

MINUTES - COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, FEBRUARY 13, 2003, AT 9:00 A.M.

PRESENT: Mayor Lowe, in the Chair, and Councillors Coleman, Fleming, Fortin, Holland, Hughes, Madoff, Savoie, and Thornton-Joe.

Mr. Patrick O'Reilly, Acting City Manager, attended for the entire meeting and Messrs. Bauman, Carlsen, Chow, Daly, Dowdall, Koch, Lam, Sikstrom, Ms. Atkinson, Ms. Higgins, Ms. Low, Ms. McKay, Ms. Masters, Ms. Mayhew, Ms. Meyer, Ms. O'Regan, Ms. Price-Douglas, and Ms. Zink attended for portions of the meeting.

Recording Secretary: Linda Johnson

MINUTES

03/122

Committee requested the following changes to the Minutes of the Committee of the Whole meeting held on February 6, 2003:

03/74 2003 Budget

A grant of \$7,500 to Pacific Sport is incorrect – the grant is to SportHost Victoria

The Minutes indicated that a \$60,000 grant to Youth Outreach was going to Fernwood/Fairfield/Gonzales neighbourhoods. This is incorrect, the grant also includes youth outreach work in James Bay, Burnside, Victoria West and Downtown.

DELEGATIONS

TOURISM VICTORIA

03/121

A delegation from Tourism Victoria, including Mr. Lorne Whyte, Chief Executive Officer, and Ms. Melissa McLean, Director of Operations & Communications, presented information regarding their Visitor Services Partnership program. They discussed business plan priorities and challenges to be faced in 2003. Tourism revenues have steadily increased since 1993, with 2002 Destination revenues up 3%. Accommodation demand also increased by 3% in 2002, and there were increases in short-haul travel and cruise ship arrivals. They discussed the services provided by the Visitor InfoCentre, which is the busiest in Canada, and provided information about 2003 publications and website activity. They provided information on funding sources, and requested that Council retain its funding to Tourism Victoria at 2002 levels.

A question and answer period followed, and it was agreed that representatives from Tourism Victoria will return to Committee of the Whole in March 2003 to discuss marketing strategies.

BC CITIZENS FOR PUBLIC POWER

03/120

Mr. Mark Veerkamp, a representative of the BC Citizens for Public Power (BCCFPP) organization, addressed Committee regarding the proposed BC Hydro rate increases and the break-up and/or privatization of this public company. Mr. Veerkamp advised that at the 2002 UBCM Convention delegates supported a motion opposing this proposal by the provincial government, and over 90 individual local governments have adopted similar resolutions. He disputed the reasons given by the Province for proposing these changes, and outlined probable results of the privatization plan. He requested that Council consider two actions proposed by the BCCFPP to encourage the Province to re-consider its proposals for BC Hydro.

- ACTION:** Councillor Fleming moved that it be recommended to Council that:
- 1) a letter be sent to the local MLA's, copied to the Premier, Cabinet, UBCM, and the local media, urging the MLA's to take a principled stand and vote against any legislation to break up BC Hydro before a full public consultation can take place.
 - 2) support be re-iterated for the UBCM resolution calling for a halt to the transfer of any of the company's employees to Bermuda-based Accenture.

HOUSING AFFORDABILITY PARTNERSHIP

03/119

A delegation from the Housing Affordability Partnership addressed Committee regarding its role to help address region-wide housing challenges and choices. Members of the partnership represent all sectors of the housing community and have established a true public/private/non profit partnership to advance housing solutions.

Mr. Lee King, past Chair, introduced the project and provided some general information about the organization. Mr. Henry Kamphof, Executive Director, Capital Region Housing Corporation, outlined past projects of the Corporation, and advised that the private sector can no longer build affordable rental housing. He outlined proposals for partnerships to creatively fund low cost housing projects. Mr. Glen Wilson, a local builder and developer advised that there is interest from the private sector, but governmental assistance is needed to bring proposals to the construction stage.

Committee members agreed that affordable housing is a Council priority, and advised that they look forward to working with the Housing Affordability Partnership in the future to address critical housing needs in the region.

COMMUNITY DEVELOPMENT

HOUSING AFFORDABILITY PARTNERSHIP

03/118

Committee received a memorandum dated February 5, 2003 from the Manager, Community Development Division and the Senior Planner regarding the Housing Affordability Partnership (HAP). These two City staff members have participated in HAP since its inception in 2000, and described the Partnership as a catalyst committed to increasing awareness and facilitating innovative solutions to improve community stability through housing affordability. The report outlined the roles played by HAP and its accomplishments over the past three years.

