

MINUTES - COMMITTEE OF THE WHOLE

MEETING HELD THURSDAY, NOVEMBER 20, 2003, AT 9:00 A.M.

PRESENT: Acting Mayor Madoff, in the Chair, and Councillors Coleman, Fleming, Fortin, Holland, Hughes, Savoie, and Thornton-Joe. Mayor Lowe joined the meeting at 10:30 a.m.

Mr. Joe Martignago, City Manager, attended for the entire meeting and Messrs. Barber, Basey, Carlsen, Daly, Furtado, Hill, Koch, Leskiw, Matanowitsch, Myles, O'Reilly, Plevin, Sikstrom, Silvester, and Woodland, Ms. Atkinson, Ms. Baryluk, Ms. Chase, Ms. Masters, Ms. Stratford, Ms. Taylor, and Ms. Zink attended for portions of the meeting.
Recording Secretary: Linda Johnson

DELEGATION

ROCK BAY REMEDIATION PLAN

03/788

Rob MacDonald from Transport Canada, and Doug Grimes from BC Hydro addressed Committee regarding the Rock Bay Remediation Project. They discussed:

- background information, including ownership of the site, its history, and site conditions.
- the remedial program, including removal of soil and sediment, and testing procedures.
- the proposed schedule for the next steps.

A question and answer period followed. Mr. MacDonald and Mr. Grimes will be making a presentation to the next Environment and Shoreline Advisory Committee and agreed to return to Committee of the Whole with a future update.

ENGINEERING

PROGRESS REPORT

VICTORIA HARBOUR ENVIRONMENTAL PROTECTION PROGRAM

03/787

Committee received a memorandum dated November 10, 2003 from the Manager, Water & Environment providing an update on the Victoria Harbour Environmental Protection Program. Two-thirds of this \$2.4 million, 5-year program is funded through a federal/provincial infrastructure grant. The goal is to "upgrade aging stormwater infrastructure in the Victoria Harbour/Gorge waterway including constructing oil and sediment interceptors at the sewer outfalls and replacing old style roadside catch-basins".

To date 93 roadside basins and a Vortech storm water treatment unit have been installed at a cost of approximately \$730,000.

ACTION: Councillor Savoie moved that it be recommended to Council that the report dated November 10, 2003 from the Manager, Water & Environment regarding the Victoria Harbour Environmental Protection Program, be received for information.

PLANNING & DEVELOPMENT

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

03/786

Committee of the Whole, at its meeting on November 6, 2003 considered Rezoning Application #03-08 for 1545 Pandora Avenue & 1419 Stadacona Avenue, and recommended that it be forwarded to a public hearing. Committee also 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.

Committee received a memorandum dated November 12, 2003 from the Planning Division outlining several options for Council to consider in addressing the balcony enclosure issue, and recommending Option A – to approve the rezoning as it was presented to Council where all strata owners would be provided with the opportunity to enclose their balconies.

ACTION: Councillor Thornton-Joe moved that the report dated November 12, 2003 from the Planning Division regarding Rezoning Application #03-08, be received for information and the application proceed to public hearing as outlined in the Committee of the Whole Minutes of November 6, 2003.

REZONING APPLICATION #03-28 **1004-1010 RUSSELL STREET**

03/785

Committee of the Whole, at its meeting on November 6, 2003, considered Rezoning Application #03-28 for 1004-1010 Russell Street, and recommended that it be forwarded to a public hearing. Committee also requested that staff provide information prior to the public hearing regarding:

- additional parking that may be required by a real estate office; and,
- a method to ensure that, following rezoning, the second floor of the building will remain residential.

Committee received a memorandum dated November 12, 2003 from the Planning Division providing information on these issues and also discussing the zoning surrounding the subject property.

ACTION: Councillor Thornton-Joe moved that the report dated November 12, 2003 from the Planning Division regarding Rezoning Application #03-28, be received for information and the application proceed to public hearing as outlined in the Committee of the Whole Minutes of November 6, 2003.

**PROPOSED AVALON-HUNTINGTON
HERITAGE CONSERVATION AREA**

03/784

Committee received a memorandum dated November 13, 2003 from the Planning Division regarding a proposal to establish a Heritage Conservation Area focusing on Avalon Road and Huntington Place in the James Bay Neighbourhood, as recommended in the *James Bay Neighbourhood Plan, 1993*. The objective of the proposed designation is the conservation and enhancement of the heritage character of the area through:

- the conservation of heritage buildings;
- the exercise of design control over alterations and additions to existing buildings and new buildings to conserve the heritage character of the area.

