

**Minutes of the Committee of the Whole Meeting of the City of Victoria
held Thursday, December 2, 2004**

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

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

Staff Present for a Portion of the Meeting: S. Barber – Heritage Planner; J. Basey – City Solicitor/Director of Planning and Development; L. Chase – Planner; D. Koch – Manager, Planning Division; M. Leskiw – Manager, Parks Division; R. Linzey – Heritage Planner; M. Hill – Downtown Community Development Co-ordinator; A. Meyer – Planner; P. O'Reilly – Director of Engineering; B. Wiffen – Property Manager; and R. Woodland – Corporate Administrator

1. CALL TO ORDER

The Mayor called the meeting to order at 8:06 a.m.

2. ADOPTION OF MINUTES

2.1 Committee of the Whole, November 25, 2004

Action: Councillor Hughes moved that the minutes of the Committee of the Whole meeting held November 25, 2004, be adopted, with the following corrections:

- Page 6, Item 8.1, "Victoria Conservatory of Music" – replace last sentence with the following:
"Responding to a request for a meeting between the operators of the properties to discuss short-term solutions, Councillor Thornton-Joe advised she suggested to the Conservatory staff that they work with Reverend Tysick of the Open Door to review concerns, prior to a meeting with the neighbours."
- Page 6, Item 8.2, "Orcas in the City" – identify auction of the orcas as "auction of the Victoria orcas".

CARRIED. 04/800

3. WORKSHOP

3.1 Taxed Boulevard Program

The Manager, Parks Division, reviewed the history of the City's Taxed Boulevard Program dating back to 1920, when the "Victoria City Act" empowered Council to impose a maintenance tax for boulevard maintenance and upkeep.

There are 239,424 sq. metres of taxed boulevards in the City generating revenue of \$545,885.00 annually. The annual cost for the City to maintain the boulevards, including a subsidy to “untaxed agencies” is \$615,180.00.

Reviewing customer satisfaction surveys and focus group interview results, and policies in other local government jurisdictions, the Manager, Parks Division, provided the Committee with five options to consider:

1. Maintain the existing Program, and amend the bylaw to enforce maintenance responsibilities for homeowners not on the Program;
2. Discontinue the Taxed Boulevard Program and amend the bylaw to shift the responsibility for boulevard maintenance to property owners;
3. Discontinue the Taxed Boulevard Program in its entirety and the City maintains all boulevards between the sidewalk and the curb;
4. Discontinue the Program and the City maintains “significant” boulevards only; and
5. Continue the Program and improve irrigation and watering.

Comments from the Committee included:

- whether alternative, low maintenance ground covers have been considered;
- whether the costs to maintain boulevards is precluding funding of the installation of new boulevards; and
- one-time costs to install irrigation systems v. ongoing costs of manual watering

Action: Councillor Hughes moved that the options outlined in the Taxed Boulevard Program presentation by the Manager, Parks Division, be referred to the Parks and Recreation Advisory Committee and the Environment and Shoreline Advisory Committee for review and recommendation to Council.

CARRIED. 04/799

4. PARKS, RECREATION AND COMMUNITY DEVELOPMENT

4.1 Dogs in Parks – Final Recommendations

In her report dated November 26, 2004, the Director, Parks, Recreation and Community Development, highlighted the final recommendations of the Dogs in Parks Steering Committee, which includes:

- opening areas in 12 City parks for leash optional use during specific hours; and
- designating Pioneer Square and Circle “C” in Beacon Hill Park as “no dog” areas; and
- a two-phased implementation program.

Discussion ensued, and while members of the Committee were supportive of the program, they expressed the need to set a positive tone using creative signs in parks, and enforce through education rather than fines during the implementation stages.

Members of the Committee agreed that a non-statutory Public Hearing be held before the implementation of Phase Two of the program.

Action: Councillor Coleman moved that Council:

1. Approve the recommendations of the Dogs in Parks Steering Committee in principle, and direct staff to proceed with implementation of Phase One with the following change:
 - (a) remove Banfield Park and amend Vic West Park to:
Daily: 6:00 a.m. to 9:00 a.m. and 6:00 p.m. to 9:00 p.m.
2. Approve the allocation of resources required for program implementation in the 2005 Budget (\$30,000 / capital, \$43,100 / net operating) and a \$10 increase to annual dog license fees for 2005; and
3. Request that the Dogs in Parks Steering Committee report back to City Council, after Phase One implementation, on Phase Two policy and guidelines prior to final Council approval of Phase Two.

