

**Minutes of the Committee of the Whole Meeting of the City of Victoria
held Thursday, September 30, 2004**

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

Staff Present: J. Martignago – City Manager; and M.B. MacKenzie – Committee Secretary

Staff Present for a Portion of the Meeting: D. Atkinson – Director, Parks, Recreation and Community Development; S. Barber – Heritage Planner; J. Basey – City Solicitor/Director of Planning and Development; D. Chow – Manager, Recreation Services; D. Carlsen – Economic Development Planner; L. Chase – Planner; J. Daly – Manager, Research, Planning and Design; K. Dowdall – Director of Finance; K. Fowler – Manager, Regulatory and Development Services; M. Hill – Downtown Community Development Co-ordinator; D. Koch – Manager, Planning Division; M. Lam – Head, Urban Design; S. Masters – Manager, Administration; M. Mayhew – Executive Assistant to the Mayor; M. McCliggott – Comptroller; A. Meyer – Planner; G. Oberg – Manager, Supply Management Services; D. Scoones – Bylaw Enforcement Officer; B. Sikstrom – Senior Planner; B. Wiffen – Property Manager; R. Woodland – Corporate Administrator; and W. Zink – Manager, Community Development

1. CALL TO ORDER

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

**2. ADOPTION OF MINUTES -
COMMITTEE OF THE WHOLE, SEPTEMBER 16, 2004**

Action: Councillor Fortin moved that the minutes of the Committee of the Whole meeting held September 16, 2004, be adopted.

CARRIED. 04/653

3. DELEGATIONS

3.1 Victoria 2020 Working Group Report – Public Spaces and Connections

Frank D'Ambrosio and Roger Tinney, Co-Chairs of the Victoria 2020 Public Spaces and Connections Working Group, presented the Working Group's document, "From Public Space to Public Place", dated September 2004. The focus of the Working Group was to identify and study successful public corridors and intersections, i.e., places where people interact, with an overall goal of creating a better downtown. Mr. D'Ambrosio noted that the report indicates areas where initiatives can be started as keystones for future expansion.

Council comments included the need:

- for public input throughout the process;
- to act on initiatives before momentum is lost;
- for a vision to give the City direction;
- to increase financial capacity for revitalization projects; and
- to identify priorities in the Corporate Strategic Plan.

Staff was asked to set-up a meeting between the Public Spaces and Connections Working Group and Council to review the report in detail.

3.2 Downtown Victoria Business Area – Proposed Business Improvement Area

Matt McNeill, Chair of the Downtown Victoria Steering Committee, reviewed the mission statement, vision, and guiding principles of the Downtown Victoria Business Association, the proposed 2005 budget, and a map outlining the proposed boundaries of the Business Improvement Area (BIA).

Responding to questions from the Committee, Mr. McNeill advised that:

- one letter of opposition will be replaced by a letter of support; and
- Council approval is required by the end of 2004, if the BIA is to proceed in 2005.

Staff was asked to prepare a report for the October 14, 2004 Committee of the Whole meeting regarding the proposed Business Improvement Area.

Action: Councillor Holland moved that the proposed Business Improvement Area as presented by the Downtown Victoria Steering Committee, be approved in principle.

CARRIED. 04/662

3.3 New Habitat Acquisition Trust (HAT) Stewardship Manual

Andrew Harcombe, Vice President of the Habitat Acquisition Trust Board of Directors, advised that HAT is creating a conservation legacy by protecting locally significant habitats throughout southern Vancouver Island and the southern Gulf Islands. Reviewing the new HAT Stewardship Manual, he advised that HAT works to protect land permanently through:

- land purchase;
- conservation covenants; and
- education

One member of the Committee suggested that Mr. Harcombe also review the HAT manuals with the public at local community association meetings.

Action: Councillor Holland moved that the delegation of Andrew Harcombe, Vice President of the Habitat Acquisition Trust (HAT) Board of Directors, providing information on the new HAT Stewardship Manual, be received.

