

MINUTES - COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, NOVEMBER 7, 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. Barber, Basey, Dowdall, Hortsing, Koch, Lam, McCliggott, Seivewright, Sikstrom, Wiffen, and Woodland, Ms. Atkinson, Ms. Chase, Ms. Dodge, Ms. Fowler, Ms. Higgins, Ms. Masters, Ms. Mayhew, Ms. Ramsay, Ms. Strathdee, Chief Battershill, Insp. Ducker, and Deputy Chief Varley attended for portions of the meeting.
Recording Secretary: Linda Johnson

RECREATION

VETERANS MEMORIAL – MULTIPURPOSE FACILITY

02/504

Committee received a memorandum dated November 1, 2002 from the Project Manager and the Executive Assistant, Mayor's Office regarding the transfer of the existing Veterans Memorial into the new Multipurpose Facility and the addition of a public art component in the exterior plaza area.

The Veterans Committee supports the acquisition of a sculpture entitled "When Peace Comes" by Maarten Schaddelee, to be funded through private donation and fundraising activities. This sculpture will be separate from any exterior public art, which would be determined by the City's Public Art policy guidelines.

Mr. Jack Cockerill, representing the Veterans Committee, was present to discuss this acquisition with Committee.

ACTION: Councillor Hughes moved that the report dated November 1, 2002 regarding the Veterans Memorial for the Multipurpose Facility, be received for information.

PLANNING & DEVELOPMENT

DEVELOPMENT PERMIT APPLICATION #02-33 **1644 DENMAN STREET**

02/503

Committee received a memorandum dated October 29, 2002 from the Acting Head, Urban Design regarding Development Permit #02-33 for 1644 Denman Street. The proposal is to construct a 3.04m by 4.8m accessory building in the northwest corner of the backyard. This property was rezoned to R1-S2 (small lot house) in February 2002 and is regulated by Development Permit.

Committee of the Whole

Minutes – November 7, 2002

- 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 #02-33" dated October 23, 2002.
 - 2) Development meeting all bylaw requirements except for:
Part 1.23.3(a) Relaxed from 18m to 11.6m
 - 3) Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development.

DEVELOPMENT PERMIT #02-36
701 TYEE ROAD

02/502

Committee received a memorandum dated October 29, 2002 from the Head, Urban Design regarding Development Permit #02-36 for 701 Tyee Road. The application is to develop Phase 1 of the Railyards on the Harbour, a mixed residential / commercial development. The location of Phase 1 is on the northern end of the overall development. Phase 1 consists of 2 development areas, A and B. The proposal for Area A includes 13 townhouses and 4 mews. For Area B, 78 apartment units are proposed. The Advisory Design Panel reviewed the application at its meeting on October 23, 2002 and recommended it for approval.

- ACTION:** Councillor Madoff moved that it be recommended to Council that:
- 1) The resolution of approval for Development Permit #02-36 for 701 Tyee Road be considered at the same meeting for which the rezoning public hearing is scheduled, after the public hearing has been completed.
 - 2) A Development Permit be issued in accordance with:
 - a) Plans stamped "Development Permit Application #02-36" dated October 2, 2002.
 - b) Development meeting all bylaw requirements.
 - c) Review by the Advisory Design Panel of the lighting plan prior to Building Permit stage.
 - d) Adjustment of the parking configuration in Area A (townhouses) to the satisfaction of the Director of Engineering.
 - e) 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 #02-37
1003 VIEW STREET

02/501

Committee received a memorandum dated October 28, 2002 from the Acting Head, Urban Design regarding Development Permit #02-37 for 1003 View Street. The application is to allow the development of a parking lot on the southeast corner of Vancouver and View Streets on the site of a previously demolished building. The applicant proposes a 2.4m landscape buffer along View and Vancouver Streets, however, he has requested a relaxation of the requirement to provide a 1.5 landscape strip on the east property line.

- 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 #02-37" dated October 10, 2002.
- 2) Development meeting all bylaw requirements with the following relaxation:
Section 7.6.11(d) Screening 60cm wide x 1.5m high relaxed to 0 on the east property line
- 3) Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development.
- 4) Final approval subject to a Maintenance Agreement to the satisfaction of the Director of Parks, Recreation & Community Development for the proposed landscaping on the public right of way.

ACTION: Councillor Savoie moved that it be recommended to Council that the City Solicitor be instructed to amend Schedule C of the Zoning Bylaw to allow the use of pervious surfaces, in addition to concrete and asphalt.

HERITAGE ALTERATION PERMIT #105
721 GOVERNMENT STREET – EMPRESS HOTEL

02/500

Committee received a memorandum dated October 24, 2002 from the Heritage Planner regarding Heritage Alteration Permit #105 for 721 Government Street – the Empress Hotel. The application is to replace existing aluminum windows in the dormers on the east and west roof slopes of the central wing of the hotel. The proposed replacements are aluminum clad wood double hung windows, to duplicate the detail of the original windows.

