

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING
HELD THURSDAY, JUNE 5, 2008, 8:00 a.m.

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

Absent: Councillors Chandler and Coleman.

Staff Present: M. McCliggott – Assistant City Manager; R. Woodland - Corporate Administrator; C. Havelka - Recording Secretary.

Staff Present for a Portion of the Meeting: M. Hornell – Manager, Community Planning; A. Meyer – Manager, Development Services; A. Hudson – Senior Planner; C. O’Regan – Manager, Facilities & Operations; J. Matanowitsch – Senior Planner; M. Lam – Senior Urban Design Planner; B. Sikstrom – Senior Planner; S. Barber – Senior Heritage Planner; K. Friars – Director of Parks, Recreation & Community Development; J. Ducker – Deputy Chief, Victoria Police; P. Sparanese – Director of Engineering; W. Zink – Manager, Social Planning & Housing; S. Simmonds – Supervisor, Bylaw Division.

1. MEETING CALLED TO ORDER BY THE CHAIR AT 8:06 a.m.

2. APPROVAL OF THE AGENDA

The Chair outlined the following changes to the June 5, 2008, Committee of the Whole agenda:

Open Meeting:

- Item # 8 – withdrawn.
- Item # 5 – Additional correspondence.
- Item # 11 – Additional correspondence.

Closed Meeting:

- Item # 21A – New report – Land – Easements and Land Exchange.

Councillor Inquiries / Information Sharing:

- Councillor Thornton-Joe – 2 closed inquiries.
- Councillor Hughes - 1 sharing and 1 inquiry.

Action: Councillor Hughes moved that the Agenda of the June 5, 2008 Committee of the Whole meeting be approved as amended.

CARRIED 08/351

3. ADOPTION OF MINUTES

3.1 May 15, 2008 Committee of the Whole Minutes

Action: Councillor Fortin moved that the minutes from the Committee of the Whole meeting held May 15, 2008 be adopted.

CARRIED 08/350

4. PRESENTATION

4.1 Spirit Square Charrette Results

Committee received a report dated June 5, 2008 from staff and a presentation from Roger Hughes of Hughes Condon Marler Architects with respect to the Spirit Square Charrette Results. This report presents a summary of the Spirit Square charrette process, the consultants' vision for a Spirit Square in Centennial Square and recommendations to implement the vision.

At the Council meeting of February 28, 2008 Council directed staff to organize a one-day charrette to guide the development of a vision and conceptual design for a Spirit Square in Centennial Square. Staff retained the services of Hughes Condon Marler Architects to lead and facilitate a one-day charrette with 25 participants comprising invited stakeholders, Council and staff, which was held on April 10, 2008 at the McPherson Playhouse. The work accomplished by three facilitated groups was synthesized by the consultant team into a vision for a Spirit Square. The consultant team concluded by recommending two development scenarios that could be implemented within the budget parameters.

The consultants have stated that either of these scenarios would add positive public uses to the space and would provide the opportunity for increased programming of the Square. Staff are recommending Scenario A because it provides a setting for the Spirit Poles which meets the First Nation component of the Provincial grant. Scenario A also provides a place for community celebrations and commemorations.

At this stage in the Spirit Square process, Council is being asked to consider approval of a vision and it is the intent that the recommended scenarios can be designed to the budget. If at the design development stage it is determined that Scenario A in its entirety cannot be achieved within the \$1,000,000 budget and some components must be reconsidered or eliminated, staff will report back.

Committee members discussed with Mr. Hughes, the Consultant, the following:

- The proposed site plan and the location of the Spirit Poles; a 'walk through' area angled into Centennial Square may be more appropriate;
- The material on the McPherson building shouldn't detract from the masonry wall;
- The compatibility of the water feature with the seating area; a lighting feature was proposed as an option;
- Committing to a design that constrains future transportation use;
- Importance of including an activity for youth and families;

- CPTED issues;
- Future opportunities such as a greenspace for dog owners and storage space for the staging area.

Staff advised that this process will proceed over the next two months with September 2008 a target date for a ground-breaking ceremony. The comments provided by Committee members will help shape the detailed design process.

