

MINUTES - COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, MAY 2, 2002, AT 9:00 A.M.

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

ABSENT: Councillor Holland

Mr. Joe Martignago, City Manager, attended for the entire meeting and Messrs. Basey, Galavan, Koch, Lam, Leskiw, O'Reilly, Scoones, Sikstrom, Woodland, Ms. Atkinson, Ms. Low, Ms. Masters, Ms. Turner, Ms. Zink, and Insp. Naughton attended for portions of the meeting.

Recording Secretary: Linda Johnson

PLANNING & DEVELOPMENT

REZONING APPLICATION #01-32 **97 COOK STREET**

02/343

Rezoning Application #01-32 for 97 Cook Street was originally reviewed by Committee of the Whole on February 28, 2002, and it was agreed to forward it to a public hearing. The City Solicitor was instructed to prepare the necessary Zoning Bylaw Amendments, based on a draft zone outline that would permit residential as well as office use for up to two registered psychologists in this heritage character house. A provision that "No sign is permitted for the above use" was also included in the draft zone outline.

Committee received a memorandum dated April 24, 2002 from the Senior Planner Staff advising that the *Local Government Act* prevents a local government from prohibiting a sign that relates to or identifies a use on a property. Consequently, the proposed new zone does not include a provision that no sign be permitted.

The applicant has indicated that no sign is proposed for the office use. Any future signage would be subject to Council's review through the Heritage Designation of the building.

ACTION: Councillor Madoff moved that the report dated April 24, 2002 from the Senior Planner regarding signage for Rezoning Application #01-32 for 97 Cook Street, be received for information.

DEVELOPMENT PERMIT APPLICATION #02-09
648 HERALD STREET

02/342

Committee received a memorandum dated April 25, 2002 from the Head, Urban Design regarding Development Permit Application #02-09 for 649 Herald Street. The proposal is to construct a new live/work building consisting of 14 strata titled residential units over 2 strata titled commercial units.

- ACTION:** Councillor Madoff moved that it be recommended to Council that a Development Permit be issued in accordance with:
- 1) Plans stamped "Development Permit Application #02-09" dated April 24, 2002.
 - 2) Development meeting all bylaw requirements.
 - 3) Review by the Advisory Design Panel at building permit stage.
 - 4) Final plans to be in accordance with plans identified above, with the incorporation of responses to the Advisory Design Panel to the satisfaction of the Director of Planning & Development.

DEVELOPMENT PERMIT APPLICATION #02-11
3180 DOUGLAS STREET

02/341

Committee received a memorandum dated April 25, 2002 from the Head, Urban Design regarding Development Permit Application #02-11 for 3180 Douglas Street. The proposal is to construct a new 800m² retail development on the site of a former gas station (demolished) at the south-west corner of Douglas and Alpha Streets.

- ACTION:** Councillor Madoff moved that it be recommended to Council that:
- 1) The following resolution of approval be considered at the same meeting for which the rezoning is scheduled, after the public hearing has been completed.
 - 2) A Development Permit be issued in accordance with:
 - a) Plans stamped "Development Permit Application #02-11", dated April 24, 2002.
 - b) Development meeting all bylaw requirements except for:
Section 4.3.3 Street setback relaxed from 3.0m to 0m
 - c) Final plans to be in accordance with plans identified above, with the incorporation of responses to the recommendations of the Advisory Design Panel to the satisfaction of the Director of Planning & Development.

REQUEST FOR HERITAGE DESIGNATION
1272 WALNUT STREET

02/340

Committee received a memorandum dated April 24, 2002 from the Heritage Planner advising that the owner of an existing single family dwelling and accessory structure at 1272 Walnut Street has requested that these buildings be designated as a Municipal Heritage site.

- ACTION:** Councillor Madoff moved that it be recommended to Council that, whereas the house at 1272 Walnut Street and the cabin in the rear yard are worthy of heritage designation, these buildings be designated as a Municipal Heritage site.

REQUEST FOR HERITAGE DESIGNATION
1276 WALNUT STREET

02/339

Committee received a memorandum dated April 24, 2002 from the Heritage Planner advising that the owner of an existing house and garage at 1276 Walnut Street has requested that these buildings be designated as a Municipal Heritage site.