Action: Councillor Fleming moved that the main motion be amended to show the following changes:

1. In Item No. 2:
 - (a) \$35,000.00 / capital; and
 - (b) \$5 increase to annual dog license fees for 2005.

DEFEATED. 04/798

Opposed: Mayor Lowe, and Councillors Coleman, Holland, Hughes, Madoff, Savoie and Thornton-Joe.

The main motion was then put and

CARRIED. 04/797

5. PLANNING AND DEVELOPMENT

5.1 Development Permit Application No. 04-37 – 100 Saghalie Road

The Director of Planning and Development, and the Manager, Planning Division, reviewed Development Permit Application No. 04-37 for 100 Saghalie Road. A report will be placed on the December 16, 2004 Committee of the Whole agenda.

Councillor Madoff declared an indirect pecuniary conflict of interest with the following item, and was excused from the meeting at 9:43 a.m.

5.2 Development Permit Application No. 04-41 – 1190 Kings Road / Cridge Centre

In a report dated November 24, 2004, the Heritage Planner outlined Development permit application No. 04-41 for 1190 Kings Road / Cridge Centre. If approved, a three-storey senior's center will be constructed as a new addition to the rear of the existing 1893 heritage-designated Taylor building. Construction of the addition will require demolition of the existing annex at the rear of the Taylor building. Although the Heritage Advisory Committee opposes this demolition, the Joint Advisory Design Panel and Heritage Advisory Committee recommended approval of the application subject to review prior to the Building Permit stage.

Although the application was reviewed by the Traffic Safety Committee, some members of the Committee of the Whole expressed safety concerns at the Hillside/Higginson egress, and discussed the possibility of a cost-shared pedestrian crosswalk.

Action: Councillor Thornton-Joe moved that Council authorize the issuance of a Development Permit in accordance with; and that pursuant to Heritage Designation Bylaw No. 246, City Council authorize the issuance of Heritage Alteration Permit No. 142 in accordance with:

1. Plans dated October 28, 2004 "Development Permit No. 04-41";
2. Development meeting all bylaw requirements except for:

Section 1.92.5	Relaxed from 10m to 11.8m
Section 1.2.10	Side yard setback (east) relaxed from 18m to 5.2m

3. Review by the Joint Advisory Design Panel / Heritage Advisory Committee prior to Building Permit stage;
4. Deletion of the proposed porte cochere adjacent to the front entrance of the existing heritage building;
5. Final plans to be in accordance with plans identified above, with the incorporation of responses to the recommendations from the Joint Committee, to the satisfaction of the Director of Planning and Development.

CARRIED. 04/796

Councillor Madoff rejoined the meeting at 10:03 a.m.

5.3 Rezoning Application No. 04-25 – 920 / 926 Caledonia Avenue

The Planner reviewed her report dated November 10, 2004, regarding Rezoning Application No. 04-25 for 920 / 926 Caledonia Avenue. If approved, the properties will be rezoned from the R-2 Zone (Two Family Dwelling District) to the R3-A1 Zone (Low Profile Multiple Dwelling District) for the construction of 12 townhouse-style residential units with parking in an interior courtyard and the rear yard. This application will be placed in Development Permit Area No. 8, Harris Green and North Park, concurrent with a successful rezoning.

Noting that the outstanding issues are too substantive to refer to the Advisory Design Panel, members of the Committee discussed their concerns including the need for:

- a larger play area for children, separate from the parking area;
- more work to be done at the staff level before the application proceeds; and
- changes to the roof line, side elevations and window size

Responding to a question from the Committee, the architect, Art Finlayson of A.J. Finlayson Architect, advised he will attempt to address the Committee's concerns.

Action: Councillor Madoff moved that Rezoning Application No. 04-25 for 920/926 Caledonia Avenue, be postponed, receipt of plan revisions that address the design and site planning issues outlined in the Planner's report dated November 10, 2004.

