

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING
HELD THURSDAY, MARCH 1, 2007, 8:00 a.m.

Committee Members Present: Mayor Lowe in the Chair, Councillors Coleman, Hughes, Madoff, Thornton-Joe and Young.

Absent: Councillor Chandler, Fortin and Holland.

Staff Present: R. Woodland - Corporate Administrator; P. Ballantyne – City Manager; C. Havelka - Recording Secretary.

Staff Present for a Portion of the Meeting: P. O'Reilly – Director of Engineering; D. Day – Director of Planning & Development; D. Atkinson – Director of Parks, Recreation and Community Development; D. Angrove – Fire Chief; M. McCliggott – Director of Finance; P. Sparanese – Deputy Director of Engineering; C. Carter – Bylaw Officer; L. O'Keefe – Financial Analyst; S. Masters – Manager, Administration and Protocol; A. Hudson – Senior Planner; M. Lam – Senior Urban Design Planner; S. Kaur – Engineering Customer Service Coordinator; D. Koch – Manager, Development Services; T. Phillips – Manager, Revenue; C. Ho – Executive Assistant; C. O'Regan – Manager, Facilities & Operations; T. Stewardson – Community Recreation Coordinator.

1. CALL TO ORDER

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

2. CLOSED MEETING 8:06 a.m.

Committee Members Present: Mayor Lowe in the Chair, Councillors Coleman, Hughes, Madoff, Thornton-Joe and Young.

Absent: Councillor Chandler, Fortin and Holland.

Staff Present: R. Woodland - Corporate Administrator; P. Ballantyne – City Manager; C. Havelka - Recording Secretary.

Staff Present for a Portion of the Meeting: M. McCliggott – Director of Finance; P. Sparanese – Deputy Director of Engineering; D. Day – Director of Planning & Development; B. Wiffen – Property Manager.

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.

CARRIED 07/141

2.1 Land - Lease

Committee received information from the Director of Finance with respect to land for lease.

The discussion was recorded and kept confidential.

(Resolution Closed – 07/140)

2.2 Land – Offer to Lease

Committee received a report from the Corporate Administrator dated February 26, 2007 with respect to an offer to lease land.

The discussion was recorded and kept confidential.

(Resolution Closed – 07/139)

2.3 Land – New Licence of Occupation – Clover Point Anglers Association

Committee received a report dated February 19, 2007 from Corporate & Regulatory Services with respect to a New Licence of Occupation for Clover Point Anglers Association. The purpose of this report is to obtain Council's approval for a new 5 year licence of occupation with the Clover Point Angler's Association (CPAA) for the boathouse at Clover Point. An earlier report in January 2007 was tabled pending receipt of additional information regarding membership.

A Committee member expressed concerns about whether the existing long waiting times for membership in the association meet the public-use intent of the lease and asked that staff review this issue with the Clover Point Anglers Association

Action: Councillor Young moved that Council approve a new one year Licence of Occupation with the Clover Point Anglers Association for the boathouse and ramp at 1303 Clover Point, with the following conditions:

1. Term: March 15, 2007 to March 14, 2008
2. Rent: \$1700 per annum, plus GST.
3. Maintenance, repair and all insurance costs to be borne by the CPAA.

CARRIED 07/138

2.4 Land – Lease Amendment – Point Hope Maritime Ltd. (PHM)

Committee received a report dated February 20, 2007 from Corporate and Regulatory Services with respect to a Lease Amendment for Point Hope Maritime

Ltd. (PHM). The purpose of this report is to obtain Council's approval to amend the Head Lease with PHM, including an additional parcel of land.

- Action:** Councillor Coleman moved that Council approves amending the existing Lease with PHM to include Lot A, Plan VIP77485 subject to:
1. Rent: \$16,721.04 per year plus GST and applicable property taxes.
 2. All other terms and conditions of the original lease, dated November 1, 1991, except as amended in subsequent Lease Amendments, Renewals and Modifications.

CARRIED 07/137

3. RECESS – CLOSED COMMITTEE OF THE WHOLE MEETING

The Closed Committee of the Whole meeting recessed at 9:04 a.m. in order to convene a Special Council Meeting.

4. OPEN MEETING CALLED TO ORDER BY THE CHAIR AT 9:07 a.m.

5. APPROVAL OF AGENDA

The Mayor outlined the following changes to the March 1, 2007 Committee of the Whole agenda:

- Item # 11 – revised report
- New Item # 25 – Closed Meeting
- Councillor Inquiries / Information Sharing:
 - a) Councillor Hughes – one sharing
 - b) Councillor Coleman – one inquiry
 - c) Councillor Thornton-Joe for Councillor Chandler - one inquiry

- Action:** Councillor Hughes moved that the Agenda of the March 1, 2007 Committee of the Whole meeting be approved as amended.