ACTION: Councillor Madoff moved that it be recommended to Council that, pursuant to Heritage Designation Bylaw #8, Heritage Alteration Permit #105 be issued in accordance with:

- 1) Plans dated October 16, 2002.
- 2) Development meeting all bylaw requirements.
- 3) Final plans to be in accordance with plans identified above.

NOISE BYLAW PROJECT MONTHLY UPDATE

02/499

Committee of the Whole, at its September 19, 2002 meeting, received a Communications Plan Summary for the Noise Bylaw Project. At that time staff advised that monthly progress reports would be provided.

Committee received the first update report dated October 25, 2002 from the Planning Division. It outlined details of ten actions completed towards the development of a revised Noise Bylaw.

ACTION: Councillor Hughes moved that the report dated October 25, 2002 from the Planning Division providing an update on the Noise Bylaw Project, be received for information.

QUADRA VILLAGE STREETScape AND SAFETY PROJECT

BEAUTIFICATION UPDATE

02/498

Committee received a memorandum dated November 1, 2002 from the Senior Planner providing an update on the beautification component of the Quadra Village Streetscape and Safety Project.

Council allocated \$70,000 in the 2002 capital budget to pay for implementation of the Phase 2 Beautification Plan, which includes benches, banner poles, streetlights, trash bins and two gateway features. This second phase has not proceeded for a number of reasons including: a lack of staff resources; other City work priorities; and a lack of expressed interest and matching funding by property owners. While Phase 2 has not proceeded, the installation of the two gateway features is being undertaken by the City as a beautification as well as a traffic calming measure. The cost is approximately \$16,000 and will be paid by the City. This cost has been reduced by recycling two light standards from the demolition of Memorial Arena.

ACTION: Councillor Vanden Berg moved that the report dated November 1, 2002 from the Senior Planner providing an update on the beautification component of the Quadra Village Streetscape and Safety Project, be received for information.

LICENSEE RETAIL STORES

02/497

Committee received a memorandum dated November 1, 2002 from the Manager, Planning Division advising that the Liquor Control and Licensing Branch (LCLB) is now in a position to approve new licensee retail stores on any property that meets the requirements of City zoning and City Business License Bylaws as well as the standards of the LCLB. Properties eligible to apply are those that currently hold a specific type of LCLB license (Class A,C,D,F or I). In Victoria there are approximately 40 locations eligible to apply and of these about half are downtown.

ACTION: Councillor Savoie moved that the City Solicitor be instructed to prepare a draft amendment to the Zoning Bylaw that would set proximity restrictions for the siting of new licensee retail stores.

COMMUNITY DEVELOPMENT

RECOMMENDATIONS FOR AN AFFORDABLE HOUSING FUND

02/496

Committee received a memorandum dated November 7, 2002 from the Community Development Planner advising that the Social Planning & Housing Advisory Committee met on October 30, 2002 and heard presentations from several organizations regarding affordable housing initiatives and challenges in the region. The Advisory Committee endorsed the following motions:

- 1) That the Social Planning & Housing Advisory Committee strongly supports the creation of a Housing Development Fund to address the region's present and future critical affordable housing needs.

- 2) That Council explore opportunities to partner with the Capital Regional Housing Corporation and/or other organizations in this matter.

- 3) That Council pursue leveraging matching funding with the provincial and federal governments.

ACTION: Councillor Fleming moved that the report dated November 7, 2002 from the Community Development Planner regarding an Affordable Housing Fund be referred to staff for review and recommendations.

ADMINISTRATIVE MATTERS

MEDICAL MARIJUANA DAY PROCLAMATION

02/495

Committee of the Whole, at its meeting on October 24, 2002 considered a request from the International Hempology 101 Society to proclaim November 15, 2002 as International Medical Marijuana Day. Committee expressed some concern regarding the wording of the proclamation, and referred it to the City Solicitor for review.

Committee received a memorandum dated November 4, 2002 from the City Solicitor recommending alternate wording for the fifth paragraph of the Proclamation.

ACTION: Mayor Lowe moved that the following proclamation be approved and forwarded to the appropriate Council meeting:

International Medical Marijuana Day November 15, 2002

subject to the following change of wording for the fifth paragraph:

“As a result of Court decisions, the Government of Canada has been required to provide a legal process under which persons with medical needs may obtain authorizations from Health Canada for the possession and use of marijuana for medical purposes.”

ADMINISTRATIVE MATTERS

DISPOSITION OF COMMUNICATIONS

02/494

Committee received a memorandum dated November 1, 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 Holland moved that the Disposition of Communications dated November 1, 2002 from the Manager, Administration, be received for information and filed.