CARRIED. 04/795

5.4 Development Variance Permit No. 04-49 – 1321 Fernwood Road

The Committee reviewed a report dated November 23, 2004, from the Planner, for a Development Variance Permit application to reduce the parking requirement from eight stalls to four stalls at 1321 Fernwood Road. The variance will allow a children's play area in the rear yard as well as four parking stalls. The applicant has agreed to register a covenant on the property's title ensuring that the parking variance only applies to the property while it is being used for supported family housing.

Action: Councillor Madoff moved that Council authorize the issuance of a Development Variance Permit for 1321 Fernwood Road, in accordance with plans labeled "Development Variance Permit No. 04-49", dated November 4, 2004 and subject to:

1. Registration of a covenant ensuring that the parking variance only applies to the property while it is being used for supported family housing;
2. Development meeting all bylaw requirements with the following relaxation:

Schedule C Section A (7)	Parking relaxation from 1 parking space per dwelling unit (8 spaces) to 0.5 parking per dwelling unit (4 spaces)
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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. 04/794

5.5 Request to Amend Covenant – 316 and 322 Edward Street

The Planner's report dated November 25, 2004, reviewed a request to amend the covenant registered against properties located at 316 and 322 Edward Street, to

allow replacement of cedar shingles with hardiplank and add belly bands and wooden brackets. Council approval is required to amend the covenant that was registered against the properties to ensure the lots were developed according to the approved plans.

Action: Councillor Madoff moved that Council approve the amendment of the covenant registered against the properties located at 316 and 322 Edward Street.

CARRIED. 04/793

5.6. Rezoning Application No. 04-24 – 1760 and 1766 Denman Street

The Planner reviewed her report dated November 26, 2004, regarding an application to rezone a portion of two properties from the R1-B Zone to the R1-S2 Zone to permit subdivision and construction of three new single-family dwellings. The subject properties have frontage on both Denman Street and Albert Street, but the new dwellings would be accessed from Albert Street.

Members of the Committee expressed a need for more greening and less asphalt.

Action: Councillor Madoff moved that the City Solicitor be instructed to prepare the necessary bylaw documents for Rezoning Application No. 04-24, 1760 and 1766 Denman Street, and that the application be forwarded for consideration at a Public Hearing, subject to:

1. improvements to the existing houses; and
2. consultation with adjacent residents on Albert Street,

prior to the Public Hearing.

CARRIED. 04/792

5.7 Proposed Addition to Heritage-Designated House – 238 / 240 Memorial Crescent

Action: Councillor Madoff moved that, pursuant to Heritage Designation Bylaw No. 169, City Council authorize the issuance of Heritage Alteration Permit No. 143 in accordance with:

1. Plans dated October 20, 2004, as amended by supplemental elevations dated November 17, 2004: A3 rev. 1 East Elevation; A3 rev. 2 West Elevation.
2. Development meeting all bylaw requirements expect for:

Section 1.2.10	Side yard setback (north) relaxed from 1.52m to 1.13m; and
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3. Final plans to be in accordance with plans identified above.

CARRIED. 04/791

Councillor Fortin left the meeting at 10:32 a.m.

5.8 City Request for Heritage Designation – The Lower Causeway at Inner Harbour

In his report dated November 25, 2004, the Heritage Planner reviewed the heritage value of the lower causeway, noting its strategic role in the development of Victoria's urban environment. This historic place is a wide, formally-designed section of the public promenade skirting the perimeter of Victoria's Inner Harbour. It comprises a quayside walkway flanked by a raised area of planting, incorporating treed seating areas set against the rustic stone retaining wall of an older causeway.

Action: Councillor Madoff moved that, whereas the lower causeway of the Inner Harbour is of heritage significance, the City of Victoria designate it as a Municipal Heritage Site.

CARRIED. 04/790

5.9 Proposed Addition to a Heritage-Designated House – 1961 Fairfield Place

In his report dated November 24, 2004, the Heritage Planner reviewed an application for a Heritage Alteration Permit No. 144 for 1961 Fairfield Place, which is being processed in conjunction with Rezoning Application No. 04-28. The application was reviewed by the Heritage Advisory Committee and recommended for approval, subject to the conditions noted below.