CARRIED 07/136

6. ADOPTION OF MINUTES

6.1 February 15, 2007 Committee of the Whole Minutes

- Action:** Councillor Madoff moved that the minutes of the Committee of the Whole meeting held February 15, 2007 be adopted.

CARRIED 07/135

7. PRESENTATION

7.1 2007 Financial Plan – Public Presentation

Committee received an overview of the 2007 Financial Plan from the Director of Finance. Highlighted in the Operating Budget was funding for six new Police Officers approved in 2006 but phased over 2 years; increased funding for Police overtime; increased funding for Corporate and Regulatory Services; a new deputy for the Fire Department; additional Planning Department Resources; additional funding for downtown sidewalk cleaning; and an increase in Capital Budget funding. Other factors that drove increases were inflationary increases on salary; inflation on construction costs; and capital funding to deal with infrastructure costs.

The original property tax increase was projected to be 5.02% but by achieving budget balancing strategies, the operating and capital property tax increase is now at 3.99%. This reaches the goal of under 4% requested by Council. At this rate, the average residential property assessed at \$464,000 will see an increase in their property taxes of \$63. The average commercial property assessed at \$1,206,000 will see an increase of \$595.

The Director of Finance advised that unknowns in the budget are new construction revenue and final property assessment data. The Director of Finance offered a question period to the public but no one came forth.

8. DELEGATIONS

8.1 Art Gallery of Greater Victoria Presentation

Committee received a presentation from the Art Gallery of Greater Victoria which is actively pursuing the construction of a downtown Art Gallery. This gallery will have state of the art exhibition space, a gift shop with art rental facilities, a café, sculpture court and inviting entrance. The plan for a new art gallery also includes retaining the present location on Moss Street because it has environmentally controlled space needed for storage.

The proposed construction is for a building of approximately 25,000 square feet where the Crystal Court Motel is currently located. The total project cost is currently estimated at \$14 million. The Art Gallery of Greater Victoria is requesting \$950,000 from the City of Victoria to help fund this project. They advise that they are approaching Oak Bay, Saanich, and others for contributions. The Mayor noted that the gallery is open to property tax exemptions and other value transfers that will cost tax payers.

It was noted that a newly constructed Art Gallery in the City of Hamilton resulted in an increase in tourism and new visitors as well as an enhanced downtown experience. Similar results can be anticipated in Victoria, aiding overall economic renewal and revitalization.

Committee members expressed concerns about this project which is being developed in conjunction with a condo project and would like to receive more information when the rezoning application comes forward.

8.2 S.P.C.A. Presentation

Committee received a report from C. Daniel, C.E.O. of the S.P.C.A. which reviewed the January 2004 consent adjournment of an action instituted by the Corporation of the City of Victoria in the Supreme Court of British Columbia. The matter was adjourned pursuant to an agreement between the parties. This agreement resulted in the BC SPCA rebuilding its facility located at 3150 Napier Lane so as to provide a long term solution to noise from barking dogs. The City of Victoria agreed to support an application by the BC SPCA for a property tax exemption in the 2005 taxation year on condition provisions in the agreement were complied with.

Over the course of the past two years, the BC SPCA has fully enclosed both the south side of the dog kennels facing the Cecelia Ravine and the north side dog kennels facing Burnside Road. The new dog area, built at a cost of \$700,000 was acoustically tested at all stages of the construction process and will meet and exceed the provisions contained in the City's Noise Bylaw. The project was completed in late 2006 and application was made to the Supreme Court for an Order dismissing the proceedings without costs to either party. Such Order was granted on January 12, 2007.

Committee members inquired and received information on the following:

- The SPCA will board a pet of a homeless person for a few days upon agreement with that person. If requested, they will also spay or neuter the pet while it is in their care.
- The SPCA does not have a boarding service but there are options for helping in this manner, such as finding a foster home for the pet.
- The SPCA does help injured animals and is the only organization to help injured animals after hours.
- Local donations to the SPCA stay in Victoria.
- The Burnside Gorge Community Association is pleased with the changes made at the SPCA.

As outlined in the agreement with the City and the SPCA, the SPCA is requesting the City support their application for property tax exemption for 2005. They submit that their organization would fall under the social services category because of their low cost spay and neuter program; compassionate boarding program; and they are funded primarily through charitable donations. They are also requesting the City's support in their application for tax exemption status in 2007 and subsequent years.

Mayor Lowe thanked the SPCA for their presentation and their efforts to resolve an issue that started in 1990.

Action: Councillor Young moved that further consideration of granting the BC SPCA tax exemption for the 2005 taxation year and tax exemption status for 2007 and subsequent years be forwarded to the Finance Committee.

