/377

6.8 Rezoning Application # 00113 for 596 Toronto Street

Committee received a report dated July 12, 2007 from Development Services for Rezoning Application # 00113 for 596 Toronto Street to permit a one bedroom tourist suite. This is in an accessory building as part of an existing two bedroom bed and breakfast operation in the main house. A total of three bedrooms for tourists would be provided on the property.

The following points were considered in reviewing this application:

- The proposal does not comply with the City's Bed and Breakfast rezoning criteria in which there is no provision for tourist suites in accessory buildings.
- The *James Bay Neighbourhood Plan* identifies this area as residential where little change in the type and size of housing is expected. The Plan states that it is "important to recognize the impact that tourism has on the residential areas of James Bay and develop policies to ensure that tourist development will complement the City and the neighbourhood and minimize disruption to residents".
- Although the proposal has limited impact, there is a concern it could be seen as a precedent and, if approved, other accessory building conversions to tourist suites with significant localized impacts might occur.

The application was considered by the *James Bay Neighbourhood Environment Association* and their comments have been provided in a letter attached to the report.

Committee members discussed the policy around suites in accessory buildings, which needs more examination.

Action: Councillor Holland moved that this application be declined.

DEFEATED 07/376

Mayor Lowe and Councillors Fortin, Coleman, Hughes, Madoff, and Thornton-Joe voted against this motion.

Action: Councillor Fortin moved that the application be forwarded to a Public Hearing and the City's Solicitor be instructed to prepare the necessary Zoning Bylaw amendments, subject to:

- Amendment of the R2-E Zone, Extended Two Family Dwelling District based on the project details as provided, with a provision for a reduction in parking stalls;
- Removal of the use related to the horse-drawn sightseeing business from the Zone;
- Release of the covenant relating to the horse-drawn carriage business from the title.

CARRIED 07/375

Councillors Holland and Young voted against this motion

6.9 Rezoning Application # 00100 for 923 Burdett Avenue

Committee received a report dated June 29, 2007 from Development Services Rezoning Application # 00100 for 923 Burdett Avenue. The applicant has requested a Public Hearing on August 23, 2007. Staff confirmed today that all preconditions have been fulfilled to move forward. As of June 29, 2007:

- The necessary *Official Community Plan* and *Zoning Regulation Bylaw* amendments have been prepared by staff and are planned for vetting by the City's Solicitor. It is intended that the Bylaws be introduced at the July 12, 2007 Council meeting for first and second readings.
- Heritage conservation of 924 McClure Street and the interior of Angela College (923 Burdett Avenue) will be secured through Heritage Designation Bylaws. The Bylaws were given first and second readings at the June 28, 2007 Council meeting.
- The Heritage Advisory Committee reviewed the proposed Mount St. Angela restoration, including removal of the 1912 addition and relocation of 924 McClure Street, and recommended approval of the application at its meeting of May 8, 2007.
- The Advisory Planning Commission reviewed the proposal with respect to land use and density at its meeting of June 5, 2007. The APC did not provide a formal recommendation to Council but has forwarded comments for Council's consideration.
- The Advisory Design Panel reviewed the proposed site planning and new construction and tabled the application at its meeting of June 6, 2007. The applicant refined the design in accordance with the Advisory Design Panel's recommendation and is scheduled for further review at the July 4, 2007 meeting. Staff will provide a verbal update of the results of that meeting at the July 12, 2007 Committee of the Whole meeting.
- A Heritage Revitalization Agreement, Housing Agreement with authorizing bylaw and a Statutory Right of Way have been prepared by the City's Solicitor and are undergoing review by City staff.
- Plans showing driveway access locations and information on sanitary sewer impact are currently being reviewed by the Engineering Department.
- The applicant submitted a Tree Protection Plan to the satisfaction of the Parks Division.
- The applicant submitted additional 3-D modeling to study the visual impact of the proposed new construction as viewed from Burdett Avenue.

Committee discussed a miscommunication with respect to consultation with the community through the Community Association Land Use Committee (CALUC); though staff confirmed that procedure had been followed correctly. A meeting will be held at the end of July with comments available for the August 23, 2007 Public Hearing.

A Committee member expressed concerns about lack of support from Advisory Design Panel (ADP) and Advisory Planning Commission (APC). Staff noted that a subsequent meeting of ADP approved design changes that addressed interior layouts.

The Director of Planning & Development noted that a one-year review of the CALUC process will be undertaken by staff.

