

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

### **MEETING HELD THURSDAY, DECEMBER 4, 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. Basey, Chow, Daly, Dowdall, Koch, Matanowitsch, Oberg, O'Reilly, Scoones, Sikstrom, Van den Boomen, and Woodland, Ms. Atkinson, Ms. Baryluk, Ms. Chase, Ms. Fowler, Ms. Higgins, Ms. Masters, Ms. O'Regan, Ms. Zink attended for portions of the meeting.

Recording Secretary: Linda Johnson

### **CLOSED MEETING - 8:00 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 – ANIMAL CONTROL SERVICES**

03/829

The following staff members addressed Committee regarding the provision of animal control services in the City:

- the City Solicitor
- the Manager, Supply Management Services
- the Manager, Regulatory & Development Services

For the past three years, the Capital Regional District (CRD) has provided the City's animal control services. The current agreement expires on December 31, 2003.

Committee received a memorandum dated December 3, 2003 from the Manager, Supply Management Services, regarding Request for Proposal (RFP) #03-054 – Animal Control Services. The RFP was advertised and distributed to three potential contractors, all three submitted proposals. The Manager, Regulatory and Development Services provided a report outlining the costs for the City's production of Animal Control Services.

**ACTION:** Councillor Fleming moved that it be recommended to Council that Request for Proposal #03-054 – Animal Control Services be awarded to Victoria Animal Control Services (VACS), fee option 2A, on an overall best service for value basis. This award will be for a three-year period with the possibility of two one-year extensions.

The closed meeting adjourned at 9:12 a.m., and the Open Public Meeting commenced.

## DELEGATION

### REGIONAL HOUSING AFFORDABILITY STRATEGY

03/828

Chris Goldburn from CRD Regional Planning Services, provided members of Council with suggestions for their review of the Final Consultant's Report entitled "*A Proposed Housing Affordability Strategy for the Capital Region*" and the Discussion Paper on "*Housing Trust Funds*". She suggested that Councillors:

- 1) Review the 2002 matrix provided by the Consultant to determine the services already established by the City.
- 2) Review the 7 strategic directives in the Consultant's Report and consider how the City can contribute to these directives.
- 3) Advise the CRD of required information that was not provided in the report.

Ms. Goldburn advised that the deadline for submissions has been extended.

Councillor Fortin informed the meeting that the Housing Advisory Committee has been working on this issue for the past year, and their report will be presented to Committee of the Whole in January 2004.

## PLANNING & DEVELOPMENT

### REZONING APPLICATION #03-20 1022 PRINCESS AVENUE

03/827

Committee received a memorandum dated November 25, 2003 from the Planning Division regarding Rezoning Application #03-20 for 1022 Princess Avenue. The application is to rezone the property from the R-2 Zone (Two Family Dwelling District) to the R3-L Zone (Low Density Multiple Dwelling). The applicant is proposing to make an addition and alterations to an existing duplex, resulting in a four unit multiple dwelling that will be strata titled.

#### ACTION:

Councillor Madoff moved that it be recommended to Council that:

- 1) Rezoning Application #03-20 for 1022 Princess Avenue be forwarded for consideration at a public hearing and that the City Solicitor be instructed to prepare the necessary zoning amendment and Official Community Plan amendment to place the lands within Development Permit Area 8.
- 2) Approval of the following relaxation on the subject lands be considered concurrently with the rezoning:  
Schedule C, Part A, Section 12(c) To reduce the required off-street parking from 1.4 spaces per dwelling unit to 1.3 spaces per dwelling unit

### REZONING APPLICATION #03-33 1625 QUADRA STREET AND 949 BALMORAL STREET

03/826

Committee received a memorandum dated November 25, 2003 from the Planning Division regarding Rezoning Application #03-33 for 1625 Quadra Street and 949 Balmoral Street. The proposal is to rezone the property to permit the ground floor of the existing building to be a tile product showroom and administrative offices for the tile business. The existing second floor

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residential suite would remain, and it is proposed that the new zone allow for an expansion of the suite to accommodate an increase in the floor area of the residence.

- ACTION:** Councillor Madoff moved that it be recommended to Council that:
- 1) Rezoning Application #03-33 for 1625 Quadra Street and 949 Balmoral Street, be forwarded for consideration at a public hearing and that the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendment, according to the attached draft zone.
  - 2) Planning Division staff review alternate zoning for Council to consider that would not offer the broad spectrum of uses that are provided by the CR-3M zone.

