

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING
HELD THURSDAY, DECEMBER 13, 2007, 8:00 a.m.

1. **THE CHAIR CALLED THE MEETING TO ORDER AT 8:04 a.m.**
2. **CLOSED MEETING 8:04 a.m.**

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

Absent: Councillor Fortin.

On Leave: Councillor Chandler.

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

Staff Present for a Portion of the Meeting: D. Day – Director of Planning & Development; P. Sparanese – Director of Engineering; A. Meyer – Senior Planner; M. McCliggott – Assistant City Manager; B. Dellebuur – Transportation; J. Mitton – Land Development; N. Taylor – Senior Advisor, Intergovernmental and Strategic Initiatives.

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 07/655

Councillor Hughes requested an additional agenda item be added for discussion:
Legal – Liability.

2.1 Legal – Intergovernmental Negotiations

Committee received a presentation with respect to Intergovernmental Negotiations.

Councillor Fortin joined the meeting at 9:05 a.m.

The discussion and resolution were recorded and kept confidential.

(Closed Resolution # 07/654)

2.2 Legal – Liability

Committee discussed a Legal – Liability matter with respect to an insurance matter.

The discussion was recorded and kept confidential.

3. ADJOURNMENT OF CLOSED MEETING

Action: Councillor Hughes moved that the Closed Committee of the Whole be adjourned at 9:25 a.m.

CARRIED 07/653

4. THE CHAIR CALLED THE OPEN MEETING TO ORDER AT 9:30 a.m.

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

On Leave: Councillor Chandler.

Staff Present: P. Ballantyne – City Manager; C. Havelka - Recording Secretary.

Staff Present for a Portion of the Meeting: R. Woodland – Corporate Administrator; L. Chase – Senior Planner; M. McCliggott – Assistant City Manager; L. Baryluk – Planner; K. Ramsay Cline – Planner; A. Meyer – Senior Planner; H. Cain – Heritage Planner; H. Furtado - Manager, Streets Engineering; S. Barber – Senior Heritage Planner; S. Masters – Manager, Administration and Protocol; S. Schopp – Manager, Regulatory and Development Services; K. Josephson – Manager, Corporate Communications; M. Mayhew – Executive Assistant. S. McKay – Community Development Coordinator; J. Day – Community Recreation Coordinator; C. O’Regan – Manager, Facilities and Operations; S. Hortsing – Manager, Facilities; W. Zink – Manager, Social Planning and Housing; ; K. Friars – Director of Parks, Recreation and Community Development; N. Taylor – Senior Advisor, Intergovernmental and Strategic Initiatives.

5. APPROVAL OF THE AGENDA

The Chair outlined the following changes to the December 13, 2007, Committee of the Whole agenda:

- Item # 4 – Addition of page 98B
- Item # 6 - Withdrawn

- Item # 8A – Additional report – Social Planning & Housing
- Item # 17 – Closed - Committee Appointment
- Item # 18 – Closed – Tourism Victoria Board Appointment
- Item # 19 – Closed – Legal Opinion

Action: Councillor Fortin moved that the Agenda of the December 13, 2007 Committee of the Whole meeting be approved as amended.

CARRIED 07/652

6. ADOPTION OF MINUTES

6.1 December 6, 2007 Committee of the Whole Minutes

Action: Councillor Fortin moved that the minutes of the December 6, 2007 Committee of the Whole meeting be adopted.

CARRIED 07/651

7. DELEGATION

7.1 James Bay Neighbourhood Association - Transportation

Committee received correspondence dated November 18, 2007 and a presentation from Mr. D. Craig, Chair of the James Bay Neighbourhood Association (JBNA) Transportation Committee with respect to the impacts of sea and air traffic on the James Bay Community. Also in attendance were JBNA Chairperson Mr. T. VanAlstine and Ms. P. VanDyke, JBNA Secretary. JBNA members outlined for Committee the traffic pattern and volume changes in their community since the amount of cruise ships docking at Ogden Point increased over the last four years. Issues arising from this increase include idling buses, traffic congestion, noise, air emissions and health concerns.

The concerns voiced by the JBNA has resulted in action taken by the Greater Victoria Harbour Authority (GVHA): implementation of an air quality study, and introduction of a “best practices” report. The results from the study are yet to come. JBNA has been in contact with other groups, such as Gray Line West and Cruise Tourism Community Initiative and attends the GVHA convened Ogden Point Deep Sea Terminal Transportation Advisory Committee. However, the JBNA feels that a stronger response is needed.

