

**Minutes of the Committee of the Whole Meeting of The City of Victoria
Thursday, March 18, 2004**

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

Staff Present: J. Martignago – City Manager; and B. Schneider - Recording Secretary

Staff Present for a Portion of the Meeting: D. Atkinson – Director, Parks, Recreation & Community Development; Michael Hill – Downtown Coordinator; J. Basey – Director of Planning and Development/City Solicitor; D. Koch – Manager, Planning Division; S. Barber – Heritage Planner; L. Chase - Planner; J. Matanowitsch – Planner; B. Spencer – Acting Head, Urban Design; C. Higgins – Coordinator, Corporate Communications; N. Taylor – Executive Assistant to Mayor; S. Masters – Manager, Administration

1. CALL TO ORDER

The Mayor called the meeting to order at 9:00 a.m.

2. ADOPTION OF MINUTES – COMMITTEE OF THE WHOLE, MARCH 11, 2004

Action: Councillor Hughes moved that the minutes of the Committee of the Whole meeting held March 11, 2004, be adopted, with the following correction:

- Page 4, Section 4.2, 2004 Cultural Capitals of Canada, be corrected to read: “Committee members suggested including the following in the submission: a focus on the City’s Chinese community which is the oldest Chinese community in Canada”.

CARRIED. 04/228

3. DELEGATIONS

3.1 Downtown Victoria Business Improvement Association

David Adams, and Phil Nyren, on behalf of Downtown Victoria 2020, requested the re-establishment of a Business Improvement Association (BIA) in efforts to revitalize the downtown core. Although boundaries, budget and a business plan for the BIA are in the formative stages, he believes that the creation of a BIA can be achieved in a cost-effective manner. Mr. Adams advised that if Committee is supportive of this initiative, he will work towards the creation of a viable BIA plan and a healthy and vibrant organization.

Mr. Phil Nyren, Director of the Chamber of Commerce and Chair of the Marketing Committee, requested Council support for their initiative to re-constitute the BIA and grant them permission to make a presentation at the upcoming 2020 Conference. Mr. Nyren suggested that the new BIA will encompass a smaller area and be more controlled. The new BIA will balance its funds in a fair manner, with 15% on administration fees and 25% capital improvements. These changes are anticipated to encourage additional stakeholders to participate. The BIA will be creating a database for downtown Victoria businesses. The role of the BIA needs to be defined, so as not to conflict with the Chamber of Commerce. It is anticipated that establishment of the BIA would take place by the end of December 2004.

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

1. Council support, in principle, the re-constitution of the Business Improvement Association (BIA);
2. Mayor Lowe write a letter of support to the BIA, recognizing that the BIA represents an important community interest; and
3. the BIA provide a venue for a course of action.

CARRIED. 04/227

4. PLANNING AND DEVELOPMENT

4.1 Owner Request to Remove 715 Catherine Street from Heritage Registry

In a report dated March 10, 2004, the Heritage Planner reviewed an application from the owner of 715 Catherine Street, to remove the house from the Heritage Registry. A similar request was declined by Council on October 10, 2002.

Action: Councillor Madoff moved that whereas the Heritage Registry house at 715 Catherine Street is of historical significance, that it not be removed from the City's Heritage Registry.

CARRIED. 04/226

4.2 Rezoning Application #04-7 – 176 Wilson Street

The Committee reviewed a report dated March 12, 2004 from the Planner, outlining an application to rezone the Westside Village Shopping Centre lands to permit a retail liquor sales use (licensee retail store). The licensee retail store will occupy 177m² of floor space, located on the southwest side of the property, with frontage on both Wilson Street and the off-street parking lot.

Action: Councillor Madoff 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. receipt of Police Department comments; and

2. receipt of School District #61 comments.

CARRIED. 04/225

4.3 Rezoning of S-1 and C-1 Zoned Land - North Park Street between Cook Street and Vancouver Street

In his report dated March 12, 2004, the Planner reviewed a rezoning initiative to implement a recommendation from the North Park Local Plan, which proposes to have lands in the 1000 block of North Park Street rezoned to a new zone that would initiate a more desirable form of development, and permit retail/artisan trades in a live/work environment. The proposed rezoning encompasses 11 properties currently in the S-1 Zone and three properties in the C-1 Zone, all fronting onto North Park Street.

Action: Councillor Fortin moved that:

1. the rezoning report for the 1000 block of North Park Street be received for information; and
2. staff be instructed to proceed with the consultation and rezoning process.

CARRIED. 04/224

4.4 Rezoning Application #03-35 – 500/502 Richmond Avenue

The Committee reviewed a report dated March 8, 2004 from the Planner, reviewing an application to subdivide and rezone lands at 500/502 Richmond Avenue to permit the construction of a small lot single family dwelling. The existing duplex would retain its R1-G zoning, and the new small lot would be rezoned to R1-S2. The application exceeds the total floor area and does not comply with front and side yard setbacks recommended for small lots in the Gonzales Neighbourhood Community Plan.