120 KINGSTON STREET

PUBLIC WALKWAY – COUNCILLOR INQUIRY

02/493

At its meeting on October 17, 2002 Committee of the Whole requested a staff report on the time-share hotel being constructed at 120 Kingston Street. The issue is whether or not the public walkway is adequately set back from the shoreline.

Committee received a memorandum dated October 31, 2002 from the Acting Zoning Administrator advising that staff conducted a site visit and concluded that the walkway is completely within the property lines with no overhang on the waterfront, and is in accordance with the requirements of the Development Permit.

ACTION: Councillor Vanden Berg moved that the report dated October 31, 2002 from the Acting Zoning Administrator regarding the Public Walkway at 120 Kingston Street, be received for information.

COUNCILLOR INFORMATION SHARING

GRAFFITI ON BC HYDRO KIOSKS

02/492

Councillor Hughes advised that BC Hydro has confirmed that it will increase its attention to removing graffiti from its property and equipment.

BUS SHELTERS

02/491

Councillor Hughes advised that replacement of 7 city bus shelters by Pattison Outdoor, scheduled for completion by October 31st, has been delayed to mid-November.

FERNWOOD UPDATE

02/490

Councillor Savoie advised that City staff from the Inspections, Bylaw Enforcement, and Police departments have worked together to enforce against recent unlawful activities occurring at specific properties in the Fernwood area.

CLOSED MEETING - 10:05 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.

ANTOINE'S RESTAURANT

02/489

Committee received a memorandum dated October 15, 2002 regarding the lease between the City of Victoria and Antoine's Restaurant, which expires September 30, 2010. The tenant has requested that the City consider buying out the remaining term of the lease at a price to be negotiated.

ACTION: Councillor Fleming moved that it be recommended to Council that staff be instructed to negotiate a fair price (by means of an independent appraisal) to buy out Antoine's Restaurant lease advantage and the residual value of the equipment and improvements made by Antoine's Restaurant.

DOCKSIDE REDEVELOPMENT PROJECT

02/488

Committee received a memorandum dated November 4, 2002 outlining the main components of the communication plan for the Dockside Redevelopment Project.

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

- 1) Staff be directed to release the Dockside Lands business case entitled "Development Opportunity: Dockside Lands" dated September 2002, the Fact Sheet, the Q & A Sheet, and the news release, with the following amendments:
 - a) References to "Vic West" be changed to "Victoria West".
 - b) The first sentence of the second "answer" on the Q & A Sheet be changed as follows: "The importance of public space is recognized in the Dockside Guidelines, however, development of this land exclusively for public use is not financially viable."
- 2) Staff be directed to prepare recommendations on the Dockside Project Community Advisory Committee process for December 5th, 2002.
- 3) Preliminary approval be given to the critical dates and 2003 budget estimate.

ANDERSON v. CITY OF VICTORIA

02/487

Committee received a memorandum dated November 5, 2002 from the City Solicitor regarding the appeal of a Small Claims Court decision in the matter of Anderson v. City of Victoria.

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

- 1) the report dated November 5, 2002 from the City Solicitor regarding Anderson v. City of Victoria, be received for information.
- 2) the City Solicitor be instructed to amend the City's Streets and Traffic Bylaw #92-84 as outlined in his report.

APPOINTMENTS – CYCLING ADVISORY COMMITTEE

02/486

Committee received a memorandum dated November 6, 2002 from the Corporate Administrator advising that two members of the Cycling Advisory Committee have resigned. Applications were attached from citizens interested in being appointed to fill the vacancies on the Advisory Committee.

ACTION: Councillor Savoie moved that it be recommended to Council that Susanna Grimes and Michael Buda be appointed to the Cycling Advisory Committee for the remainder of the term, which expires June 30, 2003.

VICTORIA / ESQUIMALT POLICE AMALGAMATION EMERGENCY SERVICES AGREEMENT

02/485

The City Manager, the Victoria Police Chief, and other members of the Victoria / Esquimalt Police Amalgamation Transition Group addressed Committee regarding the amalgamation project. They outlined the work done by several sub-committees, including: Finance, Administration, Human Resources, Governance, and Operational. The mandate of each sub-committee was discussed, and information was provided regarding the tasks completed and recommendations made to date.

The two municipalities have been divided into three policing zones: West, East and Core. Each zone will have a senior officer in charge, dedicated to that zone.

The City Manager also provided an update on the Emergency Services Agreement between Victoria and Esquimalt.

THE BAY

02/484

Mayor Lowe provided an update on discussions held with the owner regarding the pending sale of The Bay building on Douglas Street.

The meeting adjourned at 11:15 a.m.

Councillor McLean, Chair