Mr. Craig requested support from the City on the following items:

1. Support their request to have a James Bay resident representative on the Greater Victoria Harbour Authority Board.
2. Support their request to have James Bay speed limit reduced from 50kmh to 40 kmh; signed and enforced.
3. Seek alternate designated areas in Victoria for highway coach parking. The only site now designated in the Tourism Victoria Motor Coach Drivers Guide (see City of Victoria web site) is Ogden Point.

4. Support improved signage and way-finding to encourage walking from Ogden Point to Downtown and signage to keep trucks and buses only on secondary arterial routes.
5. Encourage the City of Victoria to take a leadership role into establishing the carrying capacity of Ogden Point; cruise ship visits and quantities of vehicles accessing and egressing Ogden Point.
6. Support and enforce "air care" testing for the highway coaches used for shuttle service and excursions.
7. Restore B.C. Transit service to Ogden Point as a transportation option.

The JBNA requested that the City of Victoria take an active role in finding solutions and through encouraging tourism to the City, also ensuring that tourism operators adhere to the City's "Triple Bottom Line" expectations and require the industry to be environmentally and socially responsible.

Committee members acknowledged the JBNA's concerns and asked that these issues be forwarded to the City Manager in order to properly implement solutions. Also suggested was that this presentation be brought to the GVHA board. A Committee member corrected the number of cruise ships docking at Ogden Point in 2003. A Committee member noted that traffic volume increase; a cavalier bus operator; speed and enforcement are all issues that can be directed to staff.

8. DEVELOPMENT SERVICES

8.1 Rezoning Application # 00100 and Development Permit Application # 00091 for 923 Burdett Avenue

Committee received a report dated December 13, 2007 from Development Services with respect to Rezoning Application #00100 and Development Permit Application # 00091 for 923 Burdett Avenue. A Public Hearing respecting Rezoning Application # 00100 was held on August 23, 2007. Council closed the Public Hearing, postponed consideration of third reading and referred the application back to staff for a further report to Committee of the Whole on alternatives. Council noted specific issues for reconsideration, detailed in the Analysis Section of this report, including direction to bring forward the Development Permit application concurrent with reporting of the post-hearing revisions.

The applicant proposes that the condominium buildings facing McClure Street be reduced in height from six storeys to four storeys, facilitated by a change in structural material from concrete to wood-frame construction. The change also results in a decrease in density from 1.55:1 FSR to 1.3:1 FSR. Driveway access into the underground parking structure would remain located off McClure Street, and seven visitor parking spaces would be added. The applicant continues to propose amenities as part of this development, to be secured through a Heritage Revitalization Agreement and Housing Agreement, including heritage designation of the interior of Mount St. Angela, heritage designation of the dwelling at 924 McClure Street (to be relocated to Burdett Avenue), a mid-block walkway to be accessible to the public during daylight hours, the provision of nine seniors'

apartments and 100% adaptable units within the new construction. Staff is in support of the proposed amendments to the site plan, density, height and design.

The revisions do not result in a change in land use or increase in density, and under legislative requirements a second public hearing would not be required.

A Committee member inquired regarding the term of availability for senior's housing with staff advising that the housing agreement states it is in perpetuity. Also questioned is if a mechanism is in place to ensure a continuation of building should a condo not be completed. Staff advised that the heritage revitalization agreement states that the owner shall substantially complete all work before any occupancy permits are given to subsequent buildings.

Committee members commented on the following:

- The applicant's responsiveness to public and Council comments;
- Concerns with various aspects of the project, not just the height;
- Giving the public an opportunity to respond to revised plans;
- McClure Street residents' main concern was the height; which has been dealt with;
- Protecting designated heritage portions of Mt. St. Angela;
- A new public hearing providing new comments on the revised plans;
- Following the correct procedure to move to a new public hearing.

The Corporate Administrator advised that a revised motion is sufficient to proceed with a new public hearing.

Action: Councillor Young moved::

1. That Council convene a new Public Hearing to consider the following Bylaws:
 - a) Official Community Plan Bylaw, Amendment Bylaw (No. 77) – No. 07-058 (no changes from original Bylaw)
 - b) Heritage Designation (923 Burdett Avenue) Bylaw, Amendment Bylaw (No. 558) – No. 07-055 (no changes from original Bylaw)
 - c) Heritage Designation (924 McClure Street) Bylaw, Amendment Bylaw (No. 559) – No. 07-056 (no changes from original Bylaw)
2. That Council amend Zoning Regulation Bylaw, Amendment Bylaw (No. 811) – 07-057 to reflect the changes to the proposal and consider the Bylaw at a new Public Hearing.
3. That Council rescind third reading and amend the following Bylaws prior to the new Public Hearing:
 - a) Heritage Revitalization Agreement (923 & 929 Burdett Avenue and 924 McClure Street) Bylaw No. 07-061 (amended by substituting revised site plan)
 - b) Housing Agreement (923 & 929 Burdett Avenue and 924 McClure Street) Bylaw No. 07-062 (amended by substituting revised site plan)
4. That Council authorize the issuance of a Development Permit in accordance with:
 - a) Plans stamped "Development Permit 000091", dated November 20, 2007
 - b) Development meeting all Zoning Bylaw requirements
 - c) Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Planning and Development.