Action: Councillor Holland moved that this report be received for information and Council reserve August 23, 2007 for a Public Hearing date. Staff confirmed that all conditions were completed by July 12, 2007.

CARRIED 07/374
Mayor Lowe and Councillor Madoff voted against this motion

6.10 Advisory Planning Commission Motion for Rezoning Application # 00100 for 923 Burdett Avenue

Committee received a report dated June 25, 2007 from Development Services with respect to the Advisory Planning Commission Motion for Rezoning Application #00100 for 923 Burdett Avenue.

The Advisory Planning Commission, at its meetings of June 5, 2007, made the following motion:

“That the Advisory Planning Commission accept the application as presented”.

Three voted in favour
Four opposed – Doug Rhodes, Gerald Hartwig, Helmut Hissen, and Pieta Van Dyke
Motion was defeated.

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

CARRIED 07/373

6.11 Owner Request to Remove a Building from the Heritage Registry for 235 Langford Street

Committee received a report dated June 27, 2007 from Development Services for Owner Request to Remove a Building from the Heritage Registry for 235 Langford Street. The City of Victoria received a letter dated May 31, 2007 from Denise Downs, daughter of Jocelyn Speers, owner of 235 Langford Street, requesting the property be removed from the Heritage Registry. The historic significance of this house was recognized in 1980 when City Council added the property to the Heritage Registry and has not changed. The application was reviewed by the Heritage Advisory Committee at its meeting of June 26, 2007 and it was recommended that the property be maintained on the City's Heritage Registry.

Mr. Downs spoke on behalf of his mother-in-law, Jocelyn Speers, and voiced her concerns that the house was placed on the Heritage Registry without her knowledge or approval. Staff advised that notification was not required when this

occurred in 1980 though regulations have since changed. Staff confirmed that being on the Heritage Registry would not affect basic renovations.

Action: Councillor Thornton-Joe moved that the property at 235 Langford Street be maintained on the City's Heritage Registry.

CARRIED 07/372

6.12 Zoning Regulation Bylaw Amendment – Definition of Public Buildings, SC # 1-03

Committee received a report dated July 3, 2007 from Development Services with respect to Zoning Regulation Bylaw Amendment – Definition of Public Buildings, SC # 1-03. A recent BC Court of Appeal decision in *School District # 61 v. District of Oak Bay* has implications for the City's *Zoning Regulation Bylaw* terminology with respect to "public buildings". The use is currently permitted in many common zones. For example this allows for a broad range of land uses such as offices, provided they are government offices. Based on the Court ruling, defining the use by the user is not permissible.

Basically, the term "public building" as defined within the *Zoning Regulation Bylaw* is no longer an enforceable provision, as it relates to a specific class of users (who uses the land) and not to a regulated use. Failure to correct this could result in inappropriate commercial uses locating in zones that allow the "public building" use.

Due to the complexities of the *Zoning Regulation Bylaw*, the most expedient option to address this Court decision is to amend various definitions within the Bylaw, rather than attempting to isolate potential properties where the current definition of "public buildings" may create issues.

Action: Councillor Holland moved that the use of "public building" within *Zoning Regulation Bylaw* be retained within the zones as it is currently permitted and the definition be amended as follows:
Public building means the non-commercial use of land, building and structures for art or cultural exhibits; cemetery; community centre; courts of law; fire station; hospital; legislative chambers; library; outdoor recreation use; police station; recreation facility.
Further, that the definition of "semi-public building" be deleted.

CARRIED 07/371

Mayor Lowe acknowledged the dedication and capability that Doug Koch, Manager of Development Services, brought to the Planning and Development Department, for almost thirty years. Doug will be retiring July 19, 2007.

6.13 City Planning Regulations – R1-B Zoning House Size Review, SC # 9-07

Committee received a report dated July 4, 2007 from Development Services Division with respect to City Planning Regulations – R1-B Zoning House Size Review, SC # 9-07. The R1-B Zone is the most common low density zone in the City. While its area is mainly built-out, many of the existing homes have not maximized their size potential. Construction of major additions and redevelopment are becoming more common.

Staff have analyzed the zone and identified maximum size as a key aspect that could be revised expeditiously to address some of the more straightforward problems that might arise with the existing rules and prevent some of the potential problems from arising. It is recommended that the maximum floor area be reduced consistent with the limit set in the R1-G Zone used in Gonzales. More complex issues such as site coverage, setbacks, accessory buildings, height, parking and other aspects could not proceed as expeditiously and would take more analysis. Since the proposed solution is fairly direct and timeliness helpful, options for a consultative process have been proposed with staff recommending that the amendment advance directly to a Statutory Public Hearing.