CARRIED 07/134

9. DEVELOPMENT SERVICES

9.1 Development Permit # 000067 for 1006 Wharf Street

Committee received a report from Development Services dated February 20, 2007 with respect to Development Permit # 000067 for 1006 Wharf Street. This application is for a canteen-style fish take-out restaurant proposed to be located on the Wharf Street pier in the Victoria Inner Harbour. The application was considered by Council at the meeting of December 14, 2006, in which Council passed a motion that the application be referred back to Committee of the Whole, and that the applicant be asked to provide further information on the detailed design and exhaust venting from the cooking area of the restaurant.

The applicant has provided additional information, including a cross-section of the site showing the proposed restaurant in relation to the Malahat building on Wharf Street. To address concerns regarding impacts to views, the applicant has proposed that the roof deck, which was a feature in the original design, be removed in place of a green roof which would soften the appearance of the facility and provide some screening when viewed from above (Wharf Street). The applicant has submitted specifications of the exhaust system and has provided written confirmation of cooking methods and garbage disposal that may mitigate odours for information purposes only. Finally, the applicant and representatives from the Greater Victoria Harbour Authority consulted with adjacent neighbours in an attempt to address and mitigate any concerns, and have provided written confirmation of the consultation.

The proposal is consistent with the *Victoria Harbour Plan*, *Greenways Plan*, *Downtown Victoria Plan*, and with the *Advisory Design Guidelines for Buildings, Signs and Awnings*. A more thorough discussion of consistency with these policies and guidelines is provided in the previous staff report to Committee of the Whole, dated November 29, 2006.

Committee members inquired and received information on the following:

- Garbage clean up in the area is the responsibility of the Greater Victoria Harbour Authority and there are garbage and recycling receptacles nearby.
- Other than a small sign on the building, no signage is proposed.
- Committee would like clarification on what type of sign could be displayed for that building as allowed under the Sign Bylaw.
- The occupants of the Malahat building were advised of the changes to the plan for this project but still disapproved.

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

1. Plans stamped "Development Permit 000067" dated January 24, 2007.
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 & Development Department.

4. Subject to staff providing information on signage at this location.

CARRIED 07/133

9.2 Development Permit # 000066 for 365 Waterfront Crescent

Committee received a report from Development Services dated February 21, 2007 with respect to 365 Waterfront Crescent. This application is for a six storey residential building that would comprise 84 dwelling units, underground parking to accommodate 118 parking spaces and bicycle storage for 90 bicycles. The building is of a terraced design articulated into three sections to provide human-scaled proportions. The applicant has described the proposal in letters to Council dated February 19, 2007 and January 9, 2007.

The subject site is identified within the *Selkirk Waterfront Urban Design Manual* as "Development Area 1" and as the "Creekside Apartments" which prescribe buildings in this area to terrace from four storeys within the southern portion of the property up to six storeys near the Gorge Road Viaduct in the northern portion of the property. The guidelines encourage architectural expression that takes advantage of views towards fundamental design principles. The *Manual* also references the creation of pedestrian links and their general locations and suggests a link through this property. The applicant proposes one building rather than multiple smaller buildings, therefore, a pedestrian connection has not been provided. Staff have no objections to this as there are existing connections to the Galloping Goose Trail that provide adequate pedestrian linkages.

The applicant is proposing one variance to the requirement that the building be sited at a build-to line 3.5 metres from Waterfront Crescent and instead proposes a setback of 6.2 metres. The purpose of this regulation is to ensure a well-defined pedestrian-scaled street space. Staff have no objection to this variance as the additional 2.7 metre setback provides space between the ground floor patios facing Waterfront Crescent and the public sidewalk and the proposed design still provides definition of the street space through siting of the upper floors, stone fencing and a treed boulevard.

This application was considered by the Burnside Gorge Community Association, which has provided comments in a letter to Council. It is noted that this Development Permit with variances requires sign posting, notification and a hearing.

Committee members questioned the applicant on the landscaping that borders the Galloping Goose trail. Access to the trail will be maintained by the stairwell going between the two buildings in addition to the existing ramps. The applicant is landscaping the public park but staff needs to seek clarification from Parks with respect to who will maintain it. Committee members noted that public/private landscaping projects should require consultation with Parks to clarify their role in the project. Committee requested that design and maintenance information for the park area be available for the public hearing.

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

1. Plans stamped "Development Permit 000066" dated February 9, 2007.
2. Development meeting all bylaw requirements, with the following variance:
Section 12.1.1(a) and 12.1.5(d). Build to line setback varied from 75% of building face at 3.5m to the majority of the building located at 6.2m at closest point of building.
3. Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development Department.

CARRIED 07/132

9.3 Development Permit # 000070 for 356 Gorge Road East

Committee received a report dated February 15, 2007 from Development Services with respect to Development Permit Application # 000070 for 356 Gorge Road East. This application is to convert an existing motel, The Fountain Inn, into 23 residential strata units. This project is also subject to a rezoning application and is proposed to be included in a new Development Permit Area. The applicant, by letter, has provided a design rationale and description of sustainable features (adaptive reuse). Five variances are being requested as part of this application related to open site space, height, front yard setback, side yard setback and parking. All variance have been reviewed by staff and are supportable. A detailed discussion is provided within Section 4 of this report.

