

## **MINUTES - COMMITTEE OF THE WHOLE**

### **MEETING HELD THURSDAY, MAY 15, 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. Jack Basey, Acting City Manager, attended for the entire meeting and Messrs. Dowdall, Koch, Lam, McCliggott, Matanowitsch, Scoones, Sikstrom, Timms and Woodland, Ms. Atkinson, Ms. Fowler, Ms. Masters, and Ms. Price-Douglas attended for portions of the meeting.

Recording Secretary: Linda Johnson

### **OVERVIEW OF THE 2002 AUDIT**

03/393

Mr. Randy Decksheimer, Partner, KPMG LLP, Chartered Accountants, presented the Auditors' Findings report. He advised the audit determined that the 2002 financial statements present fairly the financial position of the City as at December 31, 2002, and the results of its operations and cash flows for the year. The auditors have reviewed a number of issues with the Finance and Human Resources Committee, which, over the past year, has worked closely with the City's Finance staff and auditors.

**ACTION:** Councillor Fleming moved that it be recommended to Council that the audited 2002 Financial Statements for the City of Victoria, be received for information.

### **PLANNING & DEVELOPMENT**

#### **REZONING APPLICATION #03-6** **308 CATHERINE STREET**

03/392

Committee received a memorandum dated May 2, 2003 from the Senior Planner regarding Rezoning Application #03-6 for 308 Catherine Street. The application is to amend the existing C1-BP Zone, Brew Pub Commercial, in order to permit the inclusion of a liquor retail store at Spinnaker's Brew Pub. The proposed 31.5 m<sup>2</sup> store is located in the northwest corner of the existing building. The proposal is in keeping with most of Council's recently endorsed criteria for consideration of liquor retail store rezoning applications.

The applicant has consulted with the Victoria West Community Association as well as the residents and owners of neighbouring properties. Victoria City Police have no objection to the proposal.

**ACTION:** Councillor Hughes moved that it be recommended to Council that Rezoning Application #03-6 for 308 Catherine Street be forwarded for consideration at a public hearing and that the City Solicitor be instructed to prepare the necessary Zoning Bylaw Amendment based on the draft zone outline set out in the report dated May 2, 2003 from the Senior Planner.

Councillor Madoff advised that she has a personal association with the following application, and, because of this potential conflict of interest, she left the meeting at 9:10 a.m.

**REZONING APPLICATION #03-1**  
**240-252 COOK STREET AND 1035/39/43 SUTLEJ STREET**

03/391

Committee of the Whole, at its meeting on April 17, 2003 tabled consideration of Rezoning Application #03-1 for 240-252 Cook Street and 1035/39/43 Suttlej Street, pending the completion of a facilitated dialogue between the applicant and the community association.

Committee received a "Facilitator's Report" dated May 13, 2003 from Gordon C. White, outlining the presentations and facilitated dialogue that took place at Victoria City Hall on April 30, 2003. The report advised that the central substantive issue between the two parties is the proposed density of the project. It outlined the vision of the applicant and concerns of the community association and discussed in detail the engagement of the two parties. Mr. White concluded his report with two suggestions:

- 1) That the parties continue to communicate.
- 2) That a dialogue be established between community groups and the Planning Department to avoid misunderstandings.

**ACTION:** Councillor Hughes moved that the Facilitator's Report of the April 30<sup>th</sup>, 2003 meeting between the Fairfield Community Association and the Amadon Group, regarding a proposed development at the corner of Cook and Suttlej Streets, be received for information.

**ACTION:** Councillor Hughes moved that it be recommended to Council that:

- 1) Rezoning Application #03-1 for 240-252 Cook Street and 1035/39/43 Suttlej Street be forwarded for consideration at a public hearing and that the City Solicitor be instructed to prepare the necessary Official Community Plan and Zoning Bylaw amendments (including the extension of the Development Permit Area to cover the Suttlej Street properties) based on the draft zone set out in the report dated April 11, 2003 from the Planning Division, subject to the conditions outlined in Appendix 1 securing community amenities valued at \$739,000 or more.
- 2) Approval be given to closure of the lane and its sale at fair market value to the applicant on the basis that a surface right-of-way be retained by the City for vehicle and pedestrian use and subject to the rezoning of the land as proposed. And that the City Solicitor be authorized to commence with the preparation of the necessary bylaws, documents and survey plans, (Applicable costs to be at the expense of the applicant.)

Councillor Madoff returned to the meeting at 9:40 a.m.

**REZONING APPLICATION #03-7**

## **1117 WHARF STREET**

03/390

Committee received a memorandum dated May 8, 2003 from the Planning Division regarding Rezoning Application #03-7 for 1117 Wharf Street. The application is to rezone a property in the CA-3C Zone to a new zone in order to permit the inclusion of a liquor retail store at Darcy's Pub.