ACTION: Councillor Madoff moved that it be recommended to Council that the report dated February 5, 2003 regarding the Housing Affordability Partnership, be received for information.

PRE-BUDGET APPROVAL FOR DOWNTOWN BANNERS

03/117

Committee received a memorandum dated January 30, 2003 from the Downtown Coordinator advising that the process for designing and manufacturing downtown banners requires at least three months. In order to have them in place by late May, the process must begin now. This will require pre-budget approval for the 2003 banners. The banners are to be made of a heavier quality material than in the past, so that they can be used for two years.

ACTION: Councillor Thornton-Joe moved that it be recommended to Council that pre-budget approval for \$31,000 be given for the design and purchase of the summer banners for 2003.

PLANNING & DEVELOPMENT

DEVELOPMENT VARIANCE PERMIT #03-01 **857 RUPERT TERRACE**

03/116

Committee received a memorandum dated January 30, 2003 from the Head, Urban Design regarding Development Variance Permit #03-01 for 857 Rupert Terrace. The proposal is to construct a new South Wing (7 suites and a new dinner room) replacing the existing concrete structure, convert the Rupert Wing for 5 suites, and renovate the existing Rose Manor building. This proposal represents the third phase of upgrade and additions to the Rose Manor Senior Residence.

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

- 1) Plans stamped "Development Permit Application #03-01" dated January 20, 2003.
- 2) Development meeting all bylaw requirements with the following variances:

Section 3.3.10	Setback from property line to building relaxed from 10.5m to 1.7m
Section 3.3.18	Setback from parallel streets relaxed from 7.5m to 1.7m
Schedule C.16.A.10	Parking requirement relaxed from 25 spaces to 22 spaces
- 3) Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development.

Councillor Madoff advised that she has a personal association with the next application, and because of this potential conflict of interest, she left the meeting at 10:50 a.m.

DEVELOPMENT PERMIT APPLICATION #02-35B
105 WILSON STREET

03/115

Committee of the Whole, at its meeting on February 6, 2003, postponed consideration of Development Permit Application #02-35B for 105 Wilson Street, to the February 13th, 2003 meeting, to allow time for the Advisory Design Panel to review the most recent changes to the project.

Committee received a letter dated February 12, 2003 from the Urban Design Secretary advising that at a special meeting of the Victoria Advisory Design Panel held on February 12, 2003, the design of the proposal for 105 Wilson Street, Development Permit Application #02-35B, was recommended for rejection.

ACTION: Councillor Savoie moved that it be recommended to Council that Development Permit Application #02-35B for 105 Wilson Street, be declined.

Councillor Madoff returned to the meeting at 11:18 a.m.

BYLAW ENFORCEMENT
251 SUPERIOR STREET

03/114

Committee received a memorandum dated February 12, 2003 from the Bylaw Officer regarding enforcement concern at 251 Superior Street. A horse drawn carriage tour business operates from this residential property. In 1989 the property was rezoned to permit the use, with a series of restrictive covenants being registered to address Council's desire to review the use annually. The last Council resolution extending the review of this covenant was in 1995 for the 1996 business licensing year. The business owner was advised, by letter, of this situation, and submitted a letter to Mayor and Council dated February 12, 2003 requesting that the covenant be renewed. Letters of support from neighbours were attached.

ACTION: Councillor Coleman moved that consideration of Bylaw Enforcement at 251 Superior Street be postponed to the February 20th, 2003 Committee of the Whole meeting. It will be the first item on the agenda, and the meeting will begin at 8:00 a.m.

PARKS

VICTORIA YOUTH PARK
HOURS OF OPERATION

03/113

Committee received a memorandum dated February 4, 2003 from the Parks Division and the Community Development Division regarding Hours of Operation for the Victoria Youth Park.

This park, opened in 2002, has proven to be very well received by the users. Immediate residents, while supportive of the facility, have expressed concerns about late night use. Signs posted at the facility indicate hours of operation, however, police have advised that they lack

authority to enforce the posted hours in the absence of a supporting bylaw. A draft bylaw was attached for Committee's consideration.

ACTION: Councillor Savoie moved that it be recommended to Council that the City Solicitor be directed to prepare a bylaw to regulate the hours of use of Victoria Youth Park.

Mayor Lowe left the meeting at 11:30 a.m.

Councillor Hughes assumed the Chair.

TIMES COLONIST 10K – 2003

03/112

Victoria City Council, at its meeting on January 23, 2003, referred consideration of the Times Colonist 10K Run event back to Committee of the Whole, pending receipt of a further report from staff.