**REZONING OF C-1 LAND ON COOK STREET  
BETWEEN PANDORA AND CALEDONIA AVENUES**

03/825

Committee received a memorandum dated November 25, 2003 from the Planning Division regarding an initiative to rezone properties on Cook Street between Pandora Avenue and Caledonia Avenue from the C-1 zone to a new zone similar to the CR-3M zone.

The proposed rezoning encompasses 12 properties, all fronting onto Cook Street. Staff will consult with affected land owners, Community Associations, and concerned residents in order to encourage dialogue and to implement a zone that meets community needs.

Mayor Lowe suggested that staff re-consider the density requirements. The 1:1 density is recommended in Neighbourhood Plans from 1994 and 1996, and higher density may now be an option.

- ACTION:** Councillor Madoff moved that the report dated November 25, 2003 from the Planning Division regarding rezoning the Upper Cook Street Commercial Area, be received for information and staff be instructed to proceed with the consultation and rezoning process.

**REZONING APPLICATION #03-31  
860 YATES STREET**

03/824

Committee received a memorandum dated November 26, 2003 from the Manager, Planning Division, regarding Rezoning Application #03-31 for 860 Yates Street. The application is to use the 650 sq.m. ground floor as a licensee retail store. The building's upper floor/mezzanine is used as a cabaret.

Committee also received a letter dated December 3, 2003 from the applicant's legal counsel advising that if the retail liquor sales outlet application is approved, the cabaret operation on the upper floor will be discontinued.

- ACTION:** Councillor Madoff moved that consideration of Rezoning Application #03-31 for 860 Yates Street, be tabled, pending receipt of information regarding liquor licensing for the building, specifically the possibility of having a retail sales outlet in a building that is not utilizing its liquor primary license.

Councillor Madoff advised that she has a personal association with the following application. Because of this potential conflict of interest, she left the meeting at 10:05 a.m.

**DEVELOPMENT PERMIT #03-42**  
**105/109 WILSON STREET**

03/823

Committee of the Whole, at its meeting on November 6, 2003, recommended the issuance of Development Permit #03-42 for 105/109 Wilson Street, subject to seven conditions. Victoria City Council, at its meeting on November 27, 2003, requested a further report from staff and referred the application back to Committee of the Whole.

Committee received a memorandum dated November 28, 2003 from the Planning Division advising that two conditions remain outstanding:

Soil Removal – The applicant must remove soil and gravel that was deposited on adjacent city-owned property without approval.

Rental Housing – The applicant has stated that a portion of the units will be rental housing. The methodology for achieving this is outlined in two letters from the applicant, dated November 24 and 28, 2003.

**ACTION:**

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

- 1) Plans stamped “Development Permit Application #03-42” dated October 29, 2003 for Phase 1, and dated October 22, 2003 for the overall development.
- 2) Development meeting all bylaw requirements with the following variances:

Section 10.43.3(1)	Setback (south) from property line to balcony, relaxed from 4m to 3.1m
Section 10.43.3(2)	Setback (south) from property line to building, relaxed from 5m to 3.1m
Section 10.43.4	Relaxation of parking requirement from 1.4 stalls per dwelling unit to: <ol style="list-style-type: none"><li>a) 0.75 stall per studio unit</li><li>b) 1.0 stall per one bedroom unit and for one bedroom plus den unit</li><li>c) 1.4 stalls per two bedroom unit and for two bedroom plus den unit</li></ol>
Section 10.12.8	West side yard setback to the park relaxed from 4.0m to 3.0m
- 3) Covenant to be registered to the effect that the occupancy permit for the Phase 1 building at 109 Wilson Street will not be issued prior to building permit approval and construction commencement of the Phase 2 building at 105 Wilson Street.
- 4) Security to ensure completion of Phase 1 landscaping as proposed to the satisfaction of the Director of Planning & Development.
- 5) Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development.
- 6) Removal of the large pile of soil on the adjacent city-owned property by midnight on December 5, 2003. If this is not done, the Parks Department be authorized to undertake this work and bill the applicant accordingly.

Councillor Madoff returned to the meeting at 10:25 a.m.