The proposal will add a new use to the interior of the building and does not involve significant alterations to the exterior. The application generally conforms to the Licensee Retail Store Rezoning Guidelines.

The applicant has consulted with adjacent properties. One letter of objection has been received. In addition the applicant has provided letters to the School District and Victoria City Police, outlining their proposal. To date no responses have been received.

**ACTION:** Councillor Hughes moved that consideration of Rezoning Application #03-7 for 1117 Wharf Street, be tabled pending:

- 1) receipt of a report from the Police Department
- 2) receipt of a report from Planning Division staff regarding the possibility of a temporary use permit.

**Lost**

**ACTION:** Councillor Holland moved that it be recommended to Council that Rezoning Application #03-7 for 1117 Wharf Street be forwarded for consideration at a public hearing and that the City Solicitor be instructed to prepare the necessary zoning amendments subject to confirmation of consultation with adjacent property owners and the Downtown Neighbourhood Association prior to the public hearing.

**Lost**

## **DRAFT NOISE BYLAW**

03/389

Committee received a memorandum dated May 8, 2003 from the Planning Division advising that the second phase of consultation for the new Noise Bylaw has been completed. Staff have incorporated some of the feedback into the draft bylaw. An updated version of the Noise Bylaw, and the noise district map, were attached for Committee's review.

**ACTION:** Councillor Hughes moved that it be recommended to Council that:

- 1) The draft Noise Bylaw and noise district map be forwarded to a non-statutory public hearing and for consideration of adoption.
- 2) The attached Sound Policy for Outdoor Special Events be approved.
- 3) The attached draft Bylaw Enforcement Policy be received for information.

## **GREENWAYS PLAN**

Committee received a memorandum dated May 8, 2003 from the Planning Division with the attached City of Victoria Greenways Plan. The plan provides a policy framework and a series of strategies to establish a Greenways system throughout the City. It is a long term plan that will be implemented over the next 50 years. The attached plan incorporates the work of the Greenways Steering Committee, the consultant – Common Ground Learning Centre, staff in several City departments, and broad community input.

Steering Committee members Mr. John Farquharson, Chair, and Mr. Karl Sturmanis, were present to discuss the Plan with Committee.

Committee requested that the following organizations be included in the referral process, either by direct request for comments, or an invitation to the public open house:

- Housing Advisory Committee (specifically to review funding of the Greenways Plan through a possible increase in the City's Development Cost Charges)
- Greater Victoria Harbour Authority
- Urban Development Institute
- Tourism Victoria
- Downtown Advisory Committee
- InterCultural Association
- Native Friendship Centre

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

- 1) The draft Greenways Plan be received for information.
- 2) Staff be instructed to proceed with the next steps based on the schedule set out in Section 3 of the background portion of the report dated May 8, 2003 from the Planning Division.

### **PCC GREENWAYS PROGRAM**

03/387

Councillor Madoff advised that the Provincial Capital Commission Greenways Program will be phased out over the next two years. She requested that Mayor Lowe write a letter expressing the City's regret and concern regarding the closure of this valuable program.

### **HERITAGE ALTERATION PERMIT #103**

#### **1437 STORE STREET**

03/386

At its meeting on December 12, 2002 City Council, at the request of the applicant, tabled a motion to decline a sign permit for Muffett and Louisa at 1437 Store Street.

Committee received a memorandum dated May 6, 2003 from the Heritage Planner, advising that the applicant has submitted a plan to modify the existing signage to reduce its apparent size by changing the background colour, eliminating the existing black steel frame and adding a border to the existing oval sign face.

**ACTION:** Councillor Madoff moved that it be recommended to Council that, pursuant to Heritage Designation Bylaw #303, Heritage Alteration Permit #103 be issued in accordance with:

- 1) Plans dated May 5, 2003.
- 2) Removal of existing black metal frame.

- 3) Alteration of background colour from white to taupe to match the colour of the cornice.
- 4) Addition of a black border to the sign background to visually reduce the size of the oval sign face.
- 5) Approval being based on the applicant's agreement to move the sign in the future to a position under the doorway.

**AMENDMENT TO HERITAGE ALTERATION PERMIT #109**  
**525 FORT STREET**

03/385

At its meeting on March 27, 2003 City Council approved an amendment to Heritage Alteration Permit #109 for 525 Fort Street to permit the erection of 2 projecting signs higher than the lowest sill on the second floor of the building.

Committee received a memorandum dated May 6, 2003 from the Heritage Planner advising that a similar request has been received from the other tenant in the building, a tanning salon.

