

**Minutes of the Committee of the Whole Meeting of The City of Victoria
Thursday, February 19, 2004**

Committee Present: Mayor Lowe, in the Chair; and Councillors Coleman, Fortin, Holland, Hughes, Savoie, and Thornton-Joe

Staff Present: P. O'Reilly – Director of Engineering; and M.B. MacKenzie - Recording Secretary

Staff Present for a Portion of the Meeting: D. Atkinson – Director, Parks, Recreation & Community Development; S. Barber – Heritage Planner; D. Carlsen – Economic Development Planner; K. Dowdall – Director of Finance; K. Fowler – Manager, Regulatory and Development Services; K. Hennessey – Senior Buyer; C. Higgins – Coordinator, Corporate Communications; J. Hill, General Manager, VCC; D. Koch – Manager, Planning Division; J. Martignago – City Manager; J. Matanowitsch – Planner; S. Masters – Manager, Administration; D. Scoones – Senior Bylaw Officer; B. Sikstrom – Senior Planner; B. Spencer – Acting Head, Urban Design; V. Vandenboomen – Manager, Parking Services; R. Woodland – Corporate Administrator

1. CALL TO ORDER

The Mayor called the meeting to order at 9:03 a.m.

2. ADOPTION OF MINUTES

2.1 Minutes of the February 12, 2004 Committee of the Whole Meeting

Action: Councillor Hughes moved that the minutes of the Committee of the Whole meeting held February 12, 2004, be adopted, with the following corrections:

- Page 2, February 12, 2004 Committee of the Whole minutes - Resolution #04-108, - “Moved by Councillor Fortin”
- Page 10, Liquor Primary License – Beagle Pub, 301 Cook Street - replace Resolution #04-94 with the following:

“1. That the application by the Beagle Pub to change the hours of sale from:

- (a) Sunday to Wednesday from the currently approved hours of 11:00h – 23:00h to 11:00h – 24:00h; and*
- (b) Thursday, Friday and Saturday from 11:00h – 23:00h to 11:00h – 1:00h,*

be declined, due to the potential for increased noise during the late hours; and

2. *Victoria City Council, in consideration of the applicant's need to remain competitive in the industry by matching hours to similar establishments, provides the following comments:*

- (a) *the potential for noise is increased from that of the current operation;*
- (b) *the impact on the community is mostly borne by adjacent residential properties who may experience unreasonable noise disturbances from patrons coming and going at a later hour;*
- (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 reports to Council dated January 9 and February 6, 2004, to which Council received eleven letters of support and sixteen opposed including a letter of opposition from the community association. Two petitions were also received."*

CARRIED. 04/140

2.2 Minutes of the February 13, 2004 Special Committee of the Whole Meeting

Action: Councillor Savoie moved that the minutes of the Special Committee of the Whole meeting held February 13, 2004, be adopted, with the following correction:

- Page 2, Item 5 - Miscellaneous Grants, Chamber of Commerce – replace the words “[Marketing Tall Ships]” with “[Marketing Downtown]”

CARRIED. 04/139

2.3 Minutes of the February 16, 2004 Special Committee of the Whole Meeting

Action: Councillor Hughes moved that the minutes of the Special Committee of the Whole meeting held February 16, 2004, be adopted.

CARRIED. 04/138

3. PLANNING AND DEVELOPMENT

3.1 Economic Development Grants

Following a review of the Economic Development Grant applications by the Economic Development Planner, Committee members discussed the following items:

- the Tourism Victoria Info Centre property tax increase from \$19,110 in 2001 to \$32,370 in 2003;

- adhering to the amount budgeted for Economic Development Grants and the need to allocate more in the 2005 budget; and
- recognition that the services being provided by the grant recipients benefit not only the City of Victoria, but the Greater Victoria area.

3.1.1 SportHost Victoria

In a report dated February 12, 2004, the Economic Development Planner outlined a request from SportHost Victoria for a \$10,000 operating grant. SportHost plays a significant role in recruiting major sport events to Victoria; such events provide local employment through construction, accommodation and promotion.