The Manager, Park Design & Development and the Downtown Coordinator outlined concerns expressed by the sponsor regarding changes proposed by the City to the 2003 event.

ACTION: Councillor Savoie moved that it be recommended to Council that the Times Colonist 10K Run event for 2003, be approved, subject to:

- 1) The proposed changes to the event, as outlined in the report dated January 7, 2003 from the Manager, Park Design and Development, being identified as permit conditions.
- 2) The event organizers submitting a post-event report to staff, within 60 days of the event, specifically addressing:
 - (a) Event evaluation and financial statements;
 - (b) Measures to further mitigate commercial elements of the event in future years;
 - (c) Plans for managing growth of the event in the future, including options for alternative venues.

Councillor Fortin left the meeting at 11:40 a.m.

VICTORIA YOUTH PARK EVENT

03/111

Committee received a memorandum dated February 6, 2003 from the Recreation Services Division regarding a youth skateboard competition planned for May 3, 2003 in Victoria West Park. It is intended that the "Victoria Youth Skateboard Open" become an annual event. This year it will be a highlight of Youth Week, and will also recognize the completion of the Victoria Youth Park.

The Parks Bylaw requires Council's permission for the following components of the event: amplified music; the sale of food and non-alcoholic beverages; and a stage and a tent structure that may display corporate advertising.

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

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- 1) the "Victoria Youth Skateboard Open" be approved as an annual event.
- 2) exemptions from the Parks Bylaw be approved to allow:
 - amplified music
 - the sale of food
 - the sale of non-alcoholic beverages
 - tents and staging
 - advertising on the tent and stage.

TOWARD A RECREATION RENEWAL PLAN

03/110

Committee received a memorandum dated February 13, 2002 from the Manager, Recreation Services advising that, in 2002, Council directed staff to review the 2000 Recreation Services Review and past planning documentation, and recommend steps for the development of long term, sustainable recreation services in Victoria.

After review and consultation, staff has determined that there is not adequate and/or current information available to make the key decisions needed for recreation service delivery in Victoria.

A report entitled "Towards A Recreation Renewal Plan" was distributed to members of Council for their review. The report is intended to ensure that recreation decisions are made using current information in a planned and coordinated approach. The process identified includes:

- conducting a facility infrastructure assessment on all City recreation facilities
- conducting a consumer needs assessment
- developing a plan that supports sustainable facility and service delivery models
- developing a long-range capital recreation facility renewal plan for the City of Victoria.

ACTION: Councillor Coleman moved that it be recommended to Council that the report dated February 13, 2003 from the Manager, Recreation Services and the attached report entitled "Towards A Recreation Renewal Plan", be received for information and the following recommendations contained therein, be supported:

- 1) A Facility Infrastructure Assessment be conducted.
- 2) A Consumer Needs Assessment be conducted.
- 3) A plan be developed that supports sustainable facility and service delivery models.
- 4) A Long Range Capital Recreation Facility Renewal Plan be developed.

ENGINEERING

DESPARD/GONZALES/RICHMOND – SAFETY CONCERNS

03/109

At its meeting on December 12, 2002, Victoria City Council reviewed the Glenlyon Norfolk School Campus Plan, and referred the following traffic issues to staff for review:

- Traffic safety at the intersection of Despard/Gonzales/Richmond
- Residential Parking Only on Richmond Avenue
- Traffic speed on Richmond Road.

Committee received a memorandum dated February 5, 2003 from the Transportation Section advising that each of the issues has been reviewed, and outlining the conclusions drawn by staff.

ACTION: Councillor Madoff moved that the report dated February 5, 2003 from the Transportation Section regarding Safety Concerns at Despard/Gonzales/Richmond, be received for information.

TRANSPORTATION STUDY

03/108

Committee received a memorandum dated January 28, 2003 from the Advisory Transportation Committee advising that they discussed traffic issues related to the Railyards development and as a result recommended that a transportation study be undertaken for the Victoria West neighbourhood.

The report indicated that Transportation staff support the recommendation, and funding for this study is included in the 2003 capital budget.

ACTION: Councillor Madoff moved that it be recommended to Council that an area-wide transportation study be completed for the Victoria West neighbourhood.

TERM LIMITS

03/107

Committee received a memorandum dated January 28, 2003 from the Cycling Advisory Committee advising that they discussed the 2 term limit for advisory committee members and made the following recommendation:

"The Cycling Advisory Committee recommends to Council that term limits be removed from the requirements for Cycling Advisory Committee Chair and Members."

