

MINUTES – COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, MARCH 21, 2002 AT 9:00 A.M.

PRESENT: Councillor Jane Lunt, Chair, Councillors Fleming, Holland, Hughes, McLean, Madoff, Savoie, and Vanden Berg

ABSENT: Mayor Lowe

ALSO PRESENT: Mr. Joe Martignago, City Manager, and Ms Sheryl Masters, Manager, Administration, attended for the entire meeting. Constable Peter Gill, Messrs. Basey, Dowdall, Kreese, Lam, Scoones, Sikstrom, Silvester, Thoresen, and Ms. Fowler, attended for portions of the meeting.

Recording Secretary: Ming Moodrey

APPROVAL OF AGENDA

02/234

The Agenda of the March 21, 2002 meeting was circulated. The City Manager outlined the addition of Item 4(a) - Update on the "Y Lot" Block Rezoning #01-28.

ACTION: It was moved by Councillor Hughes that the Agenda be approved as amended.

Carried

ADOPTION OF MINUTES

02/233

The Minutes of the March 14, 2002 meeting was circulated.

ACTION: It was moved by Councillor Savoie that the Minutes be approved as circulated.

Carried

PLANNING & DEVELOPMENT

1945 OAK BAY AVENUE, DEVELOPMENT PERMIT #00-20

02/232

Committee received a report dated March 15, 2002 from the Head, Urban Design, regarding 1945 Oak Bay Avenue, Development Permit #00-20, an application of Shell Canada. The proposal is to convert and upgrade the existing Payless gas station at 1945 Oak Bay Avenue to the Shell brand. Gord Cleeton, Area Manager – Real Estate Development, Bernie Karcher, Representative, both from Shell Canada, and Michele Worth, Gonzales North Community Association, attended this portion of the meeting in support of the application.

In the upgrade, the building remains essentially as is in design and materials. The improvements on the site and around the building include new pumps, landscaping, new signage, new parking arrangement, new garbage enclosures and removal of propane tanks and vacuum island.

As part of the proposal, the applicant has, by letter dated September 6, 2001, indicated a reduction of operation and delivery hours, provision of a security system and reconfiguration of the Redfern Street driveway to reduce through traffic. The signage proposed will be under a separate sign application. The applicant has had meetings with the Fairfield Community Association and the Gonzales North Community Association. Both of these associations have given their support for the project.

This application is not subject to a notification requirement and a hearing.

- ACTION:** Councillor Madoff moved that it be recommended to Council that Council authorize the issuance of a Development Permit in accordance with:
1. Plans stamped "Development Permit Application #00-20" dated December 7, 2001.
 2. Development meeting all bylaw requirements.
 3. Lot consolidation required at Building Permit stage.
 4. Parking and driveway configuration to be adjusted by the applicant prior to Building Permit stage to the satisfaction of the Director of Engineering.
 5. Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development.

Carried

1964 FAIRFIELD ROAD (ABKHAZI GARDEN) DEVELOPMENT VARIANCE PERMIT 02-04

02/231

Committee received a report dated March 15, 2002 from the Senior Planner regarding 1964 Fairfield Road, known as Abkhazi Garden, Development Variance Permit #02-04.

David Harper, Director, and Eleanor Setton, both of Westland Resource Group, Bill Turner, President of The Land Conservancy of British Columbia, and Ian Fawcett, Abkhazi Gardens, attended for this portion of the meeting in support of the application.

The Land Conservancy of British Columbia (the applicant) has requested a relaxation of the parking standard for the Abkhazi Garden's commercial exhibit use. A total of 28 spaces are required under the *Zoning Bylaw* based on the 6460m² area of land covered by the gardens. The applicant is requesting the required on-site parking be reduced to a total of 8 spaces with 5 spaces on the Fairfield Road property and 3 other spaces on the adjacent Foul Bay Road property.

The applicant has provided a Parking Management Plan dated January 2002, in support of the parking variance prepared by Westland Resource Group. The preparation of this plan involved consultation with neighbouring residents and the Community Associations, in addition to analysis of existing and forecast parking requirements. With implementation of the parking management plan, the applicant intends these spaces for service and delivery vehicles, handicapped access as well as volunteer and staff parking.

This application is subject to a notification requirement, posting of a sign on the site, and a hearing.

