

MINUTES - COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, JULY 24, 2003, AT 9:00 A.M.

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

ABSENT: Councillor Fortin

Mr. Joe Martignago, City Manager, attended for the entire meeting and Messrs. Daly, Dowdall, Galavan, Koch, Leskiw, Matanowitsch, O'Reilly, Phillips, Scoones, Timms, Wiffen, Woodland, Ms. Atkinson, Ms. Fowler, Ms. Low, Ms. Masters, and Ms. Mayhew attended for portions of the meeting. Mr. Macquisten and Mr. Johnson from Staples McDannold Stewart also attended.
Recording Secretary: Linda Johnson

PRESENTATION

VICTORIA / KHABAROVSK ASSOCIATION

03/548

Dr. Michael Tripp presented greetings and gifts from the Mayor of Victoria's sister city, Khabarovsk, Russia. Dr. Tripp worked in Khabarovsk for approximately 10 years, and attended the city's 145th anniversary celebrations. He provided a brief report on the celebration, and the city's recent economic development.

PLANNING & DEVELOPMENT

DEVELOPMENT VARIANCE PERMIT #03-28 **1616 EARLE STREET**

03/547

Committee of the Whole, at its July 10th, 2003 meeting, tabled consideration of Development Variance Permit Application #03-28 for 1616 Earle Street, pending receipt of: detailed plans; screening and landscape plans for the front yard; and information on the grade between St. Charles Street and Earle Street.

Committee received a memorandum dated July 17, 2003 from the Planning Division with an attached detailed landscaping plan for the site and photographs of the proposed exterior changes. In addition, the applicant is proposing to bring the driveway up to grade level.

ACTION: Councillor Madoff moved that consideration of Development Variance Permit #03-28 for 1616 Earle Street, be tabled, with a request that the applicant provide more extensive plans for screening the front yard parking area, similar to the work that has been done on an adjacent property.

GREENWAYS PLAN

03/546

Committee of the Whole, at its May 15, 2003 meeting received a memorandum dated July 18, 2003 from the Planning Division regarding the Greenways Plan, that provides a policy framework and a series of strategies to establish a Greenways system throughout the City. At that time, Committee received the Plan for information, and directed that it be referred to select standing committees and organizations for review and comments.

Committee received a memorandum dated July 18, 2003 from the Planning Division with the Draft Greenways Plan that incorporated input from the standing committees, organizations, public, and staff.

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

- 1) The Greenways Plan be forwarded for consideration at a public hearing.
- 2) The Greenways Steering Committee recommends that a Greenways Implementation Steering Committee be established to select Greenways initiatives, recommend capital funding , and ensure that Greenways are provided equitably across the City.

LICENSEE RETAIL STORE TEMPORARY USE PERMIT #03-7A **1117 WHARF STREET**

03/545

Committee received a memorandum dated July 16, 2003 from the Planning Division regarding Temporary Use Permit Application #03-7A for a Licensee Retail Store at 1117 Wharf Street. The application was initially presented to Committee of the Whole on May 15, 2003, as Rezoning Application #03-07, and was declined. The applicant is now requesting that the use be considered under a Temporary Use Permit in order to allow them to demonstrate that a Licensee Retail Store in this location would not be detrimental to the area.

ACTION: Councillor Holland moved that it be recommended to Council that Temporary Use Permit #03-7A for a Licensee Retail Store at 1117 Wharf Street, be forwarded for consideration at a public hearing and the City Solicitor be instructed to prepare the necessary Temporary Use Permit.

COMMERCIAL USE OF PUBLIC SPACE **DATE FOR PUBLIC FORUM**

03/544

Committee of the Whole, at its meeting on July 10, 2003 received for information a staff report regarding Commercial Use of Public Space, and referred it to a public process. Committee did not, however, set the date for the public forum.

ACTION: Councillor Hughes moved that it be recommended to Council that the Commercial Use of Public Space forum be held on August 28, 2003, 3:00 to 6:00 p.m.

VICTORIA COORDINATED ENFORCEMENT
TEAM – UPDATE

03/543

Committee received a memorandum dated July 21, 2003 from the Senior Bylaw Officer summarizing two recent actions carried out by the Victoria Coordinated Enforcement Team and discussing related communication issues.