Mr. Colins, the applicant, advised that the community association and a majority of the neighbours support this application. The community was supportive of the earlier proposal for a larger building envelope. This proposal is for 100 sq.ft. more than that allowed under the new Gonzales Neighbourhood Plan, which provides, in part, for a wider garage. The building would be 9% larger, but the lot is 16% larger.

Action: Councillor Madoff moved that Rezoning Application #03-35 for 500 / 502 Richmond Avenue be tabled, subject to reconsideration of a tree protection covenant and reduction of the building envelope.

CARRIED. 04/223

4.5 Rezoning Application #04-6 – 930 View Street

In a report dated March 12, 2004, the Planner outlined an application to rezone lands at 930 View Street, known as the Harris Green Village, to permit a retail liquor sales use (licensee retail store). The proposed licensee retail store will occupy 232m² of floor space and will be located on the southwest side of the property, fronting onto View Street.

Mr. Art Kool, the applicant, advised of the rationale for the location of the liquor component within the application.

Action: Councillor Hughes 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. receipt of Police Department comments; and
2. receipt of School District #61 comments.

CARRIED. 04/222

4.6 Development Permit #04-10 – 330 Waterfront Crescent

The Committee reviewed a report dated March 1, 2004, from the Acting Head, Urban Design, reviewing a Development Permit application to modify an exterior entrance canopy presently under construction, to accommodate an exterior deck, in effect creating a combined canopy and balcony. Balconies are not permitted within the CD-1 Zone.

Given the waterfront location and the siting of the unit, staff recommended approval noting that the balcony will improve surveillance of the waterfront walk and provide architectural punctuation on this prominent corner.

Action: Councillor Madoff moved that Council authorize the issuance of a Development Permit in accordance with:

1. plans stamped "Development Permit Application #04-10", dated February 17, 2004;
2. development meeting all bylaw requirements with the following variance:

Section 12.1.5(d)	Relaxation of build to line distance from Waterfront Crescent from 3.5m to 0.8m for deck projections; and
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3. final plans to be in accordance with plans identified above, to the satisfaction of the Director of Planning and Development.

CARRIED. 04/221

4.7 Development Permit #03-51 – 150 Langford Street

The Committee reviewed a report dated March 10, 2004, from the Acting Head, Urban Design Section, outlining an application for a development permit to construct a mini-storage warehouse/self storage facility on a vacant lot at 150 Langford Street. After review of the design by the Advisory Design Panel, the applicants radically altered the design, responding to all concerns identified.

Action: Councillor Madoff moved that Council authorize the issuance of a Development Permit in accordance with:

1. plans stamped "Development Permit Application #03-51", dated March 10, 2004;
2. development meeting all bylaw requirements;
3. final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning and Development.

CARRIED. 04/220

5. COMMUNITY DEVELOPMENT

5.1 Chamber of Commerce Grant Request

In his report dated March 10, 2004, the Downtown Community Development Co-ordinator reviewed a request for a \$20,000.00 grant from the Greater Victoria Chamber of Commerce for five events in 2004 focusing on downtown Victoria:

1. Market Day;
2. Scrub-Up;
3. Christmas Light-Up;
4. North Pole Village; and
5. Easter Egg Hunt marketing event.

These types of activities were formerly sponsored by the Downtown Victoria Business Association which administered the Business Improvement Area (BIA). Some of the initiatives have continued despite the absence of BIA funding. The Community Charter restricts providing a grant, benefit or assistance to a particular business, but the City can offer support for events and activities that animate and enhance the vitality of the downtown without promoting business.

Action: Councillor Coleman moved that:

1. the Greater Victoria Chamber of Commerce be awarded \$2,500.00 towards organizing the Scrub-Up event and any required City services to a value of not more than \$2,500.00;
2. the award be contingent on:
 - (a) funds not being used for marketing particular businesses;
 - (b) the City being acknowledged for its support in publicity materials; and

- (c) a final report (including event attendance/participation, measures of success, financial statements) to be submitted after the completion of the event; and
3. subject to legal advice that this funding is within the rights of the Charter.

CARRIED. 04/219

6. ADMINISTRATIVE MATTERS

6.1 Disposition of Communications

Committee received a memorandum dated March 12, 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 Madoff moved that the Disposition of Communications dated March 12, 2004 from the Manager, Administration, be received for information and filed.

CARRIED. 04/218

6.2 Victoria-Morioka Friendship Soccer Tournament

The Committee reviewed a report dated March 15, 2004, from the Co-ordinator, Corporate Communications, advising of the Victoria United Soccer Association's (VUSA) invitation to the Morioka Zebra Soccer Team to come to Victoria from April 28 to May 4, 2004. A four-team Victoria-Morioka Friendship Soccer Tournament will be held at Royal Athletic Park on May 1 and 2, 2004. The VUSA is requesting \$1,000.00 to help defray tournament and delegation costs for this proposed bi-annual event.

Action: Councillor Savoie moved that a special grant of \$1,000.00 be approved from the Twin Cities budget to the Victoria United Soccer Association to assist in hosting the Morioka delegation and Morioka youth soccer team.