ACTION: Councillor Savoie moved that it be recommended to Council that:

1. Council authorizes the issuance of a Development Variance Permit in accordance with:
 - (a) Plans stamped "Development Variance Permit Application #02-04" dated March 14, 2002 and the implementation by The Land Conservancy of the Abkhazi Garden Parking Management Plan dated January 2002.
 - (b) Development meeting all bylaw requirements with the following variances:
 - Schedule C, Section 16 C 9(b): Relaxation of required parking for commercial exhibit use from 1 space per 232m² (28 stalls) of lot area to one space per 807m² (8 stalls) for visitor parking.
 - (c) Parking and access plan to the satisfaction of the Director of Engineering; and
 - (d) Final plans in accordance with plans identified above to the satisfaction of the Director of Planning and Development.
2. The application for Development Variance Permit #02-04 be forwarded for consideration of a Public Hearing.

Carried

UPDATE ON THE "Y LOT" BLOCK REZONING #01-28

02/230

Committee received a report dated March 19, 2002 from the Manager, City Planning, regarding an update on "Y Lot" Block Rezoning #01-28 in accordance with the City

Council's January 24, 2002 resolution. Concurrent with rezoning, City Council at its January 24, 2002 meeting authorized a Development Permit for the subdivision of Development Areas #2 and #3. The applicant, Concert Properties Ltd., has met with City staff, CPTED, BC Transit, the community and the neighbours as outlined in the applicant's letter of March 18, 2002 and the outcome of these meetings have been incorporated in the updated rezoning drawings that were submitted to City staff. The Public Hearing for this matter is tentatively set for April 11, 2002.

ACTION: Councillor Madoff moved that this report be received for information.

Carried

ENGINEERING

NO SKATEBOARDING AREA – RED ZONE

02/229

Committee received a report from the secretary, Advisory Transportation Committee, with respect to the issue of the "No Skateboarding Zone."

On June 14, 2001, Council approved a recommendation from the Advisory Transportation Committee (ATC) to form a task force to review the existing no skateboarding zone, described in Section 88 of the Streets and Traffic Bylaw, and commonly referred to as the "red zone" on the map.

On January 15, 2002, the "red zone" task force submitted its final report with recommendations to the ATC. Following discussions with representatives of the Victoria Police, Insurance Corporation of British Columbia, and local skateboarding groups, the task force concluded that a smaller red zone was justified. Additionally, the task force also concluded, that the existing impoundment fee should be reduced from \$40 to \$25 per incidence, consistent with similar bylaw infractions [Streets & Traffic Bylaw, Amendment Bylaw (No. 18)].

After considering the report from the "red zone" task force, and a further report from staff, including confirmation of support from Victoria City Police, the ATC passed the following motion:

"The Advisory Transportation Committee recommends to Council that the existing no skateboarding zone and impoundment zone be consolidated into one zone as shown on drawing M130A (copy attached), the impoundment fee within the zone be reduced from \$40 to \$25 per infraction and the term similar apparatus be specifically defined."

Transportation staff has reviewed the motion and has no objection.

City staff indicated that signage will be placed within the new zone in accordance with the changes of the regulations. ATC has designed a sample format of the signage. Committee expressed their concern as to where the signage will be placed so that the

people who are skateboarding and rollerblading could see the signage clearly. Committee also expressed its concern regarding the mode of communication that will be used to communicate these changes of regulation to the people.

Committee requested that ATC provide a report to Committee of the Whole once ATC have developed a Communication Plan, regarding the signage and communication issues outlined above.

ACTION: Councillor McLean moved that it be recommended to Council that:

1. The existing boundary of the "red zone", as described in Section 88 of the Streets & Traffic Bylaw, be amended to include the area bounded on the west by the west side of Wharf Street and the east side of Store Street, on the north by the south side of Herald Street and North Park Street, on the east by the east side of Quadra Street and on the South by the south side of Fairfield Road, the east side of Blanshard Street and the south side of Belleville Street.
2. That the impoundment fee for "red zone" violations, as described in the Streets & Traffic Bylaw Amendment (No. 18), be reduced from \$40 to \$25, consistent with other bylaw infractions in the City of Victoria.
3. That the term "similar apparatus" in the existing bylaw be specifically defined so not to arbitrarily exclude the use of alternate non-motorized transportation modes within the downtown core.

Carried

FRESH AIR/CAR FREE DAY

02/228

Committee received a report dated March 5, 2002, from the secretary of the Advisory Transportation Committee (ATC) regarding the Fresh Air/Car Free day organization's plans to hold the second Fresh Air/Car Free day on April 14, 2002. The ATC made the following recommendation:

"The Advisory Transportation Committee wishes to advise Council and the Special Events Committee that they support the proposal presented by the Fresh Air/Car Free Day organization."

Transportation staff has reviewed the motion and has no objection.

ACTION: Councillor Fleming moved that this report be received for information.