The application was considered by the Advisory Design Panel at its meeting of January 31, 2007, and the Panel recommended that the application be approved. In response to Committee of the Whole direction that the Advisory Design Panel review the application with particular attention to safety, privacy and landscaping, the applicant has provided an exterior lighting plan.

This Development Permit Application is subject to notification, sign posing and a hearing. It is noted that the rezoning application in parallel, is subject to a public hearing.

Action: Councillor Thornton-Joe moved that:

1. the proposed resolution noted below be considered at the same public hearing meeting for which a public hearing is held for the Zoning Bylaw Amendment for 356 Gorge Road East, and subject to Council's adoption of the Zoning Bylaw Amendment.
2. Council authorize the issuance of a Development Permit in accordance with:
 - i. Plans stamped "Development Permit 000070", dated January 9, 2007.
 - ii. Development meeting all Zoning Bylaw requirements, with the following variances:
Section 3.10.5 – Open site space relaxed from 30% minimum to 24%.

Section 3.10.10 – Height relaxed from 12m Maximum to 13.0m.

Section 3.10.11 – Front yard setback relaxed from 10.5m to 7.3m.

Section 3.10.12 – Side yard setback (east) relaxed from 6.5m minimum to 1.5m.

Section 3.10.17(1) – Parking requirement relaxed from 1.4 stalls per unit (32 stalls) to 1.08 stalls per unit (25 stalls).

- iii. Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Planning & Development.

CARRIED 07/131

9.4 Heritage Alteration Permit # 00053 for 1001 Government Street

Committee received a report from Development Services dated February 14, 2007 with respect to Heritage Alteration Permit Application # 00053 for 1001 Government Street. This application is to restore the doorway entrance and columns on the ground floor corner entrance to the Heritage Designated Building at the corner of Government and Broughton Street.

Action: Councillor Thornton-Joe moved that, pursuant to Heritage Designation Bylaw # 8, City Council authorize the issuance of Heritage Alteration Permit # HAP 00053, in accordance with:

1. Plans dated January 24, 2007.
2. Development meeting all bylaw requirements.
3. Final plans to be in accordance with plans identified above.
4. Doors and transom windows to be of wood frame.
5. Revision of the base detail to match adjacent pilasters.
6. Submission of shop drawings of proposed doors.

CARRIED 07/130

9.5 Owner Request for Heritage Designation for 2209 Vancouver Street

Committee received a report from Development Services dated February 14, 2007 with respect to an owner request for Heritage Designation for 2209 Vancouver Street. This request is to designate an existing 1924 Arts and Crafts style house and selected interior features as a municipal heritage site. The house is not on the Heritage Registry and is located in the North Park neighbourhood.

Action: Councillor Thornton-Joe moved that, whereas the house at 2209 Vancouver Street is of heritage significance, City Council designate it as a municipal heritage site, including the following interior features:

- Built-in buffet in dining room.
- Built-in bookcases in living room.
- All hardwood floors.

- Stained glass windows.
- Tile floors in front entry, kitchen and bathroom.
- The granite wall of the front property.

CARRIED 07/129

9.6 Resolutions in Support of Heritage Canada Foundation – Federal Financial Incentives for Historic Places

Committee received a report from Development Services dated February 14, 2007 with respect to Resolutions in Support of Heritage Canada Foundation – Federal Financial Incentives for Historic Places. Correspondence was received from the Heritage Canada Foundation and the Region of Waterloo, requesting the City of Victoria to support their resolutions that the Federal Government include tax incentives in the 2007 budget to encourage private sector investment in the rehabilitation of historic places. The Heritage Advisory Committee considered this request at its meeting of February 13, 2007 and recommended that the City endorse this request.

Action: Councillor Thornton-Joe moved that

1. The City of Victoria support the resolution passed by the Heritage Canada Foundation:

WHEREAS historic places are an integral part of memory, community, and identity, telling the stories of who we are and where we come from;

WHEREAS Canada has lost more than 20 percent of its pre-1920 heritage buildings to demolition over the last 30 years;

WHEREAS the rehabilitation of historic places creates jobs, stimulates adjacent development, increases property values, reduces landfill, and protects community character;

WHEREAS the pilot Commercial Heritage Properties Incentive Fund (CHPIF) demonstrated the need for, and beneficial effect of a federal incentive to leverage private investment for the rehabilitation of historic places;

WHEREAS the federal tax system is used to encourage and reward economic activities in many commercial areas, such as motion picture production and mineral exploration, but contains disincentives to the reuse of historic buildings;

WHEREAS the tools are in place to identify eligible heritage properties and establish the quality of rehabilitation work, developed through the federal/provincial/territorial Historic Places Initiative;

THEREFORE, we call upon the Government of Canada to include financial incentive(s) for historic places in the next federal budget.

