

MINUTES - COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, NOVEMBER 6, 2003, AT 8:00 A.M.

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

Mr. Joe Martignago, City Manager, attended for the entire meeting and Messrs. Barber, Basey, Dellebuur, Hortsing, Koch, Kresse, Matanowitsch, Scoones, Sikstrom, Woodland, Ms. Atkinson, Ms. Chase, Ms. Fowler, Ms. Higgins, Ms. McKay, Ms. Price-Douglas, Ms. Taylor, and Ms. Zink attended for portions of the meeting.

Recording Secretary: Linda Johnson

CLOSED MEETING - 8:10 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.

PERSONNEL

03/748

Committee conducted a senior management member performance evaluation.

The Closed Meeting adjourned at 9:00 a.m. and the Open Public Meeting commenced.

PLANNING & DEVELOPMENT

REZONING APPLICATION #03-08 **1545 PANDORA AVENUE AND 1419 STADACONA AVENUE**

03/747

Committee received a memorandum dated October 20, 2003 from the Planning Division regarding Rezoning Application #03-08 for 1545 Pandora Avenue and 1419 Stadacona Avenue (Stadacona Centre). The application is to rezone the property to exclude enclosed balconies from the total floor area. If the balconies are included in the calculation of floor space ratio (FSR), it would exceed the maximum permitted under the current zoning.

In addition, the applicant has requested consideration of a change to the parking ratio. The existing parking ratio is 1.15 spaces per dwelling unit, which does not comply with the City's parking requirement of 1.4 spaces per dwelling unit.

Committee requested that staff provide information prior to the public hearing regarding the possibility of limiting enclosed balconies to a specific percentage of each building face.

ACTION: Councillor Madoff moved that it be recommended to Council that Rezoning Application #03-08 for 1545 Pandora Avenue and 1419 Stadacona Avenue (Stadacona Centre) be forwarded for consideration at a public hearing and the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendment according to the draft zone outlined in the report dated October 20, 2003 from the Planning Division, subject to:

- review by the Advisory Design Panel.

REZONING APPLICATION #03-28
1004-1010 RUSSELL STREET

03/746

Committee received a memorandum dated October 28, 2003 from the Planning Division regarding Rezoning Application #03-28 for 1004-1010 Russell Street. The proposal is to rezone the property in order to permit a real estate office use. The building was constructed in 1912 and presently contains 4 residential suites on the second floor and 2 commercial spaces at ground level. The uses of the building are legal non-conforming in the R1-B zone, and the change from retail store to real estate office would result in the loss of this status. Rezoning is necessary to accommodate this change.

Committee expressed concern regarding additional parking that may be required by a real estate office. Planning Division staff will review this issue. In addition, staff were requested to consider ways to ensure that, following rezoning, the second floor of the building will remain residential.

ACTION: Councillor Madoff moved that it be recommended to Council that Rezoning Application #03-28 for 1004-1010 Russell Street:

- 1) be forwarded for consideration at a public hearing and the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendment.
- 2) be forwarded for review by the Advisory Planning Commission.

DEVELOPMENT PERMIT APPLICATION #03-26 (REVISED)
1739 FORT STREET

03/745

Committee of the Whole, at its meeting on September 11, 2003, considered Development Permit Application #03-26 for 1739 Fort Street. The application requested a variance in the 'seating to parking ratio' in the C1-P-FL zone in order to legally increase the amount of seating. At that time, Committee tabled the application and directed Councillors Coleman and Fleming to work with Planning Division staff and the applicant to resolve the parking issue.

Committee received a memorandum dated October 29, 2003 from the Planning Division advising that the applicant has secured a commitment from a nearby property owner to register an easement over 7 parking stalls. The proposal is to vary the required parking from 1 parking stall per 3 seats to 1 parking stall per 4 seats. This variance, combined with the extra 7 parking stalls, would entitle the applicant to 125 seats in the facility.

