

**MINUTES OF THE COMMITTEE OF THE WHOLE MEETING**  
**HELD THURSDAY, JUNE 19, 2008, 8:00 a.m.**

**1. THE CHAIR CALLED THE MEETING TO ORDER AT 8:07 a.m.**

**2. CLOSED MEETING 8:07 a.m.**

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

**Absent:** Councillors Chandler and Madoff.

**Staff Present:** R. Woodland - Acting City Manager; M. Rankin – Counsel for Victoria City Police; Inspector C. Bond – Victoria City Police; C. Havelka – Recording Secretary.

**Action:** Councillor Holland 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 08/392

**2.2 Appeal Hearing – Chief’s Permit**

Committee convened a hearing regarding the appeal of the Police Chief’s decision to refuse a Chief’s Permit.

The discussion and decision were recorded and kept confidential.

(Closed Resolution #08/391)

**3. ADJOURNMENT OF CLOSED MEETING**

**Action:** Councillor Holland moved that the Closed Committee of the Whole meeting be adjourned at 8:50 a.m.

CARRIED 08/390

**4. THE CHAIR CALLED THE OPEN MEETING TO ORDER AT 9:02 a.m.**

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

**Staff Present:** R. Woodland – Acting City Manager; C. Havelka - Recording Secretary.

**Staff Present for a Portion of the Meeting:** M. Hornell – Acting Director of Planning & Development; A. Meyer – Manager, Development Services; J. Matanowitsch – Senior Planner; B. Sikstrom – Senior Planner; S. Barber – Senior Heritage Planner; L. Baryluk – Planner; K. Friars – Director of Parks, Recreation & Community Development; G. Price-Douglas – Community Development Planner; C. O’Regan – Manager, Facilities & Operations; S. Masters – Manager, Administration and Protocol; B. Warner – Director of Finance; P. Sparanese – Director of Engineering; S. Simmonds – Supervisor, Bylaw Division.

## 5. APPROVAL OF THE AGENDA

The Chair outlined the following changes to the June 19, 2008, Committee of the Whole agenda:

**Open Meeting:**

- Item #4 – Additional Correspondence
- Item #9 – Additional Correspondence
- Item #10 – Additional Correspondence

**Closed Meeting:**

- Item # 23A – Verbal re: Rezoning Application # 00128 for 253 Esquimalt Road (Roundhouse)
- Item # 23B – New Report – Legal – Demolition Permit Application

**Councillor Inquiries / Information Sharing:**

- Councillor Thornton-Joe – one sharing.
- Councillor Fortin – two inquiries
- Councillor Chandler - one inquiry and one sharing
- Councillor Hughes – one inquiry

**Action:** Councillor Coleman moved that the Agenda of the June 19, 2008 Committee of the Whole meeting be approved as amended.

CARRIED 08/389

## 6. ADOPTION OF MINUTES

### 6.1 June 5, 2008 Committee of the Whole Minutes

**Action:** Councillor Hughes moved that the minutes from the Committee of the Whole meeting held June 5, 2008 be adopted.

CARRIED 08/388

## 7. DELEGATION

### 7.1 Fernwood Neighbourhood Resource Group

Committee received a presentation from Roberta Martell, Executive Director, Lisa Helps, Chair and Trish Richards, Vice Chair of the Fernwood Neighbourhood Resource Group (FNRG). They invited Council to two upcoming events in Fernwood: the opening of Park Place, their new family housing at 1222 Yukon Street, and Fern Fest, their annual community celebration (June 20<sup>th</sup> – 21<sup>st</sup>).

Ms. Martell also outlined for Committee the continuing work towards fixing the square in Fernwood to create a place-making space and that they recently held a design charrette towards this end.

A Committee member requested that Council regularly receive their newsletter which the FNRG would be happy to supply.