Councillor Holland withdrew from Council Chambers at 12:19 p.m.

In response to a Committee member's request, staff advised that the 420 sq.m. regulation came into effect in 1987.

Action: Councillor Holland moved that Council direct staff to initiate an R1-B Zone amendment to make the maximum single family dwelling (detached house) size consistent with the R1-G Zone (reduction from 420 to 300 sq.m / 4,521 to 3,229 sq. ft.) and advance the amendment bylaw to a Statutory Public Hearing.

CARRIED 07/370

Councillor Holland returned to Council Chambers at 12:22 p.m.

7. SOCIAL PLANNING & HOUSING

7.1 Fairfield Community Association Request for Youth Bullying Drama Project Funds

Committee received a report dated July 12, 2007 from Social Planning & Housing with respect to Fairfield Community Association Request for \$5,000 in financial support for their *Youth Bullying Drama Project*. The project will involve Victoria High School and Central Middle School students in the research, planning and production of a performance about youth bullying, including cyber bullying. The play will be presented at local high and middle schools.

Fairfield Community Association did not submit an application as part of either the Youth Outreach Program Grant or Special Project Grant intakes this year due to a lack of clarity about the application procedures. As a result, Council is requested to consider this specific request for funding outside the regular grant funding cycle.

Due to the pressing implementation timeline, which coincides with the upcoming school year, it is recommended that Council allocate the funds from the existing Youth Program Grants budget. Currently, \$5,000 remains in the 2007 Youth Program Grants budget line.

A Committee member questioned the funding source of the grant with staff advising these were additional monies. The Mayor expressed concerns with respect to applicants applying within the appropriate timelines.

Action: Councillor Young moved that Council approve \$5,000 from Youth Outreach Program Grants for *Fairfield Community Association's Bullying Youth Drama Project* with the following grant conditions:

1. Public acknowledgement of the City's support;
2. Submission of a final report;
3. Demonstrated diversity of funding partnerships for future youth drama project applications.

CARRIED 07/369

7.2 Advisory Social Planning Committee Motion on Childcare

Committee received a report dated July 12, 2007 from Social Planning & Housing with respect to Advisory Social Planning Committee Motion on Childcare. The purpose of this report is to forward this motion and recommendation related to childcare to City Council. The Committee's work was finalized at its regular meeting of April 24, 2007 and approved electronically prior to the June 26, 2007 meeting.

The Committee's motion outlines a proposed Child-Friendly Community Policy for Victoria which recommends advocacy for affordable, accessible childcare; assessing relevant City bylaws and policies, and providing information to the public. It is the culmination of the Committee's work, which started with a Childcare Roundtable in February 2004 and included a series of presentations and additional research on the issues over the past three years.

At this stage, Council may consider receiving the report for information or directing or taking certain actions. The Committee's work builds and expands upon previous resolutions by Council on national childcare and support of childcare funding. Council may wish to consider the Committee's recommendation related to Advocacy and to submit the proposed resolution to the Union of BC Municipalities. Since the overall Policy proposal may have other implications, Council may wish to direct staff to review the proposal and report back on its potential implications.

A Committee member requested that this report be referred to the Finance Committee.

Action:

Councillor Fortin moved that:

1. The proposed Child-Friendly Community Policy for Victoria, including its strategic objective and actions, be referred to staff for review and to develop an implementation strategy, which takes into account resource implications, for Council's further consideration of the Advisory Social Planning Committee's recommendations.
2. As noted in Action Item 1.2 of the proposed Policy, that the City of Victoria submit the proposed resolution (Attachment 3) to the upcoming convention of the Union of BC Municipalities advocating for senior levels of government to increase funding and other supports for affordable, accessible, quality childcare and early learning.

CARRIED 07/368

7.3 Public Washrooms

Committee received a report dated July 12, 2007 from Social Planning & Housing with respect to Public Washrooms. This report is a follow-up to the Committee of the Whole report from October 5, 2007 when Council approved recommendations from staff to assess the suggestions presented in a Discussion Paper on public washrooms. This included piloting of late night urinals in problematic locations, continuation of the operation of the Centennial Square washrooms and consideration of how the City could best support strategies for improved public washroom access. A survey and roundtable sessions to assess this pilot project indicated that the urinals and reopening of the washrooms were considered to be positive initiatives.