Carried

CAR FREE DAY

02/227

Committee received a report dated March 8, 2002, from the secretary of the Environment and Shoreline Advisory Committee (ESAC) regarding the Fairfield Community Association's plans to hold a Car Free day in April 2002. The closure area has been reduced from last year's event and will now extend along Dallas Road from Cook Street to Memorial Crescent. The exact date has not been confirmed but it is hoped to coincide with the Earth Day celebrations in an effort to help promote and raise awareness for this event. The ESAC made the following recommendation:

"That the Environment and Shoreline Advisory Committee support the Car Free Day proposal."

ACTION: Councillor Holland moved that it be recommended to Council that Council approve the motion from the Environment and Shoreline Advisory Committee and that this report be received for information.

Carried

DEPARTMENT OF NATIONAL DEFENSE AGREEMENT

02/226

Committee received a report dated March 18, 2002, from the Manager, Water and Environment, regarding the Department of National Defense (DND)'s request that the City of Victoria enter into a formal agreement, entitled the Contribution Agreement.

DND is in the process of redeveloping HMCS Naden to meet the changing needs of Canada's maritime command. This redevelopment includes, significant building upgrades and a review of their fire fighting response and the capacity of their internal water system. The Engineering Consultant working for DND has stated that an upgrade is required within Naden in order to meet current fire flow requirements. After exploring various options, the consultant has concluded that the most cost-effective solution for the upgrade of their system would involve the replacement and upgrade of the City's water main on Admirals Road from the Esquimalt boundary to Collville Road.

The water main on Admirals Road is fairly old and is due for replacement over the next 3 to 5 years. However, DND is anxious to have the work completed and has offered to pay the full estimated cost of \$800,000 for the City to facilitate the replacement of the main in this calendar year on the provision that the City enters into a formal agreement with DND. Staples, McDannold Stewart, are currently reviewing this agreement.

ACTION: Councillor McLean moved that it be recommended to Council that Council ratifies the Department of National Defense's Contribution Agreement pending final review by the City Solicitor at the Council Meeting of March 28, 2002.

Carried

ADMINISTRATIVE MATTERS

DISPOSITION OF COMMUNICATION

02/225

Committee received a Disposition of Communication dated March 18, 2002, from the Manager, Administration, reporting that certain communications received in the Legislative Services Division have been dealt with on the date and in the manner indicated.

ACTION: Councillor Vanden Berg moved that the Disposition of Communications dated March 18, 2002 received from the Manager, Administration, Legislative Services Division, be received for information and filed.

Carried

PROCLAMATIONS

02/224

ACTION: Councillor Hughes moved that the following proclamation be approved and forwarded to the appropriate Council Meeting:

- Dental Health Month – April 2002

Carried

COUNCILLOR INQUIRY

NORTH PARK NEIGHBOURHOOD ASSOCIATION

02/223

Councillor Hughes indicated that Committee received an e-mail from North Park Neighbourhood Association requesting an opportunity for the North Park Neighbourhood Association to review its concerns with the proposed multipurpose facility at Committee of the Whole

ACTION: Councillor Hughes moved that the Corporate Administrator be instructed to send a reply to the North Park Neighbourhood Association that Committee of the Whole will hear and consider their concerns at the Committee of the Whole meeting of March 28, 2002.

Carried

EMERGENCY SERVICES

ANTI-FIGHTING BYLAW INITIATIVE

02/222

Committee received a report from the Victoria Police Department with respect to the Anti-Fighting Bylaw Initiative. Constable Peter Gill presented this matter to Committee of the Whole and the City Solicitor was present for inquiries pertaining to legal matters.

The Anti-Fighting Bylaw addresses the issue of consensual fighting that occurs in the downtown core. The proliferation of this activity gives the public the impression that this activity is acceptable; this in turn can lead to an increase in the problem, draining both police and medical resources. A bylaw section that prohibits consensual fighting would help address this concern and would be an effective deterrent to the problem. This proposal satisfies the City of Victoria 2000 Corporate Strategic Plans goal of a safe city, supporting responsive and inclusive services within the City so that individuals and neighbourhoods feel safe and secure. It also addresses the goals of the Victoria Police Targeted Policing Division Downtown Unit, whereby it is a proactive approach to deal with public order issues. By working in partnership with the Victoria Police, the City can deter crime, reduce fear, and restore and sustain civic vitality.

ACTION: Councillor Hughes moved that Council instruct the City Solicitor to prepare a draft bylaw to deal with the matters, as set out in Constable Gill's report.