Information was provided regarding inspections of rooming houses at 2310 Wark Street and 1255 Pandora Avenue. In addition, the report outlined the communication protocol established to ensure that information is provided to local media in a timely fashion.

ACTION: Councillor Holland moved that the report dated July 21, 2003 from the Senior Bylaw Officer regarding the Victoria Coordinated Enforcement Team, be received for information.

ENGINEERING

JUBILEE ROAD CLOSURES – TRIAL EVALUATION

03/542

Committee received a memorandum dated July 18, 2003 from the Transportation Section that provided an evaluation of the Jubilee trial road closures and included recommendations on a future direction. In conjunction with the technical review, input from the public was also considered.

The evaluation confirmed the closures met the technical objective of eliminating cut-through traffic, contributed to an increased “sense of community”, created an improved environment for pedestrians and cyclists, and reduced collisions. However, the closures also re-directed some cut-through traffic to other local streets, increased peak hour congestion on Bay Street, increased travel times across the neighbourhood, and resulted in internal circulation concerns for many neighbourhood residents.

To address the concerns and maintain the benefits, staff propose managing cut-through traffic rather than eliminating it. To achieve this they recommend converting the closures to a combination of central medians and diverters, to physically restrict turning movements to “right in” and “right out” only.

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

- 1) the Jubilee road closures be replaced with traffic management measures that allow limited access to the local streets, as described in the report dated July 18, 2003 from the Transportation Section.
- 2) a modeling process be undertaken by the Transportation Section to evaluate the routes that will be taken through the neighbourhood by Jubilee residents and their immediate neighbours, and this information be provided to members of Council before the August 14th, 2003 Council meeting.

SIMPLE STRATA TITLE APPROVALS

Committee of the Whole, at its June 5th, 2003 meeting, requested a staff report on delegating to staff the approval authority for simple strata conversions of previously occupied buildings.

Committee received a memorandum dated June 27, 2003 from the Manager, Transportation & Development advising that the Strata Property Act permits Council to delegate its authority to an Approving Officer or other person, and impose limits or conditions on the delegated powers.

- ACTION:** Councillor Madoff moved that it be recommended to Council that Council, by resolution delegates the exercise of the powers and performance of the duties of the approving authority under Section 242 of the Strata Property Act (conversion of previously occupied buildings) to the duly appointed subdivision approving officer, with the following limits:
- 1) Residential buildings containing no more than 3 units, and industrial and commercial buildings.
 - 2) Residential buildings that are vacant or owner-occupied.
 - 3) Buildings in good condition, in substantial compliance with the BC Building Code.

PARKS

INTERNATIONAL ASSOCIATION OF FIREFIGHTERS BIENNIAL CANADIAN POLICY CONFERENCE

03/540

Committee received a memorandum dated July 3, 2003 from the Manager, Parks Division advising that the Victoria, Saanich and Oak Bay Fire Fighters Associations are hosting the International Association of Fire Fighters Biennial Canadian Policy Conference in Victoria, September 6 – 10, 2003. The combined associations have applied for a Special Occasion Liquor License as part of their planned picnic / BBQ at Fisherman's Wharf Park on September 7th, 2003. The current Beer Garden Policy does not include Fisherman's Wharf Park, therefore this application requires Council approval.

- ACTION:** Councillor Madoff moved that it be recommended to Council that:
- 1) the application for a Special Occasion Liquor License for the Victoria, Saanich and Oak Bay Fire Fighters Associations be approved for 12:00 p.m. to 5:00 p.m. on September 7th, 2003 at Fisherman's Wharf Park, for this event only.
 - 2) the applicant obtain a Park permit and abide by all rules and regulations.

REQUEST FOR REMOVAL FROM BOULEVARD MAINTENANCE TAX – SELKIRK STREET

03/539

Committee received a memorandum dated July 9, 2003 from the Manager, Parks Division, regarding a Petition received from the property owners on Selkirk Street requesting removal from the Boulevard Maintenance Tax Program. Withdrawal of one or both sides of a block from this service requires a petition signed by 66% of property owners representing 66% of the assessed property value of both sides of the block.

Committee requested that staff provide a report on the Boulevard Maintenance Tax Program during the 2004 budget process.