- ACTION:** Councillor Madoff moved that it be recommended to Council that an amendment to Heritage Alteration Permit #109 (to #109B), be approved, for a projecting sign, in accordance with:
- 1) Plans dated April 24, 2003
  - 2) Development meeting all bylaw requirements except for:  
Sign Bylaw 92-30, Section 11.2.4(b) relaxed to allow a projecting sign higher than the lowest sill of the second floor of the building.
  - 3) Final plans to be in accordance with plans identified above.

**ADMINISTRATIVE MATTERS**

**CANADIAN CAPITAL CITIES ORGANIZATION**  
**ANNUAL CONFERENCE & GENERAL MEETING**

03/384

Committee received a memorandum dated May 13, 2003 from Councillor Fleming regarding the Canadian Capital Cities Organization (CCCO) Annual Conference & General Meeting to be held in Yellowknife, NWT, June 4 – 7, 2003. Councillor Fleming is the Treasurer for the 2002-03 year and is required to attend to present the organization's audit, year-to-date, and revised budget documents.

- ACTION:** Councillor Coleman moved that it be recommended to Council that Councillor Fleming be authorized to attend the CCCO Annual Conference and General Meeting in Yellowknife, June 4-7, 2003 at a cost not to exceed \$2,000.

**DISPOSITION OF COMMUNICATIONS**

03/383

Committee received a memorandum dated May 9, 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.

**ACTION:** Councillor Madoff moved that the Disposition of Communications dated May 9, 2003 from the Manager, Administration, be received for information and filed.

### **COUNCILLOR INQUIRIES**

#### **CANADA DAY FIREWORKS PRESENTATION PACKAGE**

03/382

Councillor Thornton-Joe advised that planning is underway for the Canada Day Fireworks presentation. She has met with representatives of TNT Productions Inc. and discussed the preparation of a sponsorship package to assist with obtaining funding for the event.

**ACTION:** Councillor Fleming moved that it be recommended to Council that the release of funding in the amount of \$2,000 from the City's budget for the Canada Day Fireworks event be approved for the preparation of a sponsorship package for the event.

### **MINISTER OF AFFORDABLE HOUSING**

03/381

Councillor Coleman requested that Mayor Lowe write a letter to The Honourable Steve Mahoney, newly appointed federal Minister of Affordable Housing, congratulating him on his appointment and requesting an opportunity to meet with him, perhaps at the FCM Convention, to discuss affordable housing needs in the City of Victoria.

### **BYLAW ENFORCEMENT**

03/380

Councillor Coleman advised that he has requested a future "Food for Thought" presentation from Bylaw Enforcement staff regarding their work and priorities.

### **MINISTRY OF CHILDREN & FAMILY DEVELOPMENT** **BUDGET CUTS**

03/379

Councillor Fortin provided information regarding the effect of provincial budget cuts on Children & Family Development services on South Vancouver Island. He provided a list of services that will completely disappear unless the provincial government reconsiders its plan to drastically reduce funding to the Ministry, which in turn funds agencies providing community-based services.

The provincial Treasury Board will soon consider this issue, and Committee requested that Mayor Lowe write to the Minister of Children and Family Development, with copies to the Minister of Finance, Greater Victoria MLA's, and Treasury Board members Ida Chong, Graham Bruce, and Sheila Orr, advising of the City's concerns and requesting that funding be restored.

**CLOSED MEETING - 11:30 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.

**LEGAL – LIABILITY INSURANCE**

03/378

The City Solicitor reported that a dramatic increase in cost for liability insurance for the May Day Parade has caused concern for the organizers, the Greater Victoria Festival Society.

**ACTION:** Councillor Coleman moved that it be recommended to Council that staff be authorized to negotiate full insurance coverage for the 2003 May Day Parade, to a maximum expenditure of \$10,250 as a 2003 grant to the Greater Victoria Festival Society.

**JUBILEE ROAD CLOSURES**

03/377

Committee requested that presentation of the report from staff on Jubilee Road Closures be delayed until after the Fernwood and Oakland community associations have had an opportunity to meet for final discussions on the matter.

**PROVINCIAL CAPITAL COMMISSION**

03/376

Mayor Lowe advised that the City must appoint another member to the Provincial Capital Commission Board.

Committee requested that, prior to making another City appointment, the Mayor invite the PCC Chair to attend a Committee of the Whole meeting to discuss the direction of the new Board.

**RELOCATION OF CENTRAL LIBRARY**

03/375

The Corporate Administrator provided an update on the possible relocation of the Central Library to the former Bay building.

**ADVISORY COMMITTEE APPOINTMENTS**

03/374

Committee agreed to postpone consideration of the Advisory Committee appointments to the May 22<sup>nd</sup>, 2003 meeting.

The meeting adjourned at 12:20 p.m.

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Mayor Lowe, Chair