Carried

INFORMATION SHARING

PESTICIDE CONTROL

02/221

Councillor Savoie shared the information from the report of the House of Common's Environment Committee regarding pesticide control, education programs, and the goal of developing a policy for the Pesticide Bylaw.

LIQUOR LICENSING

02/220

Councillor McLean requested that the City Manager and City staff prepare a report to the Committee of the Whole on the impact, of the changes to the new provincial regulation on liquor licensing and person capacity increase, to the neighbourhood pub and other businesses in the City of Victoria. He indicated that the City should be making statements to the neighbourhood pub and businesses before the new regulations come into effect.

Councillor Hughes stated that the exact wording of the new provincial legislation on liquor licensing is not known yet. However, a workshop for Council is scheduled on April 25, 2002, for the consideration of developing a comprehensive liquor licensing policy for the City of Victoria consistent with the new provincial regulations on liquor licensing and person capacity increase

CLOSED MEETING - 9:55 A.M.

Councillor McLean 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.

ADVISORY COMMITTEE – VACANT POSITION

02/219

Committee received a memorandum from the Corporate Administrator regarding the resignation of a member of the Environment & Shoreline Advisory Committee (ESAC), leaving 10 remaining members on the committee. This position should be filled since the term of the ESAC does not expire until June 30, 2003.

ACTION: Councillor Vanden Berg moved that this matter be postponed until candidates have had a chance to submit their applications to the City of Victoria.

Carried

LEGAL – CAFÉ RITMO LATINO

02/218

Committee received a memorandum dated March 13, 2002 from the Bylaw Officer and the Manager of Regulatory and Development Services, regarding Café Ritmo Latino.

ACTION: Councillor McLean moved that it be recommended to Council that a civil action be commenced against the owners and operators of Café Ritmo Latino for compliance with zoning and business licence regulations, as follows:

1. an immediate (interlocutory) injunction against Café Ritmo Latino operating as an after-hours club; and
2. an injunction against operating as a restaurant in contravention of the City's business licence regulations.

Carried

LEGAL – SERVICES AGREEMENT

02/217

The Director of Finance and the Fire Chief reported to Committee on the subject matter of the Victoria/Esquimalt fire services.

ACTION: The Committee moved that this report be received for information.

Carried

COUNCILLOR INQUIRY

LIQUOR CONTROL BOARD

02/216

Councillor McLean requested that the City Manager and Bylaw Officer write a letter to the Liquor Control Board to express Committee's dissatisfaction at the lack of cooperation at the provincial level.

FINANCIAL MATTERS

02/215

Councillor McLean requested that the Director of Finance review the process of establishing interest on late payment of business licences, utility bills, etc. and report to Committee of the Whole in a couple of months.

The Chair requested that Councillor McLean discuss the issue of Provincial Services Tax on fire insurance policies at the next Finance Committee meeting and provide a report to Committee of the Whole.

LOCAL 730, I.A.F.F.

02/214

Councillor Savoie referred to the letter of March 12, 2002 from Local 730, International Association of Fire Fighters requesting an opportunity for Local 730, I.A.F.F. to review its concerns at Committee of the Whole.

ACTION: Councillor Savoie moved that the Corporate Administrator be instructed to notify the president of Local 730, I.A.F.F. that Committee of the Whole will listen to Local 730, I.A.F.F.'s concerns at the Committee of the Whole Meeting of March 28, 2002, at 8:30 a.m.

Carried

HERITAGE REGISTRY

02/213

Councillor Madoff asked Committee for their instructions on the issue of delays by the School Board to finalize matters involving the Heritage Registry.

ACTION: Councillor Holland moved that:

1. Committee send a letter to the School Board, enclosing the list of school buildings proposed to be added to the Heritage Registry, and advise the School Board that Victoria City Council will formalize this matter at the last Victoria City Council meeting in the month of May 2002; and that
2. Committee request the Mayor to add this matter on the Agenda of the May 2, 2002 Joint School Board City Council Meeting.

Carried

LEGAL - APPEAL FOR CHIEF'S PERMIT

02/212

ACTION: Councillor Hughes moved that the Closed Meeting be adjourned until 11:30 a.m. to consider the matter of the appeal for Chief's Permit.

Committee reconvened at 11:30 a.m. and waited for the applicant who did not appear for the hearing. After waiting 15 minutes, the Chair requested a motion to adjourn.

ACTION: Councillor Vanden Berg moved that the Committee of the Whole Closed meeting be adjourned and that Committee return to the open meeting.

Carried

ACTION: Councillor Savoie moved that the Committee of the Whole Open Meeting be adjourned.

Carried

The meeting adjourned at 11:45 a.m.

Councillor Jane Lunt, Chair