

MINUTES - COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, OCTOBER 17, 2002, AT 9:00 A.M.

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

Mr. Joe Martignago, City Manager, attended for the entire meeting; and Messrs. Basey, Carlsen, Dowdall, Koch, Lam, McCloggott, Sikstrom, Timms, and Woodland, Ms. Chase, Ms. Fowler, Ms. Masters, Ms. Mayhew, and Ms. Phillips attended for portions of the meeting.

Recording Secretary: Linda Johnson

DELEGATIONS

UNITED WAY CAMPAIGN

02/472

Keith Dowdall, Director of Finance, City of Victoria and Chair of the United Way campaign for City employees, advised Committee that the kick-off of this year's campaign was on October 15th. The City has received awards in past years for its participation, and is included in the top ten list for employee contributions. Council members have received a gold award for their participation, and Mr. Dowdall encouraged continued and increased support of the campaign.

RESTORATIVE JUSTICE – VICTORIA AND FAMILY COURT COMMITTEE

02/471

Mr. Robert Ball, Co-Chair, Restorative Justice-Victoria addressed Committee regarding this newly-formed group run by volunteers and sponsored by the community. It is modeled on other successful programs throughout Canada. The volunteers include representatives from a wide variety of organizations in Victoria. The program was developed with guidelines from the Ministry of Public Safety and Solicitor General. Objectives include:

- offering community conferencing as a means to resolve conflicts and restore peace, and
- providing an opportunity for victims to have a voice, for offenders to understand the impact of their actions, and for everyone, including interested members of the community, to have a voice.

Mr. Ball advised that start-up funding is available from the province, and letters of support must be included with the application.

ACTION: Councillor Hughes moved that it be recommended to Council that Mayor Lowe be requested to send a letter to the Solicitor General, through Restorative Justice-Victoria, supporting their request for \$5,000 start-up funding.

Councillor Bill Bird, Chair, Family Court Committee discussed the work done by this group and provided information about the provincial conference being held in Victoria October 25-27, 2002. 75 representatives from 15 Family Court Committees in the province are expected to meet and discuss a variety of topics, including committee mandates, youth justice, youth and families, and prevention.

PLANNING & DEVELOPMENT

REZONING APPLICATION #02-14 **86/88 DALLAS ROAD**

02/470

Committee received a memorandum dated October 9, 2002 from the Senior Planner regarding Rezoning Application #02-14 for 86/88 Dallas Road. The proposal is to renovate and add to an existing four-suite conversion to create a building with six suites. Parking for six cars is proposed in the rear yard.

- ACTION:** Councillor Madoff moved that it be recommended to Council that:
- 1) Rezoning Application #02-14 for 86/88 Dallas Road be forwarded for consideration at a public hearing and that the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments, based on the draft zone outline set out in the report dated October 9, 2002 from the Senior Planner, subject to:
 - a) Review by the Heritage Advisory Committee.
 - b) Concurrent with rezoning, heritage designation or the registration of a heritage covenant on the house.
 - c) An amended and fully dimensioned parking and access plan provided to the satisfaction of the City Engineer.
 - 2) Strata titling of the house into 6 strata units be approved concurrently with any rezoning approval, subject to compliance with applicable provincial codes and municipal bylaws.

REZONING APPLICATION #02-23 **1614 REDFERN STREET**

02/469

Committee received a memorandum dated October 10, 2002 from the Planning Division regarding Rezoning Application #02-23 for 1614 Redfern Street. The proposal is to rezone the property to permit a duplex to be constructed. The existing house on the property would be demolished to facilitate this development.

- ACTION:** Councillor Savoie moved that consideration of Rezoning Application #02-23 for 1614 Redfern Street, be tabled pending resolution of the parking issue.

**SUSTAINABLE DESIGN AND DEVELOPMENT
POLICIES / GREEN BUILDING INITIATIVES**

02/468

Committee received a memorandum dated October 10, 2002 from the Head, Urban Design reporting that the Advisory Design Panel (ADP) and the Advisory Planning Commission (APC) have separately considered the issue of Sustainable Design and Development Policies / Green Building Policies.

ADP recommended 9 principles of Sustainable Design and APC proposed a Green Building Initiative.

- ACTION:** Councillor Madoff moved that it be recommended to Council that:
- 1) consideration of Sustainable Design and Development Policies / Green Building Initiatives be considered as part of the Planning Division 2003 Work Program.
 - 2) the Advisory Planning Commission, with the Advisory Design Panel and other relevant committees establish a special committee to research issues and propose a green building policy for the City for Council's consideration.
 - 3) the recommended process and make-up of the special committee be reported back to Committee of the Whole.

M-3 REZONING ADJACENT TO RESIDENTIAL PROPERTIES

02/467

At its meeting of December 13, 2001 Council instructed staff to institute a rezoning process for properties presently zoned M-3 that are in close proximity to residential areas.

Committee received a memorandum dated October 11, 2002 from the Economic Development Planner outlining properties in Vic West and Burnside recommended for rezoning from M-3, Heavy Industrial District. The present zoning permits uses that may be offensive to adjacent residential properties or the immediate neighbourhood. The rezoning will be consistent with the recommendations contained in the neighbourhood plans.

