

**Minutes of the Committee of the Whole Meeting of The City of Victoria
Thursday, March 25, 2004**

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

Staff Present: R. Woodland – Corporate Administrator; and M.B. MacKenzie - Recording Secretary

Staff Present for a Portion of the Meeting: D. Atkinson – Director, Parks, Recreation & Community Development; J. Basey – Director of Planning and Development/City Solicitor; L. Chase – Planner; C. Higgins – Coordinator, Corporate Communications; D. Koch – Manager, Planning Division; M. Hill – Downtown Community Development Co-ordinator; M. Leskiw – Manager, Parks Division; S. Masters – Manager, Administration; P. O’Reilly – Director of Engineering; K. Ramsay – Community Development Planner; B. Sikstrom – Senior Planner; N. Taylor – Executive Assistant to Mayor; C. Timms – Manager, Transportation and Development; B. Wiffen – Property Manager; and W. Zink – Manager, Community Development

1. CALL TO ORDER

The Mayor called the meeting to order at 9:01 a.m.

2. ADOPTION OF MINUTES – COMMITTEE OF THE WHOLE, MARCH 18, 2004

Action: Councillor Coleman moved that the minutes of the Committee of the Whole meeting held March 18, 2004, be adopted.

CARRIED. 04/248

3. DELEGATIONS

3.1 Destination Marketing Commission 2004 Funding

Lorne Whyte, President and CEO of Tourism Victoria, Lee Morris, Director of Sales and Marketing, and Melissa McLean, Director of Operations and Communications, provided an overview of Tourism Victoria initiatives for 2004. They indicated that the first quarter of 2004 shows a 10% growth in accommodation revenues. Scheduled events such as the 100-year anniversary of Butchart Gardens and “Eternal Egypt” at the Royal B.C. Museum are expected to boost revenues. With a focus on the North American market for revenue growth, Tourism Victoria has also been proactive in promoting leisure in-market to Japan, China, the Netherlands, Australia and the United Kingdom.

Tourism Victoria was commended for its work in promoting the Greater Victoria area as a destination.

Action: Councillor Thornton-Joe moved that:

1. the delegation from Tourism Victoria's Destination Marketing Commission presenting the approved 2004 Sales and Marketing Plan, 2004 budget, and 2003 audited financial statements, be received; and
2. proceeds of the 2% Hotel Tax for external marketing of the destination be distributed as follows:
 - (a) \$494,388.00 to the Victoria Conference Centre for marketing and promotion of the Victoria Conference Centre; and
 - (b) the balance to the Destination Marketing Commission for executing its 2004 Marketing Plan.

CARRIED. 04/247

3.2 Housing Affordability

Mabel Jean Rawlins-Brannan, Executive Director, Community Social Planning Council of Greater Victoria, discussed housing affordability in the region, stating that new research shows a significant level of unmet basic survival needs among many families and children in the Capital Region. She outlined various services offered by the CSPC, including two websites, newsletters and partnerships. Thanking the City for taking a leadership role and recognizing the challenges of housing affordability, she asked for Council support for continued regional social planning.

Committee members indicated that in spite of social issues in the area, Victoria is a safe city. Along with many social agencies, the City continues to assist those who need help, and hope other local governments will join in to help create a regional strategy.

4. PLANNING AND DEVELOPMENT

4.1 Heritage Alteration Permit #126B – 1006-1020 St. Charles Street

In a report dated March 18, 2004, the Senior Planner reviewed an application 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. The application is being processed in conjunction with Rezoning Application #03-16, which is proceeding concurrently.

Action: Councillor Madoff moved that:

1. City Council authorize the issuance of Heritage Alteration Permit #126B in accordance with:
 - (a) plans dated January 28, 2004;
 - (b) a tree protection plan to the satisfaction of the Director of Parks;
 - (c) development meeting all bylaw requirements; and
 - (d) final revisions to meet the concerns of the Advisory Design Panel at Building Permit stage to the satisfaction of the Director of Planning and Development; and

2. this recommendation for approval be considered concurrent with the Public Hearing for the rezoning (Rezoning Application #03-16).