**DEVELOPMENT PERMIT APPLICATION #03-44**  
**1450 HILLSIDE AVENUE**

03/822

Committee received a memorandum dated November 28, 2003 from the Acting Head, Urban Design regarding Development Permit Application #03-44 for 1450 Hillside Avenue. The proposal is to construct a new 12 unit extended care facility and 45 supportive units for senior's adjacent to the existing Aberdeen Hospital at 1450 Hillside Avenue.

The Advisory Design Panel reviewed the proposal at its meeting on November 26, 2003 and recommended its approval subject to review at building permit stage.

- ACTION:** Councillor Madoff moved that it be recommended to Council that a Development Permit be issued in accordance with:
- 1) Plans stamped "Development Permit Application 03-44" dated October 31, 2003.
  - 2) Development meeting all bylaw requirements with the following variances:

Section 2.7.4(1)	Relaxation of height from 7.6m to 15.2m and number of storeys from 2 to 4
Section 1.2.9	Rear yard setback relaxed from 20.95m to 8.5m
Section 1.2.10	Side yard setback relaxed from 5.4m to nil (west of building) and from 8.31m to nil (east of existing hospital)
  - 3) Review by the Advisory Design Panel at building permit stage.
  - 4) Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development.

**HARRIS GREEN CHARRETTE**

03/821

Committee received a memorandum dated November 13, 2003 from the Director, Planning & Development regarding a workshop held November 12, 2003 to review how the original vision from the 1997 Harris Green Charrette has unfolded in the neighbourhood. Councillor Thornton-Joe, City staff, and over 20 neighbourhood representatives, including property owners, developers, design professionals, and original Charrette team members met and reviewed the successes and challenges of Harris Green since the Charrette.

With the exception of technical issues, such as sidewalk width, the vision has been well received. It was agreed that public behavior issues (street behavior and drug use) require more enforcement.

Improvement to other streetscapes in the area was discussed, and the workshop reached a consensus that the neighbourhood needs a critical mass of 3,000 to 4,000 more people in order to truly fulfill the vision.

A financial Charrette was considered as one approach to look at the variety of tools available to help the development of the neighbourhood, including public amenities, streetscaping, and rental housing. The Director of Planning indicated that the 2004 department work plan will include staff resources to deal with ongoing implementation of the Harris Green Plan.

- ACTION:** Councillor Holland moved that the report dated November 13, 2003 from the Director of Planning & Development regarding the Harris Green Charrette, be received for information.

## **INTERNAL ANTENNA SYSTEMS**

03/820

Committee of the Whole, at its meeting on August 28, 2003 requested a staff report on the possibility of including a requirement for internal antenna systems for CREST communications in new buildings, through development or building permit approval processes.

Committee received a memorandum dated November 24, 2003 from the Chief Building Inspector advising that this requirement is not permitted by the Local Government Act. Part 21 – “Building Regulations” Section 694 sets out specifically what Council may regulate by Building Bylaw, and does not include the authority to require internal antenna systems in buildings.

**ACTION:** Councillor Holland moved that the report dated November 24, 2003 from the Chief Building Inspector regarding internal antenna systems, be received for information.

## **FINANCE**

### **TENDER #03-068 – SILVER THREADS SENIOR CITIZENS CENTRE**

This report was withdrawn from the December 4, 2003 Committee of the Whole agenda.

## **CHRISTMAS COURTESY PARKING TICKETS**

03/819

Committee received a memorandum dated November 25, 2003 from the Manager, Parking Services regarding Christmas Courtesy Parking Tickets. In the past the City has issued these tickets for the two weeks before Christmas. The program gives authority to the Commissionaires to issue a courtesy ticket for expired street parking meters in the downtown core.

**ACTION:** Councillor Holland moved that it be recommended to Council that the Commissionaires be authorized to issue Christmas courtesy tickets in the downtown core from December 11 to 24, 2003.

## **ADMINISTRATIVE MATTERS**

### **PERMISSION TO PURCHASE PATENTED PRODUCT**

03/818

Committee received a memorandum dated November 28, 2003 from the Corporate Administrator advising that the City's Engineering Department received an inquiry from a private individual seeking the City's permission to install City of Victoria cluster lampposts on the property of a private residence in New England. Since the lampposts are patented and exclusively produced by a local supplier, Council must grant its permission before another organization or individual may purchase them.

Councillors suggested that the manufacturer install a plate on each lamppost indicating that it was produced in the City of Victoria.