Action: Councillor Madoff moved that, pursuant to Heritage Designation Bylaw No. 228, City Council authorize the issuance of Heritage Alteration Permit No. 144 in accordance with:

1. Plans titled "Heritage Alteration Permit No. 144, Revision 1," dated November 22, 2004;
2. Development meeting all bylaw requirements;
3. Revision of design details to the verge overhang of the east gable to reflect the detailing of the other gables;
4. Revision of design details of proposed dormer window to pair of nine-over-one light sashes;
5. Recommend that consideration be given to re-using the original wood sash windows and other finished woodwork that is being displaced by the addition;
6. Encourage the applicant to consider amendments to the north elevation of the 1988 flat-roofed addition to reduce the negative impact of that element;
7. That the Heritage Alteration Permit be considered concurrent with the Public Hearing for Rezoning Application No. 04-28; and
8. Final review by the Heritage Advisory Committee prior to Building Permit.

CARRIED. 04/789

6. FINANCE

6.1 Tender No. 04-053 – Catch Basin Replacement Program, 2005

The Committee reviewed the report dated November 18, 2004, from the Senior Buyer, providing information on the pre-qualification process for Tender No. 04-053, and the evaluation of tenders.

Action: Councillor Savoie moved that:

1. Tender No. 04-053 – Catch Basin Replacement Program, 2005, be awarded to Pedre Contractor Ltd., for a total cost of \$500,000.00 based on being the overall lowest tender; and
2. this item be forwarded to the December 2, 2004 Council meeting for consideration.

CARRIED. 04/788

7. ADMINISTRATIVE MATTERS

7.1 Disposition of Communications

Committee reviewed a report dated November 26, 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 Savoie moved that the Disposition of Communications dated November 26, 2004 from the Manager, Administration, be received for information and filed.

CARRIED. 04/787

7.2 Proclamation

Action: Councillor Madoff moved that it be recommended to Council that Victoria City Council proclaim December 6, 2004 as “Day of Remembrance and Action to Stop Violence Against Women” in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED. 04/786

Councillor Fortin rejoined the meeting at 10:35 a.m.

8. PLANNING AND DEVELOPMENT

8.1 Petition to Waive Clean Hands Policy – 250 Government Street (James Bay Inn)

The City Solicitor reviewed a petition dated November 5, 2004, from Bob Friedland of Dinning Hunter Lambert & Jackson, requesting to proceed with a rezoning application prior to the commencement of legal action for Zoning and Business

Licence Bylaw contraventions at the James Bay Inn, 250 Government Street and 590 Marifield Avenue. The City's "Clean Hands Policy" requires that the property owner revert the existing properties to their former uses, prior to proceeding with the rezoning application.

Responding to questions from the Committee, Gene Miller, New Landmarks, stated his belief that the Clean Hands Policy is counter-productive in this case, and alleviation of the transient use on the property can be achieved only through rezoning. He further advised that the existing parking lot use is not an approved use, but if Council approves temporary use of the parking lot, he will ensure the houses are vacated during the rezoning period.

Action: Councillor Fleming moved that the City waive the Clean Hands Policy for the parking lot located at 250 Government Street (James Bay Inn), subject to the registration of a covenant that ensures that the houses are vacated as undertaken by the applicant pending the disposition of the rezoning application.

CARRIED. 04/785

9. **ADMINISTRATIVE MATTERS**

9.1 **CREST – Resolutions for Annual General Meeting**

The Committee reviewed correspondence dated November 10, 2004, from CREST.

Action: Councillor Coleman moved that:

1. Council receive and approve the 2004 CREST Directors' Report;
2. Council receive and approve the December 31, 2003 Audited Financial Statements;
3. Council approve the reappointment of KPMG, Chartered Accountants, as auditors for CREST;
4. Council approve the Members' Levy for 2005 as proposed;
5. Council approve the CREST 2005 Operating and Capital Budgets as proposed; and
6. this item be forwarded to the December 2, 2004 Council meeting for consideration.