Some Committee members expressed concerns regarding the final design and requested an opportunity to view the plans during the design process.

Action: Councillor Madoff moved that the main motion be amended as follows: that City Council:

1. Approve in principle the vision for a Spirit Square in Centennial Square proposed by Hughes Condon Marler Architects, and;
2. That staff proceed with a consultant selection process for design development drawings to implement Scenario A, and;
3. That staff provide Council with an interim report at the design development phase.

CARRIED 08/349

Councillor Young voted against this motion

5. DELEGATION

5.1 Greater Victoria Harbour Authority

Committee received a presentation from Paul Servos, CEO and Don Prittie, Chairman of the Board, of the Greater Victoria Harbour Authority (GVHA) with respect to their annual update. Mr. Servos outlined for Committee the excellent relationships the GVHA has with the City and other stakeholders; a collaboration that is essential to achieve the vision for this great harbour.

Mr. Servos described six units of business for the GVHA:

1. Shipping: primarily the cruise ship business;
2. Marinas and attractions;
3. Property services: fisherman's wharf;
4. Marine transportation;
5. Harbour development.
6. Corporate Services.

Mr. Servos also noted that Island Farms recently made their first delivery to a cruise ship, a business agreement brokered in part due to the Mayor's work at the Seatrade Cruise Shipping Convention this spring.

Committee members discussed the following with Mr. Servos:

- The value provided by the ongoing liaison with the community;
- Ongoing dialogue with cruise ships:
 - Working with City transportation to route buses correctly and with the least impact;

- Cruise ships running their engines while in port; VIHA will be announcing the results of the air quality monitoring of cruise ships; the impact is negligible;
- New 1200 foot cruise ships will necessitate a wharf extension; GVHA is working with an engineer in terms of design and environmental impact;
- There is a reporting system for bus lines that service the cruise ship industry, however, out of town tour buses may be using incorrect routes.
- The proposed marina for large yachts; the GVHA sees it as a good addition to a working harbour but there is the matter of safety with respect to the airport.
- Design guidelines for houseboats at Fisherman's Wharf; the fee structure encourages rectangular designs; GVHA will review.
- Legal opinion if floating structures are subject to municipal zoning.
- Encouraging the use of local projects at the Fisherman's Wharf market.

Committee thanked Mr. Servos and Mr. Prittie for their presentation.

Mayor Lowe left the meeting at 9:16 a.m. Councillor Holland assumed the Chair.

6. DEVELOPMENT SERVICES

6.1 Rezoning Application # 00176 for 451 Chester Avenue

Committee received a report dated June 5, 2008 from Development Services with respect to Rezoning Application # 00176 for 451 Chester Avenue. The proposal is to rezone the lands from the R3-AM-2 Zone (Mid-Rise Multiple Dwelling District) to a new zone, to permit the construction of a six-unit townhouse project. The units would be developed in two separate structures, with three of the units fronting onto Chester Avenue and the other three units to the rear (east). Vehicular access to the site is from a shared driveway.

The following points were considered in assessing this application:

- The proposed development is consistent with the Official Community Plan and the Consolidated Land Use Policies and Guidelines for the Fairfield Neighbourhood, as the property is designated for Apartment Residential.
- The subject lands are not within a Development Permit Area. To enable Council to regulate building design, the applicant is willing to have a covenant registered on the property's title, ensuring that the building will be constructed in accordance with the approved plans.
- The proposal does not meet the City's off-street parking requirements in terms of the number of stalls provided. The proposal does not satisfy the requirement for visitor parking, as the bylaw requires one visitor parking space in "*an area conspicuously designed and set apart for use by guests*". In terms of resident parking, one parking space per dwelling is considered sufficient given the proposed unit sizes. Visitors will use on-street parking, which is acceptable due to the property's location and number of units.

Action: Councillor Thornton-Joe moved:

1. That Council advance the application for consideration at a public hearing subject to:
 - a. The applicant registering a Section 219 Covenant on title, ensuring that the building will be constructed generally in accordance with the final approved plans, to the satisfaction of the Director of Planning and Development.
 - b. That the application be forwarded to the Advisory Design Panel for review of the project in terms of building massing, street relationship, proximity between buildings and private green space.