CARRIED 07/650

Councillor Hughes voted against this motion

Action: Councillor Fortin moved that this item be forwarded to the Council meeting of December 13, 2007 for approval.

CARRIED 07/649

8.2 Rezoning Application # 00160 for 800 Yates Street and 1321 Blanshard Street

Committee received a report dated December 4, 2007 from Development Services with respect to Rezoning Application #00160 for 800 Yates Street and 1321 Blanshard Street. This application is to redevelop the buildings and land on the east side of Blanshard Street between Yates and Johnson Streets for a seven-storey office building with ground level commercial/retail units. The development would be serviced by 175 underground vehicle parking spaces and 56 bicycle spaces.

Rezoning is requested to permit a density increase from 3:1 to 5:1 floor space ratio and a reduction in the building setbacks on all street frontages. The applicant's letter dated October 11, 2007 detailing the proposal is attached to the report.

The proposal is generally consistent with the policies of the *Official Community Plan, Downtown Victoria Plan*, and the draft *Downtown Plan Update: Vision, Principles and Goals*. The following points were taken into account in evaluating this application from a triple bottom line perspective:

- A density lift of 2:1 FSR is requested in exchange for amenities including underground customer parking, streetscaping along streets and at the intersection, economic revitalization of the north end of Downtown, unique design qualities in the form of green building features (LEED Silver, a courtyard atrium, green roof, stormwater bio-swales), under-grounding of overhead wiring on a portion of Yates Street, and public art.
- Height and massing of the building are complementary to nearby existing buildings.
- The building size is within the range anticipated in the recently commissioned *Urban Development Potential in Downtown Victoria: 2006-2026* report. The supply of Class A office space has been limited in recent years. The addition of new office space will contribute to the economic health and vitality of Downtown.

The applicant met with the Downtown Residents Association on October 10, 2007. A letter from the Downtown Residents' Association is attached to the report.

A Committee member inquired if the art component would go through the public art process. Staff advised that the art is not in the public realm which negates the

need for the public process. The Committee member noted that processing public and private art through the public art policy should be reviewed.

Action: Councillor Holland moved that City Council approve:

1. That the application be forwarded for consideration at a Public Hearing and that the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments, based on the draft zone outline attached in part 6.1 subject to:
 - a. Submission of the following to the satisfaction of the Director of Engineering:
 - i) Sanitary Sewer Impact Study
 - ii) Plans confirming proposed streetscaping consistent with the Downtown Beautification Strategy and current City policy. The proposed rainwater/bio-swales stormwater treatment on City Right-of-Way requires further evaluation. Subject to acceptance, the streetscaping may be as shown or may be modified to more closely reflect existing City standards.
 - b) Legal agreements to the satisfaction of the Director of Planning and Development as follows:
 - i) Provision for public use of surplus parking
 - ii) Under-grounding of overhead wiring on Yates Street
 - iii) LEED Silver target including green roofs
 - iv) Public Art to be located on site
 - v) Semi-public atrium space
 - vi) Streetscaping

CARRIED 07/648

8.3 Rezoning Application # 00163 for 230 – 240 Cook Street

Committee received a report dated December 13, 2007 from Development Services with respect to Rezoning Application #00163 for 230 - 240 Cook Street. The application is to change the location of a permitted liquor retail store from the Castana project at 240 Cook Street to what was the Food Country store at 230 Cook Street, currently being renovated for retail shops. The proposal requires the deletion of the liquor retail store use from 240 Cook Street and adding liquor retail store use to 230 Cook Street.

The following points were considered in assessing this application:

- The proposed change of use is consistent with the *Fairfield Plan* and the City of Victoria's *Official Community Plan*.
- The proposal is consistent with the *Licensee Retail Stores Rezoning Policy* and, with 127 m² of floor area, falls within the maximum size of 200 m². The Provincial Government has issued a preliminary approval letter for the liquor licence at this site which will be operated by the applicant.
- The Master Development Agreement which is registered on title at 240 Cook Street is required to be amended to remove the liquor retail store use.
- The proposed location at 230 Cook Street (the previous Food Country building) meets the parking requirement as set out in "Schedule C" of the Zoning Bylaw.