Staff have consulted with affected land owners and the James Bay Neighbourhood Environment Association, sent letters to all property owners, and held a public open house. There is strong support for the designation of a Heritage Conservation Area among those who attended the open house.

- ACTION:** Councillor Thornton-Joe moved that it be recommended to Council that:
- 1) the City Solicitor be instructed to prepare the necessary bylaw to amend the *Official Community Plan* to establish the Avalon-Huntington Heritage Conservation Area, as shown on the map attached to the report dated November 13, 2003 from the Planning Division, and draft the Avalon-Huntington Heritage Conservation Area.
 - 2) Notification of the public hearing be sent to all affected property owners and the James Bay Neighbourhood Environment Association.

Mayor Lowe joined the meeting at 10:30 a.m. but did not assume the Chair.

**DEVELOPMENT PERMIT APPLICATION #03-30B
837-847 YATES STREET**

03/783

Victoria City Council, at its meeting on September 18, 2003, approved the rezoning application for 837-847 Yates Street, but referred the Development Permit application to Committee of the Whole.

Committee received a report dated November 14, 2003 from the Head, Urban Design advising that the applicant has since submitted a revised proposal and a letter describing the improvements in response to comments provided by Council, neighbours, and the Advisory Design panel. The report outlined the main changes to the previous proposal.

- ACTION:** Councillor Thornton-Joe moved that it be recommended to Council that a Development Permit be issued in accordance with:
- 1) Plans stamped "Development Permit Application #03-30B" dated November 7, 2003.

- 2) Development meeting all bylaw requirements with the following variances:

- | | |
|-------------------|--|
| Section 3.67.5(2) | Relax height from 30m to 44.2m and relax number of storeys from 10 to 13 |
| Section 3.67.6(a) | Relaxation of build-to-line distance for percentage of wall face |
| Section 3.67.6(b) | Relaxation of build-to-line for non-residential use from 0.5m to 0.8m |
- 3) Review by Advisory Design Panel prior to building permit stage.
 - 4) Final plans to be in accordance with plans identified above with responses to Advisory Design Panel's recommendations to the satisfaction of the Director of Planning & Development.

RAILWAY ZONING

03/782

Committee received a memorandum dated November 13, 2003 from the Economic Development Planner advising that Rezoning Bylaws have been prepared that will have the effect of placing the E&N Railway right of way in a zone that will ensure it continues to function as a transportation corridor.

The adoption of the bylaws will only be necessary if E&N abandons the railway and proceeds to dispose of the right of way. The municipalities of Esquimalt and View Royal have initiated similar zoning amendments but have not adopted the Bylaws.

ACTION:

Councillor Holland moved that it be recommended to Council that:

- 1) Rezoning Bylaws regarding E&N Railway right of way be introduced but not advance to a public hearing provided the E&N continues to operate the rail service.
- 2) The bylaws be referred to the Victoria West Community Association for information.

ROCKLAND PLAN – CARE FACILITIES

03/781

Committee received a memorandum dated October 29, 2003 from the Advisory Planning Commission (APC) outlining the following recommendation from its October 7, 2003 meeting:
“That City Council request the Planning Department develop locational criteria for care facilities and that the Rockland Plan be amended accordingly”.

Committee discussed this issue and suggested that, if the project proceeds, it could include the entire City, not just the Rockland area. In addition, they requested that they be informed of other APC “Recommendations to Council” that have not been formally presented to Committee of the Whole.

ACTION:

Councillor Savoie moved that the report dated October 29, 2003 from the Advisory Planning Commission regarding criteria for care facilities, be received for information.

HERITAGE ALTERATION PERMIT #127

1407 BROAD STREET

03/780

Committee received a memorandum dated November 13, 2003 from the Heritage Planner regarding Heritage Alteration Permit #127. On September 13, 2001 Council approved a Tax Exemption Bylaw for 10 years to assist the owner with the cost of seismic upgrading for the Heritage Designated building at 1407 Broad Street to enable the conversion of the second floor to four residential suites. The applicant has now applied for an amendment to the project to allow the addition of 2 additional residential suites at the rear of the second storey, separated from the original four suites by a landscaped courtyard. The additional suites will not be visible from the street and will have no impact on the heritage façade.