CARRIED 08/348

6.2 Development Permit # 000126 for 1016/20/28/30 Richardson Street

Committee received a report dated May 28, 2008 from Development Services with respect to Development Permit # 000126 for 1016/20/28/30 Richardson Street. The proposal is to construct sixteen, two-storey townhouses arranged in four groups connected by an at-grade deck over the underground parking.

The following points were taken into consideration in reviewing the proposal:

- The proposal is consistent with the principles and intent of the guidelines incorporated under Development Permit Area #35 in the *Official Community Plan, Schedule B (2005)*.
- At its meeting on May 1, 2008, Advisory Design Panel reviewed and recommended the proposal to Council for approval with comments. In order to respond to these comments, the applicant has submitted a revised proposal that includes further design refinements.

Staff reviewed the revised proposal and considered the improvements supportable subject to additional refinements prior to the Building Permit stage.

As this Development Permit application does not include any variances, there is no requirement for notification, sign posting and a hearing. However, it is noted that the concurrent rezoning application will require a Public Hearing.

A Committee member expressed concerns with respect to the demolition of existing, viable housing and that a valuable discussion on this subject is warranted.

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

1. Plans stamped "Development Permit 000126" dated, May 16, 2008.
2. Development meeting all Zoning Bylaw requirements.
3. Final plans to be in accordance with the plans identified above with the incorporation of responses to staff comments prior to the at Building Permit stage to the satisfaction of the Director of Planning and Development.

CARRIED 08/347

Councillors Fortin and Madoff voted against this motion

6.3 Development Variance Permit # 00043 for 1977 Fairfield Road

Committee received a report dated May 26, 2008 from Development Services with respect to Development Variance Permit # 00043 for 1977 Fairfield Road. The applicant for this Development Variance Permit has submitted plans for the proposed new single family dwelling. This application, without specific plans for the new house, was reviewed by Committee of the Whole and declined on January 24, 2008. Subsequently, at its meeting on February 21, 2008, Committee of the Whole reconsidered its motion and adopted a motion postponing the application pending further consideration by the applicant and staff.

The plans are for a two-storey, 3-bedroom house of modern design that meets the R1-G, Gonzales Single Family Dwelling District standards. The privacy issues noted in the staff report have been addressed on the north side with corner and piano windows. The landscape plan shows increased landscaping in front of the existing house and the location of new trees to replace those removed for the proposed driveway access to the new house.

A Committee member requested information from staff regarding the elevation of the proposed new house in relation to the existing house.

Action: Councillor Thornton-Joe moved that Council, following the Public Hearing, authorize the issuance of a Development Variance Permit in accordance with:

1. Subdivision meeting all bylaw requirements with the following variances for Strata Lot 1 (existing house):

Section 1.6.9	Site coverage relaxed from 30% maximum to 32.4%
Section 1.6.10	Front yard setback (west) relaxed from 7.5 m to 2.75 m
Section 1.6.11	Rear yard setback (east) relaxed from 9.1 m to 6.65 m
Section 1.6.14(a)	Side yard setback (south) relaxed from 4.42 m to 3.3 m to building and 1.2 m to stairs
2. Registration of a restrictive covenant or building scheme (appropriate legal mechanism determined through legal opinion) to ensure:
 - a. The house and property are developed in accordance with the building and landscape plans dated May 13, 2008.
 - b. A \$5000 donation is made to the Garry Oak Preservation Society.
3. Heritage designation of the existing house.
4. Final subdivision plans to the satisfaction of the Director of Engineering.

DEFEATED 08/346

Councillors Fortin, Madoff and Thornton-Joe voted against this motion

7. COMMUNITY PLANNING

7.1 Heritage Designation # 000066 for 426 Arnold Avenue

Committee received a report dated June 5, 2008 from Community Planning with respect to Heritage Designation # 000066 for 426 Arnold Avenue. This is an

owner request to designate a single family dwelling in the Fairfield neighbourhood as a Municipal Heritage Site. The house was built in 1913, was designed by architect Samuel McClure, and was identified as a potential heritage site in the Fairfield Heritage Registry review.