Action: Councillor Holland moved that:

1. Council approve a grant of \$7,500 to SportHost Victoria;
2. SportHost Victoria ensures that the City of Victoria receives public recognition of its role as a financial sponsor of its program; and
3. the results of the economic impact measurement model developed by SportHost be forwarded to the Director of Planning and Development.

CARRIED. 04/137

3.1.2 Vancouver Island Advanced Technology Centre (VIATeC)

In a report dated February 12, 2004, the Economic Development Planner reviewed a request from Vancouver Island Advanced Technology Centre for a \$25,000 operating grant. VIATeC is a not-for-profit, high tech industry association that actively promotes and enhances the development of the advanced technology sector on Vancouver Island.

Action: Councillor Holland moved that:

1. Council approve a grant of \$17,500 to Vancouver Island Advanced Technology Centre;
2. VIATeC ensures that the City of Victoria receives public recognition of its role as a financial sponsor of its program; and
3. the results of the VIATeC Technology survey be forwarded to the Director of Planning and Development.

CARRIED. 04/136

3.1.3 Community Economic Development Corporation

In a report dated February 5, 2004, the Economic Development Planner outlined a request from Community Economic Development Corporation (CEDCO) for a \$15,000 operating grant. CEDCO is working to relieve poverty in Victoria by facilitating community based economic development and to encourage participation in the economy through employment or business ownership.

Action: Councillor Holland moved that:

1. Council approve a grant of \$10,000 to Community Economic Development Corporation (CEDCO) Victoria;
2. CEDCO ensures that the City of Victoria receives public recognition of its role as a financial sponsor of its program; and
3. the payment of the grant be subject to CEDCO providing a financial report to the satisfaction of the Director of Planning and Development.

CARRIED. 04/135

3.1.4 Greater Victoria Film Commission

In a report dated February 12, 2004, the Economic Development Planner reviewed a request from the Greater Victoria Film Commission for a \$50,000 operating grant. The Film Commission receives its funding from three levels of government, business sector and in-kind contributions.

Action: Councillor Holland moved that:

1. Council approve the budgeted grant amount of \$40,000 for the Greater Victoria Film Commission;
2. the Greater Victoria Film Commission ensures that the City of Victoria receives public recognition of its role as a financial sponsor of its program; and
3. the Greater Victoria Film Commission provide access to the photographic database for use in The City of Victoria's promotional publications.

CARRIED. 04/134

3.1.5 Tourism Victoria

In a report dated February 5, 2004, the Economic Development Planner outlined a request from Tourism Victoria for a \$60,000 operating grant towards the operation of the Victoria Visitor Information Centre. Tourism Victoria operates one of Canada's busiest Visitor Information Centres, assisting over 800,000 visitors each year with visitor information, accommodation bookings, tour tickets, transportation and events.

Action: Councillor Holland moved that:

1. Council approve a grant of \$47,500 to Tourism Victoria to operate the Victoria Visitor Information Centre;
2. Tourism Victoria ensures that the City of Victoria receives public recognition of its role as a financial sponsor of its program; and
3. the results of the quarterly tourist exit surveys be forwarded to the Director of Planning and Development.

CARRIED. 04/133

Action: Councillor Hughes moved that the City's representatives on the Provincial Capital Commission request that the Commission review the rental increase of Tourism Victoria's Info Centre.

CARRIED. 04/132

3.2 Proposed Exterior Alterations to a Heritage Designated Building (Heritage Alteration Permit #129 – 1200 Government Street)

In a report dated February 4, 2004, the Heritage Planner reviewed an application to restore the original corner entrance and steps on the heritage designated building at 1200 Government Street, in connection with the conversion of the ground floor retail space to an Irish pub. The proposal also includes construction of a temporary patio and deck and planters on the Bastion Square elevation of the building.