CARRIED. 04/661

4. PARKS, RECREATION AND COMMUNITY DEVELOPMENT

4.1 Recreation Integration Victoria Release of Funding

The Manager, Recreation Services, reviewed his report dated September 24, 2004, requesting the release of \$26,131.00 in grant funding to Recreation Integration Victoria to facilitate the participation of people with disabilities in recreation activities.

Action: Councillor Coleman moved that Victoria City Council authorize the release of \$26,131.00 in grant funding to Recreation Integration Victoria.

CARRIED. 04/660

4.2 City-Wide Hub Facility Planning Process

In his report dated September 24, 2004, the Manager, Recreation Services, advised that, as requested by Council at its July 22, 2004 meeting, staff has been working to develop a plan for proceeding with the development of a new city-wide hub facility. An outline of the plan includes:

- the organizational structure and proposed membership of the committee and teams;
- skill requirements for the consulting team;
- a proposed approach to key decision points and Council updates; and
- a proposed phasing of the project

The process ensures community involvement, communication with Council on regular project updates, and Council approval of key decision points.

Members of the Committee expressed concerns with approving the planning process before public consultation had been completed.

Action: Councillor Hughes moved that consideration of the report dated September 24, 2004, from the Manager, Recreation Services, outlining the process for proceeding with the development of a new city-wide hub facility, be postponed until completion of the public consultation process.

CARRIED. 04/659

4.3 Community Meetings – Recreation Renewal Feedback

At its July 22, 2004 meeting, Council received the final report of the Recreation Renewal Project Team, and directed staff to work with the Mayor's office to develop a schedule of meetings with Community Centres, Seniors' Centres and Neighbourhood Associations. Information gathered at these meetings will provide

Council with feedback from the public on the proposed delivery of recreation and wellness services.

Action: Councillor Coleman moved that the report dated September 24, 2004, be received from the Manager, Recreation Services, proposing a schedule and format for Recreation Renewal feedback meetings.

CARRIED. 04/658

4.4 Downtown Land Use Committee Proposal

The Downtown Community Development Co-ordinator reviewed his report dated September 30, 2004. He advised that the mandate of the Downtown Advisory Committee (DAC) is to encourage co-operation between downtown businesses, institutional, residential, cultural and recreational interests; and ensure the integrated consideration of social and economic issues that impact downtown interests and groups. Believing there is a role for it to play in the land use review process, DAC has identified areas where it may make a positive contribution to fulfilling its mandate:

1. DAC assuming the role of an interim Land Use Committee; and
2. a DAC representative participate in the Land Use Committee review process.

Members of the Committee discussed the need to consider the membership of the Downtown Advisory Committee to ensure all sectors of the downtown are represented.

Action: Councillor Thornton-Joe moved that:

1. Where Council considers the Downtown Advisory Committee of particular value in considering specific land use proposals, that it refer those proposals to the Committee; and
2. The Downtown Advisory Committee be included in the review of the document produced by the Land Use Committee Review team.

CARRIED. 04/657

5. PLANNING AND DEVELOPMENT

5.1 Proposed Addition to Heritage-Designated House – 652 Niagara Street

In his report dated September 15, 2004, the Heritage Planner reviewed an application for a new addition and deck on the rear of the heritage-designated house at 652 Niagara Street. Setback variances for this Heritage Alteration Permit are required, but do not require a public hearing.

Action: Councillor Madoff moved that pursuant to Heritage Designation Bylaw No. 313, City Council authorize the issuance of Heritage Alteration Permit No. 138 in accordance with:

1. Plans dated August 5, 2004.

2. Development meeting all bylaw requirements, except for:

Section 1.2.10	Minimum side yard setback west relaxed from 3.0m to 0.78m matching the existing building and variance from total side yard setbacks from 4.5m to 1.54m.
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3. Final plans to be in accordance with plans identified above.
4. Final review of chimney details and materials by the Heritage Planner at Building Permit stage.