2. That the City of Victoria support the resolution passed by the Region of Waterloo as follows:

That the City of Victoria request the Federal Ministers of Culture and Finance to include financial incentives in the 2007 Federal Budget which would encourage private sector investment in the rehabilitation of historic places;

And that this report be forwarded to local Members of Provincial and Federal Parliament, the Union of British Columbia Municipalities, and the Federation of Canadian Municipalities.

CARRIED 07/128

10. ENGINEERING

10.1 View and Vancouver Streets Intersection Upgrade and Beautification

Committee received a report from Engineering dated February 6, 2007 with respect to View and Vancouver Streets and the need to apprise Council of the need to upgrade and beautify this intersection and to seek approval to present the plan to the public at an Open House Meeting. The intersection of View and Vancouver Streets has been experiencing settlement issues since it has been built. The intersection has now reached a point that ongoing maintenance is no longer feasible due to the amount of settlement that has occurred over the years (approximately 0.5 metres at the quadrants of the intersection).

The main issues with the intersection are:

- Ongoing settlement of the intersection due to soil conditions.
- De-watering of the ground water system.
- Accessibility concerns due to excessive sidewalk and crosswalk grades.
- Safety concerns with excessive cross-falls on the roadway.
- Maintenance concerns with underground utilities.

The Geotechnical investigation identified a variety of methods to address long-term settlement of the intersection. The preferred solution is to excavate the colluvium material (imported fill) and replace it with a light weight cellular concrete material. Staff also intends to recharge the ground water system by redirecting a portion of the surface water from catch basins into the peat layer beneath the roadway. This will reduce the tendency for the peat to decompose any further than it already had.

The project has been rationalized into two phases. The first phase (Immediate Plan) is to deal with the intersection area that has settled beyond what is reasonable and is resulting in safety, accessibility, and maintenance concerns.

The project cost for the first phase:

Immediate Plan (Intersection)	\$2,700,000
Beautification Component (50/50 cost share)	<u>\$ 300,000</u>
Grand Total	\$3,000,000

Benefits of the Project:

- Traffic Calmed Design.
- Pedestrian Friendly Features.
- Addition of Green Space.
- Increased Permeable Surface.
- Innovative Construction Techniques.

The next phase of the project (Long-Term Plan) involves completing the remainder of the works outside the intersection, between Quadra Street and Cook Street. The cost of this work is estimated at \$1,020,000. This work is currently unfunded and would be done based on City priorities and available funding and as future redevelopment occurs. This phase would also include a beautification component as the previous phase.

Committee were advised on the following:

- Though this is not on a bike route and there will not be bike lanes, the route is bike friendly due to the traffic calming features.
- Hydrology work has been done in other areas and a preliminary assessment has not revealed areas with similar degrees of settlement.
- The left hand turn from View Street into the Shopping Centre has been problematic and staff will look at new designs to address concerns.

Action: Councillor Thornton-Joe moved that Council approve this report and instruct staff to present the plan to the public at an Open House Meeting and report back to Council on the implementation plan.

CARRIED 07/127

11. FINANCE

11.1 Vacant and Derelict Buildings

Committee received a report from Finance dated February 12, 2007 with respect to Vacant and Derelict Buildings. The purpose of this report is to bring forward a draft resolution to deal with vacant and derelict properties through property taxation.

It has been recognized that one method of dealing with problem properties could be through property taxes. The depressed assessed value of these properties, particularly the improvement portion, creates no incentive for development of improvement.

To apply separate property tax rates to Land and Improvements would require changes to the Community Charter and a resolution should be sent to the UBCM for consideration.

A Committee member suggested that letters be sent to the owners of derelict buildings informing them of the proposed changes.

Action: Councillor Thornton-Joe moved that:

WHEREAS the appearance of run-down and poorly maintained vacant buildings can have negative impacts on adjacent residents and businesses, can result in decreased neighbourhood property values that affect local government property tax revenues and can deter investment in the redevelopment of adjacent lands;

THEREFORE be it resolved that the Union of British Columbia Municipalities support an amendment to the Community Charter to grant municipalities the option of setting differing property tax rates for Land and Improvements, thus, encouraging development and improved maintenance of derelict buildings and vacant land.

CARRIED 07/126

12. PARKS

Councillor Young withdrew from Council Chambers at 10:57 a.m.

12.1 Save-On-Foods Memorial Centre Fundraising Applications

Committee received a report from Parks, Recreation and Community Development dated February 19, 2007 with the intention to provide Council with the conclusion of the application process for fundraising events at the Save-On-Foods Memorial Centre.

As part of the Operating Agreement between RG Facilities and the City of Victoria regarding the Save-On-Foods Memorial Centre, the City of Victoria has the opportunity to utilize the Save-On-Foods Memorial Centre twice annually for the purposes of fundraising activities.