ACTION: Councillor Thornton-Joe moved that it be recommended to Council that, pursuant to Heritage Designation Bylaw #473, Heritage Alteration Permit #127 be issued in accordance with:

- 1) Plans dated October 23, 2003.
- 2) Development meeting all bylaw requirements.
- 3) Final plans to be in accordance with plans identified above.
- 4) Submission of final details of the landscaping for the courtyard to the satisfaction of the Director of Planning & Development.

PARKS

TIMES COLONIST GARDEN CITY 10K BEACON HILL PARK

03/779

On October 9th, 2003 representatives of the Times Colonist 10K event met with Committee of the Whole to discuss the challenges they face sustaining event sponsors in the current restrictive sponsor recognition environment at Beacon Hill Park. At that time staff was directed to review this request and consider reasonable guidelines that will assure sustainability of the event.

Committee received a memorandum dated November 20, 2003 from the Parks, Recreation & Community Development Department advising that staff has reviewed the TC 10K 2003 post-event evaluation report, and met with event organizers. As a result, staff recommends approval of the event for 2004, subject to certain permit conditions.

In addition, staff recommends that Council reserve its decision regarding the 2005 and subsequent events subject to further reporting on the outcome of the 2004 event, and a more complete review by the Special Events Technical Committee and the event organizers regarding alternate locations.

ACTION: Councillor Fleming moved that it be recommended to Council that the Times Colonist 10K Run event for 2004, be approved, subject to:

- 1) The relocation of the Race Finish area to the west edge of the park on Douglas Street.
- 2) The commercial elements of the Times Colonist 10K Event within Beacon Hill Park limited to:
 - A maximum of 6 commercial trucks necessary for media and the safe storage of food and beverages on the all weather field.
 - Corporate identification on a maximum of 5 tents required for shelter of food and beverage products.

- Title/media sponsor recognition at the adult race finish line / kids race start line (2 banners) and sponsor banners marking the finish chute limited to 50m or 20% of the finish shoot area.
 - Amplified announcements thanking sponsors to take place a maximum of 4 times through the event with sound levels kept to a minimum, checked regularly and directed away from residences.
 - No registrations, pledges or voluntary donations being collected within the park.
 - No distribution of handbills, flyers, newspapers or other similar materials within the park.
- 3) The event organizer cordoning off the wildflower area adjacent to the all-weather fields to prevent access.
 - 4) The event organizer working with staff to jointly promote and educate participants on the conservation and preservation of Beacon Hill Park.
 - 5) The event organizer paying, in addition to the park permit fee (\$6), the costs for additional City staff required to attend the event to assist with and monitor on site activity (\$450).
 - 6) The event organizers submitting a post event report and audited financial statement within 90 days of the event. The report is to indicate how permit conditions were complied with and provide detailed growth projections.
 - 7) The Special Events Technical Committee and TC-10K organizers undertaking a complete review and evaluation of alternate event locations and reporting back to Committee of the Whole by September, 2004.

LIQUOR LICENSING

LIQUOR LICENSE APPLICATION

CHANGE OF HOURS – RED JACKET LOUNGE AND CABARET

03/778

Committee received a memorandum dated November 7, 2003 from the Manager, Administration regarding an liquor license application received from the Red Jacket Lounge and Cabaret, 751 View Street, to change the hours of sale:

- Sunday from the currently approved hours of 19:00h-24:00h to 11:30h-02:00h
- Monday – Friday from the currently approved hours of 19:00h-02:00h to 17:30h-02:00h
- Saturday from the currently approved hours of 19:00h-02:00h to 11:30h-02:00h

ACTION: Mayor Lowe moved that it be recommended to Council that Victoria City Council recommends that:

- 1) In light of the public input in response to this application Council concludes that the proposed change of hours will have a negative impact on the community, which is not in the public interest and therefore Council does not support the application from the Red Jacket Lounge and Cabaret, 751 View Street to change their hours of sale.
- 2) Victoria City Council may reconsider this application in 12 months provided the applicant addresses the concerns expressed by the community and maintains a satisfactory compliance history.