- ACTION:** Councillor Madoff moved that it be recommended to Council that:
- 1) The City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments in accordance with the map attached to the report dated October 11, 2002 from the Economic Development Planner, and the rezoning be forwarded to a public hearing.
 - 2) Copies of the above-mentioned report be forwarded to property owners and community associations for input.

ENGINEERING

**RESIDENTIAL STRATA TITLE APPLICATION
1261 OSCAR STREET**

02/466

On September 19, 2002 Victoria City Council approved an appeal that would allow the owner of 1261 Oscar Street to submit a complete strata title application.

Committee received a memorandum dated October 9, 2002 from the Supervisor, Development Engineering, advising that they have received an application for this property. The proposal is to renovate the building to provide three self-contained suites and three light housekeeping units. There will be a total of three strata units – two for the self-contained suites and one for the rest of the building. A covenant has been registered on the title guaranteeing that all units remain as rentals for 10 years. Following that the owner may sell units 1 – 3 separately, however the housekeeping units will be part of Suite 3 and will remain in the rental pool in perpetuity.

ACTION: Councillor Madoff moved that it be recommended to Council that the application to strata title the residential building at 1261 Oscar Street be approved subject to compliance with all applicable provincial codes and municipal bylaws.

**DEVELOPMENT PERMIT TO SUBDIVIDE
FAIRFIELD HEALTH CENTRE**

02/465

Committee received a memorandum dated October 3, 2002 from the Supervisor, Development Engineering regarding an application to subdivide Lot 1, Plan VIP72384 located in the 800 Block Fairfield Road adjacent to the Fairfield Health Centre. The applicant has received an offer to purchase and develop proposed Lot A. In order to facilitate the sale of this part of Lot 1 the lands must first be subdivided.

ACTION: Councillor Madoff moved that it be recommended to Council that a Development Permit be issued to subdivide Lot 1, Plan VIP72384 to create Lot A as shown on the plan prepared by Orrico and Associates dated October 1, 2002.

FINANCE

**PROPERTY TAX EXEMPTION
VICTORIA HARBOUR AUTHORITY**

02/464

At its meeting on October 10, 2002, Committee of the Whole tabled consideration of a request from the Greater Victoria Harbour Authority for permissive property tax exemption for the Breakwater at Ogden Point, and Ship Point, pending receipt of further information.

Committee received a memorandum dated October 16, 2002 from the Manager, Revenue advising that the Harbour Authority does not qualify for permissive exemption by Council. The City can request an exemption under Section 346 (1) (a) of the *Local Government Act* from the Assistant Deputy Minister of Local Governments.

ACTION: Councillor Holland moved that it be recommended to Council that exemption under Section 346 (1) (a) of the *Local Government Act* for Ogden Point Breakwater and Ship Point be requested from the Assistant Deputy Minister of Local Governments, subject to the understanding that the Greater Victoria Harbour Authority will provide public access and consult with the City on commercial activity.

ACCESS TO INFORMATION
FROM THE HARBOUR AUTHORITY

02/463

Councillor Savoie expressed concern about the lack of information received from the Harbour Authority regarding its direction and work. Mr. Gwyn Symmons, representing the Harbour Authority Board, advised that much of the work to date has been strictly administrative. The Board is holding a Visioning Session, and one of the issues to be discussed is a report dealing with Councillor Savoie's concerns. He suggested that Council will be briefed on a regular basis every three months, and as required, on the general direction of the Harbour Authority, and specific issues.

Councillor McLean left the meeting at 10:15 a.m.

Mayor Lowe assumed the Chair.

LIQUOR LICENSING

LIQUOR-PRIMARY LICENSING POLICY

02/462

Committee of the Whole, at its meeting on July 4, 2002 provided preliminary comments on the *Liquor-Primary Licensing Policy* and requested that the policy be referred to liquor-primary licensees for their review and comment.

Committee received a memorandum dated September 9, 2002 from the Corporate Administrator with an attached revised *Liquor-Primary Licensing Policy* and comments from two stakeholders.

ACTION:

- Councillor Hughes moved that it be recommended to Council that Council:
- 1) Adopt the proposed *Liquor-Primary Licensing Policy*, as amended August 21, 2002.
 - 2) The City Solicitor be instructed to amend *Business License Bylaw No. 89-71* to:
 - a) Require a Good Neighbour Agreement between the City and the liquor-primary licensee as a condition of a City of Victoria business license to be implemented as follows:
 - For existing downtown Class "C" liquor licensees for the 2003 business license;
 - For all other liquor-primary licensees for the 2004 business license.
 - b) Apply the provisions of Section 36(a)(ii) to businesses specified in Section 36(c), namely businesses with a Class "B" liquor license that have liquor-primary (designated food optional or lounge endorsement) seats.
 - c) Repeal Section 36(d) and include these businesses with those defined in Section 36(a).
 - d) Amend the definitions contained in the bylaw to correspond with the new license classification system defined by the Liquor Control & Licensing Act and its regulations effective December 2, 2002.