CARRIED. 04/217

6.3 Victoria Conference Centre Expansion to Crystal Garden

6.4

Councillor Madoff inquired as to whether the issue of the Request for Proposal (RFP) by the Provincial Capital Commission (PCC) for the sale of the Crystal Garden could be considered in two parts. One part being whether Council supports submitting an application for the RFP, as an opportunity to expand the Victoria Conference Centre (VCC). The second part being the particulars of any proposed submission.

Discussion took place with respect to the covenant on the property, to ensure that the facility is used for the recreation and enjoyment of the public. The PCC should ensure that this document is included in their RFP package.

It was noted that the Provincial Capital Commission is definitely moving forward to cease current operations and is seeking new options for the building. Discussion took place as to the issue of how this opportunity became available and the displacement of the animals.

7. COUNCILLOR INQUIRIES

7.1 Board of Variance Decision – 2245 Shakespeare Street

Councillor Madoff inquired as to the appeal process of a Board of Variance decision, regarding 2245 Shakespeare Street. It was noted that individuals have to appeal the decision of the Board of Variance to the Supreme Court, as a Board of Variance decision is final. The City Solicitor will communicate with residents as to what avenues are available to them in appealing the Board of Variance decision.

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

Councillor Madoff inquired as to the process for reconsideration of Development Variance Permit #04-08, for 123 Niagara Street. It was noted that Councillors must bring the issue to Council if they wish to move reconsideration.

7.3 Permissive Tax Exemption Meeting

Councillor Madoff inquired as to whether the Permissive Tax Exemption meeting, cancelled for this afternoon, March 18, 2004, at 1:30 PM, should be rescheduled. It was noted that The City of Victoria is not always listed as a supporter or acknowledged for its in-kind donations to agencies. This matter was referred to Wil Clark, Manager, Business Support, for report to Committee of the Whole, regarding the implications of the proposed new Permissive Tax Exemption Policy.

7.4 Crystal Methamphetamine

Councillor Fortin inquired as to who will coordinate all of the individuals involved in the efforts to counter the growing use of Crystal Methamphetamine in the region. He suggested that teams need to be formed in the community to respond to the issues of prevention, enforcement, treatment and harm reduction.

7.5 Ministry of Children and Family Development

Councillor Fortin inquired as to who should be considering the issue of the devolution of the Ministry of Children and Family Development. It was noted that this matter will be referred to the Advisory Social Planning Committee.

7.6 Safe Pedestrian Access – Tyee Road

Councillor Savoie inquired as to what can be provided to residents in the Tyee Road area, to assist in safe pedestrian access, during this construction period. Staff

advised that this matter will be referred to the Transportation Division, through the City Manager, for review and resolution.

7.7 Protection of Trees – Maddison / Wilmer Streets

Councillor Savoie asked that staff ensure that trees are protected during the development of boulevard wood paths along Maddison Street and Wilmer Street.

8. CLOSED MEETING - 11:32 A.M.

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

Staff Present: J. Martignago – City Manager; N. Taylor – Executive Assistant to the Mayor; C. Higgins – Coordinator, Corporate Communications; J. Basey – Director of Planning and Development/City Solicitor; S. Masters – Manager, Administration; D. Atkinson – Director, Parks, Recreation & Community Development; B. Schneider - 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. 04/216

8.1 Lease – Crystal Garden

Action: Councillor Savoie moved that the Provincial Capital Commission (PCC) be advised that it is important to The City of Victoria that the animals at the Crystal Garden are displaced in accordance with proper conservation protocols.

CARRIED. 04/215

Action: Councillor Fortin moved that Council direct the Victoria Conference Centre (VCC) management to respond to the Provincial Capital Commission's (PCC) Request for Proposal (RFP) for the Crystal Garden, as recommended in the report dated March 16, 2004, received from the General Manager of the Victoria Conference Centre.

CARRIED. 04/214

8.2 Legal – Victoria Arena Naming Rights Agreement

Action: Councillor Coleman moved that Council consent to the arena name proposed by RG Properties Ltd., in their letter dated March 5, 2004 and

that Council not disclose the new arena name until the name is publicly released by RG Properties Ltd.

CARRIED. 04/213

8.3 Legal – Strata VIS 3275

Action: Councillor Fortin moved that Council approve the City Solicitor's recommendation in his report, dated March 12, 2004.

CARRIED. 04/212

8.4 Appointment – Greater Victoria Public Library Board

Action: Councillor Savoie moved that Council appoint Linda Foubister to the Greater Victoria Public Library Board for a term ending December 31, 2005.

CARRIED. 04/211

8.5 Displacement of Crystal Garden Animals

Action: Councillor Savoie moved that Council rise and report on the matter of how the Provincial Capital Commission (PCC) will displace the animals at the Crystal Garden.

CARRIED. 04/210

9. ADJOURNMENT

The meeting adjourned at 1:02 p.m.

Mayor Lowe, Chair