

# **MINUTES - COMMITTEE OF THE WHOLE**

## **MEETING HELD THURSDAY, FEBRUARY 7, 2002, AT 9:00 A.M.**

**PRESENT:** Councillor McLean, in the Chair, Mayor Lowe and Councillors Fleming, Holland, Hughes, Lunt, Madoff, and Vanden Berg.

**ABSENT:** Councillor Savoie

Mr. Joe Martignago, City Manager, attended for the entire meeting and Messrs. Barber, Basey, Carlsen, Dellebuur, Dowdall, Galavan, Hennessey, Kich, Kresse, McCliggott, Oberg, O'Reilly, Scoones, Sikstrom, Slater, Van den Boomen, Wiffen, Woodland, Ms. Fowler, Ms. Masters, Ms. Mayhew, Ms. Strathdee, and Cst. Vance attended for portions of the meeting.

Recording Secretary: Linda Johnson

### **PLANNING & DEVELOPMENT**

#### **GONZALES NEIGHBOURHOOD COMMUNITY PLAN**

**FEBRUARY 7, 2002**

02/82

Committee received a memorandum dated February 1, 2002 from the Senior Planner regarding the *Gonzales Neighbourhood Community Plan, February 7, 2002*. The attached Plan reflected consideration of comments and feedback received on the first draft. Council had requested and received feedback from staff, Advisory Committees, District of Oak Bay, Greater Victoria School District, BC Transit, and Fairfield and South Jubilee Community Associations. Additional feedback was received from neighbourhood residents.

The majority of feedback and comments were supportive and positive. Consequently there are no major changes in the Plan's recommendations. The revised Plan does include refinements to objectives and recommendations as well as additional rationale and information supporting the recommendations.

Mr. John Farquharson, Chair of the Gonzales Neighbourhood Plan Steering Committee, and other Steering Committee members were present to discuss the Plan with Committee.

- ACTION:** Councillor Madoff moved that it be recommended to Council that:
- 1) The *Gonzales Neighbourhood Community Plan, February 7, 2002*, be received for information.
  - 2) An Information Open House be held on the *Gonzales Neighbourhood Community Plan, February 7, 2002* at Margaret Jenkins School on March 4, 2002.
  - 3) The *Gonzales Neighbourhood Community Plan* be considered for adoption following the holding of a non-statutory public hearing at City Council's meeting on March 14, 2002.
  - 4) The Gonzales Neighbourhood Plan Steering Committee be thanked and commended for their continued work on the Plan.

**REZONING APPLICATION #01-33**  
**836-44 VIEW STREET**

02/81

Committee received a memorandum dated February 1, 2002 from the Manager, Planning Division regarding Rezoning Application #01-33 for 836-44 View Street. The proposal is to construct a 13 storey apartment tower with ground floor offices and underground parking for cars and bicycles. Zoning changes are requested for transition to residential (S-1 portion of the property) and increased building size.

- ACTION:** Councillor Madoff moved that it be recommended to Council that Rezoning Application #01-22 for 836-44 View Street be forwarded for consideration at a public hearing and that the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments, to the R-48 Zone (instead of a special zone based on the appended draft zone), subject to:
- 1) Advisory Design Panel review with particular reference to the Harris Green Charrette Urban Design Guidelines;
  - 2) any height relaxation to be negotiated as part of the Development Permit;
  - 3) an amended, fully dimensioned parking/access plan, to the satisfaction of the Director of Engineering, and boulevard tree details satisfactory to the Parks Division, will be required prior to Advisory Design Panel review.

Mayor Lowe advised that he has a professional affiliation with the application about to be discussed, and because of this potential conflict of interest, he left the meeting at 9:35 a.m.

**DEVELOPMENT VARIANCE PERMIT APPLICATION #02-03**  
**3184/3198 QUADRA STREET**

02/80

Committee received a memorandum dated January 30, 2002 from the Head, Urban Design regarding Development Variance Permit Application #02-03 for 3184/3198 Quadra Street. This is an application to replace previously approved Development Variance Permit #99-06 that expired on September 9, 2001. There is no change in the proposal and variances originally requested. The proposal is for a two storey addition with two residential units to an existing commercial residential building.