Action: Councillor Thornton-Joe moved that, whereas the house at 426 Arnold Avenue is of heritage significance, City Council designate it as a Municipal Heritage Site.

CARRIED 08/345

7.2 Heritage Alteration Permit # 00079 for 1007 Johnson Street

Committee received a report dated June 5, 2008 from Community Planning with respect to Heritage Alteration Permit # 00079 for 1007 Johnson Street. On December 14, 2006 City Council approved a rezoning for this property to permit rehabilitation of the existing Heritage Designated house, and for the construction of a three-storey addition in the rear yard. Due to high construction costs, the project as designed is not economical. The applicant has submitted a revised proposal for the rehabilitation of the house for five residential units. The new building at the rear of the site will be submitted for a Development Permit in the near future as a second phase to the development. The new proposal requires approval of a Heritage Alteration Permit for the proposed changes to the Heritage Designated house. A public hearing is not required.

Action: Councillor Thornton-Joe moved that, pursuant to Heritage Designation Bylaw # 544, City Council authorize the issuance of Heritage Alteration Permit # 00079 in accordance with:

1. Plans dated April 29, 2008 and landscape plans dated May 9, 2008.
2. Development meeting all bylaw requirements.
3. Final plans to be in accordance with plans identified above, and in accordance with Heritage Conservation Plan, Donald Luxton and Associates, April 2008.

CARRIED 08/344

7.3 Heritage Alteration Permit # 00077 for 834 Pemberton Road

Committee received a report dated June 5, 2008 from Community Planning with respect to Heritage Alteration Permit # 00077 for 834 Pemberton Road. The proposal is to remove and replace a non-original roofed deck with an extension of the existing roof to cover the back door, and a new outdoor deck at the rear of the heritage house at 837 Pemberton Road. Due to the conversion of this property to a triplex in the R1-A Rockland Single Family Dwelling District, a variance is required to permit the addition of unenclosed deck floor space. As the house is on the Heritage Registry, a Heritage Alteration Permit is required for all exterior alterations which involve a variance. A public hearing is also required for the variance.

Action: Councillor Thornton-Joe moved that City Council authorize the issuance of Heritage Alteration Permit # 00077 in accordance with:

1. Plans dated April 8, 2008.
2. Development meeting all bylaw requirements except for a variance to permit the addition of unenclosed deck floor space to an R1-A Rockland Single Family Dwelling property converted to a triplex:
Section 1.2.3(1)(ii) – Relaxation to permit the addition of unenclosed deck floor space to an existing 3 unit conversion.

CARRIED 08/343

8. COUNCILLOR INFORMATION SHARING AND INQUIRIES

8.1 Councillor Hughes – Letter of Congratulations

Councillor Hughes requested that a letter of congratulations be sent from the Mayor's office to Don Hamilton, a Greater Victoria Library Board Trustee, who was recently awarded the Super Trustee Award for his hard work and dedication to the Library Board.

Action: Councillor Hughes moved that City Council approve that a letter be sent from the Mayor's Office to Don Hamilton, Greater Victoria Library Board Trustee, congratulating him on his Super Trustee Award.

CARRIED 08/342

8.2 Councillor Hughes – Variety, the Children's Charity Award

Councillor Hughes shared with Committee an award she received on behalf of the City of Victoria entitled 'Community with a Heart Award 2008'. This award was bestowed on the City by *Variety, the Children's Charity* on May 29, 2008 for Outstanding Community Support of Variety's Children.

9. SOCIAL PLANNING & HOUSING

Councillor Fortin requested that Committee consider Special Project Grant #4 – Burnside Gorge Community Association application separately from the other recommendations. Councillor Fortin withdrew from the Council Chambers at 9:47 a.m. as he is the Executive Director of the Burnside Gorge Community Association and has a direct pecuniary interest with the following item.

Councillor Fortin returned to Council Chambers at 9:49 a.m. to hear the introduction from staff regarding the Special Project Grants.