CARRIED. 04/784

9.2 **Business Licence Bylaw, Amendment Bylaw (No. 28) – Liquor Licensed Businesses**

The Corporate Administrator outlined his report dated December 1, 2004, proposing three options for liquor-primary licence fees:

Option 1 – Variable licence fee for downtown reduced to \$7.00
Total additional revenue estimated at \$29,450.00

Option 2 – Variable licence fee for downtown area reduced to \$6.00
Fixed component of fee for downtown area increased to \$500.00
from \$300.00. Total additional revenue estimated at \$29,150.00

Option 3 - Variable licence fee reduced to \$6.00 for all liquor-primary licensees
Total additional revenue estimated at \$21,750.00

Members of the Committee discussed the need to correspond with the Liquor Licensing Branch and request an increase in inspections to be funded from liquor tax revenues.

Action: Councillor Fortin moved that, as outlined in the Corporate Administrator's report dated December 1, 2004, Council adopt Option 1, and instruct the City Solicitor to prepare an amendment to the Business Licence Bylaw, Amendment Bylaw (No. 28), for the December 2, 2004 Council meeting.

CARRIED. 04/783

10. COUNCILLOR INQUIRIES / INFORMATION SHARING

10.1 Survey of City-Owned Land – 1436 Ryan Street

Councillor Hughes requested information on the survey being carried out on City-owned property at 1436 Ryan Street. The Property Manager was directed to discontinue any further survey of the property pending a report to Committee of the Whole.

10.2 Sewage Charges – Victoria Harbour Authority

Responding to a question from Committee, the Director of Engineering agreed to meet with the Director of Finance to discuss the Victoria Harbour Authority's collection of sewage fees from cruiseships, and whether the City should be collecting these fees.

11. CLOSED MEETING - 11:29 A.M.

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

Staff Present: J. Basey – City Solicitor/Director of Planning and Development; M.B. MacKenzie – Committee Secretary; J. Martignago – City Manager; P. O'Reilly – Director of Engineering; B. Wiffen – Property Manager; and R. Woodland – Corporate Administrator

Action: Councillor Hughes 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.

11.1 Elections – Council Representatives to Capital Regional District Board

The Corporate Administrator conducted an election for four members of Council who wished to serve as the Council representatives to the Capital Regional District Board. The following members of Council were elected for the 2005 term:

- Mayor Alan Lowe
- Councillor Rob Fleming
- Councillor Denise Savoie

Action: Councillor Fortin moved that a list of alternates be established and drawn on from a “pool”, rather than the current practice of assigning specific alternates for specific Councillors.

CARRIED. 04/781

Mayor Lowe left the meeting at 11:35 a.m., and Councillor Hughes assumed the Chair. Ian Maxwell, Point Hope Shipyard, joined the meeting at 11:35 a.m.

11.2 Land/Lease – Point Hope Shipyard

Responding to questions from the Committee, Mr. Maxwell outlined his proposed plans for Point Hope Shipyard.

Mr. Maxwell left the meeting at 11:50 a.m.

Action: Councillor Madoff moved that the recommendations in the report dated November 1, 2004, be approved, subject to:

1. the applicant’s submission of site drawings showing location options for the proposed sand blast building on the east side of Harbour Road.

CARRIED. 04/780

11.3 Land/Lease – Unit 20, Centennial Square

Action: Councillor Madoff moved that the recommendations in the report dated November 24, 2004, from the Property Manager, regarding a new lease for No. 20, Centennial Square, be approved.

CARRIED. 04/779

11.4 Land/Lease – 587A Bay Street

Action: Councillor Madoff moved that the Property Manager's report dated November 24, 2004, be postponed, and the Property Manager explore alternative locations outside of the downtown core, and report back to the Committee.

CARRIED. 04/778

11.5 Legal/Bylaw Enforcement – Recovering Enforcement Costs

The City Solicitor advised that this item will be placed on the December 9, 2004, Committee of the Whole agenda for further consideration.

11.6 Legal/Claim

Action: Councillor Coleman moved that:

1. the recommendations in the report dated November 29, 2004, from the City Solicitor, regarding SCBC No. 03-0287, be approved; and
2. this item be forwarded to the December 2, 2004 Council meeting for consideration.

CARRIED. 04/777

11.7 Advisory Committee Appointments

The Committee considered applications for Advisory Committees, and agreed to finalize the appointments at its December 9, 2004 meeting.

12. ADJOURNMENT

The meeting adjourned at 1:50 p.m.

Mayor Lowe, Chair