ACTION: Councillor Madoff moved that it be recommended to Council that the petition from the property owners on Selkirk Street requesting removal from the Boulevard Grass Service Program, be endorsed.

SNOWBIRDS SHOW – COMMUNITY CENTRES CONCESSION

03/538

Committee received a memorandum dated July 18, 2003 from the Manager, Parks Division advising that the Burnside Gorge Community Association, on behalf of the Community Centres in Victoria has applied for permission to set up concession tents at the Snowbirds event on July 30, 2003 from 4:00 p.m. to 8:00 p.m. Funds raised will go to community programs.

ACTION: Councillor Coleman moved that it be recommended to Council that the following non-complying activities be approved, in support of the Community Centres fundraising effort during the July 30th, 2003 Snowbirds display:

- set up of tents and vehicles for food sales
- one “Optimist” trailer on site to be used by the community centres for refrigeration
- “The Q” radio station van set up on Dallas Road between Cook Street and Clover Point to provide event commentary.

FINANCE

CITIZEN SURVEY

03/537

Committee received a memorandum dated July 17, 2003 from the Director of Finance, the Director of Parks, Recreation and Community Development, and the Manager, Support Services, outlining a proposed Citizen Survey to canvass the community on satisfaction levels with respect to quality of life, municipal service delivery, and value received. The project would be carried out in partnership with the University of Victoria’s Centre for Public Sector Studies.

ACTION: Councillor Coleman moved that it be recommended to Council that the concept of conducting a Citizen Survey be endorsed, and the Administration proceed with implementation of the proposed work plan.

PARKS

ROSS BAY CEMETERY BUSINESS PLAN

Committee received a memorandum dated July 24, 2003 from the Parks Division and the Finance Division outlining the Ross Bay Cemetery Business Plan that will guide the limited, heritage sensitive reactivation of the cemetery through the marketing of unused and reclaimed plots. The revenue generated by this reactivation will provide funding for perimeter security and long term cemetery operation.

The Manager, Parks Design and Development, presented information on:

- the background of the project
- inventory of plots
- consolidation of title of church-owned lands with City-owned lands
- design guidelines and management plan

Mr. Stephen Olson, Board of Cemetery Trustees of Greater Victoria, discussed the implementation of the plan, the new memorial spaces that will become available, and the proposed sale process.

- ACTION:** Councillor Madoff moved that it be recommended to Council that staff be authorized to:
- 1) Approve and forward a joint resolution to the District of Saanich amending the founding Agreement regarding the Board of Cemetery Trustees of Greater Victoria and authorizing the Board to enter into an agreement regarding Ross Bay Cemetery.
 - 2) Forward the attached bylaw amendments required to implement the Ross Bay Cemetery Business Plan to Council for adoption.
 - 3) Subject to #1 above, execute the marketing and administration agreement between the City of Victoria and the Board of Cemetery Trustees of Greater Victoria relating to Phase 1 of the Business Plan.
 - 4) Implement Phase 1 of the Business Plan, including: market and sell unused / reclaimed lots and complete detailed design work for the perimeter of the southwest quadrant.
 - 5) Negotiate, subject to Council approval, an agreement with the Board of Cemetery Trustees relating to Phase 2 of the Business Plan (marketing, sale and administration of cremation memorial spaces).
 - 6) Establish a Ross Bay Cemetery Perimeter Development Reserve account to fund the perimeter infrastructure, physical security plan and creation of a cremation garden and future expansion of the cremation spaces. The net revenues realized from the sale of unused / reclaimed plots and the future net revenues from the sale of new memorial spaces would be the source of funding.
 - 7) Execute the Gifting Agreement between the City of Victoria and the Anglican, Catholic, and Presbyterian Churches to consolidate the Church-owned lands with the City-owned lands.

LEASH-OPTIONAL AREAS IN CITY PARKS

Committee received a memorandum dated July 18, 2003 from the Parks, Recreation, and Community Development Department regarding a proposed change in leash-optional areas in City Parks. Currently, the City has one leash optional area along Dallas Road. Other city parks require that dogs be on leash. An increase in pet ownership and dog walking in city parks has resulted in a request from dog owners for more legitimate leash-optional areas within the City. Other park visitors and community groups have expressed concerns about the health, safety, and environmental impacts of dogs off-leash in parks.