9.1 Special Project Grants: Spring 2008 Funding Recommendations

Committee received a report dated June 5, 2008 from Social Planning & Housing with respect to Special Project Grants: Spring 2008 Funding Recommendations. This report provides a summary of the Special Project Grant applications from the Spring 2008 intake and outlines funding recommendations for consideration by Council. The report also outlines the review and allocation process that was used this year. The process was revised as a result of changes to the Special Project

Grants Policy and Guidelines that were approved by Council in December 2007 and to address the record number of grant applications received in this Spring 2008 intake.

There were 49 applications received in this intake, compared to 21 in the one-time-only intake last Fall and 18 in Spring 2007. As expected, the number of applications exceeds the funds available. The total amount requested is \$312,863.54. There is \$86,739 in the 2008 Special Project Grants budget. Nine applications were deemed ineligible and/or incomplete, and, as stated in the revised Grants Policy, were not reviewed. Of the remaining 40 eligible applications, 13 are requesting seed funding and 27 are seeking demonstration funding.

Councillor Fortin withdrew from the Council Chambers at 9:52 a.m. as he is the Executive Director of the Burnside Gorge Community Association and has a direct pecuniary interest with the following item.

A Committee member noted that difficult decisions have to be made and staff's recommendations should be supported.

Action: Councillor Hughes moved that Council approve the recommendation from staff regarding the 2008 Spring Special Project Grant application #4 from the Burnside Gorge Community Association, which is to decline this application.

CARRIED 08/341

Councillor Fortin returned to Council Chambers at 9:54 a.m.

A Committee member observed that the staff time needed to analyse the applications is not in proportion to the amount of money granted. Staff advised that this issue has been discussed and welcome direction from Council on how to have this program evaluated.

Committee members raised concerns regarding the recommendation to decline on the following applications:

- The FCA Community Well Project;
- The Lifecycles Community Gardens Project;
- The JBNA Vehicular Traffic Noise Project;
- The AIDS Vancouver Island Client Engagement Project.

Staff advised that the analysis criteria was followed and staff do try to refer applicants to other funding resources.

A Committee member suggested that this could be an opportunity for a voluntary advisory committee to help in the analysis.

Action: Councillor Fortin moved that Council approve the recommended 2008 Spring Special Project Grants allocations as presented in the Summary Chart, except for the Burnside Gorge Community Association application, with the following standard grant conditions:

1. The City of Victoria's support be acknowledged in all print and promotional materials; and
2. A final report be submitted upon completion of the project.

CARRIED 08/340

9.2 Mobile Service Needle Exchange Route

Committee received a verbal presentation from Wendy Zink, Manager of Social Planning and Housing, John Ducker, Victoria City Police Deputy Chief, Katrina Jensen, Executive Director with AIDS Vancouver Island and Chuck Shactman of the Vancouver Island Health Authority, which summarized information that led to the establishment of the Mobile Service Needle Exchange Route.

The Vancouver Island Health Authority (VIHA) Director of Public Health invited the Manager of Social Planning, the Acting Deputy Police Chief and the Acting Inspector for Downtown to attend two meetings to discuss the VIHA and AIDS Vancouver Island (AVI) approach and plans to deliver needle exchange services in Victoria. The first meeting occurred on April 24th, 2008 at which time AVI informed the City and Police representatives that a mobile needle exchange service would be used to deliver the service. At this meeting, AVI identified the criteria for developing routes for both the foot and vehicle patrols. This criteria included cross-referencing I-Track data with feedback and information from AVI's client advisory group, Society of Living Intravenous Drug Users (SOLID) and Victoria AIDS Resource and Community Service Society (VARCS), which operates a mobile needle exchange and the street nurse program. City and Police representatives provided input to the route discussion based on current experience including the evidence gathered to establish the syringe box locations. The action emanating from this first meeting was that VIHA Public Health was to report to the VIHA executive committee before anything was finalized.