ACTION:

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

- 1) Plans stamped "Development Permit #03-26" dated June 24, 2003.
- 2) Development meeting all bylaw requirements with the following variances:
Section 4.28.7 Required parking relaxed from 1 parking stall per 3 seats to 1 parking stall per 4 seats
Schedule C.5(1) Relax "that parking spaces shall be provided on the same lot as the building to which they appertain."
- 3) An easement being registered against the title of the property located at 1900-1912 Richmond Street securing 7 parking stalls for use by Christie's Carriage House Pub during the evening hours for valet parking, to the satisfaction of the Director of Planning.
- 4) Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development.
- 5) The smoking area being brought into conformance to the satisfaction of the Director of Planning & Development.

DEVELOPMENT PERMIT #03-36
625 FISGARD STREET

03/744

Committee received a memorandum dated October 30, 2003 from the Head, Urban Design regarding Development Permit Application #03-36 for 625 Fisgard Street. The application is to construct a new 6 storey Capital Regional District (CRD) headquarters building including ground floor retail/commercial to replace the existing Silver Threads Service building on the south-east corner of the Government & Fisgard Streets intersection. The proposed building is on the west of the Phase 1 CRD Environmental Services Building currently under construction. When completed, both Phase 1 and Phase 2 buildings will work together as one complex to house the CRD offices. The proposed building footprint intends to respect the winning concept of the architectural competition from 1996 and provides the visual connection from Centennial Square to the Chinatown gateway.

The Advisory Design Panel reviewed the proposal at its meeting on October 22, 2003, and recommended approval subject to review by the Panel prior to building permit stage.

ACTION:

Councillor Madoff moved that it be recommended to Council that:

- 1) A Development Permit be issued in accordance with:
 - a) Plans stamped "Development Permit Application #03-36" dated September 15, 2003.
 - b) Development meeting all bylaw requirements except:
Section 6.6.1 Height relaxed from 15m to 24.5m
Section 6.8.3(b) Street setback for building over 10m in height from 2.86m to nil
 - c) Review by Advisory Design Panel prior to building permit stage.
 - d) Lot consolidation to the satisfaction of the City Property Manager and the Director of Engineering.
 - e) Final plans to be in accordance with plans identified above with the incorporation of responses to Advisory Design Panel's recommendations to the satisfaction of the Director of Planning & Development.
- 2) Council allocate an annual maintenance fund of \$5,000 for the fountain feature at the south-east corner of the Fisgard & Government Streets intersection.

Mayor Lowe advised that he has a professional affiliation with the application about to be discussed, and because of this potential conflict of interest, he left the meeting at 9:40 a.m.

Councillor Madoff assumed the Chair.

TEMPORARY USE PERMIT FOR A PARKING LOT
732 CORMORANT STREET

03/743

Committee received a memorandum dated October 29, 2003 from the Manager, City Planning Division regarding an application for temporary use of an asphalt-surfaced parking lot. The current zoning prohibits this use. In March 2002 a development permit was issued for this property for an 11 storey rental apartment building. Since then the property has changed hands and the new owners are revising the residential development concept. In terms of the City standards, the current layout of parking lot is deficient in a number of areas and has no landscaping.

- ACTION:** Councillor Hughes moved that it be recommended to Council that the application for a Temporary Use Permit for a parking lot at 732 Cormorant Street be forwarded for public notice and consideration for Council resolution and the City Solicitor be instructed to prepare the necessary temporary use permit subject to:
- 1) The permit being issued for a period of two years (expiring September 12, 2005) to provide the developer with an opportunity to advance plans for site development.
 - 2) The access and on-site parking configuration being modified to the satisfaction of the Director of Engineering prior to the issuance of the permit.
 - 3) An agreement being obtained to terminate vehicle access to the parking area, to take effect upon expiration of the permit, to the satisfaction of the Director of Planning & Development.
 - 4) Design improvements to the parking lot, such as panels and temporary planters, to the satisfaction of the Director of Planning & Development.

Mayor Lowe returned to the meeting and resumed the Chair at 10:20 a.m.

GONZALES RESIDENTIAL ZONING AMENDMENTS
OPEN HOUSE

03/742

Committee received a memorandum dated October 30, 2003 from the Senior Planner regarding comments and suggestions received following the Gonzales Residential Zoning Amendments Open House held September 29, 2003 at Margaret Jenkins School. Approximately 80 to 100 people attended, and the response was generally positive. The most frequent concern was the legal effect of the zoning changes on existing houses, which may become legal but non-conforming under the amendments.