- ACTION:** Councillor Madoff moved that it be recommended to Council that Development Variance Permit #02-03 (to replace #99-06) be issued in accordance with:
- 1) Plans stamped "Development Variance Permit #02-03" dated January 16, 2002;
  - 2) Development meeting all bylaw requirements with the following variances:

Section 4.1.6	Rear yard setback relaxed from 6m to 3.8 m
Schedule "C" Sec.9	Relaxation of required aisle dimension for 5 parking stalls from 7m to 6m
Schedule "C" Sec.A (12)(c)	Reduction of parking requirement for residential units from 1.4 stalls per unit to 1 stall per unit
  - 3) Final plans are to be in accordance with the plans identified above but modified to replace the soft landscaping for the "small car" spaces #1-5 with

an ornamental paving material, to the satisfaction of the Director of Planning & Development.

**DEVELOPMENT PERMIT APPLICATION #SL 50**  
**RICHMOND AVENUE**

02/79

Committee received a memorandum dated February 1, 2002 from the Senior Planner regarding Development Permit Application #SL 50 for a vacant lot between 1019 and 1031 Richmond Avenue. The proposal is for a two storey, three bedroom single family dwelling on a small lot. The house incorporates a single car garage and has a crawl space. A previous development permit, approved concurrently with rezoning of this property, to permit a small lot single family dwelling, expired on January 28, 2001.

**ACTION:** Councillor Madoff moved that it be recommended to Council that a Development Permit be issued in accordance with:

- 1) Plans stamped "Development #SL 50 dated January 14, 2002.
- 2) Final plans, in accordance with plans identified above, to the satisfaction of the Director of Planning & Development.

Mayor Lowe returned to the meeting at 9:40 a.m.

**ROOF HEIGHT - COUNCILLOR INQUIRY**

02/78

Committee of the Whole, at its January 10, 2002 meeting, requested that staff review the height calculation method contained in the Zoning Bylaw, after concerns were raised about the height and roof style of the house constructed at 1611 Fairfield Road.

Committee received a memorandum dated January 17, 2002 from the Zoning Administrator advising that the house has a Gambrel style roof, where the roofing material extends to encompass some or all of the upper ? storey of the building. The report provided details and examples of the methods used to determine roof height. It also confirmed that the construction in question did comply with the Zoning Regulation Bylaw.

**ACTION:** Councillor Madoff moved that it be recommended to Council that staff be directed to prepare an amendment to the Zoning Bylaw to change the current height calculation, which is "mid-range to eaves", to "mid-range to where the pitch changes".

**REQUEST FOR HERITAGE DESIGNATION**  
**1435 RICHARDSON STREET**

02/77

Committee received a memorandum dated January 25, 2002 from the Heritage Planner advising that the owner of a single family dwelling at 1435 Richardson Street has requested that it be designated a Municipal Heritage site.

**ACTION:** Councillor Madoff moved that it be recommended to Council that, whereas the house at 1435 Richardson Street is worthy of heritage designation, it be designated as a Municipal Heritage site.

**REQUEST FOR HERITAGE DESIGNATION**  
**938 FULLERTON AVENUE**

02/76

Committee received a memorandum dated January 25, 2002 from the Heritage Planner advising that the owner of a single family dwelling at 938 Fullerton Avenue has requested that it be designated a Municipal Heritage site.

**ACTION:** Councillor Madoff moved that it be recommended to Council that, whereas the house at 938 Fullerton Avenue is worthy of heritage designation, it be designated as a Municipal Heritage site.

**HERITAGE ALTERATION PERMIT #79**  
**1785 CARRICK STREET**

02/75

Committee received a memorandum dated February 1, 2002 advising that in April 2000 the City Planning Division was advised that three existing wood double hung windows on the front bay window of 1785 Carrick Street were removed and replaced with single sheets of double glazing, without the required authorization of a Heritage Alteration Permit. This issue has been reviewed a number of times by Committee of the Whole and the Heritage Advisory Committee. The applicant has submitted a drawing dated October 26, 2001 showing a proposed solution involving installation of wood storm windows as recommended by the Planning Division. The application was reviewed by the Heritage Advisory Committee on January 22, 2002, and was unanimously recommended for approval, subject to certain conditions.