- 3) Prepare a draft *Liquor-Licensing Regulation Bylaw* that consolidates the City's policy and procedures regulating liquor-licensed businesses for Council's consideration in 2003.
- 4) Not object in principle to extended hours of service on Sundays and instruct the Corporate Administrator to conduct a Stage 2 assessment of requests for extended Sunday hours and to provide a Council resolution to the Liquor Control & Licensing Branch following the Stage 2 assessment.
- 5) Not consider applications for 4:00 a.m. closings for 12 months, after which the Corporate Administrator be instructed to bring forward a report on the issue, including information from B.C. municipalities that have permitted the 4:00 a.m. closing time.

ADMINISTRATIVE MATTERS

DISPOSITION OF COMMUNICATIONS

02/461

Committee received a memorandum dated October 11, 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 Madoff moved that the Disposition of Communications dated October 11, 2002 from the Manager, Administration, be received for information and filed.

COUNCILLOR INQUIRIES

LABOUR DISPUTE – TIMES COLONIST

02/460

Councillor Fleming referred to recent correspondence received from CUPE Locals 50 and 388 regarding the labour dispute at the Times Colonist newspaper.

ACTION: Councillor Fleming moved that it be recommended to Council that the City of Victoria:

- 1) not advertise in the Times Colonist newspaper during the labour dispute.
- 2) not consider any requests for distribution of the newspaper from city-owned sites during the labour dispute.

120 KINGSTON STREET

02/459

Councillor Vanden Berg relayed a concern from the Environment and Shoreline Advisory Committee regarding the time share hotel being constructed at 120 Kingston Street. The issue is whether or not the path is adequately set back from the shoreline. They requested that staff be sent to check that there has not been a deviation from the approved plans.

RESIDENTIAL TENANCY ACT

02/458

Mayor Lowe advised that he met with The Honourable Rich Coleman, Minister of Public Safety and Solicitor General, regarding proposed changes to the Residential Tenancy Act. They discussed:

- The consultation process. Municipalities were not included in the original broadcast fax, nor identified as stakeholders, however the Ministry did receive over 1,450 submissions. The legislation is now being drafted, and following its introduction there will be an opportunity for input.
- The arbitration process. The Ministry feels that the present legislation is not clear, and they are preparing changes with the intent to create fewer issues for arbitration, and awareness for both the tenant and landlord of their responsibilities.
- The process of ending tenancy. The new act will allow quicker eviction for illegal activities and failure to pay rent. Eviction without just cause will be subject to arbitration.
- Security deposits. Will be left at ½ of one month's rent. The Ministry is discussing the option of allowing landlords to charge a one month deposit if pets are involved. Landlord and tenant must inspect the premises before and after occupancy. If either party fails to show up the deposit will either be forfeited or doubled.
- Rent controls. Will probably not be included in the new regulations. The Ministry will review this in a year.

Councillor Savoie requested further information regarding rent increase notification time. Mayor Lowe will obtain that information and advise Councillors.

CLOSED MEETING - 10:55 A.M.

Councillor Hughes 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.

APPOINTMENTS – ENVIRONMENT & SHORELINE ADVISORY COMMITTEE

02/457

Councillor Vanden Berg advised that, due to relocations, three vacancies have been created on the Environment & Shoreline Advisory Committee.

ACTION: Councillor Vanden Berg moved that it be recommended to Council that Peggy Waterton and Eric Lott be appointed to the Environment & Shoreline Advisory Committee for the remainder of the term, ending June 30, 2003.

PROVINCIAL LAND NEGOTIATIONS

02/456

Committee received a memorandum dated October 16, 2002 from the Manager, Regulatory & Development Services advising of negotiations with Land and Water British Columbia (LWBC) for the purchase of vacant land located between Wilson Street, Tye Street, and Alston Road.

ACTION: Councillor Holland moved that it be recommended to Council that staff be directed to advise Land and Water British Columbia of the proposed rezoning of Lot 102, Plan 3237, Vic West from M3 to R1-B and offer a purchase price of

\$200,000 through release of the Province's park improvement commitment with a Certificate of Compliance standard for environmental remediation.

VICTORIA / ESQUIMALT
AMALGAMATION OF POLICE AND FIRE SERVICES

02/455

Mayor Lowe provided an update of the amalgamation processes underway for Victoria and Esquimalt Police and Fire Services.

DOGS IN PARKS

02/454

Councillor Savoie advised that she met with the Director of Parks, Recreation and Community Services to discuss the issue of dogs off-leash in city parks. The recommendation from that meeting was for dog owner groups to meet with community groups to develop agreements that meet the needs of all park users. These agreements will be presented to the Parks, Recreation & Community Services Advisory Committee, and from there will go to Committee of the Whole for consideration.

Councillor Holland suggested that a "dogs in parks policy" be developed before this issue goes to community consultation, in order to have consistent rules for all parks.

The meeting adjourned at 11:20 a.m.

Councillor McLean, Chair