CARRIED. 04/656

5.2 **Request for Heritage Designation – 1260 Denman Street**

The Heritage Planner highlighted his report dated September 15, 2004, regarding an owner request to designate an existing house in the Fernwood neighbourhood as a municipal heritage site. This house is a modest example of an 1890's Italianate-style residence typical of working class homes in Victoria at the end of the nineteenth century, and reinforces the historic character of this part of the Fernwood neighbourhood.

Action: Councillor Madoff moved that, whereas the house at 1260 Denman Street is of heritage significance, the City of Victoria designate it as a municipal heritage site.

CARRIED. 04/655

Councillor Madoff declared an indirect pecuniary conflict of interest with the following item, and was excused from the meeting at 10:09 a.m.

5.3 **Development Permit No. 04-30 – 240-252 Cook Street/1035, 1039, and 1043 Suttlej Street**

The Committee reviewed a report dated September 22, 2004, from the Head, Urban Design, regarding an application for a Development Permit to construct a commercial/residential complex on two lots created by the consolidation/subdivision of the southwest corner of the intersection of Cook and Suttlej Streets. In response to Council's comments, the applicant has made the following revisions to the Cook Street building plans:

1. the setbacks on the ground floor facing Cook Street are increased to 2m and 3m for faces and indentations of the bays respectively;
2. the columns supporting the second floor building face are eliminated; and
3. the setback on the second floor along Cook street is increased from 0m to 1m.

In a letter dated September 29, 2004, Moore Paterson Architects proposed a further amendment to the Development Permit application which would remove the roof over the roof garden access stair to the three-storey townhouse element of the Suttlej Street component. It is the architect's interpretation that removal of this roof

eliminates the stairwell as “occupied space” and does not constitute a “floor” as described under the Zoning Bylaw.

The Head, Urban Design, advised the Committee that he had just received the letter from the architect, and requested time to review the amendment.

Action: Councillor Holland moved that that the Head, Urban Design, prepare a report for further consideration by Council at its September 30, 2004 meeting.

CARRIED. 04/654

Councillor Madoff rejoined the meeting at 10:17 a.m.

5.4 Proposed Alterations to Ross Bay Cemetery

The Heritage Planner reviewed his report dated September 14, 2004, regarding a proposed design for a perimeter wall and hedge, gates, columbaria and associated landscaping for the south and south west perimeter of Ross Bay Cemetery, a designated municipal heritage site. These alterations are recommended to secure the perimeter of the cemetery, and provide columbaria to generate revenues to properly maintain the existing cemetery.

Some members of the Committee requested that a non-statutory Public Hearing be held to give the opportunity for public to provide comments on the proposed alterations. Committee decided to defer further discussion on a non-statutory Public Hearing pending receipt of a proposed construction schedule from the Manager, Research, Planning and Design.

Action: Councillor Madoff moved that, pursuant to Heritage Designation Bylaw No. 403, City Council authorize the issuance of Heritage Alteration Permit No. 134 in accordance with:

1. Plans dated June 29, 2004.
2. Development meeting all bylaw requirements.
3. Final plans to be in accordance with plans identified above, with further review by the Heritage Advisory Committee of prototypes and final design details.

CARRIED. 04/653

Mayor Lowe excused himself from the meeting at 10:22 a.m., and Councillor Coleman assumed the Chair.

5.5 Proposed Zoning Bylaw Amendment – 176 Wilson Street

The Committee reviewed a report dated September 17, 2004, from the Planner, reviewing Zoning Regulation Bylaw, Amendment Bylaw (No. 696), 04-53, adopted by Council on May 13, 2004, to allow a retail liquor store at 176 Wilson Street. The intent of the bylaw amendment was to allow this new use in addition to those already permitted in the SNC-1 Zone, however, the wording of the bylaw inadvertently eliminated a use permitted through previous Bylaw Amendment No. 99-57:

“a retail business that:

- (i) sells beer and wine at the same location at which they are produced, and
- (ii) does not emit noise or odours that are offensive to the immediate neighbourhood or the general public.”