**ACTION:** Councillor Madoff moved that it be recommended to Council that, pursuant to Heritage Designation Bylaw No. 210, Heritage Alteration Permit #79 be authorized for:

- 1) The installation of a new arched window on the ground floor of the east elevation of the house at 1785 Carrick Street (as currently installed) conditional on the applicant installing a new storm sash window as shown on the drawing dated January 31, 2002.
- 2) The installation of wood storm windows as shown on drawings dated October 26, 2001 so that they fit within the existing rabbet of the window frame.
- 3) The maintenance plan, as outlined in a letter dated December 20, 2000 received from the owners of the property, be received for information.

**COMMERCIAL USE OF PUBLIC SPACE**

02/74

Committee received a memorandum dated January 24, 2002 from the Senior Bylaw Officer summarizing Council's consideration, over the past year, of commercial use of public space. The system for awarding licenses to street entertainers, street vendors, and Causeway artists is as follows:

- Street entertainer license will be issued to all applicants.
- Street vendor licenses will be re-issued to existing license holders. Vending spots that fall vacant will not be filled, pending a review of the entire program at a future date.

- Causeway artist licenses will be re-issued to existing license holders. A random draw will be held for vending spots that fall vacant.

In addition, on March 22, 2001, Council set the number of pedicab licenses at 24.

Demand for pedicab licenses and Causeway artist licenses is now exceeding supply. The inability to compete for these licenses has become an issue for new applicants.

Later in 2002 staff plan to report on options for awarding licenses for commercial use of public space.

**ACTION:** Councillor Holland moved that the report dated January 24, 2002 received from the Senior Bylaw Officer regarding Commercial Use of Public Space, be received for information.

### **DOG LICENSE REVENUE**

02/73

Committee received a memorandum dated January 24, 2002 from the Senior Bylaw Officer regarding Dog License Revenue. The CRD Bylaw Enforcement Division, which has provided animal control services to the City on a contract basis for a number of years, has recently brought forward a proposal to manage a dog licensing program for the City. Staff have reviewed the proposal and have concluded that it could be implemented without supplementary budget allocation for 2002 by amending the existing contract with the CRD and by making consequent amendments to the Animal Control Bylaw.

**ACTION:** Councillor Holland moved that it be recommended to Council that:

- 1) Staff be directed to prepare amendments to the City's contract with the Capital Regional District for animal control services, to include management of a proactive dog licensing program.
- 2) A revenue account be created for the dog licensing program.
- 3) Staff be directed to prepare amendments to the Animal Control Bylaw as follows:
  - a) amend Section 4 to provide that the City may enter into an agreement with a qualified contractor;
  - b) amend section 14(a) by changing the impoundment fees for cats and licensed dogs to \$35, \$55, and \$115 for the first, second, and third impoundment, and for unlicensed dogs to \$70, \$90, and \$150 for the first, second, and third impoundment.
  - c) amend section 27(2) to change the cutoff date for the license fee increase from March 1<sup>st</sup> to March 31<sup>st</sup>, and to change the increase from \$5 to \$10.

### **VIA RAIL PASSENGER SERVICE**

02/72

Committee received a memorandum dated January 25, 2002 from the Advisory Transportation Committee advising that they had received a presentation from the Greater Victoria Electric Railway Society regarding the need for and benefits of continuing passenger rail service on Vancouver Island.

- ACTION:** Councillor Lunt moved that it be recommended to Council that the following recommendations from the Advisory Transportation Committee, be supported:
- 1) The formation of a Federal Rail Authority, using best practices from other authorities, to regulate and oversee rail operations on Vancouver Island.
  - 2) Obtaining a stay of execution on E & N passenger service and line closure to March 2003 to provide sufficient time to negotiate and form the Rail Authority and to enable the E & N to continue to serve residents and visitors.
  - 3) A move by island organizations (municipalities, chambers of commerce, tourist, environment, etc.) to form a Round Table on Vancouver Island rail to oversee the Rail Authority creation and management.