The application process designed to award these fundraising opportunities has been completed for events planned in the 2007 calendar year, and the Evaluation Committee has forwarded two applications for Council's consideration.

The Evaluation Committee believes that the applications of the United Way of Greater Victoria and the Terry Fox Foundation provide opportunities for community events that will benefit regional causes, have sound resource plans, will provide educational, entertainment and recreational components for our community, and result in minimal risk to the City of Victoria.

Action: Councillor Madoff moved that City Council approves the applications from the United Way of Greater Victoria and from the Terry Fox Foundation for allocation of fundraising events at the Save-On-Foods Memorial Centre.

CARRIED 07/125

Councillor Young returned to the meeting at 11:00 a.m.

12.2 Dogs Off Leash Areas - Evaluation

Committee received a report from Parks, Recreation and Community Development dated February 22, 2007 with respect to Dogs Off Leash Areas – Evaluation. In

2004, Council approved the creation of the Dogs in Parks Steering Committee. The Committee identified four goals for the program that were accepted by Council. These goals were: 1) to provide sufficient off-leash access to accommodate the needs of dog owners to exercise their pets; 2) to reduce the congestion of dogs and their owners at Dallas Road; 3) to ensure that the basic needs of other parks users were not unduly compromised by the new off-leash areas; 4) to reduce illegal off-leash activities in other Victoria parks.

In June of 2005, Phase One of the off-leash program was implemented and the following parks had designated off-leash areas opened: Alexander, Arbutus, Oswald, Redfern, Topaz and Vic West. Throughout 2006, the Dogs in Parks Steering Committee undertook a survey (a mail-out to residences nearby the parks and an 'in-park' survey of users), to evaluate the impact of these off-leash areas. The Dogs in Parks Steering Committee has made recommendations based on the analysis of the collected survey.

Committee was advised that an alternate area is to be used in Topaz Park due to sports' groups' heavy use of the park. Committee thanked the volunteers for their hard work on a contentious issue that has been resolved satisfactorily.

Action: Councillor Madoff moved that Council support the recommendations of the Dogs In Parks Committee as follows:

1. That the hours in existing leash optional areas be amended per the specific recommendations as noted in Appendix A of the report on a trial basis, with an alternate leash optional area to be created in Topaz Park, as illustrated in Appendix B.
2. That opportunities for additional leash optional areas in areas including City parks be investigated.
3. That public consultation and education with respect to Paws in Parks be continued.
4. That the Steering Committee be granted the opportunity to continue its work.

CARRIED 07/124

13. CORPORATE & REGULATORY SERVICES

13.1 Alternate Approval Process Loan Authorization Bylaw No. 06-83 City Hall Accessibility Project

Committee received a report dated February 16, 2007 from Corporate and Regulatory Services with respect to the Alternate Approval Process Loan Authorization Bylaw No. 06-83 City Hall Accessibility Project. Council gave third reading to *Loan Authorization (City Hall) Bylaw No. 06-83* on December 14, 2006. the bylaw, which authorizes borrowing of up to \$2,250,000 for the construction of accessibility improvements in Victoria City Hall, received the Inspector of Municipalities' approval on January 17, 2007. The annual costs of borrowing estimated to be \$224,868 for this project are accounted for in the Five-Year Financial Plan Bylaw (2006). Prior to adopting this bylaw Council must receive the

electors' assent through either a referendum or the Alternate Approval Process (AAP).

Action: Councillor Young moved that Victoria City Council proceeds with the Alternate Approval Process for Loan Authorization Bylaw No. 06-83, and establish the following process parameters:

1. The deadline for the receipt of Elector Response Forms is 4:30 p.m. on April 11, 2007;
2. The number of electors in the City of Victoria is 64,381;
3. The Elector Response Form is the form attached to the report.

CARRIED 07/123

13.2 Sign Development Variance Permit – 747 Fort Street

Committee received a report dated February 14, 2007 from Corporate and Regulatory Services with respect to a Sign Development Variance Permit for 747 Fort Street. This application was revised from the one presented to Committee at the February 1, 2007 Committee of the Whole meeting. The applicant is applying for a variance to erect a fascia sign near the top portion of the building located at 747 Fort Street.

The applicant has changed the sizes of the signs that they are asking a variance for. The original sign # 1 has been reduced from 125.4 square feet down to 48.25 square feet and thus no longer requires a variance. Sign # 2 that was 260.42 square feet has been reduced down to 125.4 square feet which is approximately 28 square feet over the limit.

Committee expressed disapproval about the size of the sign and the commercial nature of the wording. Staff advised Committee that height restrictions apply only on heritage buildings and in the area designated as old town. Staff advised that approval of signs is strictly administrative unless there is a variance. Committee expressed a desire to have the Sign Bylaw reviewed.

Action: Councillor Madoff moved that this application be declined.