Action: Councillor Hughes moved that, pursuant to Heritage Designation Bylaw No. 8, City Council authorize the issuance of Heritage Alteration Permit #129 in accordance with:

1. revised plans dated February 2, 2004;
2. development meeting all bylaw requirements; and
3. final plans to be in accordance with the plans identified above.

CARRIED. 04/131

3.3 Rezoning Application #03-31 – 860 Yates Street

The Manager, Planning Division, reviewed his report dated February 13, 2004, regarding an application to convert the "Sugar" cabaret to a recreational billiards lounge-type operation. In a letter dated December 31, 2003, the Victoria Police Department indicates its support for the application and the retail liquor store that is the subject of the application. This item was tabled at the December 4, 2003, Committee of the Whole meeting, 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.

Staff was asked to prepare a report advising whether the zoning of this property would permit live music on the premises.

Action: Councillor Thornton-Joe moved that the City Solicitor be instructed to prepare the necessary zoning amendments and that the application be forwarded for consideration at a Public Hearing subject to:

1. A restrictive covenant* in favour of the City to be registered on the property, and secured in a form satisfactory to the Director of Planning and Development prior to the Public Hearing, with these restrictions on "liquor primary" uses on the property:
 - (a) "liquor primary" service is restricted to a recreational billiards lounge-type operation as generally described in the Levinson floor plans dated January 7, 2004;
 - (b) no cabaret use on the property;
 - (c) "liquor primary" times of business restricted to five days per week;
 - (d) "liquor primary" liquor service closure by midnight; and
 - (e) no Sunday opening for "liquor primary" service.

(* The covenant would run with the property title and could only be amended or discharged with the approval of City Council or discharged upon permanent discontinuance of the liquor store by the property owner.)

2. That the final adoption of the zoning change bylaw proceed only after transfer of the current "liquor primary" license to Michael Holmes and Ed Lubick.

CARRIED. 04/130

3.4 Rezoning Application #04-01 – 751 Tyee Road

The Planner reviewed his report dated February 13, 2004, regarding a rezoning application for 751 Tyee Road. The proposal is to rezone Lot 128 and consolidate with Lot F. Also, as part of the application, it is proposed that a portion of Lot G be subdivided and added to Lot F, and that a portion of Lot F be subdivided and consolidated with Lot G. The development proposal for the amended Lot F is a four storey, 58-unit condominium apartment building.

Action: Councillor Thornton-Joe moved that:

1. the application be forwarded for consideration at a Public Hearing and that the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments;

2. the following variances be approved as part of the Development Permit process:

- Section 12.5.5(a) The building setback from Tyee Road be relaxed to 1.5 m;
- Section 12.5.5(a) The setback for balconies from Tyee road be relaxed to 0.5 m;
- Section 12.5.5(b) The building setback from Central Spur road (east) be relaxed to 2.5 m;
- Section 12.5.5(d) The south side yard setback for the first storey and above be relaxed to 3.4 m; and
- Section 12.5.5(d) The south side yard setback for the parkade structure be relaxed to 0 m; and

3. the following conditions be met prior to advancing to Public Hearing:

- (a) review of the development proposal by the Advisory Design Panel;
- (b) preliminary subdivision approval;
- (c) that a Development Permit application be submitted for subdivision and building and considered by Council in conjunction with the rezoning; and
- (d) Master Development Agreement obligations linked to the site to be secured in a form satisfactory to the Director of Planning and Development.

CARRIED. 04/129

3.5 Development Permit #03-47 – 1517 Quadra Street

The Acting Head, Urban Design, reviewed his report dated February 6, 2004, outlining an application for a Development Permit for a proposed minor addition to an existing bakery and the installation of a storage bin/silo for the grain used in flour milling on the premises.

Action: Councillor Thornton-Joe moved that City Council authorize the issuance of a Development Permit in accordance with:

1. plans stamped "Development Permit Application #03-47", dated November 18, 2003;
2. development meeting all bylaw requirements with the following variance:
 - Section 7.6.2(3) Site coverage relaxed from 60% to 87.7% (Note: existing building is currently 79.8%); and
3. final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning and Development.