The second meeting occurred on May 12, 2008 and its purpose was to review the mobile needle exchange service details, final routes, AVI's code of conduct, and the draft communications plan prepared by VIHA communications staff. The same City and Police representatives were present, with the addition of communications staff from all represented organizations. At this meeting, AVI reviewed the proposed service and the foot and vehicle routes and clarified the service guidelines which had been incorporated into the Code of Conduct. AVI and VIHA were clear that these are trial routes and would be reviewed and evaluated at the end of the first month of operation to ensure they were meeting the need. AVI also clarified that it was identifying 'No Service Zones' to its clients which included residences, open businesses, schools, day care centres and faith organizations. VIHA Public Health informed the meeting attendees that it was going to establish a needle exchange service consultative group to report to the Director of Public Health and Medical Health Officer. City and Police staff were advised of the final routes at the May 12th meeting and received the communications materials at that meeting.

Ms. Jensen and Mr. Shactman provided information to Committee regarding the routes which are being trialed, the criteria used to establish the routes, the value of needle exchanges, fixed site and mobile, as a harm reduction approach, the

monitoring and evaluation of the mobile needle exchange service, current provincial regulations governing needle exchange, the code of conduct that AVI has developed for its client group who will use the mobile needle exchange and the correlation between source of needles and use.

Ms. Jensen reviewed the foot patrol route which is being trialed for the month of June and advised that the patrol will cover most of the areas in the downtown that the City's syringe drop boxes are located in with the exception of Cormorant Street between Quadra and Blanshard and the 900 block of Pandora, which the VIHA committed to in response to concerns from neighbours in that block. She advised that AVI had decided not to operate the vehicle route in the downtown because of the potential for it to be a draw and she confirmed that the vehicle and foot patrol routes will be reviewed at the end of June and adjusted in response to need.

Deputy Chief Ducker advised that the police strongly support the concept of 'no service zones' and will monitor the issue of public disorder.

Committee members discussed:

- Victoria is now the only major, Canadian city that doesn't have a fixed address needle exchange;
- Crack pipes mouth pieces which are proposed to be distributed to help prevent Hepatitis C; this not proceeding until further community education and consultation occurs with VIHA's guidance;
- Why the trial route doesn't cover all the drop box locations; Ms. Jensen advised there was a decision not to bring the mobile service into the downtown core;
- The Needle Exchange is no longer a needle 'exchange' but more of a dispensary; Ms. Jensen advised that the BC Centre for Disease Control (BCCDC) had revised its policy and regulations in 2004. Instead of a 'one for one' exchange which could contribute to HIV epidemics, it changed regulations to permit exchanges of more needles which means AVI is complying with provincial regulations. She added that AVI takes the issue of syringe recovery very seriously and assured Committee that measures are taken to recover as many syringes as possible.

A Committee member requested that staff report back to Committee with regular status reports on this service, including issues that arise.

10. ENGINEERING

10.1 Staff Recognition – 2008 Power Smart Excellence Award

The Acting Mayor presented staff member Soki Kaur with the *2008 Power Smart Excellence Award, Workplace Conservation Leadership Award*. Ms. Kaur undertook to lead the City of Victoria's participation in BC Hydro's *Turn It Off Challenge* in 2007. Her incredible commitment galvanized all of Victoria's employees and led Victoria to win its division in the province-wide challenge. Ms. Kaur's encouragement and leadership resulted in a change in organizational behaviour toward conservation, a significant drop in the City's energy consumption and the formation of a staff conservation committee. City staff are now pursuing a conservation plan that will be implemented throughout the organization.

10.2 City of Victoria Energy Conservation Strategy – Civic Operations

Committee received a report dated May 29, 2008 from Engineering with respect to City of Victoria Energy Conservation Strategy – Civic Operations. The purpose of this report is to seek approval for development of a City of Victoria Energy Conservation Strategy (ECS) to reduce electrical energy consumption in civic operations. The development of an ECS is consistent with the City of Victoria's vision to be the most liveable city in Canada. The Corporate Strategic Plan (2007 to 2009) has as one of its objectives: "The environment is sustained and enhanced through sound leadership and stewardship of natural resources" through a strategy to "reduce water, solid waste and energy consumption in civic buildings." With this focus on the environment in City plans and practices, endorsement of an ECS would demonstrate the City of Victoria's commitment to addressing environmental, economic, and social stewardship (triple bottom line), while yielding cost savings to the City's taxpayers through reduced operating costs.