CARRIED 07/122

13.3 Liquor Licence Application – Jelly Fish Lounge / Bedford Hotel

Committee received a report dated February 22, 2007 from Corporate and Regulatory Services with respect to a Liquor Licence Application for the Jelly Fish Lounge/Bedford Hotel. The purpose of this report is to provide a Council resolution to the Liquor Control and Licensing Branch regarding two applications before Council:

1. The transfer of a dormant liquor-primary licence to a new location; and
2. A Permanent Change to a Liquor Licence to change the hours of sale of a currently existing food-primary licence.

The Jelly Fish Lounge is being proposed for the lower level of the Bedford Regency Hotel, 1140 Government Street as a liquor-primary establishment which serves food. Being proposed is an establishment with 100 liquor-primary seats and 113 food-primary seats for a total occupant load of 213 under two licenses. The requested hours of the liquor licence are from 11:30h to 01:00 seven days a week.

This report reflects staff concerns with the addition of a 213 seat liquor-primary/food-primary operation to an area of high density of liquor-primary establishments in downtown Victoria and the potential for food-primary seats to be operated as liquor-primary seats. Public input is required for a complete assessment of the proposal.

Action: Councillor Thornton-Joe moved that Victoria City Council does not support the liquor-primary liquor licence for the Jelly Fish Lounge (LP Licence # 182064 Jelly Fish Lounge), 1140 Government Street, Victoria B.C., with hours of sale of 11:30h to 01:00h seven days a week and an occupant load not exceeding 100 persons:

1. Victoria City Council accepts the attached staff report of February 22, 2007 in support of these recommendations.
2. Victoria City Council comments on the prescribed considerations are as follows:
 - a) The location along a busy commercial street, with no residential within 100 metres, makes this business compatible with the neighbouring land uses;
 - b) The location is over 100 metres from recreational buildings. There are language schools and social service agencies within 200 metres. The operation of a liquor-primary entertainment venue is not predicted to conflict with these agencies;
 - c) The maximum person capacity of 100 persons with operating hours of 11:30h to 01:00h seven days a week is not supportable; There is a total liquor-primary person capacity of 1741 people within 200 metres of the proposed location and 5081 within 300 metres; the hours and the requested capacity of 100 persons will over extend police resources in the Bastion Square area at this time;
 - d) The Jelly Fish Lounge's business plan calls for food service established by a set menu during all hours of operation. There are no guarantees the current business plan will be adhered to nor that food service will be an ongoing feature of the establishment. Liquor service is expected to be the primary focus of the business.
 - e) The establishment will have no effect on local traffic patterns. There is adequate parking including neighbouring parkades within 50 metres. The zoning for the subject property permits uses such as club, theatre and restaurant and include liquor-primary with food sales. The proposed location is within an Intermediate zone of the Noise Bylaw, which allows for a higher threshold for nuisance.

- f) Population trends indicate a stable population with a growth rate of 0.3% compared to the rest of the province at 1.1% growth rate. The population growth rate does not support a new liquor-primary establishment.
 - g) The City of Victoria has more liquor-primary licenses than other BC cities of similar size. The density of downtown liquor-primary establishments is higher than the rest of the City and their proven contraventions make up 71% of the City's total contraventions. Surrounding establishments received 46% of the City's total contraventions indicating an over-proliferation of licensed establishments in the core area of Bastion Square and downtown. The requirement for Police resources in managing the related street issues supports concerns with the over-proliferation of licensed established in Bastion Square.
 - h) It is expected there will be further nuisance and noise in the Bastion Square area with the addition of a 100 person capacity liquor-primary and 113 person food-primary establishment, resulting in an overall negative impact to the community.
3. Prior to Council's final consideration of this matter council convene a Public Hearing to consider the views of the residents and businesses.

Victoria City Council does not support the Application for a Permanent Change to a liquor Licence for the Bedford Hotel (FP Licence #766971 Bedford Hotel), 1140 Government Street, Victoria, B.C., with hours of sale 11:30h to 01:00h seven days a week:

- 1. Victoria City Council accepts the attached staff report of February 22, 2007 in support of these recommendations.
- 2. Victoria City Council comments on the prescribed considerations are as follows:
 - a) The location along a busy commercial street, with no residential within 100 metres, makes this business compatible with the neighbouring land uses;
 - b) The business plan calls for operating hours of 11:30h to 1:00h seven days a week with a proposed occupant load of 213 which is not supportable; there is a total liquor-primary person capacity of 1741 people within 200 metres of the proposed location and 5081 within 300 metres; the hours and the requested capacity of 213 persons will over extend police resources in eh Bastion Square area at this time;
 - c) The Jelly Fish Lounge's business plan calls for food service established by a set menu during all hours of operation. Staff are concerned that during the hours indicated, the business will be run as a bar as the hours match the hours of the liquor-primary.
 - d) The establishment will have no effect on local traffic patterns. There is adequate parking including neighbouring

parkades within 50 metres. The zoning for the subject property permits uses such as club, theatre and restaurant and include liquor-primary with food sales. The proposed location is within an Intermediate zone of the Noise Bylaw, which allows for a higher threshold for nuisance.