Staff was asked to consult with other local jurisdictions e.g. Saanich, on what floor area limits are to be added to Council's 2003 policy which currently states only "facility size should be consistent with its location and service area".

Action: Councillor Madoff moved that the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendment to correct this oversight.

CARRIED. 04/652

5.6 **2004 Work Plan Update – Planning Division**

The Director, Planning and Development, provided an update on the Planning Division's 2004 Work Plan, and Managers reviewed an overview of their Division's accomplishments and status of projects for 2004.

Comments from the Committee included:

- a need to include information on the City's heritage in the Community Profile and tourism material;
- setting priorities based on pressures;
- a request for staff to provide recommendations for the Downtown Plan and Fairfield Plan;
- the need for specific detailed information on Rezoning Application Signs;
- reviewing Council's Licensee Retail Store Rezoning Policy, for beer, wine and liquor stores; and
- the need to address secondary suites.

6. **ADVISORY COMMITTEES**

6.1 **Cycling Advisory Committee – Gallopig Goose Trail – Railyards Cross Section**

The Committee reviewed a report dated September 20, 2004, from the Secretary, Cycling Advisory Committee advising of the Cycling Advisory Committee's (CAC) recent discussions of the design and surface of the Gallopig Goose Trail through the Railyards development. Although the CAC recommends that the Greenways Plan be adopted with both the rolling and strolling surfaces being asphalted, staff expressed concerns from an environmental and parks perspective, i.e., placing non-permeable surfaces close to the water's edge.

Action: Councillor Holland moved that the report dated September 20, 2004, from the Secretary, Cycling Advisory Committee (CAC), providing the CAC's recommendations for the Railyards Cross Section of the Gallopig Goose Trail, be received for information.

CARRIED. 04/651

6.2 Advisory Transportation Committee - Ross Bay Cemetery Plan

The Committee reviewed a report dated September 7, 2004, from the Secretary, Advisory Transportation Committee, advising of the following recommendation of the Advisory Transportation Committee at its August 17, 2004 meeting:

“That the Advisory Transportation Committee:

1. supports the Ross Bay Cemetery Perimeter Study, and
2. endorses minimizing the lane width of Dallas Road / Memorial Crescent to encourage correct traffic flow.

Action: Councillor Fleming moved that report dated September 7, 2004, from the Secretary, Advisory Transportation Committee, advising of the recommendation of the Advisory Transportation Committee regarding the Ross Bay Cemetery Perimeter Study and lane width of Dallas Road / Memorial Crescent, be received for information.

CARRIED. 04/650

7. ADMINISTRATIVE MATTERS

7.1 Dispositions of Communications

Committee reviewed reports dated September 20 and 27, 2004, from the Manager, Administration, reporting that certain communications received in the Legislative Services Division were dealt with on the date and in the manner indicated.

Action: Councillor Madoff moved that the Dispositions of Communications dated September 20 and 27, 2004 from the Manager, Administration, be received for information and filed.

CARRIED. 04/649

7.2 International Downtown Association Conference – October 2-5, 2004

Action: Councillor Madoff moved that Council approve:
(a) the attendance of Councillor Charlayne Thornton-Joe at the 2004 International Downtown Association Conference in Vancouver; and
(b) funding of approximately \$1,502.00 to cover related expenses.

CARRIED. 04/648

8. CLOSED MEETING - 11:22 A.M.

Committee Present: Councillor C. Coleman in the Chair, and Councillors Fleming, Fortin, Holland, Hughes, Madoff, and Thornton-Joe

Staff Present: D. Atkinson – Director, Parks, Recreation & Community Development; J. Basey – City Solicitor/Director, Planning and Development; J. Carpenter – Facilities Planning; D. Chow – Manager, Recreation Services; K. Dowdall – Director of Finance; K. Fowler – Manager, Regulatory and Development Services; M.B. MacKenzie - Committee Secretary; J. Martignago – City Manager; M. McCliggott – Comptroller; G. Oberg – Manager, Supply Management Services; P. O’Reilly – Director of Engineering; B. Wiffen – Property Manager; R. Woodland – Corporate Administrator; and W. Zink – Manager, Community Development

Action: Councillor Madoff moved that Committee of the Whole convene a closed meeting that excludes the public under Section 11(6) of the Council Bylaw for the reason that the following agenda items deal with matters specified in Section 11 (3) and/or (4) of the Council Bylaw.