The issue to address is whether providing urinals and a purpose-built public washroom with the continuation of the operating arrangements at Centennial Square in the interim, is the appropriate model to follow. Other suggestions for improving access to public washrooms included improving signage and continuing to periodically undertake anti-public urination campaigns, were proposed.

Committee members discussed how to recover costs associated with this program, particularly considering how bar patrons contribute to this problem. Staff advised that this issue was discussed and one suggestion was to have advertising on the urinals.

Staff advised that the location of the portables is yet to be determined. An analysis of use during the summer will provide information to support a decision.

Action:

Councillor Thornton-Joe moved that Council:

1. Improve the Centennial Square washrooms at a one-time capital cost of \$20,000 and continue their operation at an additional annual operating cost of \$182,000 (2007 dollars), depending on hours of access; and direct that the development of a new supervised public washroom in Centennial Square be

- considered in conjunction with any future comprehensive planning and redevelopment of Centennial Square;
2. Continue to support the public urinal program by installing two retractable urinals in the downtown at an estimated capital cost of \$240,000 and an operational cost of \$20,000 annually;
 3. Reinstate the portable urinal program until the permanent urinals are installed and in service at an operating cost of \$5,900 a month for up to 8 months (\$47,200);
 4. Approve installation of washroom signage and other directional support in the downtown at a one-time capital cost not to exceed \$5,000;
 5. Continue to conduct an annual anti-public urination awareness campaign not to exceed \$5,000, seeking to do so in partnerships when possible.

CARRIED 07/367

Action: Councillor Thornton-Joe moved that that this item be forwarded to the Council meeting of July 12, 2007 for approval.

CARRIED 07/366

8. ENGINEERING

8.1 Wilson's Transportation Request for Sightseeing Vehicle Parking Stand

Committee received a report dated June 18, 2007 from Engineering with respect to Wilson's Transportation Request for Sightseeing Vehicle Parking Stand. At its meeting on March 20, 2007, Advisory Transportation Committee (ATC) members received a presentation from Wilson's Transportation's General Manager and Director of Sales, requesting the City review the allocation for sightseeing vehicle parking stands.

Staff provided ATC members with information on the *Vehicles for Hire Bylaw*, and confirmed which companies may legally use the existing on-street stands.

The following points and comments were made by ATC members:

- ATC should consider making a recommendation to amend the *Vehicles for Hire Bylaw*;
- No specific company should be named in a bylaw;
- There should be a competitive process for obtaining licenses; and
- Fair market value for on-street space is an issue.

Several ATC members indicated they were willing to participate in a review process of the *Vehicles for Hire Bylaw*. Following a discussion on the issue, ATC members made the following motion:

That the sections of the Vehicles for Hire Bylaw referring to pedicabs, tour buses and horse drawn carriages be reviewed, focusing on issues of fairness and equality.

Carried

At its September 18, 2003 meeting, Committee of the Whole received a summary from the City's Bylaw Officer regarding a non-statutory public hearing on the commercial use of public space. At its October 9, 2003 meeting, Council passed a motion requesting staff bring forward a more detailed report on a framework for a regulatory system for the commercial use of public space, along with any necessary bylaw amendments. This work has yet to be completed.

The request from Wilson's Transportation should be deferred until the above-noted changes to the regulatory systems are complete.

Action: Councillor Young moved that Council receive this report for information.

CARRIED 07/365

9. PARKS

9.1 Beacon Hill Park – 125th Anniversary

Committee received a report dated June 26, 2007 from Parks with respect to Beacon Hill Park – 125th Anniversary. The purpose of this report is to summarize the activities associated with the celebration of the 125th Anniversary of Beacon Hill Park. In 1881, the Provincial Legislature enabled the Lieutenant Governor to grant public parks to municipal corporations. Under the terms of this Act, the City of Victoria, by order-in-council # 35 was granted Beacon Hill Park in trust on February 21, 1882, "to maintain and preserve the same for the use, recreation and enjoyment of the public".

As part of the planning of the 125th Anniversary celebration, the Mayor invited Chief Sam, Songhees Nation and Chief Thomas, Esquimalt Nation, to his office to discuss an appropriate way for the First Nations to participate. As a result of these discussions, a Burning Ceremony was held in honour of First Nations ancestors who are buried on Beacon Hill Park land.