LIQUOR LICENSE APPLICATION
CHANGE OF HOURS – INGRAHAM HOTEL

03/777

Committee received a memorandum dated November 13, 2003 from the Manager, Administration regarding a liquor license application received from the Ingraham Hotel, 2915 Douglas Street, to change the hours of sale:

- Monday-Saturday from the currently approved hours of 19:00h-02:00h to 11:00h-1:00h
- Sunday from the currently approved hours of 19:00h-24:00h to 10:00h-24:00h

ACTION:

Councillor Savoie moved that it be recommended to Council that:

- 1) Victoria City Council recommends the following amendment to the liquor primary license for Ingraham Hotel, operating at 2915 Douglas Street, Victoria, B.C., Liquor Primary License #1884:
 - a) Monday-Saturday from the currently approved hours between 19:00h-02:00h to 11:00h-01:00h; and
 - b) Sunday from the currently approved hours between 19:00h-24:00h to 10:00h-24:00h.
- 2) Victoria City Council, in consideration of the applicant's significant change in their business plan, provides the following comments on the prescribed conditions:
 - a) The potential for noise is reduced 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 the community will be minor as the only residential in the vicinity is within the hotel and at 300 metres distance.
 - c) The views of the residents were solicited through a public notice and a notification letter sent to surrounding residents and property owners as described in the staff report to Council dated November 13, 2003, to which Council received no submissions.

Councillor Coleman left the meeting at 11:25 a.m.

GOOD NEIGHBOUR AGREEMENT

03/776

In September 2003 Council passed a resolution that instructed the City Solicitor to amend the Business License Bylaw No. 89-71 to:

Require a Good Neighbour Agreement between the City and the liquor-primary licensee as a condition of a City of Victoria business license, to be implemented as follows:

- For existing downtown Class "C" liquor licensees for the 2003 business license;
- For all other liquor-primary licensees for the 2004 business license.

Committee received a memorandum dated November 13, 2003 from the Corporate Administrator advising that, after one year of operating with the amended bylaw, staff are moving forward with the implementation of the second stage of the plan to include all liquor-primary establishments. In the first phase, 15 'Cabarets' signed the agreement. In phase two there will be an additional 52 licensees required to sign a Good Neighbour Agreement.

ACTION: Councillor Savoie moved that it be recommended to Council that the City Solicitor be instructed to amend Business License Bylaw No. 89-71 to require all Liquor-Primary businesses to have a Good Neighbour Agreement as a condition of their Business License.

ADMINISTRATIVE MATTERS

DISPOSITION OF COMMUNICATIONS

03/775

Committee received a memorandum dated November 17, 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 Holland moved that the Disposition of Communications dated November 17, 2003 from the Manager, Administration, be received for information and filed.

PROCLAMATIONS

03/774

ACTION: Councillor Hughes moved that the following proclamation be approved and forwarded to the appropriate Council meeting:
Tuba Christmas Day *December 6, 2003*

COUNCILLOR INQUIRIES

NEW INCOME ASSISTANCE SYSTEM

03/773

Councillor Fortin asked if the Minister of Human Resources has replied to Mayor Lowe's request that the Minister or a representative attend a Committee of the Whole meeting to discuss the province's new Income Assistance System.

Mayor Lowe advised that the City has not received a reply from the Minister.

MATSON LANDING

03/772

Councillor Savoie requested that Parks Division staff provide further information on the development of Matson Landing Park. Several years ago, the City set aside funds for this project, however, the Habitat Acquisition Group has now advised that it will take on the task.

COUNCILLOR INFORMATION SHARING

**TREE LIGHTING CEREMONY
AND
GORGE ROAD CHARETTE**

03/771

Councillor Fortin reminded members of Council of:

- the Honda City Christmas Tree Lighting Ceremony, November 27th at 5:00 p.m.
- the Gorge Road Charrette, November 22nd, 1:30 – 4:00 p.m.

**DOWNTOWN 2020 AND
INNER HARBOUR VISIONING SESSION**

03/770

Councillor Holland requested that the City express its thanks to the organizers and sponsors of two recent conferences:

- the Downtown 2020 Conference
- the Inner Harbour Visioning Session.

CLOSED MEETING - 11:35 A.M.

Councillor Holland 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 – LETTER FROM FIRE FIGHTERS UNION

03/769

Councillor Hughes requested further information on issues raised in a letter recently received from the Fire Fighters Union.

LAND/LEGAL – CENTRAL LIBRARY UPDATE

03/768

At the request of Councillor Holland, an update of the Central Library relocation proposal was provided by Mayor Lowe, Councillor Hughes, and the Corporate Administrator.

LEGAL – SPCA

At the request of Councillor Savoie, Mayor Lowe provided an update on an action against the BC SPCA to enforce the City's Noise Abatement Bylaw.

The meeting adjourned at 12:00 p.m.

Councillor Madoff, Chair