The report included information on leash laws in other cities and potential leash-optional areas in Victoria. The proposed process for receiving public input on the issue was outlined.

ACTION:

Councillor Coleman moved that it be recommended to Council that:

- 1) Council recognizes the legitimacy of responsible dog owners using parks for exercising and socializing their pets as one of the many uses which need to be accommodated within the City's park system.
- 2) One of the following two options for improving access to public space for dog owners in the City of Victoria, be adopted, following a public consultation process:

Option 1 – Designated Leash-Optional Areas and Times

City Council would approve leash-optional areas and specified times of use within up to ten designated neighbourhood parks throughout the City for a trial period of one year.

Option 2 – “Adopt a Park Space for Leash-Optional Times”

City Council would approve potential leash-optional areas and times of use within up to ten designated neighbourhood parks throughout the City. Leash-optional use would then be permitted subject to an organized group of neighbourhood dog owners agreeing to “adopt the space” for leash-optional times and assuming some responsibility for education, communication and site clean up, for a trial period of one year.

- 3) Undertake a public consultation process as described in Appendix “B” with staff reporting back with a recommended option following their review of the public input.

LIQUOR LICENSING

PERMANENT CHANGE TO A LIQUOR LICENSE
THE ONE LOUNGE

03/534

Committee received a memorandum dated July 16, 2003 from the Manager, Administration advising that the owner/operators of The One Lounge at 1318 Broad Street have requested an extension to the hours of sale for their Liquor Primary License #113949. The application is to extend hours of sale on Sundays, from the current licensed hours of 19:00h – 24:00h to 19:00h – 02:00h.

ACTION:

Councillor Fleming moved that it be recommended to Council that:

- 1) Victoria City Council recommends the following amendments to the application for The One Lounge, Liquor Primary License #113949:
 - a) Extending the hours of sale on Sundays from 19:00h to 02:00h,

- in consideration of the applicant's need to remain competitive in the industry by matching hours to similar establishments.
- 2) Victoria City Council provides the following comments on the prescribed considerations as follows:
 - a) The potential for noise is slightly increased from that of the current operation; however the Good Neighbour Agreement binds the operator to abide by the *Noise Bylaw* as outlined in the attached staff report dated July 16, 2003.
 - b) Community impact is estimated to be low and any issues will be dealt with through the Good Neighbour Agreement. The business is located in a downtown, commercial area that is suitable for a late night entertainment venue and where some street noise and patron activity is expected.
 - c) The views of the residents were obtained through a public notice sent to surrounding residents and property owners as described in the staff report to Council dated July 16, 2003.

PERMANENT CHANGE TO A LIQUOR LICENSE
THE DINER

03/533

Committee received a memorandum dated July 16, 2003 from the Manager, Administration advising that the owners of The Diner at 622 Yates Street have requested two changes to Food Primary License #116494:

- Extension to the hours of sale
- Accompanying patron non-participation entertainment endorsement for the extended hours of sale.

The application is to extend the hours of sale on Sundays from 11:00h – 24:00h to 11:00h – 02:00h. The owners also wish to extend the patron non-participation entertainment endorsement that is part of their current license to accompany the requested extended hours of sale.

ACTION:

Councillor Thornton-Joe moved that it be recommended to Council that:

- 1) Victoria City Council recommends the following amendments to the application for The Diner, 622 Yates Street, Food Primary License #116494:
 - a) Extending the hours of sale on Sundays from 11:00h to 02:00h in consideration of the applicant's need to remain competitive in the industry by matching hours to similar establishments.
- 2) Victoria City Council provides the following comments on the prescribed considerations:
 - a) The potential for noise is slightly increased from that of the current operation; the operation is located within the Intermediate Zone of the *Noise Bylaw* which allows for a higher noise level threshold for nuisance;
 - b) The impact on and to the community will be minor; the venue is located in a busy, downtown commercial district that is suitable for a restaurant with evening entertainment;
 - c) The applicant's plan is to remain operating in a manner as per its primary purpose, food sales, as substantiated in the Committee of the Whole staff report dated July 16, 2003;

- d) The views of the residents were solicited through a public notice to surrounding residents and property owners as described in the staff report to Council dated July 16, 2003, to which the City received no responses.