CARRIED. 04/246

5. COMMUNITY DEVELOPMENT

5.1 OAKLANDS NEIGHBOURHOOD BOUNDARY

At its January 8, 2004, Committee of the Whole meeting, Committee asked staff to review a request from the Oaklands Community Association for a boundary change from Haultain Street to Bay Street, to correspond with School District boundaries. This request would move the current neighbourhood boundary one block south from Haultain Street to Bay Street, following 13 City blocks from Cook Street to the west, to the eastern boundary at Shelbourne Street. The Oaklands Community Association was of the opinion that Bay Street would be a more "logical" boundary as it is a busy street and some of the Association's active members are drawn from the area in question.

The Committee reviewed a report dated March 25, 2004, from the Community Development Planner outlining issues relative to a boundary change that would affect Fernwood and Oaklands neighbourhoods including:

- cost implications to the City to revise Census data and neighbourhood plans and profiles;
- lack of demonstration of support from the Fernwood Community Association and affected residents;
- School District boundaries v. Community Association membership boundaries;
- base funding changes for two Community Associations; and
- uncertainty as to which Community Association would address rezoning applications and other requests.

Action: Councillor Hughes moved that, as requested by the Oaklands Community Association, the report dated March 25, 2004, from the Community Development Planner summarizing issues relative to a request for a boundary change for Oaklands Neighbourhood be tabled, pending review by the Oaklands and Fernwood Community Associations.

CARRIED. 04/245

5.2 World Partnership Walk 2004

The Downtown Development Co-ordinator outlined his report dated March 17, 2004, reviewing a request from the Aga Khan Foundation to hold its 2004 annual World Partnership walk at Beacon Hill Park. Following a meeting with staff, organizers of the walk made changes to mitigate the impacts of the event in 2003, and have made further efforts to reduce the commercial elements of the event in 2004.

Responding to a question from the Committee, the Director, Parks and Community Development, advised that high user fees and set-up costs prohibited the use of the

St. Ann's site for this event. Councillor Madoff agreed to bring this matter to the attention of the Provincial Capital Commission.

Action: Councillor Coleman moved that Council approve the World Partnership Walk event for 2004 subject to:

1. the commercial elements of the World Partnership Walk event for 2004 be limited to:
 - (a) corporate sponsor acknowledgement on three banners; and
 - (b) collection of pledges at designated tables;
2. the event organizer paying, in addition to the Park Permit fee (\$6), the costs of additional City staff required to attend the event to assist with and monitor on-site activity (\$240);
3. the event organizers submitting a post-event report and audited financial statement within 90 days of the event. The report is to:
 - (a) indicate how permit conditions were complied with;
 - (b) provide detailed growth projections; and
 - (c) address options for further eliminating or relocating commercial elements to outside the park for the 2005 event.

CARRIED. 04/244

6. PARKS

6.1 Heron Cam

In a report dated February 17, 2004, the Manager, Parks Division, reviewed the City's www.heroncam.com website. The website was established as a non-invasive means to educate people about the herons in Beacon Hill Park and encourage the long-term preservation of this resource through education, research and protection. The Parks and Recreation Foundation and the Parks Division partnered to share start-up costs of approximately \$7,500.00. The Parks and Recreation Foundation will oversee the long-term operation, maintenance and promotion of the website.

Staff was commended for obtaining the necessary funding to make this project a reality.

Action: Councillor Coleman moved that the report dated February 17, 2004, providing information on the "heron cam" project, be received from the Manager, Parks.

CARRIED. 04/243

6.2 Requests for Hanging Baskets

In a report dated March 25, 2004, the Manager, Parks and the Downtown Co-ordinator advised that petitions had been received from businesses on Fort, Yates and View Streets to install 11, 28 and 21 hanging baskets respectively. The current hanging basket program provides and maintains approximately 1080 baskets in the downtown core. Since each watering truck and operator is able to maintain approximately 500 baskets, these additional requests will require a third watering truck and operator.