CARRIED. 04/128

3.6 Development Variance Permit #03-23 – 2630 Ross Lane

The Committee reviewed a report dated February 12, 2004 from the Acting Head, Urban Design, reviewing an application to amend the existing Development Permit approved by Council on August 14, 2003. The proposed changes are required to accommodate a change of structure from concrete to steel, requiring a deeper floor assembly from eight inches (0.2 m) to thirteen inches (0.33 m), and increasing the overall height of the building by 4.5 feet (1.35 m). Council originally approved a height variance of up to 24.2 m.

Action: Councillor Thornton-Joe moved that Council authorize the issuance of a Development Variance Permit in accordance with:

1. plans stamped "Development Variance Permit #04-07, dated February 12, 2004;
2. development meeting all bylaw requirements with the following variance;

Section 4.3.2 Height of building relaxed from 21.5 m to 26 m (further to the previously approved variance of up to 24.2m); and
3. final plans to be in accordance with the plans identified above to the satisfaction of the Director of Planning and Development.

CARRIED. 04/127

3.7 Development Variance Permit #04-08 – 123 Niagara Street

The Senior Planner reviewed his report dated February 12, 2004, reviewing a proposal to construct a new dwelling unit and connect it to an existing single family dwelling with a breezeway on a lot zoned for medium density townhouses. Renovation of the existing dwelling is also proposed.

Action: Councillor Thornton-Joe moved that City Council authorize the issuance of a Development Variance Permit in accordance with:

1. plans stamped "Development Variance Permit Application #04-08", dated January 15, 2004, subject to:
2. the development meeting all bylaw requirements with the following variances;

Schedule "A" Two family dwelling definition relaxed to allow breezeway connection;
Section 2.1(3)(b)(i) Height of building relaxed from 7.6 m and two storeys to 8.1m and 2.5 storeys;
Section 2.1(3)(k)(m) Rear yard setback relaxed from 15.3 m to 5 m;

Section 2.1(3)(t) Front yard parking prohibition relaxed to permit a 1 m encroachment into the front yard for one parking space.

3. final plans to be in accordance with the plans identified above to the satisfaction of the Director of Planning and Development.

CARRIED. 04/126

3.8 GST / Rental Housing / Heritage Building Rehabilitation

In a report dated February 11, 2004, the Heritage Planner advised that the owners of heritage buildings that have been converted to rental housing with the assistance of the City's Tax Incentive Program, are being subjected to a significant amount of GST by the Government of Canada through Section 191 (3) of the Excise Tax Act. The imposition of this tax reduces the effectiveness of the City's tax incentive.

Discussion ensued and Committee members queried whether the proposed resolution should refer to taxation on improvements only, or land and improvements.

Action: Councillor Holland moved that consideration of the proposed resolution regarding GST/Rental Housing/Heritage Building Rehabilitation, be postponed to the February 26, 2004 Committee of the Whole meeting, subject to the receipt of a staff report providing additional information clarifying taxation issues.

CARRIED. 04/125

3.9 2003 Co-ordinated Enforcement Report

The Senior Bylaw Officer reviewed his report dated February 9, 2004 outlining the establishment of the Victoria Co-ordinated Enforcement Team (VCET) by agreement between member agencies in March 2003. The primary goal of the VCET is to remedy unsafe conditions and return each building to its approved use so it can be reoccupied. Since its inception, VCET has investigated and taken action on a total of fourteen properties with illegal construction or unsafe conditions. In 2004, VCET will continue with its mandate. Although the number of cases is expected to remain the same, there should be less impact on the supply of affordable housing.

L. Ferguson, a former tenant of 1176 Yates Street, outlined the problems she faced with alterations made by her former landlord including lost rent and additional moving costs. Ms. Thompson has approached the Ministry of Human Resources with a proposal for contract services to act as an advocate for displaced tenants.