ACTION: Councillor Madoff moved that it be recommended to Council that, whereas the existing house and garage at 1276 Walnut Street are worthy of heritage designation, these buildings be designated as a Municipal Heritage site.

REQUEST FOR HERITAGE DESIGNATION
GARAGE AT 1311 FRANKLIN TERRACE

02/338

Committee received a memorandum dated April 10, 2002 from the Heritage Planner advising that the house at 1311 Franklin Terrace along with selected interior features, and the stone wall, were designated a Municipal Heritage site by Council on June 28, 2001. At the request of the owner, the Heritage Advisory Committee at its meeting on April 9, 2002, recommended that the garage also be included in the designation.

ACTION: Councillor Madoff moved that it be recommended to Council that, whereas the garage at 1311 Franklin Terrace is worthy of heritage designation, it be designated as a municipal heritage site.

REQUEST FOR HERITAGE DESIGNATION
254 BELLEVILLE STREET

02/337

Committee received a memorandum dated April 10, 2002 from the Heritage Planner regarding a request by Committee of the Whole on March 7, 2002, that the Stores Building at 254 Belleville Street be designated a Municipal Heritage site. This application is being processed in conjunction with a rezoning application by the Provincial Capital Commission. The two storey building is significant as one of the few remaining industrial brick buildings from the turn of the nineteenth century remaining on Victoria's Inner Harbour.

ACTION: Councillor Madoff moved that it be recommended to Council that, whereas the Stores Building at 254 Belleville Street is worthy of heritage designation, it be designated as a Municipal Heritage site.

HERITAGE ALTERATION PERMIT #98
805 BROUGHTON STREET – ROYAL THEATRE

02/336

Committee received a memorandum dated April 10, 2002 from the Heritage Planner regarding Heritage Alteration Permit #98 for the Royal Theatre at 805 Broughton Street. The proposal is to construct a 1,928 sq. ft. addition for storage and loading on the south west corner of this heritage designated building.

- ACTION:** Councillor McLean moved that it be recommended to Council, that pursuant to Heritage Designation Bylaw #265, Heritage Alteration Permit #98 be issued in accordance with:
- 1) Plans dated March 25, 2002.
 - 2) Development meeting all bylaw requirements except for: Section 8.3(6) – setback relaxed from 7.5m to nil.
 - 3) Final plans to be in accordance with plans identified above.
 - 4) Registration of an easement for the dressing room stairway over lot 241 in favour of the Royal Theatre with a covenant in favour of the City to guarantee continuance of the easement.
 - 5) Issuance of an encroachment permit by the Director of Engineering for the loading dock door encroachment.
 - 6) Offsite works and services to the satisfaction of the Director of Engineering.

REGIONAL GROWTH STRATEGY BYLAW #2952
REFERRAL PROCESS

02/335

Committee received a memorandum dated May 2, 2002 from the Manager, Planning Division, advising that the Capital Regional District (CRD) Board, on April 3, 2002, concluded the statutory public hearing on its Regional Growth Strategy Bylaw #2952. Under the *Local Government Act*, each member municipality has until August to resolve either to accept or refuse the bylaw. Change to the bylaw at this point is subject to further review by all member municipalities and may be subject to mediation or arbitration.

The Ministry of Community, Aboriginal and Women's Services oversees the *Local Government Act* and will supply a facilitator for the review process. A representative of the ministry, Cynthia Hawkesworth, was present to discuss the process with Committee.

- ACTION:** Councillor McLean moved that:
- 1) The report dated May 2, 2002 from the Manager, Planning Division, regarding Regional Growth Strategy Bylaw #2952, be received for information.
 - 2) The Bylaw be referred to the Advisory Planning Commission and the Parks, Recreation & Community Services Advisory Committee for review.
 - 3) A workshop be scheduled for the June 13, 2002 Committee of the Whole meeting to formulate Council's response before the August deadline.

ADMINISTRATIVE MATTERS

SUMMER MEETING SCHEDULE

02/334

Committee received a memorandum dated April 26, 2002 from the Corporate Administrator regarding a summer schedule for Committee of the Whole and Council meetings.