Approval of the addition of up to 500 new hanging baskets, phased in over two years, would require a capital increase of \$37,500.00 in 2005 and 2006 for 250 baskets each year. Increase in operational costs are estimated at \$31,750.00 in 2005 and \$63,500.00 thereafter.

Staff was asked to consider including View Street in the hanging basket program.

Action: Councillor Coleman moved that:

1. City Council approve in principle, the addition of up to 500 new hanging baskets in the downtown to be phased in over two years; and
2. the Downtown Community Development Co-ordinator, in consultation with the Downtown Beautification Committee and the Downtown Advisory Committee, develop and overall policy to address the funding and placement of hanging baskets, banners and other beautification tools in the downtown.

CARRIED. 04/242

7. ENGINEERING

7.1 BC Hydro Underground Wiring Location for City Excavations

In his report dated February 26, 2004, the Manager, Transportation and Development advised that B.C. Hydro will be discontinuing its practice of visiting construction areas as requested by City staff for the purpose of marking out the location of underground electrical cables. Since this poses considerable safety concerns for City staff, representatives from all Capital Regional District municipalities agreed that area municipalities need to speak with a united voice to have this service reinstated.

Action: Councillor Coleman moved that City Council pass the following resolution:

Whereas BC Hydro has given notice that they intend to discontinue the practice of providing underground line location services at municipal excavation sites;

And whereas The City of Victoria has safety and liability concerns with this proposed change;

Therefore be it resolved that the Union of British Columbia Municipalities and the Association of Vancouver Island Coastal Communities approach

BC Hydro with a view to getting on-site location of underground lines by BC Hydro reinstated.

CARRIED. 04/241

8. ADMINISTRATIVE MATTERS

8.1 Disposition of Communications

Committee received a memorandum dated March 25, 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 25, 2004 from the Manager, Administration, be received for information and filed.

CARRIED. 04/240

8.2 Association of Vancouver Island Coastal Communities Conference – March 26-28, 2004

Action: Councillor Madoff moved that Council approve:

1. the attendance of Mayor Alan Lowe and Councillor Coleman to the 2004 AVICC;
2. funding of approximately \$668.00 to cover related expenses.

CARRIED. 04/239

Action: Councillor Hughes moved that this item be forwarded to Council for consideration at its March 25, 2004 Regular meeting.

CARRIED. 04/238

8.3 36th Annual Canadian Housing and Renewal Association Congress

Action: Councillor Madoff moved that Council approve:

1. the attendance of Mayor Alan Lowe and Councillor Fleming to the 36th Annual Canadian Housing and Renewal Association Congress;
2. funding of approximately \$1,400.00 to cover related expenses.

CARRIED. 04/237

Action: Councillor Hughes moved that this item be forwarded to Council for consideration at its March 25, 2004 Regular meeting.

CARRIED. 04/236

8.4 Liquor Primary Liquor License Application

The Manager, Administration, in her report dated March 23, 2004, reviewed a proposal for the Irish Times Pub and Oyster Bar at 1200 Government Street. The applicant is requesting a liquor primary license with hours of liquor service from 11:00h to 1:00h seven days a week, and 11:00h to 23:00h for the patio.

An application for rezoning has been submitted as the site's current zoning, CA-3C, Old Town District, does not permit pubs. The proposal is consistent with the policies of the Downtown Plan, 1990, and the Official Community Plan, 1995. The City's draft Noise Bylaw places this venue in an Intermediate Zone, which has a higher noise level threshold for nuisance.

Responding to a question from the Committee, the Corporate Administrator advised that the proposed hours of operation are similar to other pubs in the area, but the closing hour is earlier than nearby cabarets.