The City is at the beginning of its strategic approach to energy conservation. A recent energy audit, completed in partnership with BC Hydro, identified five key focus areas for improvement that could achieve potential savings of up to 10% to 15% per annum on the annual corporate hydro bill of over \$1,100,000. With staff participation from all departments of the City, development of the strategy would consider both physical and behavioural changes and address accountabilities.

Action: Councillor Fortin moved that City Council:

1. Endorse development of an Energy Conservation Strategy to reduce corporate energy consumption in alignment with the Corporate Strategic Plan;
2. Direct staff to apply to BC Hydro for an Energy Coordinator to be jointly funded by the City and BC Hydro, for a one year term; and
3. If the application is approved, for the Coordinator position to be 50% funded from the Engineering Department budget.

CARRIED 08/339

11. LEGISLATIVE AND REGULATORY SERVICES

11.1 Amendment to Noise Bylaw

Committee received a report dated May 26, 2008 from Legislative and Regulatory Services with respect to an Amendment to the *Noise Bylaw*. In August 2002, the City of Victoria retained Wakefield Acoustics Ltd., to assist in the development of an updated *Noise Bylaw* for the city. The purpose of this project was to improve on the existing bylaw by adding more quantitative provisions.

This resulted in the creation of technical standards to measure noise which has been an improvement in general, however, in relation to late night parties, it has proved ineffective. The City's *Noise Bylaw* requires police officers to carry an approved sound meter to measure the decibels of noise being created in order to

issue a fine. The cost associated with providing the entire police department with approved sound meters and required training is prohibitive.

Generally speaking any unreasonable noise after the hours of 10:00 p.m., in most districts, would constitute an offence. Loud parties would most certainly be a contravention and should not require a sound measurement in order to issue the prescribed fine.

This report recommends a minor amendment to Section 12(2) of the *Noise Bylaw*. The proposed amendment will remove the requirement to measure sound for existing offences between the hours of 10:00 p.m. and 7:00 a.m. the following day. The proposed amendment offers police a more effective means to enforce the City's noise regulations.

Committee members inquired regarding noise complaints resulting from loud motorcycles. Staff advised that police can stop the vehicle and issue a ticket but that police resources are limited. Bylaw officers do not have the authority to pull over motor vehicles. However, bylaw officers do enforce the bylaw where there is excessive revving of engines at a private property. Also noted was that a ticket issued under the *Noise Bylaw* is municipal revenue. However, the funds from fines issued under provincial statutes would go to the province but there is a revenue sharing agreement with municipalities.

A Committee member inquired regarding businesses that make sporadic noise that doesn't create an offence under existing regulation. Staff advised that in cases such as bottle depots, it is more to do with how the business is run than violations of the *Noise Bylaw*.

Action: Councillor Thornton-Joe moved that Council instruct the Corporate Administrator to amend Section 12(2) of the *Noise Bylaw* to remove the requirement to measure sound for existing offences under Section 12(1) between the hours of 10:00 p.m. and 7:00 a.m.

CARRIED 08/338

12. ADMINISTRATIVE MATTERS

12.1 Disposition of Communications dated May 26 & 29, 2008

Action: Councillor Thornton-Joe moved that the Disposition of Communications dated May 26 & 29, 2008 from the Manager, Administration, be received for information and filed.

CARRIED 08/337

12.2 Proclamation – “Access Awareness Day”

Action: Councillor Thornton-Joe moved that June 7th, 2008 be proclaimed as “Access Awareness Day” in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED 08/336

13. CLOSED MEETING at 10:56 a.m.

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

Absent for a Portion of the Meeting: Councillor Fortin

Absent : Mayor Lowe and Councillors Chandler and
Coleman.

Staff Present: R. Woodland - Corporate Administrator; M.
McCliggott – Assistant City Manager; C.
Havelka – Recording Secretary.

Staff Present for a Portion of the Meeting: B. Wiffen – Property Manager; K. Friars –
Director of Parks, Recreation & Community
Development; M. Hornell – Manager,
Community Planning; J. Mitton – Approving
Officer; K. Josephson – Communications
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 08/335

**13.1 Minutes from the Special Closed Committee of the Whole Meeting
held May 12, 2008**

Action: Councillor Thornton-Joe moved that the minutes from the Special
Closed Committee of the Whole meeting held May 12, 2008 be
adopted.