This application has no effect on the registered easement which allows vehicular access through the laneways connecting Suttlej and Oliphant Streets.

- The Fairfield Community Association has been consulted (minutes attached to the report) and a poll undertaken of residents and owners on neighbouring lots.

Committee members discussed the following:

- The internal walkway used for arriving stock interfacing with the parking spaces; it is not a generous space and may be a cause for concern. The applicant, Mr. Barlow, noted that deliveries come approximately four times a week and are carried out efficiently;
- The former store sold wine, but the zoning allows for liquor retail; awareness around the change of retail goods;
- Public support for the new location near unanimous; applicant made efforts to alert the public that it is a liquor store;
- Looking at the location and construction; concerns about the finishes being used;
- The applicant's liquor licence being transferred by a certain date before it expires; the applicant has a few months;
- Clustering of liquor retail stores within 500 metres is not permitted.

Action:

Councillor Holland moved:

1. That the application be forwarded for consideration at a Public Hearing and that the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments as follows:
 - a) Amend Zoning Bylaw Part 12.7 - CD-7 Zone, Cook Street Village District, 4 b) to remove liquor retail store permitted use
 - b) Amend Zoning Bylaw Part 12.7 - CD-7 Zone, Cook Street Village District, 5) to remove the reference to the floor area of a liquor retail store, and renumber the items that follow in the Zone.
 - c) Create a new zone based on CR-3M Zone, Commercial Residential Apartment Modified District with all of the uses and regulations in the CR-3M Zone, with the following changes:
 - i) Permitted use: liquor retail store
 - ii) Floor area restriction: 127 m² maximum for a liquor retail store.
2. That the following conditions be secured in a form satisfactory to the Director of Planning & Development:
 - a) The Master Development Agreement for Castana (240 Cook Street) be amended to remove the liquor retail store permitted use and registered on title.
 - b) The Temporary Use Permit currently registered on title at 230 Cook Street be removed.

CARRIED 07/647

9. COMMUNITY PLANNING

9.1 Update of Community Heritage Register – Historic Places Initiative Funding

Committee received a report dated December 13, 2007 from Community Planning with respect to an Update of Community Heritage Register – Historic Places Initiative Funding. Staff is updating the documentation for existing formally recognized (registry and designated) sites in the Downtown, including Chinatown, and select properties in Fairfield. To this end, Heritage Planners have had preliminary negotiations with the B.C. Heritage Branch about the approval of a \$50,000 grant to fund a contract for updating 50 properties on the City of Victoria Community Heritage Register. It is recommended that \$10,000 be allocated to the Victoria Heritage Foundation for research on Fairfield. The remaining \$40,000 will be awarded by competitive bid as a consultant contract similar to ones carried out in 2003, 2004, 2005 and 2006.

In addition to improving the standard of documentation on these heritage properties, this project will enable them to be nominated to the Canadian Register of Historic Places (CRHP) formed under the Historic Places Initiative Program established by the Government of Canada in May 2001.

Action: Councillor Thornton-Joe moved:

1. That City staff be authorized to execute the contract with the Province of B.C., Heritage Branch, for the update of documentation standards for the Heritage Registry.
2. That City staff be authorized to award \$10,000 of the above contract to the Victoria Heritage Foundation.
3. That City staff prepare terms of reference for heritage consultant services by way of a call for proposals for the \$40,000 contract.
4. That a steering committee for the contract be established consisting of the Heritage Planners, and one representative of the Heritage Advisory Committee.

CARRIED 07/646

9.2 Grant Request – Victoria Heritage Foundation – This Old House

Committee received a report dated December 13, 2007 from Community Planning with respect to a Grant Request from Victoria Heritage Foundation regarding This Old House. The Victoria Heritage Foundation has requested a grant of \$2,898.10 to cover the cost of City fees for the scanning and licensing of all photographs from the City Archives for the publication *This Old House: Volume Three*. Council approved a similar grant in 2005 for *This Old House: Volume Two*.

Action: Councillor Thornton-Joe moved that City Council approve a miscellaneous grant of \$2,898.10 to the Victoria Heritage Foundation to cover the cost of scanning and licensing for the use of photographs from the City Archives.

CARRIED 07/645

10. SOCIAL PLANNING AND HOUSING

10.1 Housing Policy Directions and Project Review Priorities

Committee received a report dated December 13, 2007 from Social Planning and Housing with respect to Housing Policy Directions and Project Review Priorities. The purpose of this report is to provide Council with recommendations for its consideration regarding current housing policy directions and priorities related to the processing of non-market housing and associated services as well as medical institutions.