**ACTION:** Councillor Holland moved that it be recommended to Council that Victoria City Council grants its permission to Mr. Al Corbi (DBA The Designer) to purchase up to thirty (30) City of Victoria cluster lampposts from Achinback Industries & Foundry Ltd. for the purpose of installing the lampposts on his client's private residential estate in New England.

### **DISPOSITION OF COMMUNICATIONS**

03/817

Committee received a memorandum dated December 1, 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 Savoie referred to Correspondence #2 from the Vancouver Island Public Interest Research Group (VIPIRG) regarding the impact of cruise ships in Victoria. She requested that VIPIRG representatives be invited to make a presentation to Committee of the Whole.

Councillor Savoie referred to Correspondence #9 from the Compost Education Centre inviting Council to visit the Centre on December 11, 2003 for a tour and presentation. It was determined that members of Council are not available that day, however, Councillor Savoie will make arrangements for a future presentation to Committee of the Whole.

**ACTION:** Councillor Holland moved that the Disposition of Communications dated December 1, 2003 from the Manager, Administration, be received for information and filed.

### **COUNCILLOR INQUIRIES**

#### **QUADRA VILLAGE MATCHING FUNDS**

03/816

Councillor Coleman relayed a request from the Hillside-Quadra Neighbourhood Action Group that the City carry-over to 2004 the remaining funds for the Quadra Village Streetscape and Safety Project. The City's portion of matching funds for the project expires on December 31, 2003.

**ACTION:** Councillor Coleman moved that it be recommended to Council that the City's portion of matching funds for the Quadra Village Streetscape and Safety Project be carried over to 2004.

## **COUNCILLOR INFORMATION SHARING**

### **LEGAL – GVPL**

03/815

Councillor Hughes advised of a recent Court decision regarding a lawsuit by Metchosin, Langford, Colwood, and Highlands against the Greater Victoria Public Library (GVPL) regarding the admission of View Royal into the library system. The Court has ruled in favour of, and awarded costs to, the GVPL.

### **CAPITAL REGION ACTION TEAM ON SEXUALLY EXPLOITED YOUTH – UPDATE**

03/814

Councillor Hughes provided an update on the work of the Capital Region Action Team on Sexually Exploited Youth.

She discussed information received from Insp. Charlton of the Saanich Police Department, who recently attended a conference on sexually exploited youth and has prepared a very informative report.

A request has been forwarded to Police Boards in the region for a police officer to be assigned to sexually exploited youth issues.

### **CRD CHAIR**

03/813

Councillor Fleming announced the election of Mayor Amos as the 2004 Capital Regional District Chair.

He thanked outgoing Chair Brownoff for her leadership in 2003, citing the CRD building project in Centennial Square as a key accomplishment.

### **CLOSED MEETING - 12:00 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.

### **LEGAL – ICBC ACCESS TO INFORMATION**

03/812

Committee received a memorandum dated November 25, 2003 from the Manager, Parking Services regarding an agreement between the City and the Insurance Corporation of British Columbia (ICBC) that provides designated City staff with access to information for collecting a

debt or fine owing to the City. The agreement has been in place since 1996, and is now due for renewal. The new agreement provides the information at no cost, and establishes standards of conduct for management of this personal information.

**ACTION:** Councillor Hughes moved that it be recommended to Council that the City of Victoria hereby agrees to indemnify and save harmless the Insurance Corporation of British Columbia, its directors, officers, employees and agents from any actions, civil or criminal, that may arise as a result of the release of information outside the terms of this agreement.

### **APPOINTMENT – GREATER VICTORIA LIBRARY BOARD**

03/811

Committee received a memorandum dated November 28, 2003 from the Corporate Administrator advising that the terms of two City appointees to the Greater Victoria Public Library (GVPL) Board expire on December 31, 2003. Dr. Bruce Andrews has served the maximum eight year appointment. Mr. Robert McConnell, currently Vice-Chair of the GVPL Board, has served seven years, and is seeking reappointment for his remaining year. The City advertised in two local newspapers for applicants to serve a two year term.

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

- 1) Robert McConnell be reappointed to the Greater Victoria Public Library Board for a one year term, ending December 31, 2004.
- 2) David Ibbetson be appointed to the Greater Victoria Public Library Board for a two year term, commencing January 20, 2004.

### **LAND/LEGAL – CENTRAL LIBRARY UPDATE**

03/810

The Corporate Administrator and the City Solicitor provided an update on the Central Library relocation proposal.

The meeting adjourned at 11:15 a.m.

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Mayor Lowe, Chair