Action: Councillor Thornton-Joe moved that:

1. Council convene a Public Hearing and invite residents and property owners to provide comments regarding the application for the Irish Times Pub & Oyster Bar Liquor Primary Liquor License at 1200 Government Street with:
 - hours of service from 11:00h to 1:00h seven days a week;
 - liquor service from 11:00h to 23:00h for the patio;
 - a seating capacity of 180 persons inside and 80 persons on the patio; and
2. in its deliberation of this matter, Council must consider:
 - (a) the location of the establishment;
 - (b) the proximity of the establishment to other social or recreation facilities and public buildings;
 - (c) the person capacity and hours of liquor service of the establishment;
 - (d) the number and market focus of clientele of liquor-primary license;
 - (e) traffic, noise, parking and zoning;
 - (f) population, population density and population trends;
 - (g) relevant socio-economic information; and
 - (h) the impact on the community if the application is approved.

CARRIED. 04/235

Action: Councillor Hughes moved that this item be forwarded to Council for consideration at its March 25, 2004 Regular meeting.

CARRIED. 04/234

9. COUNCILLOR INQUIRIES

9.1 Dangerous Dogs

Noting a recent pit bull attack that resulted in the injury of a guide dog, Councillor Thornton-Joe requested that staff to explore the possibility an amendment to the Animal Control Bylaw that would increase the fine for dog owners who are repeat offenders, and possibly prohibit repeat offenders from owning a dog.

Committee members, aware that some breeds of dogs are more dangerous than others, noted that dog owners are ultimately responsible for keeping their dogs under control.

The Corporate Administrator advised Committee that the new Animal Control Bylaw includes provisions for dangerous dogs.

9.2 Canada Day Fireworks

Action: Councillor Thornton-Joe moved that:

1. Council approve an advance of \$8,500.00 for Canada Day fireworks packages with the full amount to be repaid once sponsorship funds have been received; and
2. this item be forwarded to Council for consideration at its March 25, 2004 Regular meeting.

CARRIED. 04/233

9.3 2004 Corporate Strategic Plan

The Corporate Administrator circulated the final 2004 Corporate Strategic Plan brochure, noting that it will be distributed at public facilities and through the Co-ordinator, Corporate Communications.

10. CLOSED MEETING - 10:35 A.M.

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

Staff Present: J. Basey – Director of Planning and Development/City Solicitor; D. Koch – Manager, Planning Division; M.B. MacKenzie - Recording Secretary; S. Masters – Manager, Administration; N. Taylor – Executive Assistant to the Mayor; and R. Woodland – Corporate Administrator

Action: 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.

CARRIED. 04/232

11.1 Land/Legal – Central Library

Action: Councillor Coleman moved that the correspondence dated March 23, 2004, from the Greater Victoria Public Library, be received.

CARRIED. 04/231

11.2 Legal – Bylaw Enforcement

The City Solicitor reviewed relevant procedures and considerations regarding Development Variance Permits.

11.3 Legal – Claim

The City Solicitor updated the Committee on a claim before the Court. Council instructed the City Solicitor to proceed with his recommendation.

11.4 Legal - Advice

The City Solicitor outlined legal development issues relative to small lots registered in Land Title Office before May 24, 1956.

Action: Councillor Fortin moved that the City Solicitor prepare an amendment to the Zoning Regulation Bylaw, the purpose of which is to amend the R1-A, R1-B and R1-G zoning regulations to provide that:

1. no single family dwelling or other building, except for a building otherwise expressly permitted under the Zoning Bylaw, may be constructed on a lot
 - (i) the title to which was registered in the Land Title Office before May 24, 1956, and
 - (ii) the site area of which is less than 230 square m, or
 - (iii) the average width of which is less than 7.5 m.
2. that in the case of a lot described in paragraph (1) of this resolution, the permitted uses in those zones be amended to include as a separate and permitted use a building such as a garage or shed that customarily would be accessory to a main building on a lot, and the parking of motor vehicles in such a building.

CARRIED. 04/230

Action: Councillor Thornton-Joe moved that this item be forwarded to Council for consideration at its March 25, 2004 Regular meeting.

CARRIED. 04/229

11.5 Legal – City Liability

The Committee discussed liability risks and increased insurance costs for events such as the Victoria Day Parade. Staff was asked to bring a report to the April 1, 2004, Committee of the Whole meeting.

12. ADJOURNMENT

The meeting adjourned at 11:46 a.m.

Mayor Lowe, Chair