The areas which are recommended for Council's consideration include:

- Endorse a "supported housing first" approach for the chronically homeless as recommended by the Mayor's Task Force on Breaking the Cycle of Mental Illness, Addictions and Homelessness;
- Amend the policies and procedures related to the Victoria Housing Trust Fund to add the chronically homeless as a priority target population (See Appendix A for revised Victoria Housing Trust Fund Application Guidelines reflecting the proposed amendment);
- Confirm the Adaptable Housing Regulations, previously considered by Council in January, 2005 as an amendment to the Zoning Regulation Bylaw, as City Housing Policy and seek voluntary compliance;
- Giving priority to the processing of applications for non-market housing and associated services, as well as medical institutions, is also proposed for consideration.

Staff advised that the implications for the recommendation # 4 will result in other applications being placed lower on the queue. This gives higher priority to adaptable housing and institutional projects.

A Committee member commented on the lack of public knowledge regarding the Victoria Foundation fronting donations towards housing. Staff advised that this is a work in progress. Also noted was the need for 1800 units and responding to the housing needs of seniors, youth and families.

A Committee member noted the importance of the process of public engagement in these applications to prevent 'NIMBY' issues.

Staff noted that adaptable housing can exclude certain floor area modifications and not count it against the density which is allowed within City bylaws.

Action: Councillor Hughes moved:

1. That Council endorse a "supported housing first" policy with appropriate supports for chronically homeless citizens;
2. That Council approve changes to the Victoria Housing Trust Fund policies and procedures to add the chronically homeless as a priority target population (including Appendix A: Application Guidelines);
3. That Council confirm the Adaptable Housing Regulations as City housing policy and direct staff to continue to seek voluntary compliance through the development approval process;
4. That Council direct staff to give priority to the processing of applications for non-market housing and associated services, as well as medical institutions.

11. ENGINEERING

11.1 Downtown Public Space Lighting Project

Committee received a report dated December 6, 2007 from Engineering with respect to an update on the status of the Downtown Public Space Lighting Project. There is now the need to phase the project due to the change in funding based on Western Economic Diversification Canada's participation. The project has been revised from 55 to 24 new heritage style cluster lights. The new cost formula is to be shared as follows:

City of Victoria	\$ 90,000
Downtown Victoria Business Association	\$ 27,138
UBCM Community Tourism Program	<u>\$ 34,250</u>
Total	\$151,388

Since the December 5, 2005 report, City staff have been notified of funding approval from UBCM, Community Tourism and Downtown Victoria Business Association (DVBA). However, Western Economic Diversification Canada has just given written notice that based on a change of focus and priorities, the City's grant application did not meet their funding framework.

Staff support the phasing of this project as supported by the Downtown 2020 vision, the DVBA, the Greater Victoria Chamber of Commerce, the UBCM Council, and the Corporate Strategic Plan.

Action: Councillor Madoff moved that Council approves the revised phased approach and our funding contribution of \$90,000 from the 2007 Capital Budget.

CARRIED 07/643

12. PARKS, RECREATION AND COMMUNITY DEVELOPMENT

12.1 Festival Investment and Canadian Heritage Grant Recommendations

Committee received a report dated December 6, 2007 from Parks, Recreation and Community Development with respect to 2008 Festival Investment and Canadian Heritage Grant Recommendations. The purpose of this report is to make recommendations to Council for recipients of the 2008 Festival Investment Grants (FIG) and to confirm the cash and in-kind contributions the City is prepared to provide towards the second intake of 2008 Canadian Heritage Grant applications.

On October 25, 2007 Council supported the first intake process, which included supporting seven Canadian Heritage Grant applications and approval of \$13,500 in Festival Investment Grants and \$8,000 of in-kind City service support. The second intake process for Canadian Heritage Grants and Festival Investment Grants closed on November 30th and has generated the following requests:

- 10 applications requesting both Canadian Heritage and Festival Investment Grants

- 1 application requesting Canadian Heritage funding, but only in-kind City support
- 17 applications from 12 organizations requesting only Festival Investment Grants

The 28 applications received reflect a total cash request of \$310,615. A comprehensive list of requests is detailed in Appendix 1 of the report.

The number of grant applications received for consideration represents a significant increase over last year. All applications were reviewed on the basis of the Festival Investment Grant Guidelines which includes program criteria and merits of each event; their economic impact on the City; community support and the organization's effectiveness. Some leeway has been given for the one-time 150th Anniversary Celebrations. The Department, within its operating budget, can commit up to \$138,500 towards festival/celebration grants.