By all accounts, the Beacon Hill Park 125th Anniversary celebration was a success and was accomplished within existing 2007 City operating budgets, with the exception of the map, which was funded from a bequest from the estate of Mr. George Stone.

Action: Councillor Madoff moved that Council receive this report for information.

CARRIED 07/364

9.2 Craigdarroch Castle Grounds Restoration

Committee received a report dated June 25, 2007 from Parks with respect to Craigdarroch Castle Grounds Restoration. The purpose of this report is to make staff recommendations to Council with respect to a number of requests from the Craigdarroch Castle Historical Museum Society.

Kathy Summers, Executive Director of the Craigdarroch Castle Historical Museum Society made a presentation to the May 3, 2007 meeting of Committee of the Whole. The Society made a number of specific requests of the City concerning:

- sale of City owned land between Craigdarroch Road and the Society's land;
- installation of stone pedestrian gates at Joan Crescent and Fort street;
- installation of two interpretive nodes on or accessed from City land; and
- installation of a flagpole on Society's property.

Proposed improvements to the City owned lane between Craigdarroch Road and the Society's land can be achieved either through sale of the land or through a Licence Agreement. Staff supports installation of stone gates over the sidewalks on either side of Joan Crescent and interpretive nodes as excellent opportunities to communicate the early history of Craigdarroch Castle. The City has no regulatory control over the placement of flagpoles.

Craigdarroch Castle Historical Museum society would be responsible for all costs associated with the design, construction and operation of the above referenced proposals.

Staff advised that the Craigdarroch Castle Historical Museum Society has approached the City with respect to purchasing land associated with this proposal.

- Action:** Councillor Holland moved that Council authorize staff to enter into a Licence Agreement between the City and the Craigdarroch Castle Historical Museum Society to facilitate improvements on City land consistent with the 'Craigdarroch Castle Grounds Restoration Plan – 2007', including:
1. Construction of a representation of the original sandstone gates over the sidewalks on either side of Joan Crescent at the corner of Fort Street.
 2. Installation of two interpretive nodes.

CARRIED 07/363

10. COUNCILLOR INQUIRIES / SHARING

10.1 Councillor Sharing – Councillor Madoff

Councillor Madoff shared with Committee the status of the watering can spray park currently being constructed in Beacon Hill Park. There will be a celebration honouring this new feature on July 17, 2007 at 2:00 p.m. and Councillor Madoff invited everyone to attend.

10.2 Councillor Sharing – Councillor Coleman

Councillor Coleman shared with Committee the final ceremony acknowledging the end of the FIFA U-20 World Cup games. Councillor Coleman presented to Mayor Lowe a banner from FIFA for the Mayor of the host city as well as a fair play medal from FIFA. Committee congratulated staff on a job well done.

11. CLOSED MEETING at 1:03 p.m.

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

On Leave: Councillor Chandler.

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

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

CARRIED 07/362

11.1 Minutes of the Closed Committee of the Whole Meeting held June 21, 2007

Action: Councillor Madoff moved that the Closed Minutes from the Committee of the Whole Meeting held June 21, 2007 be adopted.

CARRIED 07/361

11.2 Land – New Licence of Use

Committee received a report dated July 5, 2007 from Corporate and Regulatory Service. The purpose of this report is to obtain Council's approval to enter into a new Licence Agreement with the Beacon Hill Farm Society, to operate the Children's Farmyard in Beacon Hill Park.

Action: Councillor Young moved that Council approve a new Licence of Use with the Beacon Hill Farm Society subject to:

1. 3-year term commencing August 1, 2007.
2. Consideration: \$1 per annum.
3. Society responsible for all repairs, maintenance and insurance.
4. Advertising requirements of the charter (sec.26).

CARRIED 07/360

11.3 Legal – Litigation

Committee received correspondence dated July 6, 2007 from the City's Solicitor with respect to a litigation.

Action: Councillor Coleman moved that Council approve the recommendation from the City's Solicitor to settle a litigation with respect to *Owners, Strata Plan VIS.2087 v. City of Victoria et al*, as outlined in the letter dated July 6, 2007.

CARRIED 07/359

12. ADJOURNMENT

Action: Councillor Fortin moved that the Committee of the Whole meeting of July 12, 2007 be adjourned at 1:27 p.m.

CARRIED 07/358

Mayor Lowe, Chair