Discussion ensued and Committee, although supportive of co-ordinated enforcement, stated the need to ensure that displaced tenants are able to re-locate to alternative approved accommodations.

Action: Councillor Coleman moved that the report dated February 9, 2004 from the Senior Bylaw Officer, providing an update on actions taken in 2003 by the Victoria Co-ordinated Enforcement Team, be received for information and filed.

CARRIED. 04/124

Action: Councillor Fortin moved that staff prepare a report regarding displaced resident protocol and the status of the VCET Enforcement for closed buildings.

CARRIED. 04/123

4. PARKS

Councillor Fortin declared a pecuniary conflict of interest with the following item and was excused from the meeting at 10:28 a.m.

4.1 Pre-budget Approval for Community and Senior Centre Funding

The Committee reviewed a report dated February 5, 2004 from the Community Recreation Co-ordinator advising that annual Community and Senior Centre recreation staff grant funding allows centers to operate and expend funds and account for those expenditures in that calendar year. Pre-budget approval of one-third of the provisional budget for grants to Community and Senior Associations alleviates critical funding shortages associations face in the first 4.5 months of each year.

Action: Councillor Holland moved that Council authorize:

- (a) pre-budget approval for payment of one-third of the 2004 Provisional Budget for community recreation staff grants to Community and Senior Associations on March 1, 2004; and
- (b) the balance of the approved 2004 annual budgets for these grants to be paid on July 1, 2004.

CARRIED. 04/122

Councillor Fortin rejoined the meeting at 10:29 a.m.

5. ENGINEERING

5.1 Program Grants – Adult Crossing Guards

A report dated February 13, 2004 from the Secretary, Advisory Transportation Committee, included the following resolution from the Advisory Transportation Committee meeting of January 20, 2004:

“The Advisory Transportation Committee recommends Council fully fund the adult crossing guard program in the City and continue to look for opportunities to share and exchange resources and amenities with the School District for mutual benefit.”

The School Board has advised that it will not contribute any funding toward this program.

Committee members discussed the following items:

- pedestrian signals;
- voluntary vs. compensated adult crossing guards;
- the need to monitor pedestrian crossing during school months; and
- municipal liability arising from these programs.

Action: Councillor Savoie moved that the report dated February 13, 2004, advising of the Advisory Transportation Committee's recommendation that Council fully fund the adult crossing guard program in the City, be received for information and filed.

CARRIED. 04/121

6. VICTORIA CONFERENCE CENTRE

6.1 Victoria Conference Centre (VCC) Governance

The Committee reviewed a report dated February 16, 2004 from the General Manager, VCC, outlining the 2004 Strategic Plan initiatives, which includes City actions to increase downtown business and conference activity. The development of a new governance model, including the establishment of a Board with a mandate to maintain, operate, manage, market and promote VCC, was identified as a key action in achieving this objective.

Action: Councillor Coleman moved that the report dated February 16, 2004 from the General Manager, Victoria Conference Centre, providing information on a proposed VCC governance model, be received for information and filed.

CARRIED. 04/120

7. ADMINISTRATIVE MATTERS

7.1 Disposition of Communications

Committee received a memorandum dated February 13, 2004, 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 February 13, 2004 from the Manager, Administration, be received for information and filed.

CARRIED. 04/119

7.2 Smart Growth B.C. Forum – March 5, 2004 - Vancouver

Action: Councillor Coleman moved that the report dated February 10, 2004 be received from the Office of the City Manager, advising that a strategic forum hosted by Smart Growth B.C. entitled "Creating Prosperous, Livable Communities" will be held in Vancouver on Friday, March 5, 2004.

CARRIED. 04/118

7.3 Proclamation – "Tibet Day"

Action: Councillor Coleman moved that the March 10, 2004, be proclaimed "Tibet Day" in The City of Victoria, British Columbia.