CARRIED 08/334

**13.2 Minutes from the Closed Portion of the Committee of the Whole
Meeting held May 15, 2008**

Action: Councillor Hughes moved that the Closed Portion of the Committee of
the Whole meeting held May 15, 2008 be adopted.

CARRIED 08/333

13.3 Land - Two New Leases with Transport Canada

Committee received a report dated May 12, 2008 from Legislative and Regulatory Services with respect to Two New Leases with Transport Canada. The purpose of this report is to obtain Council's approval to enter into two new Leases with Transport Canada (TC) for 3 waterlots at 203 Harbour Road and for that part of the Via Train station parking lot owned by TC.

Councillor Fortin joined the meeting at 11:02 a.m.

Staff advised that work on the Via Train station parking lot was recently carried out to bring the site up to standard.

- Action:** Councillor Madoff moved that Council approve 2 new Leases with Transport Canada as follows:
1. For the 1194.26 m² of waterlot adjacent to the dock face at 203 Harbour Road subject to:
 - a. Rent of \$17,331.70/yr plus gst
 - b. 3 year term commencing April 1, 2008
 2. For the 410 m² portion of the VIA parking lot at the foot of Pandora Avenue subject to:
 - a. Rent of \$500/yr plus 10% of net parking revenue
 - b. 3 year term commencing May 15, 2008

CARRIED 08/332

13.4 Land – Easements and Land Exchange

Committee received a report dated May 27, 2008 from Legislative and Regulatory Services with respect to 1701 Douglas Street – Easements and Land Exchange. The purpose of this report is to obtain Council's approval to enter into the following agreements, relative to *'the Hudson'* development:

- Under sidewalk and above ground encroachment easements with *Townline*, for underground parking and existing architectural encroachments, in accordance with the *Community Charter* and the *Land Title Act*; and
- A land exchange agreement with *Townline*, for similar sized small parcels of land at the corners of Blanshard and Fisgard, and Blanshard and Herald.

- Action:** Councillor Young moved that Council approve the following:
1. Registration of easement(s) for underground parking and architectural encroachments with the consideration being the \$230,900.00 value of the increased level of streetscape improvements.
 2. Land exchange agreement between the City and *Townline* for small parcels at northeast and southeast corners of site, of equal value.

CARRIED 08/331

13.5 Advisory Committee – Reappointment

Committee received a report dated May 28, 2008 from Legislative and Regulatory Services with respect to an Advisory Committee – Reappointment.

The discussion and resolution were recorded and kept confidential.

(Closed Resolution # 08/330)

13.6 Advisory Committee Review

Committee received a report dated May 28, 2008 from Legislative and Regulatory Services with respect to Advisory Committee review.

The discussion was recorded and kept confidential.

(Closed Resolution # 08/327,328,329)

14. COUNCILLOR INFORMATION SHARING & INQUIRIES - CLOSED

Councillor Fortin left the meeting at 11:33 a.m. as he is the Executive Director of the Burnside Gorge Community Association and has a direct pecuniary interest with the following item.

14.1 Councillor Thornton-Joe – Land - Parkland Acquisition

Councillor Thornton-Joe requested an update from staff regarding a Land matter related to Parkland Acquisition.

The discussion was recorded and kept confidential.

14.2 Councillor Thornton-Joe – Land Matter

Councillor Thornton-Joe outlined for Committee and staff a land matter regarding the sale of a property.

The discussion was recorded and kept confidential.

14.3 Councillor Hughes – Legal Matter Update

Councillor Hughes requested an update from staff regarding a Legal Matter.

The discussion was recorded and kept confidential.

Councillor Thornton-Joe left the meeting at 12:17 p.m.

15. ADJOURNMENT

Action: Councillor Hughes moved that the Committee of the Whole meeting of June 5, 2008 be adjourned at 12:19 p.m.

CARRIED 08/326

Acting Mayor Holland, Chair