### **TRAFFIC ORDERS**

02/71

Committee received a memorandum dated January 25, 2002 from the Manager, Transportation outlining a list of 23 Traffic Orders for consideration by Council. Staff have conducted an onsite investigation for each and recommend that the orders be approved.

- ACTION:** Councillor Fleming moved that it be recommended to Council that the Traffic Orders outlined in the report dated January 25, 2002 received from the Manager, Transportation, be approved, with the exception of #3, Blanshard Street, which will be the subject of further review.

### **BRITISH COLUMBIA HERITAGE AWARD** **MR. STUART STARK**

02/70

Committee received a memorandum from Councillor Madoff advising that Mr. Stuart Stark, a long-time heritage activist and restoration consultant in Victoria, is to be honoured with the British Columbia Heritage Award. The award will be presented by Minister George Abbott at a reception and presentation in Vancouver on February 21, 2002.

- ACTION:** Councillor Madoff moved that it be recommended to Council that the contributions made to the community by Mr. Stuart Stark, through his work in heritage preservation, be acknowledged by the City of Victoria, and, on the occasion of his receipt of The Minister's Award for Heritage, a letter of congratulations be sent on behalf of Mayor Lowe and Council.

### **COUNTER PETITION** **LOAN AUTHORIZATION BYLAWS**

02/69

Committee received a memorandum dated January 30, 2002 from the Corporate Administrator regarding a Counter Petition opportunity for *Loan Authorization (Bridges) Bylaw No. 01-156* and *Loan Authorization (Dockside) Bylaw No. 01-15*. Council gave three readings to these bylaws at its December 13<sup>th</sup>, 2001 meeting, and they were subsequently referred to the Inspector of Municipalities for statutory approval.

Bylaw No. 01-156 will authorize the City to borrow up to \$1,139,059 for a period of 15 years to finance the costs of seismic upgrading, repair, and maintenance to the Point Ellice and Johnson Street bridges. Bylaw No. 01-157 will authorize the City to borrow up to \$3,100,000 for a period of 15 years to finance the costs of required City infrastructure and environmental remediation of the City's Dockside Lands. The annualized cost of borrowing under both bylaws in 2002 is approximately \$219,000, and for subsequent years is approximately \$450,000 per annum. These borrowing costs are accounted for in the City's Five Year Financial Plan.

A counter petition process may be employed to seek the electors' approval of the bylaws as required by the Local Government Act. If no successful counter petition is raised, then Council may adopt the bylaws.

**ACTION:** Mayor Lowe moved that it be recommended to Council that a Counter Petition opportunity be initiated for *Bylaw No. 01-156* and *Bylaw No. 01-157* with a deadline for the receipt of counter-petitions of 4:30 pm on March 19, 2002.

### **THE NEW VI CITY HALL CAMERA PROPOSAL** **PRIVACY ISSUES**

02/68

At its January 10<sup>th</sup>, 2002 meeting, Committee of the Whole received a delegation from The New VI television station, requesting the City's permission to install a video camera on City Hall to view their building at the corner of Pandora Avenue and Broad Street. At that time, Committee requested a staff report on privacy issues regarding this camera use.

Committee received a memorandum dated January 30, 2002 from the Corporate Administrator providing a report on privacy issue flowing from the proposal. The Privacy Act confirms a person's right to privacy, which suggests that depriving a person of their right to privacy in a public space must not be done without sufficient justification. Though not intended, the New VI camera proposal is more akin to video surveillance than other types of television journalism. Because the camera is to be installed on City Hall and requires Council's permission, Committee considered the question, "Are The New VI's interests as a broadcaster sufficient justification to deprive the public of its reasonable right to privacy in a public space?"

**ACTION:** Councillor Madoff moved that it be recommended to Council that the City of Victoria not enter into a license agreement to permit The New VI to install a video camera on Victoria City Hall.