Councillor Fortin withdrew from Council Chambers at 11:09 a.m. due to an indirect pecuniary conflict with item # 27, Selkirk Waterfront Festival and a direct pecuniary conflict with item # 28, Greater Victoria Easter EggStravaganza.

Action: Councillor Holland moved that:

1. Council approve Festival Investment Grant allocations for Selkirk Waterfront Festival and Greater Victoria Easter EggStravaganza as recommended by staff in Appendix 1.
2. That recipients be required to ensure that the City of Victoria receives public recognition of its role as a financial sponsor at a value of both the approved grant and in-kind support.
3. That Grant recipients submit a final report upon completion of their event, including a financial statement and promotional material.

CARRIED 07/642

Councillor Fortin returned to Council Chambers at 11:10 a.m.

A Committee member noted an imbalance of funding towards artistic endeavours and outlined the benefits of supporting economic initiatives.

A Committee member noted that staff follow policy set by Council and any policy review should occur before the processing of grants.

Committee members requested that item # 25, Greater Victoria Festival Society be withdrawn and referred to the City Manager for review.

Staff noted that the summary of recommendations has been amended to include changes in 'in kind' support, but that no change in funding dollars has occurred.

Action: Councillor Madoff moved that

1. Council approve the Festival Investment Grant allocations, excluding item # 25, Greater Victoria Festival Society, as recommended by staff in Appendix 1.

2. Council endorse the support for the Canadian Heritage Grants as recommended by staff in Appendix 1.
3. That recipients be required to ensure that the City of Victoria receives public recognition of its role as a financial sponsor at a value of both the approved grant and in-kind support.
4. That Grant recipients submit a final report upon completion of their event, including a financial statement and promotional material.

CARRIED 07/641

Action: Councillor Madoff moved that these items be forwarded to the Council meeting of December 13, 2007 for approval.

CARRIED 07/640

13. LEGISLATIVE AND REGULATORY SERVICES

13.1 Liquor-Primary Licence Application for Structural Change - Irish Times Pub 1200 Government Street

Committee received a report dated December 5, 2007 from Legislative and Regulatory Services with respect to a Liquor-Primary Licence Application For Structural Change at the Irish Times Pub at 1200 Government Street, License No. 301113.

The owner/manager of the Irish Times Pub and Oyster Bar is applying to change the Pub's patron capacity to match the occupant load of the building. The establishment is currently licensed for 195 inside and 80 on the patios (275 total). The request is to increase the inside to 250 persons to match the occupant load and to include the 80 seats on the patio (250 total).

There is no proposed change to the hours of liquor service which is from 11:00h to 01:00h seven days a week and liquor service from 11:00h to 23:00h for the patio.

Action: Councillor Hughes moved:

1. That after conducting a review with respect to noise and community impacts of the liquor-primary *Application for a Structural Change — Capacity Increase up to Occupant Load* for Irish Times Pub & Oyster Bar, located at 1200 Government Street, Victoria City Council supports:
 - a) The *Application for A Structural Change* resulting in an increase in the current interior and exterior occupant load for the pub's *Liquor Primary Liquor License No. 301113 to 250 persons (staff and patrons)*
 - b) Seating on the patios is included in the occupant load;
 - c) Liquor service from 11:00h — 23:00h for the patio.
2. That Victoria City Council provides the following comments on the prescribed considerations:
 - a) The potential for noise is slightly decreased from that of the current operation. The operation is in the Intermediate Zone of the Noise Bylaw which allows for a higher noise level threshold for nuisance;
 - b) The impact on and to the community will slightly decrease. There will be an increase in late night patrons but less overall patrons. The patio

hours remain as current and patio capacity is likely reduced. There will be less chance of an over capacity infraction. The venue is located in a busy, downtown commercial area that is suitable for a pub with hours past midnight; and,

- c) A public notice was mailed to surrounding residents and property owners in order to solicit their views and opinions. Legislative Services received four letters of support from the public for an increase in capacity to occupant load.

CARRIED 07/639

14. ADMINISTRATIVE MATTERS

14.1 Disposition of Communications dated December 6, 2007

Action: Councillor Hughes moved that the Disposition of Communications dated December 6, 2007 from the Manager, Administration, be received for information and filed.

The City Manager introduced Kate Friars, the new Director of Parks, Recreation and Community Development, to Council and staff.

Councillor Young questioned the need to convene a closed meeting for the following item. Committee recessed at 11:27 a.m. while staff deliberated on this matter.

Committee reconvened at 11:31 a.m.

Staff advised that the report Spirit Square in Centennial Square dated December 5, 2007, pages 259 – 267, could be considered in the open meeting.