PERMANENT CHANGE TO A LIQUOR LICENSE
SWEETWATERS NITECLUB

03/532

Committee received a memorandum dated July 17, 2003 from the Manager, Administration advising that the owner of Sweetwaters Niteclub at 27-560 Johnson Street has requested two changes to Liquor Primary Liquor License #113467:

- Extension to the hours of sale
- Addition of a licensed patio area.

The application to is extend hours of sale seven days a week from 19:00h – 02:00h to 15:00h – 02:00h. In addition, the applicant would like to add a licensed patio in Market Square in order to offer an outdoor smoking area where people can sit or stand and continue to maintain control of their beverages.

ACTION: Councillor Madoff moved that consideration of the application from Sweetwaters Niteclub for a Permanent Change to its Liquor License, be tabled, pending receipt from the applicant of a noise mitigation plan for the proposed patio.

ADMINISTRATIVE MATTERS

DISPOSITION OF COMMUNICATIONS

03/531

Committee received a memorandum dated July 21, 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 Hughes moved that the Disposition of Communications dated July 21, 2003 from the Manager, Administration, be received for information and filed.

PROCLAMATIONS

03/530

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

<i>Single Parent Week</i>	<i>August 8 – 15, 2003</i>
<i>The Salvation Army BLUE-BAG-IT Month</i>	<i>August 2003</i>

HERITAGE CANADA CONFERENCE

03/529

Committee received a memorandum dated July 23, 2003 from the Legislative Services Division advising that Councillor Madoff wishes to attend the Heritage Canada Conference in Winnipeg, September 18 – 20, 2003.

ACTION: Councillor Holland moved that it be recommended to Council that Councillor Madoff's attendance at the Heritage Canada Conference in Winnipeg, September 18 – 20, 2003, be approved, at an approximate cost of \$1,450.

CLOSED MEETING - 12:30 P.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.

MEDIATED SETTLEMENTS – CONDOMINIUM LITIGATION

03/528

Committee received a letter dated July 17, 2003 from Staples McDannold Stewart regarding two mediated settlements with respect to condominium litigation.

ACTION: Councillor Coleman moved that it be recommended to Council that the City accept settlement with a contribution by the City as set out in the letter dated July 17, 2003 from Staples McDannold Stewart.

BYLAW ENFORCEMENT - SPCA

03/527

Committee received a memorandum dated July 18, 2003 from the Manager, Regulatory & Development Services regarding bylaw enforcement issues arising from the SPCA Animal Shelter at 3150 Napier Lane.

ACTION: Councillor Savoie moved that it be recommended to Council that Council proceed with a court injunction against the BCSPCA requesting all dogs be muzzled when outside, and outside kennel doors be kept closed between 10:00 p.m. and 10:00 a.m. inclusively.

SILVER THREADS SERVICE SALE OF LAND AND RELOCATION OF OPERATOR

03/526

Committee received a memorandum dated July 11, 2003 from the Property Manager regarding the Agreement of Purchase and Sale between the City and the Capital Regional District (CRD) for the city-owned building presently occupied by the Silver Threads Service. In

addition, the report provided information regarding the relocation of the Silver Threads Service.

- ACTION:** Councillor Savoie moved that it be recommended to Council that:
- 1) The report dated July 11, 2003 from the Property Manager, and attachments, be received for information.
 - 2) The City's signatories be authorized to execute the Agreement of Purchase and Sale between the Capital Regional District and the City.
 - 3) Staff be authorized to continue its search for affordable, functional space for the Silver Threads Service in time for a January 1-15, 2004 occupancy.

APPOINTMENTS – HONOURARY CITIZENS

03/525

Committee agreed that the next appointment of Honourary Citizens will take place in September, 2004.

The meeting recessed at 1:30 p.m. and reconvened at 2:45 p.m.

GVPL CENTRAL LIBRARY

03/524

Committee received a memorandum dated July 23, 2003 from the Corporate Administrator regarding the possible relocation of the Greater Victoria Public Library's Central Library.

- ACTION:** Councillor Holland moved that it be recommended to Council that Mayor Lowe be instructed to meet with the Mayors of the other Greater Victoria Public Library System communities and report back to Committee of the Whole.

The meeting adjourned at 3:25 p.m.

Mayor Lowe, Chair