ACTION: Councillor McLean moved that it be recommended to Council that the following schedule for Committee of the Whole and Council meetings be adopted for June to September, 2002:

2002	COMMITTEE OF THE WHOLE	COUNCIL
June	13, 27	13, 27
July	4, 11	11
August	8, 15	15
September	12, 19	12, 19

DISPOSITION OF COMMUNICATIONS

02/333

Committee received a memorandum dated April 26, 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: Mayor Lowe moved that the Disposition of Communications dated April 26, 2002 from the Manager, Administration, be received for information and filed.

AGREEMENT ON INTERNAL TRADE

02/332

Committee of the Whole, at its March 28, 2002 meeting, tabled consideration of a report regarding the Agreement on Internal Trade (AIT). The provincial government has committed to extend the procurement provisions of the Agreement to cover the MASH sector, which includes municipalities, universities, school districts, and health care organizations. The report outlined the implications of the Agreement to the City of Victoria.

Committee received a further report, dated April 30, 2002, from Councillor Fleming advising that the Union of BC Municipalities (UBCM) conducted a review process with its member municipalities, and outlining some of the member's concerns regarding the Agreement.

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

- 1) The City of Victoria respond to the UBCM and the Province expressing its objection to the extension of the Agreement on Internal Trade (AIT) to municipalities on the basis that:
 - The City of Victoria already conducts its purchasing activities under fair, competitive, efficient, effective, non-discriminatory and transparent processes and

therefore, no discernible benefits are achieved by legislatively forcing municipalities to adhere to the AIT.

- The procurement provisions of the AIT open an avenue of challenge to the procurement processes based on creative interpretations of the rules and may place local governments in a position of being constantly required to defend the criteria stated in tenders.
- The dispute resolution process denoted in the AIT is contrary to the stated intent and direction of the Community Charter, and due to the exclusion of the municipalities by a panel of “trade experts” may lead to decisions that are contrary to the successful achievement of municipal objectives and good governance.

2) That, given the likelihood that the AIT MASH Annex will be provincially legislated regardless of municipal opinion:

- The City of Victoria also requests the Province’s commitment to prior consultation with local government regarding future changes to the AIT, including the dispute resolution process, either initiated by them or others, and that the Province commit to paying all costs arising from disputes within the AIT.

YOUTH SUMMIT ON SUSTAINABLE TRANSPORTATION

02/331

Committee received a memorandum dated May 1, 2002 from Councillor Fleming advising that he will be a presenter at the Canadian Urban Transit Association (CUTA) Youth Summit to be held May 10-14, 2002 in Ottawa. His flight and accommodation expenses will be covered by CUTA, however he will require funding from the City for meals and ground transportation.

ACTION: Councillor McLean moved that it be recommended to Council that approval be given to funding approximately \$305.00 to cover expenses for Councillor Fleming to attend the Canadian Urban Transit Association Youth Summit in Ottawa, May 10-14, 2002.

COUNCILLOR INQUIRIES

BIKE TO WORK WEEK

02/330

Councillor Savoie advised Committee that a team of Council members and the City Manager will participate in Bike to Work Week, May 27 to June 2, 2002. In addition the Directors of the Engineering Department, the Planning & Development Department, and the Parks, Recreation & Community Development Department have issued challenges among their departments for participation in Bike to Work Week.

MULTIPURPOSE FACILITY INTEGRATED GREEN DESIGN INITIATIVES

02/329

Councillor Madoff advised that she and Councillor Savoie would like Committee’s approval in principle to draft Terms of Reference for a Steering Committee to review Integrated Green Design Initiatives for the Multipurpose Facility.

Following discussion, it was agreed that, before proceeding with plans for a Steering Committee, Councillor Madoff and Councillor Savoie will meet on May 7, 2002 with the design team for the project to discuss Green Design Initiatives.

CONDOLENCES

02/328

Committee of the Whole extended condolences to Councillor Holland on the recent passing of her brother.

MARIJUANA MEDICAL ACCESS REGULATIONS

02/327

Mayor Lowe informed Committee that the Director of the Office of Cannabis Medical Access, Health Canada, has advised that she is available to speak to members of Council and the Police Board regarding the implementation of the *Marijuana Medical Access Regulations*.