15. PARKS, RECREATION & COMMUNITY DEVELOPMENT / PLANNING & DEVELOPMENT

15.1 Spirit Square in Centennial Square

Committee received a report dated December 5, 2007 from Parks, Recreation and Community Development and Planning and Development with a recommendation for a planning process for a Spirit Square to be located in Centennial Square. At their meeting February 8, 2007 Council approved the submission of a City of Victoria application to the BC Spirit Square program for improving a portion of the public space area in Centennial Square and matching City funding of \$50,000. This initial application was for Phase 1 of the BC Spirit Squares Program and was for planning and design work. In September 2007 the BC Spirit Square Program announced Phase I and Phase 2 (construction) of the Program would be combined and awarded the full grant amount of \$500,000 to the City of Victoria. This grant was conditional upon: the City matching the \$500,000 contribution by the Province; the inclusion of a first nations component as part of the revitalization; project complete December 2008; and that the space would be suitable for community celebrations and commemorations.

The BC Spirit Square grant will allow some further investment in the revitalization of Centennial Square, focused on the open space and its functionality, recognizing that the longer term and more major investments related to underground parking and potential redevelopment of the northern and eastern portions of the block will take greater time and resources.

The Spirit Square, within Centennial Square, would be a gathering place that could be used as a festival site, a place of celebration, public assembly and casual gatherings. It would serve as much needed open space in our downtown, enhance the visibility and increase pedestrian access through the square and link to our historic Chinatown District, Pandora and Broad and Government Streets. The Spirit Square would be seen as a vital public space that is safe, well used, visually appealing, has year round draw for both active and passive engagement and serves both residents and visitors to Victoria. Staff suggested that accessibility, comfort and image, activities and sociability were the four key qualities that would be required to make the Spirit Square a vibrant “people place”.

Staff are recommending a one day charrette to guide the development of a vision and conceptual design for a Spirit Square in Centennial Square. The charrette is proposed to be facilitated by a consultant. The consultant selected would be contracted for two days of pre-charrette preparation work, facilitate the charrette and prepare conceptual drawings resulting from the charrette.

Staff advised Committee that the target is to achieve a Spirit Square celebration by August 2008 and the charrette participants to be a small group with representatives from the festival sector, the DRA, MacPherson Society, the Chinese and First Nations communities, City staff, Council and the consultant. Staff also advised that festival amenities must also be included from the grant dollars. Staff outlined the use of festival space and how the centennial fountain and knot garden limit that use.

Committee members discussed the following:

Charrette:

- A Committee member requested that a member of the Heritage Advisory Committee be on the charrette and that heritage staff write a statement of significance for the centennial fountain;
- The need to workshop before the charrette to discuss the proposed direction of the square.

Transportation:

- A Committee member expressed the need for a transportation link between the proposed BC Transit corridor on Douglas Street and the E & N commuter rail, and that Centennial Square would be a logical meeting place;
- Pedestrian component of the square; what would draw in people.

Square – uses:

- Concerns about the festival use for the square: it is a short, ten week festival period, it is expensive and impacts the growing residential population;
- A children’s playground;
- The Central Library;

- The Knot garden and that it could be relocated as it is not well known in this location.

Spirit Grant:

- The First Nation's component of the grant; a Committee member expressed concerns about being culturally sensitive with respect to the spirit poles;
- A Committee member noted that the Esquimalt and Songhees nations have been consulted and are supportive of the process;
- The contract for the pole carving as it is time sensitive.

Action: Councillor Hughes moved that staff proceed with the contract to carve the spirit poles.

Committee agreed to move to a closed meeting to discuss in detail the specifics of the proposed contract.

16. CLOSED MEETING at 12:23 p.m.

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

On Leave: Councillor Chandler.

Staff Present: P. Ballantyne – City Manager; C. Havelka - Recording Secretary.

Staff Present for a Portion of the Meeting: R. Woodland – Corporate Administrator; M. McCloggott – Assistant City Manager; K. Friars – Director of Parks, Recreation and Community Development; S. Masters – Acting Corporate Administrator; D. Day – Director of Planning and Development; S. McKay – Community Development Coordinator; J. Day – Community Recreation Coordinator; C. O'Regan – Manager, Facilities and Operations; S. Hortsing – Manager, Facilities; W. Zink – Manager, Social Planning and Housing; P. Johnson – Staples McDannold Stewart; S. Schopp – Manager, Regulatory and Development Services; P. Sparanese – Director of Engineering; K. Josephson – Manager, Corporate Communications; M. Mayhew – Executive Assistant.

Action: Councillor Fortin 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 07/638

16.1 Spirit Square in Centennial Square

Committee continued a discussion with respect to Spirit Square in Centennial Square.