Written comments and suggestions from residents who attended the Open House were attached for Council's review.

ACTION: Councillor Thornton-Joe moved that the report dated October 30, 2003 from the Senior Planner and the comments and suggestions received on the proposed Gonzales Residential Zoning Amendments, be received for information.

HERITAGE ALTERATION PERMIT #126
1006-1020 ST. CHARLES STREET

03/741

Committee received a memorandum dated October 31, 2003 from the Head, Urban Design regarding Heritage Alteration Permit Application #126. The application is for an addition to the existing heritage registry house at 1020 St. Charles Street for a 24 bed expansion of the adjacent nursing home at 1006 St. Charles Street. This application is being processed concurrently with a rezoning application. The Heritage Advisory Committee and the Advisory Design Panel have reviewed the application and recommended its approval, subject to conditions outlined in the report.

ACTION: Councillor Hughes moved that consideration of Heritage Alteration Permit #126 for 1006-1020 St. Charles Street, be tabled pending revisions to the application so that it more closely follows the Rehabilitation Principles and Guidelines of the BC Heritage Trust and addresses concerns of the Advisory Design Panel.

NOISE BYLAW

03/740

On October 2, 2003 Committee of the Whole considered Noise Bylaw #03-12, a bylaw that that will consolidate and update the provisions of the Noise Abatement Bylaw and establish noise zones in the City. At that time staff were requested to meet with industrial groups and present a further report to COTW within 4 weeks.

Planning & Development Department staff presented a verbal report outlining recent meetings with industrial groups. Staff have asked the City's noise consultant to conduct additional monitoring of industrial operations, and are considering a number of options to bring the industry into compliance with the draft bylaw. A more detailed report will soon be presented to Committee of the Whole.

Committee confirmed the importance of industry in the City, and stressed the need for noise attenuation by both industrial operators and developers in order to support the Livable City Plan.

ACTION: Councillor Hughes moved that the verbal report from Planning & Development staff regarding the Noise Bylaw, be received for information.

ENGINEERING

BICYCLE PARKING – ZONING REQUIREMENTS

03/739

Committee received a memorandum dated October 24, 2003 from the Cycling Advisory Committee advising of the following motion, endorsed at the Advisory Committee's meeting on September 23, 2003:

"The Cycling Advisory Committee recommends amending the Zoning Bylaw to require bicycle facilities in developments."

ACTION: Councillor Savoie moved that Development Services and Transportation Division staff be requested to prepare a report outlining possible zoning requirements for bicycle facilities.

TRAFFIC ORDERS

03/738

Committee received a memorandum dated October 31, 2003 from the Transportation Division outlining 18 Traffic Orders for consideration. Staff has conducted an onsite investigation for each and recommends the orders be approved.

ACTION: Councillor Fleming moved that it be recommended to Council that the Traffic Orders outlined in the report dated October 31, 2003 from the Transportation Division, be approved.

Councillor Fortin advised that he is employed by a Community Association that receives grant funding from the City. Because of this potential conflict of interest he left the meeting at 11:05 a.m.

COMMUNITY DEVELOPMENT

BASE AND MATCHING GRANTS REQUEST FOR GRANT INCREASE

03/737

Committee received a memorandum dated October 24, 2003 from the Community Development Planner advising that, in the summer of 2003, the City received a request from the Community Association Network (CAN) to increase the Neighbourhood Development Base and Matching grant programs. To assess the feasibility of this request, staff conducted a survey of all 13 associations active in CAN and confirmed the need for an increase in both Base and Matching funding.

Staff recommends an increase in the Base Funding to \$.55 per capita. This would permit the program to address increases in population, and respond to increases in community communication and coordination costs. This recommendation translates into an increase of \$6,000 to the program.

In addition, staff recommends an increase of \$15,000 to the Matching Grant budget. This would allow the City to fund more neighbourhood projects and would increase opportunities for neighbourhoods to undertake greenways related projects.

- ACTION:** Councillor Coleman moved that it be recommended to Council that:
- 1) An increase of \$6,000 to the Base Funding program, be approved, as included in the 2004 Community Development budget, subject to final budget approval.
 - 2) An increase of \$15,000 to the Matching Grant program, be approved, and referred to the 2004 budget discussions.