CARRIED. 04/117

8. COUNCILLOR INQUIRIES

8.1 Low-Flush Toilets

Councillor Fortin asked that staff prepare a report regarding a bylaw amendment to require the installation of low-flush toilets for new construction.

Councillor Fortin declared a non-pecuniary conflict of interest with the following item and was excused from the meeting at 10:52 a.m.

8.2 Gorge Waterway – Greenspace and Public Access

Staff was asked to prepare a report outlining the possibility of working with Saanich, to construct a public access viewpoint at the foot of Harriet Road during replacement of the storm drain and stabilization of the bank.

Councillor Fortin re-joined the meeting at 10:55 a.m.

8.3 Establishment of a Minimum Floor Price for Alcohol

Councillor Hughes referred to a resolution by the City of Nanaimo, directing staff to prepare an amendment to the City's Business Licence Bylaw that would require all liquor-primary and food-primary establishments to charge a minimum price of \$3.00, including tax, for certain standard servings of alcohol. Staff was asked to prepare a report outlining how a similar bylaw amendment might be implemented at The City of Victoria.

The Corporate Administrator advised Committee of a required Public Hearing under the Community Charter for any changes affecting the operations of businesses.

9. COUNCILLOR INFORMATION SHARING

9.1 Protection of Heronry – Beacon Hill Park

Councillor Thornton-Joe advised the Committee of a letter received from a resident commending Mike Leskiw and his staff for their initiative to protect the heronry at Beacon Hill Park.

10. CLOSED MEETING - 11:03 A.M.

Committee Present: Mayor Lowe, in the Chair; and Councillors Coleman, Fortin, Holland, Hughes, Savoie, and Thornton-Joe

Staff Present: D. Atkinson – Director, Parks, Recreation & Community Development; P. O'Reilly – Director of Engineering; R. Woodland – Corporate Administrator; and M.B. MacKenzie - Recording Secretary

Action: 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.

CARRIED. 04/116

10.1 Central Library Update

The Corporate Administrator reviewed a counter-offer from R.G. Properties on the proposed site for the new Central Library. The Committee provided instruction to the Negotiating Team.

The Committee agreed not to rise and report, but requested that the discussion and the resolution be recorded and kept confidential.

(Resolution Closed - 04/115.)

10.2 Labour – Parking Enforcement

The Committee discussed labour issues relative to parking enforcement.

10.3 Adjournment of Closed Meeting

The Closed meeting adjourned at 12:11 p.m.

11. RECONVENE - REGULAR COMMITTEE OF THE WHOLE MEETING

Action: Councillor Thornton-Joe moved that the Regular Committee of the Whole meeting reconvene at 12:12 p.m.

CARRIED. 04/114

12. FINANCE

12.1 Parking Enforcement Services

The Committee reviewed a report dated February 9, 2004, from the Senior Buyer outlining proposals from two firms for the provision of parking enforcement services.

Action: Councillor Thornton-Joe moved that Council authorize the hiring of The Canadian Corps of Commissionaires for a three-year period at an estimated annual cost of \$901,872.72 plus GST, based on being the lowest overall cost and the best overall value for the City for the provision of parking enforcement services, with a two-year extension option, allowing for a maximum five-year award.

CARRIED. 04/113

13. COMMUNITY CHARTER AND COUNCIL BYLAW

Lorena Staples, of Staples McDannold Stewart, provided an overview of Council's duties and responsibilities under the Community Charter.

The Corporate Administrator answered the Committee's questions relative to the requirement under the Community Charter for the disclosure of gifts.

The proposed new Council Bylaw incorporating changes precipitated by the Community Charter, was distributed to the Committee for review. Discussion will take place at an upcoming meeting.

14. 2004 STRATEGIC PLAN

Action: Councillor Hughes moved that the review of the 2004 Strategic Plan be postponed to the February 26, 2004, Committee of the Whole meeting.

CARRIED. 04/112

15. ADJOURNMENT

The meeting adjourned at 1:19 p.m.

Mayor Lowe, Chair