### **CITY OF VICTORIA** **ELECTION PROCEDURES BYLAW**

02/67

Committee received a memorandum dated February 5, 2002 from the Corporate Administrator regarding the City's *Election Procedures Bylaw*. The report requested consideration of a new *Bylaw* that includes some minor revisions and a new section on Voter Identification that will apply to the conduct of other voting planned for April 20, 2002.

**ACTION:** Councillor Holland moved that it be recommended to Council that draft *Bylaw No. 02-13, Election Procedures Bylaw* be forwarded for consideration at the February 14<sup>th</sup>, 2002 Victoria City Council meeting, with the following amendments:

- Section 5(2) Delete
- Section 5(3) Delete the clause "In addition to the precautions prescribed in subsections (1) and (2)"

**CONDUIT**  
**REQUEST FOR LETTER OF SUPPORT**

02/66

Committee received a letter dated January 17, 2002 from CONDUIT, An Association of Victoria and Vancouver Island Leaky Condominium Owners, advising that they are joining with the Compensation and Accountability to Soaked Homeowners (CASH) Society in recognizing the need for a timely political, rather than a protracted and expensive legal solution to the leaky condo crisis. The letter requested support from Vancouver Island municipalities in seeking meaningful relief to those impacted by this crisis. Attached was a letter of support from the Mayor and Council of the City of Richmond.

**ACTION:** Mayor Lowe moved that it be recommended to Council that:

WHEREAS many property owners in Greater Vancouver and on Vancouver Island have suffered major emotional and financial setbacks due to the failure of building envelopes in multi-family buildings (leaky condos);

BE IT RESOLVED THAT the City of Victoria contact the federal and provincial governments to request that they provide meaningful relief to those impacted by the failure in building envelopes (leaky condos).

**ADMINISTRATIVE MATTERS**

**DISPOSITION OF COMMUNICATIONS**

02/65

Committee received a memorandum dated February 4, 2002, from the Corporate Administrator reporting that certain communications received in the Legislative Services Division have been dealt with on the date and in the manner indicated.

**ACTION:** Councillor Madoff moved that the Disposition of Communications dated February 4, 2002 received from the Corporate Administrator, be received for information and filed.

**PROCLAMATIONS**

02/64

**ACTION:** Councillor Madoff moved that the following proclamation be approved and forwarded to the appropriate Council meeting:

Kiwanis Club of Victoria Day	February 20, 2002
Parent Participation Preschools Week	February 16 - 23, 2002
International Friendship Week	February 23 - 28, 2002
Flower Count Week	February 25 - March 2, 2002
Kidney Month	March, 2002

**COUNCILLOR INQUIRIES****NORTH PARK NEIGHBOURHOOD ASSOCIATION  
VICTORIA CENTRE DESIGN GUIDELINES**

02/63

Councillor Vanden Berg relayed a request from the North Park Neighbourhood Association (NPNA) to address Committee of the Whole regarding Design Guidelines for the proposed Victoria Centre.

Councillors will be meeting with residents of the neighbourhood on February 12, 2002 to discuss Victoria Centre. It was agreed to postpone consideration of the request from the NPNA until next week's Committee of the Whole meeting, following the neighbourhood meeting.

**YOUTH PARLIAMENT**

02/62

Councillor Vanden Berg advised that he has received a request from a Youth Parliament organization to use the Council Chambers March 15 - 17, 2002 for an event.

Councillor Vanden Berg will advise the organization to write to Mayor and Council providing details of their request.

**CLOSED MEETING - 10:55 A.M.**

Mayor Lowe moved that Committee of the Whole convene a closed meeting that excludes the public under Section 10(6) of the Council Bylaw for the reason that the following agenda items deal with matters specified in Section 10 (3) of the Council Bylaw.

**LEASE - VIA RAIL PARKING LOT**

02/61

Committee received a memorandum dated January 22, 2002 from the Property Manager advising that staff has negotiated a new lease with Transport Canada for that part of the parking lot owned by the federal government, adjacent to the Via Rail station.

**ACTION:** Mayor Lowe moved that it be recommended to Council that approval be given to a new 3 year lease with Transport Canada for the part of the parking lot adjacent to the Via Rail station, as follows:

- Rental rate of \$500 per annum plus 20% of gross revenue
- Term: May 15, 2002 to May 14, 2005.