CARRIED. 04/647

Councillor Fortin declared a direct pecuniary conflict of interest with the following item, and was excused from the meeting at 11:22 a.m.

8.1 Burnside Gorge Community Centre Site and Funding

The Director, Parks, Recreation and Community Development reviewed her report dated September 30, 2004.

Action: Councillor Fleming moved that:

- (a) City Council approve the siting of the new Burnside Gorge Community Centre on the southeast corner of Cecelia Ravine Park as recommended by staff and the Community Association;
- (b) City Council commit that after completion of the lease under the conditions of sale for 3130 Napier Lane (3-5 years), the building at 3130 Napier Lane be demolished. Subject to further discussion with the neighbourhood, this land could be returned 100% to parkland, or reallocated to permit another use; and
- (c) Staff proceed with preparing a short-term Capital Loan Authorization Bylaw for \$1,200,000.00.

CARRIED. 04/646

Councillor Fortin re-joined the meeting at 11:43 a.m.

8.2 Land/Legal – New License, Delta Ocean Pointe Signs

The Property Manager reviewed his report dated September 20, 2004.

Action: Councillor Madoff moved that Council approve a new three-year license of occupation with the Delta Ocean Pointe Resort and Spa

for the existing free-standing sign at the approach of the hotel located on City Lot 1, Plan 45721, with the following terms and conditions:

1. Term: three years commencing January 1, 2005
2. Rate: \$915.00 per annum (one sign)
3. Landscaping and plantings of bed beneath sign to be the responsibility of the hotel.

CARRIED. 04/645

8.3 Honourary Citizens Committee Recommendations – Honourary Citizens Awards

Councillor Hughes reviewed her report dated September 28, 2004.

Action: Councillor Hughes moved that:

- (a) The list of nominees for the Honourary Citizen Award, as recommended in the report dated September 28, 2004, from Councillor Hughes, be approved;
- (b) City staff report to Council regarding the feasibility of placing scrolls with names of the former Honourary Citizen Award recipients in a prominent place in City Hall and the costs of producing the scrolls;
- (c) Greater publicity be given leading up to the receipt of nominations from the public for Honourary Citizens;
- (d) More publicity be given to the awards recipients after the ceremony;
- (e) The Awards Ceremony and Reception be held on another night other than the normal Thursday night Council meeting in order to give the recipients more time to enjoy the Awards Ceremony and Reception;
- (f) A Youth category be included as part of the Honourary Citizens Awards;
- (g) Honourary Citizens Awards be held annually, except during municipal election years.

CARRIED. 04/644

8.4 Legal – Claim (Court File No. 02-0837)

Action: Councillor Fortin moved that that the negotiated settlement as recommended in the report dated September 23, 2004, from the City Solicitor, be approved.

CARRIED. 04/643

8.5 Personnel – Council/Staff Roles

The City Manager and members of the Committee discussed the roles of staff and Council, preferred procedures for the request of information, and Committee of the Whole agenda timelines.

8.6 Legal – Development Permit Application

The City Solicitor provided legal advice on a current Development Permit application.

8.7 CREST – Levy Proposal

Councillor Fortin reviewed two proposed options for a CREST levy.

Action: Councillor Holland moved that Option One of the proposed CREST levy as presented by Councillor Fortin, be endorsed.

CARRIED. 04/642

9. ADJOURNMENT

The meeting adjourned at 1:03 p.m.

Mayor Lowe, Chair