The report indicated that Engineering staff reviewed the recommendation and advised that it conflicts with the City's Advisory Committee Procedures.

ACTION: Councillor Savoie moved that the report dated January 28, 2003 from the Cycling Advisory Committee regarding term limits for advisory committee members, be received for information.

FINANCE

CORRECTIONS TO ASSESSMENT ROLLS

03/106

Committee received a memorandum dated December 31, 2002 from the Director of Finance regarding assessment variations to Supplementary Rolls #15 for 2001 and #7 and #8 for 2002, prepared under the provisions of the Assessment Act.

ACTION: Councillor Madoff moved that it be recommended to Council that the assessment variations to Supplementary Rolls #15 for 2001 and #7 and #8 for 2002 as outlined in the memorandum dated December 31, 2002 from the Director of Finance, be approved.

LIQUOR LICENSING

FOOD-PRIMARY LIQUOR LICENSE APPLICATION CENTRAL BAR & GRILL – 708 VIEW STREET

03/105

Committee received a memorandum dated February 7, 2003 from the Corporate Administrator regarding a Food-Primary Liquor License Application received from Mr. Randy Bourke for the Central Bar & Grill at 708 View Street. The establishment will be composed of a 40-seat coffee bar, up to 200-seat restaurant, and a 40-seat lounge. The business plan proposed a coffee bar opening at 06:00h, meal service in the restaurant for lunch and dinner, with dinner service and live entertainment continuing through to 01:00h. The applicant is requesting hours of liquor service from 09:00h to 02:00h seven days per week. Council resolutions are required consenting to the hours of service past 24:00h, and to patron participation entertainment (dancing). City Planning and Victoria City Police have reviewed the application and have no objections.

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

Victoria City Council, after conducting a review with respect to noise and community impacts of the food-primary liquor license application from Mr. Randy Bourke for the Central Bar & Grill at 708 View Street, supports:

- The extension of hours of the food-primary license to 02:00h seven days a week; and,
- The patron participation entertainment endorsement to the food-primary license provided that such entertainment ceases no later than 01:00h on any day such entertainment is offered.

PERMANENT CHANGE TO A LIQUOR LICENSE BELFRY THEATRE

03/104

Committee received a memorandum dated January 31, 2003 from the Manager, Administration advising that the General Manager of the Belfry Theatre has requested an extension to the hours of sale for their *Liquor Primary* Liquor License as follows:

Saturdays	From 17:00h – 1:00h	To 15:00h – 1:00h
Sundays	From 17:00h – 23:00h	To 13:00h – 23:00h

Both the Police and Bylaw Enforcement have no objections to the application. The Planning Department advises that, while existing liquor sales are a non-conforming use, they are legal.

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

Council, after considering the potential for noise, the impact on the community, whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose, and concluding that:

The change in hours is likely to have no or negligible impact on the neighbours,

Approves the application for Liquor License #162839, The Belfry Theatre, 1291 Gladstone Avenue to:

Extend the hours of sale to Saturday 15:00h – 1:00h and
Extend the hours of sale to Sunday 13:00h – 23:00h

PERMANENT CHANGE TO A LIQUOR LICENSE
EVOLUTION

03/103

Committee received a memorandum dated February 4, 2003 from the Manager, Administration regarding an application received from the President of Evolution, Palomino's The Rock'n Horse Cabaret Ltd. to extend the hours of sale for the cabaret's *Liquor Primary* Liquor License. The request is for a change to the closing time on Sundays only, from 24:00h to 02:00h. The applicant is requesting the extended hours of sale for Sundays in order to remain competitive with other similar businesses.

Both the Police and Bylaw Enforcement have no objections to the application. The Planning Division confirms the zoning permits the use. The Draft Noise Bylaw includes this site in an "Activity District".

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

Council, after considering the potential for noise and the impact on the community, and concluding that the change in hours are likely to have no or negligible impact on the neighbours:

Approves the application for Liquor License #167968, Evolution – Palomino's The Rock'n Horse Cabaret Ltd., 502 Discovery Street, to extend the hours of sale to Sunday 19:00h to 02:00h.

PERMANENT CHANGE TO A LIQUOR LICENSE
SWANS HOTEL – PUB – 510 PANDORA AVENUE

03/102

Committee received a memorandum dated February 6, 2003 from the Manager, Administration regarding an application received from Swans Hotel, 510 Pandora Avenue for an extension to the hours of liquor service sales for their pub. Current hours of sale are Monday to Saturday, 12:00h – 02:00h, and Sunday 12:00h – 24:00h. They would like to extend their hours to 09:00h – 02:00h seven days a week. The applicant is requesting the extended hours to increase the breakfast trade from the patio restaurant to the pub, and to be able to operate later on Sundays for special events.