Councillor Fortin returned to the meeting at 11:10 a.m.

FESTIVAL INVESTMENT GRANT PROGRAM REVIEW

03/736

Committee received a memorandum dated October 30, 2003 from the Community Recreation Development Coordinator advising that staff has reviewed the City's Festival, Celebration and Event policy and established that the program has been successful in fulfilling its objectives of:

- providing an environment to nurture festival and celebrations
- facilitating new growth of festival and celebrations
- ensuring the sustainability and improvement of existing events.

The review revealed the need to tighten up the guidelines, undertake some administrative improvements, and simplify the eligibility criteria. Policy changes were outlined in attachments to the report and a complete version of the revised policy and guidelines was also attached.

- ACTION:** Councillor Fleming moved that it be recommended to Council that the revised Festival Investment Grant Policy and Guidelines, as attached to the report dated October 30, 2003 from the Community Recreation Development Coordinator, be adopted.

PARKS

REQUEST FOR REMOVAL FROM BOULEVARD MAINTENANCE TAX VANCOUVER STREET

03/735

Committee received a memorandum dated October 29, 2003 from the Manager, Parks regarding a request from property owners on Vancouver Street to be removed from the Boulevard Grass Service Program.

- ACTION:** Councillor Coleman moved that it be recommended to Council that the petition from the east side of Vancouver Street between Pendergast and Suttle Streets, requesting removal from the taxed boulevard program, be endorsed.

ADMINISTRATIVE MATTERS

CANADIAN COUNCIL FOR PUBLIC-PRIVATE PARTNERSHIPS CONFERENCE

03/734

Committee received a memorandum dated October 28, 2003 from the Executive Secretary to the Mayor advising that the Canadian Council for Public-Private Partnerships National Conference is being held November 24 & 25, 2003 in Toronto. Mayor Lowe has been asked to be a keynote speaker at the conference.

- ACTION:** Councillor Madoff moved that it be recommended to Council that:
- 1) The attendance of Mayor Lowe at the Canadian Council for Public-Private Partnerships National Conference, be approved.
 - 2) Funding of approximately \$297.20 to cover related expenses, be approved.

RESOLUTION TO OPPOSE THE PRIVATIZATION OF BC HYDRO

03/733

Committee received correspondence from the BC Citizens for Public Power requesting consideration of a resolution opposing the break up and privatization of BC Hydro.

- ACTION:** Councillor Fleming moved that it be recommended to Council that:
- Whereas the existing and prospective moves to privatize and break up BC Hydro expose all citizens and all local governments in British Columbia to dramatically increased electricity costs and job loss;
- And Whereas the provincial government has decreed that in future all new electrical power generation will be solely in the hands of the private sector, and BC Hydro will be limited to maintaining and upgrading existing power projects;
- And Whereas the August 2003 blackout in Eastern Canada demonstrated the risk of close integration with an unstable patchwork of private U.S. utilities;
- And Whereas BC Transmission Corporation (created under the Company Act by Bill 39 and brought into force on August 1, 2003 – splitting one third of BC Hydro off into a separate company) is expected to be integrated into RTO West (a consortium of private U.S. companies) – threatening both the sovereignty and stability of British Columbia's electricity system;
- Therefore be it resolved that the City of Victoria:
- 1) Calls upon the Provincial Government to rescind its decision to prohibit BC Hydro from ever again developing new supplies of power.
 - 2) Calls upon the Provincial Government to abandon its plan to join the US-based private utility consortium known as RTO West in light of the threat that such an action would pose to the stability and sovereignty of the province's electricity system.
 - 3) Calls upon the Provincial Government to cease all efforts to break up what has, until recently, been an efficient, integrated public utility and return the transmission function of BC Hydro as a line of business within the integrated utility rather than proceeding as a new company (BC Transmission Corporation) created under the Company Act.

DISPOSITION OF COMMUNICATIONS

03/732

Committee received a memorandum dated November 3, 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 November 3, 2003 from the Manager, Administration, be received for information and filed.