3. Prior to Council's final consideration of this matter, Council convene a Public Hearing to consider the views of the residents and buildings.

CARRIED 07/121

14. ADMINISTRATIVE MATTERS

14.1 Disposition of Communications dated February 20, 2007 and February 23, 2007.

Action: Councillor Coleman moved that the Disposition of Communications dated February 20, 2007 and February 23, 2007 from the Manager, Administration, be received for information and filed.

CARRIED 07/120

14.2 Proclamations – “Tibet Day”

Action: Councillor Hughes moved that March 10, 2007 be proclaimed as “*Tibet Day*”, in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED 07/119

14.3 Proclamations – “Colon Cancer Awareness Month”

Action: Councillor Hughes moved that March 2007 be proclaimed as “*Colon Cancer Awareness Month*”, in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED 07/118

15. COUNCILLOR INQUIRIES AND SHARING

15.1 GST Rebate for Tourists

Councillor Coleman requested that a letter be sent from the Mayor's office outlining the City's concerns with the cancellation of the GST rebate and the impact that will have on tourists coming to Victoria.

Action: Councillor Coleman requested that the Mayor's office forward a letter to the Minister of Finance outlining the City's concerns with the impact with the cancellation of the GST rebate for foreign visitors will have on Victoria's tourism industry.

15.2 Flower Count

Councillor Hughes shared with Committee her participation with the annual Victoria Flower Count and the flower arrangement that won first prize. With the help of Parks' staff, Councillor Hughes arranged flowers in a watering can to reflect the watering can being constructed in Beacon Hill park.

15.3 Habitat Acquisition Trust Forum – Request to use City Hall

Councillor Thornton-Joe requested on behalf on Councillor Chandler that the Habitat Acquisition Trust (HAT) be allowed to use City Hall for a forum on Friday, April 20, 2007. This is a charitable organization and as the forum is during the day, no costs would be incurred for a Commissionaire. Committee asked for clarification on the policy for booking rooms. The Corporate Administrator advised that if an organization has a direct operational relationship with the City they can use City Hall. If such a relationship doesn't exist, the organization would require Council's consent to use City Hall.

Action: Councillor Thornton-Joe moved that Council approve Habitat Acquisition Trust's use of City Hall for a forum on Friday, April 20, 2007.

CARRIED 07/116

16. CLOSED MEETING at 11:28 a.m.

Mayor Lowe withdrew from Council Chambers at 11:31 a.m.

Committee Members Present: Councillor Coleman in the Chair, Councillors Hughes, Madoff, Thornton-Joe and Young.

Committee Members Absent: Mayor Lowe and Councillors Chandler, Fortin and Holland.

Staff Present: R. Woodland – Corporate Administrator; P. Ballantyne - City Manager; C. Havelka - Recording Secretary.

Staff Present for a Portion of the Meeting: B. Wiffen – Property Manager, P. O'Reilly – Director of Engineering; P. Sparanese – Deputy Director of Engineering; D. Atkinson – Director of Parks, Recreation and Community Development; I. Husu – Acting Manager of Parking Services.

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.

CARRIED 07/115

16.1 Land – Offer to Purchase – Lot 6, Plan 1069

Committee received a report dated February 12, 2007 from Corporate and Regulatory Services with respect to an Offer to Purchase Lot 6, Plan 1069.

The application meets the criteria for land sales, set out in the Land Sales policy adopted by Council in May of 2006, namely, the Lot is surplus to our needs, the offer is not conditional on development approval, acceptance is subject to registration of an SRW in favour of the City and it is at market value.

Action: Councillor Young moved that Council accept an Offer to Purchase Lot 6 from Mr. Noel Foofat, subject to:

1. Purchase Price of \$29,500.00
2. Consolidation with applicant's property at his expense.
3. Registration of a statutory right of way over the east 6.7m of Lot 6 for highway purposes prior to Completion.
4. Vehicular access restriction from Richmond Avenue to Lot 6.

CARRIED 07/114

16.2 Land – Legal

Committee received information from the staff with respect to the Centennial Square Parkade.

This discussion was recorded and kept confidential.

Mayor Lowe returned to the meeting at 11:39 a.m. and assumed the Chair.

16.3 February 15, 2007 Committee of the Whole In Camera Minutes

Action: Councillor Madoff moved that the In Camera Minutes of the Committee of the Whole meeting held February 15, 2007 be adopted.

CARRIED 07/113

17. ADJOURNMENT

Action: Councillor Coleman moved that the Committee of the Whole meeting of March 1, 2007 be adjourned at 11:44 a.m.

CARRIED 07/112

Mayor Lowe, Chair