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

1. Council, after considering the potential for noise, the impact on the community, and concluding that the change in hours are likely to have no or negligible impact on the neighbours, approves the application for Liquor License #162839, for the Swans Hotel *Liquor Primary* Liquor License number 128631 to: extend the hours of sale Monday – Saturday 09:00h to 02:00h.

2. Council, after considering the potential for noise, the impact on the community, and concluding that the change in hours are likely to have no or negligible impact on the neighbours, approves the application for Liquor License #162839, for the Swans Hotel *Liquor Primary* Liquor License number 128631 to: extend the hours of sale Sunday 09:00h – 24:00h.

ADMINISTRATIVE MATTERS

UBCM RESOLUTION

03/101

Committee received a letter dated January 29, 2003 from the Union of BC Municipalities (UBCM) regarding a resolution forwarded by the City of Victoria expressing concerns with proposed changes to the *Residential Tenancy Act*. The resolution was included in the Report of Resolutions Received after the Deadline, but it was not debated during the 2002 Convention because it did not meet the criteria for consideration. The Resolutions Committee will automatically place it into the file for the following year if not directed otherwise by the City of Victoria. The resolution will be forwarded to the Association of Vancouver Island and Coastal Communities for consideration at their spring meeting.

Committee agreed that the resolution should continue to follow the course set out by UBCM, and in the meantime:

- Mayor Lowe will request another meeting with the Minister of Public Safety and Solicitor General to further discuss Council's concerns regarding the proposed changes to the *Act*, including the retroactivity clause.
- This issue be forwarded to the Housing Advisory Committee for consideration.

ADMINISTRATIVE MATTERS

DISPOSITION OF COMMUNICATIONS

03/100

Committee received a memorandum dated February 10, 2003, 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.

Councillor Hughes requested an update regarding two letters that outlined views on the Jubilee Road closures/openings. The Director of Engineering advised that the 18 month review will be presented to Council in March, 2003.

ACTION: Councillor Madoff moved that the Disposition of Communications dated February 10, 2003 from the Manager, Administration, be received for information and filed.

PROCLAMATIONS

03/99

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

<i>Dress Red Day</i>	<i>February 14, 2003</i>
<i>Clowning Around Downtown –</i>	
<i>International Shrine Clown Association Week</i>	<i>February 18-22, 2003</i>

COUNCILLOR INQUIRIES

CANADA GREEN BUILDING COUNCIL

03/98

Councillor Savoie provided information regarding the Canada Green Building Council and requested Committee's consideration of membership in the Council.

ACTION: Councillor Savoie moved that it be recommended to Council that the City of Victoria become a member of the Canada Green Building Council, with a membership fee of \$250.

Mayor Lowe returned to the meeting at 1:00 p.m.

CRD BUILDING

03/97

Mayor Lowe advised that the Capital Regional District (CRD) Board, at its meeting on February 12, 2003, unanimously approved relocating their headquarters to a building to be constructed in Centennial Square adjacent to the CRD Engineering Services building now under construction.

MEMORIAL ARENA DEMOLITION

03/96

Mayor Lowe advised that the exterior demolition of Memorial Arena is scheduled to begin February 17, 2003, with the first swing of the wrecking ball scheduled for 9:00 a.m.

FLOWER COUNT

03/95

Councillor Thornton-Joe advised that she will be taking a shift on the phone lines for the annual Flower Count, scheduled for February 24 to March 2, 2003.

AVICC ANNUAL CONFERENCE

03/94

Councillor Holland reminded Councillors that registration forms are now available for the AVICC Annual Conference in Port Alberni, April 4 – 6, 2003.

HARBOUR AUTHORITY

03/93

Councillor Holland reported on the first Annual General Meeting of the Greater Victoria Harbour Authority held on February 11, 2003. A report from this meeting will be mailed to Councillors.

CLOSED MEETING - 1:10 P.M.

Councillor Fleming 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.

DOGS IN PARKS

03/92

Councillor Coleman advised that he will be attending a meeting to discuss the City's law enforcement policies regarding dogs off-leash in parks. He asked for Councillors' views on the subject, so that he could accurately relay this information to advocates of an off-leash policy for all City parks.

The meeting adjourned at 1:15 p.m.

Mayor Lowe, Chair