Staff was requested to make arrangements for this presentation.

REQUEST FOR UPDATE BOARD OF VARIANCE APPOINTMENT

02/326

Councillor Vanden Berg inquired about the progress of a Board of Variance appointment.

Mayor Lowe advised that the City submitted a recommendation to the province, with a request for urgent consideration, however, so far provincial officials have not communicated their decision on the matter.

CLOSED MEETING - 10:25 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.

VICTORIA HARBOUR AUTHORITY

02/325

The City Manager provided an update regarding issues recently considered by the Victoria Harbour Authority. He attended the May 1, 2002 meeting, as a non-voting member, replacing Councillor Holland, who was unable to attend. He requested that Council consider appointing an alternate member to the Harbour Authority

FLORAL SIGN
LOWER CAUSEWAY

02/324

The City Manager advised that the province has announced that it will no longer be responsible for the Welcome to Victoria floral sign on the Lower Causeway. City staff is currently determining the cost of maintaining this display, and further information will be presented to Committee.

BUSINESS LICENSE PROCESS

02/323

The City Solicitor and the Senior Bylaw Officer provided advice regarding the business license application process.

PANHANDLING

02/322

Committee received a memorandum dated April 18, 2002 from the City Solicitor regarding a recent court case that upheld the City of Vancouver's Panhandling Bylaw. The report compared Vancouver's bylaw with Victoria's Streets and Traffic Bylaw Amendment Bylaw (No.42) that prohibits aggressive soliciting and soliciting in specified areas.

ACTION: Councillor McLean moved that the City Solicitor be directed to prepare an amendment to the Streets and Traffic Bylaw to make its provisions consistent with the City of Vancouver's provisions.

PESTICIDE REGULATION

02/321

Council, as a result of a request from the Environment and Shoreline Advisory Committee, requested a legal opinion on the ability of BC municipalities to implement a bylaw restricting pesticide use on city-owned and private property.

Committee received a memorandum dated April 23, 2002 from the City Solicitor providing a legal opinion on this issue.

ACTION: Councillor Savoie moved that:

- 1) consideration of a proposed bylaw to restrict pesticide use on city-owned and private property, be tabled, pending further review by the City Solicitor.
- 2) staff be requested to continue work on the City's internal policy regarding pesticide use, and the development of a broad public consultation and education process.

JOHNSON STREET BRIDGE

02/320

The Director of Engineering provided an update on negotiations between the City of Victoria and Canadian Pacific Railway and E & N Railway regarding use and maintenance of the Johnson Street Bridge.

The closed meeting adjourned and the open meeting reconvened at 11:15 a.m.

LIQUOR LICENSING POLICY REVIEW

02/319

The Corporate Administrator presented a review of the City's and the Province's liquor licensing policies, including:

- Recent City policy initiatives
- Pending changes to Liquor Control & Licensing Branch (LCLB) regulations
- A review of City liquor licensing issues
- Proposed City liquor licensing policy guidelines

He discussed recent City initiatives including the 1997 Liquor Licensing Task Force and the 2001 Person Capacity Increase and Designated Food Optional programs.

New LCLB regulations will formalize the existing City policy to review and comment on certain liquor license applications. Other changes include: adjusting the licensed capacity to equal the building occupancy; reducing the types of liquor licenses to two – food primary and liquor primary; offering the possibility of extended hours of operation (subject to local government approval); cold beer and wine stores selling spirits; and, local government imposing a licensing moratorium.

Liquor licensing issues for the City include: land use conflicts; public nuisance, especially downtown noise; public safety, especially downtown; impact on other City objectives (i.e. downtown residential development); and police budget impacts.

Staff will now develop Liquor Licensing Policy Criteria to apply to all applications. The criteria will assess and rate the following: location; economic development impact; adjacent land use compatibility; community need; bylaw compliance; and, policing impact. The draft document will be presented to Committee of the Whole for its consideration in approximately 6 weeks.

The meeting adjourned at 12:30 p.m.

Councillor Vanden Berg, Chair