Councillor Thornton-Joe withdrew from Council Chambers at 12:43 p.m.

The discussion and motion were recorded and kept confidential.

Councillor Thornton-Joe returned to Council Chambers at 12:45 p.m.

(Closed Resolution 07/637)

17. ADJOURNMENT OF CLOSED MEETING

Action: Councillor Fortin moved that the Closed Committee of the Whole be adjourned at 12:53 p.m.

CARRIED 07/636

18. OPEN MEETING CALLED TO ORDER AT 12:53 P.M.

18.1 Spirit Square in Centennial Square

Action: Councillor Hughes moved that a workshop for staff and Council be convened at the soonest possible date to discuss the proposed direction for the Centennial Square redevelopment with respect to the Spirit Squares grant program.

CARRIED 07/635

19. CLOSED MEETING at 12:57 p.m.

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

On Leave: Councillor Chandler.

Staff Present: P. Ballantyne – City Manager; C. Havelka - Recording Secretary.

Staff Present for a Portion of the Meeting: R. Woodland – Corporate Administrator; M. McCloggott – Assistant City Manager; K. Friars – Director of Parks, Recreation and Community Development; S. Masters – Acting Corporate Administrator; D. Day – Director of Planning and Development; S. McKay – Community Development Coordinator; J. Day – Community Recreation Coordinator; C. O’Regan – Manager, Facilities and

Operations; S. Hortsing – Manager, Facilities; W. Zink – Manager, Social Planning and Housing; P. Johnson – Staples McDannold Stewart; S. Schopp – Manager, Regulatory and Development Services; P. Sparanese – Director of Engineering; K. Josephson – Manager, Corporate Communications; M. Mayhew – Executive Assistant.

Action: Councillor Fortin 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 07/634

19.1 Minutes of the Closed Portion of the Committee of the Whole Meeting held December 6, 2007

Action: Councillor Coleman moved that the Closed Minutes from the Committee of the Whole Meeting held December 6, 2007 be adopted.

Councillor Coleman withdrew from Council Chambers at 1:04 p.m.

19.2 Committee Appointment – Greater Victoria Library Board

Committee received a report dated December 7, 2007 from Legislative and Regulatory Services with respect to the Greater Victoria Public Library Board Reappointments. The term of the Citizen Representative, Michelle Wong, appointed to the Greater Victoria Public Library Board (GVPL Board), expired on June 30, 2007. Ms Wong seeks reappointment to the GVPL Board for the term ending December 31, 2008.

The term of the Citizen Representatives, David Ibbetson and Michael Yarr, appointed to the Greater Victoria Public Library Board (GVPL Board), expires on December 31, 2007. Mr. Ibbetson and Mr. Yarr seeks reappointment to the GVPL Board for another term of 2 years. The GVPL Board are supportive of the reappointment of Michelle Wong, David Ibbetson and Michael Yarr.

Action: Councillor Fortin moved that Council approve:

1. The reappointment of Michelle Wong to the Greater Victoria Public Library Board for a term ending December 31, 2008;
2. The reappointment of David Ibbetson and Michael Yarr to the Greater Victoria Public Library Board for a term ending December 31, 2009;
3. This matter be referred to the December 13, 2007 Council Meeting for consideration.

CARRIED 07/633

19.3 Appointment – Tourism Victoria Board

Committee received a report dated December 12, 2007 from Legislative and Regulatory Services with respect to the 2008 Tourism Victoria Board of Directors and Destination Marketing Commission appointment. A letter was received from Tourism Victoria requesting that Victoria City Council appoint a Councillor as the City of Victoria's Board representative to the Tourism Victoria's Board of Directors and Destination Marketing Commission.

- Action:** Councillor Fortin moved that Council approve that:
1. Councillor Charlayne Thornton-Joe be appointed as the 2008 representative to the Tourism Victoria's Board of Directors and Destination Marketing Commission;
 2. This matter be referred to the December 13, 2007 Council Meeting for consideration.

CARRIED 07/632

19.4 Land – New Lease

Committee received a report dated December 3, 2007 from the Property Manager with respect to a New Lease for Agropur on Queens Avenue.

- Action:** Councillor Hughes moved that consideration of this matter be postponed pending further information from staff.

CARRIED 07/631

19.5 Legal Opinion – Development Rights

Committee received correspondence dated December 5, 2007 from the City's Solicitor with respect to a Legal Opinion on Development Rights.

The discussion was recorded and kept confidential.

20. ADJOURNMENT

- Action:** Councillor Thornton-Joe moved that the Committee of the Whole meeting of December 13, 2007 be adjourned at 2:04 p.m.

CARRIED 07/630

Mayor Lowe, Chair