PROCLAMATIONS

03/731

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

<i>Perioperative Nurse Week</i>	<i>November 9-15, 2003</i>
<i>Spirit of Giving Season</i>	<i>November 18-December 24, 2003</i>

COUNCILLOR INQUIRIES

DOWNTOWN 2020 CONFERENCE

03/730

ACTION: Councillor Savoie moved that it be recommended to Council that one representative from each of the following advisory committees:

- Environment and Shoreline
- Parks, Recreation and Community Services

be included in the City's delegation to the Downtown 2020 Conference. to be held on November 17th and 18th, 2003.

COMMUNITY CHARTER – TAXATION LEGISLATION

03/729

Councillor Coleman discussed a proposed workshop on Tax Shifting, and requested that relevant information on the new Community Charter also be included in the workshop.

FIREWORKS

03/728

Councillor Coleman passed along concerns from citizens regarding fireworks still being ignited in Beacon Hill Park, one week after Halloween. He requested that, before Halloween 2004, the Police Chief and the Fire Chief report to Committee of the Whole on the sale of fireworks.

VETERANS' MEMORIAL

03/727

Mayor Lowe advised that plans for the Victoria Arena include a steel wall for the Veterans' Memorial, instead of a concrete wall preferred by the Veterans' Association. Concrete would cost an additional \$15,000 and was not included in the Veterans' fund-raising plans.

ACTION: Councillor Hughes moved that it be recommended to Council that the City donate \$10,000 from the 2004 budget towards a concrete wall in the Victoria Arena for the Veterans' Memorial.

COUNCILLOR SHARING

FERNWOOD VILLAGE MURALS

03/726

Councillor Fortin advised that on November 13, 2003 at 1:30 p.m. a formal mural unveiling will take place in Fernwood village. The project has been a joint undertaking of the Fernwood Community Association, the Belfry Theatre, the local business association, and Victoria High School.

REGIONAL HOUSING AFFORDABILITY STRATEGY

03/725

Councillor Fortin reported that the Housing Advisory Committee will be reviewing the *Final Consultant's Report – A Proposed Housing Affordability Strategy for the Capital Region*, and will report to Council early in 2004.

He expressed concern that the Capital Regional District (CRD) Forum to discuss Housing Affordability is being held on November 27, 2003, and will conflict with a Victoria City Council meeting. He suggested that a formal request be sent to the CRD to change the date of the forum.

(Note: Staff have since advised that there was a misprint on the invitation to the Forum, and it is scheduled for Wednesday, November 26, 2003).

MTI COMPENSATION TO LOCAL GOVERNMENTS

03/724

Councillor Fleming discussed statistics that show that municipal governments are not receiving 75% of Municipal Ticket Information (MTI) revenue from the province, as originally promised. Local government's share is closer to 15%. He requested that the Mayor express the City's disappointment with this situation in a letter to the provincial government, with copies to local MLA's.

CRIME PREVENTION AND COMMUNITY SAFETY

03/723

Mayor Lowe provided information about a conference to be held in Surrey, November 20-21, 2003 on *Crime Prevention and Community Safety*. The organizers have requested one representative from Victoria City Council, and Mayor Lowe asked that Councillors consider attending.

CLOSED MEETING - 12:20 P.M.

Councillor Coleman 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.

LAND/LEGAL – RELOCATION OF THE CENTRAL LIBRARY

03/722

The Corporate Administrator provided a verbal update on negotiations with RG Properties regarding the possible relocation of the Central Library to the former Bay building.

The following representatives of the Greater Victoria Library Board:

John Barton, Chair
Robert McConnell, Vice Chair
Bruce Anderson, Past Chair
Sandra Anderson, Chief Executive Officer

were in attendance, and discussed their concerns regarding the due diligence process the City has commissioned.

It was agreed that both parties - City Council and the Library Board - will keep each other informed of developments. In addition, the Library Board will receive a copy of the draft due diligence report from Grant Thornton.

LEGAL – SPCA

03/721

Committee received a memorandum dated October 31, 2003 from the Senior Bylaw Officer advising that the Victoria Branch of the BC SPCA has presented an offer to settle the outstanding legal action commenced by the City over noise disturbance emanating from the Napier Lane animal shelter.

ACTION: Councillor Savoie moved that it be recommended to Council that staff be directed to respond to the formal offer to settle with the Victoria Branch of the BC SPCA as recommended by the City Solicitor.

The meeting adjourned at 1:20 p.m.

Mayor Lowe, Chair