**LEASE - JAMES BAY COMMUNITY LIBRARY**

02/60

Committee received a memorandum dated January 22, 2002 from the Property Manager advising that the Agreement between the Greater Victoria Public Library, the City of Victoria, and

the James Bay Health & Community Services for the provision of the James Bay Community Library has expired.

**ACTION:** Councillor Madoff moved that consideration of renewal of the James Bay Community Library Agreement be tabled, and that representatives from the Greater Victoria Public Library and the James Bay Health & Community Services be invited to meet with Committee of the Whole within one month.

**CITY-OWNED PROPERTY  
IN VIEW ROYAL**

02/59

The Property Manager provided a verbal report regarding city-owned property in View Royal.

**ACTION:** Mayor Lowe moved that staff be authorized to:

- 1) continue negotiations for the specified sewer area for city-owned property in View Royal;
- 2) continue preparations to market the property.

**SPCA SHELTER  
3150 NAPIER LANE**

02/58

Committee received a memorandum dated January 31, 2002 from the City Solicitor regarding the SPCA's use of its facility at 3150 Napier Lane for the impounding of animals on behalf of other municipalities.

**ACTION:** Councillor Holland moved that the report dated January 31, 2002 from the City Solicitor regarding the SPCA shelter at 3150 Napier Lane, be received for information and the City Solicitor be instructed to contact other municipalities regarding the issue.

**APPOINTMENTS - PROVINCIAL CAPITAL COMMISSION**

02/57

Committee received a memorandum dated January 29, 2002 from the Corporate Administrator advising that Councillor Fleming's and Councillor Vanden Berg's appointments to the Provincial Capital Commission Board expired December 31, 2001.

**ACTION:** Mayor Lowe moved that it be recommended to Council that Councillor Fleming and Councillor Vanden Berg be re-appointed to the Provincial Capital Commission Board through December 1, 2002.

**APPOINTMENT - DOWNTOWN ADVISORY COMMITTEE**

02/56

Committee received a memorandum dated January 24, 2002 from Councillor Hughes requesting consideration of the appointment of Brenda Bolwyn to the Downtown Advisory Committee.

**ACTION:** Councillor Madoff moved that it be recommended to Council that Brenda Bolwyn be appointed to the Downtown Advisory Committee for the term January 1, 2002 to June 30, 2003.

### **TOWING CONTRACT**

02/55

Committee received a memorandum dated February 4, 2002 from Inspector John Ducker, Victoria Police Department, advising that the City's Towing Contract with Mayfair Towing expires February 28, 2002.

**ACTION:** Councillor Holland moved that it be recommended to Council that:

- 1) A Request for Proposals be issued for the City's Towing Contract, including the following amendments to be made to the Towing Bylaw:
  - expansion of the location of primary lots located within the City of Victoria to a 3 km radius from City Hall, and a secondary lot to a 5 km radius.
- 2) The Towing Contract be granted to Always Towing on an interim basis.

### **HARBOUR DIVESTITURE MEMORANDUM OF UNDERSTANDING**

02/54

Committee received a memorandum dated January 25, 2002 from the City Manager advising that on January 11, 2002 representatives from the Harbour Partnership, Esquimalt Nation, and Songhees Nation met to discuss the principles contained in the attached Memorandum of Understanding. This document outlines the terms of membership in a newly constituted Harbour Authority, lays the foundation for incorporation of the Authority, and recommends financial terms for divestiture of federal harbour assets.

The parties have reached consensus on the key elements of the document, and all other parties have endorsed the agreement.

**ACTION:** Councillor Holland moved that it be recommended to Council that:

- 1) The City of Victoria become a formal signatory to the Memorandum of Understanding as attached to the report dated January 25, 2002 from the City Manager.
- 2) The City of Victoria participate in final negotiations with Transport Canada through its membership in the Harbour Authority for divestiture of the four federal properties, being Ogden Point / Breakwater, Erie Street Floats, Causeway Floats, and Wharf Street Floats.

The meeting adjourned at 12:05 p.m.

Councillor McLean, Chair