*Councillor Fortin left the meeting at 9:11 a.m. as he is the Executive Director of the Burnside Gorge Community Association and has a direct pecuniary interest with the following item.*

## 8. DEVELOPMENT SERVICES

### 8.1 Official Community Plan Amendment and Rezoning Application #00181 for 525 – 545 Ellice Street

Committee received a report dated June 6, 2008 from Development Services with respect to an Official Community Plan Amendment and Rezoning Application #00181 for 525 – 545 Ellice Street. The application is to amend the Official Community Plan (OCP) and rezone a 2005 m<sup>2</sup> City-owned site (comprised of three lots) to permit a five-storey 82-bed shelter, two emergency family shelter units, 23 transitional housing units plus space for support and transition services. The emergency shelter dormitories are designed to be easily converted to supportive housing units. The building is designed to meet Leadership in Environment and Energy Design (LEED) Gold standards and Crime Prevention Through Environmental Design (CPTED) standards. The building incorporates a large off-street outside courtyard area. Parking is provided for six vehicles and storage for 16 bicycles.

The subject site is currently zoned M-2, Light Industrial District but designated 'park and open space' (Ellice Street Play Lot) in the City's OCP. City Council gave permission to the Victoria Cool Aid Society to make the application and instructed staff to prepare a bylaw to repeal the reserved park status of the property on March 13, 2008.

The following conclusions were reached in the staff review of this application:

- The proposal is one of a number of important Provincial-City partnership initiatives underway to address the problem of homelessness in Victoria. The *Mayor's Task Force on Breaking the Cycle of Mental Illness, Addictions and Homelessness Report* proposes a new and coordinated 'supported housing

first' approach to address homelessness, which Council endorsed on December 13, 2007. Implementation of the Task Force's recommendations is being spearheaded by the Greater Victoria Commission to End Homelessness.

- The proposed shelter with transitional housing and support services is in keeping with the objectives, strategies and actions detailed in the Mayor's Task Force report.
- The use of City lands for this purpose is a tangible commitment by the City to support the recommendations of the *Mayor's Task Force on Homelessness, Mental Health and Addictions*.
- The use of the City's lands for the proposed facility is supportive of the City's Corporate Strategic Plan objective to enhance the availability of housing and support services for at-risk citizens. It is also in line with the social and housing objectives of the City's Comprehensive Housing Strategy and the OCP.
- The proposal for the subject site, while not contemplated in the land use policies of either the OCP or the *Burnside Neighbourhood Plan*, can be supported, taking into account the following land use considerations:
  - The size of the site permits a facility that incorporates the necessary resources and spaces required to achieve on-site services.
  - The location is within walking distance of Downtown and close to transit.
  - The existing play lot in a predominately light industrial area no longer serves a residential community and is underused. A number of opportunities for better park and open spaces in the area and in the residential areas of the neighbourhood exist. Identification of these is a priority in the preparation of the City's Parks Master Plan, particularly with the 'no net loss of park space' direction given to staff by City Council.
- In response to issues of public safety, the applicant has incorporated CPTED as a core design principle. As well, operations and programs in the proposed building will enable 'best practices' with commitments and targets met and monitored in a Good Neighbour Agreement with neighbours, the City and the Victoria Police.
- Given the broader concerns regarding prostitution and crime in the neighbourhood, Victoria Police have committed to a co-located police presence in the proposed building enabling improved response and enforcement capabilities.
- The proposed building will be built to a LEED Gold standard and incorporate numerous environmental features such as solar collection and re-use of storm/rain water.
- The Victoria Cool Aid Society has undertaken extensive consultation with the neighbouring businesses and community subsequent to the project funding announcement. The feedback and discussion have informed the design of the proposal and highlighted broader issues, particularly that of public safety.

Committee members discussed the following:

- The public hearing is an opportunity to hear formally from the public on their concerns and views; it is an opportunity to re-engage the community.
- Ideally consultation would start years in advance but this process was imposed by the province;
- Land use rezoning; this application is focused on the housing project rather than the rezoning and Official Community Plan amendment;
- Supported housing is needed to assist with lifestyle changes;

- Social agencies creating a code of conduct to provide consistency throughout neighbourhoods;
- The amount of shelter beds and the transition from shelter beds to supported housing;
- Achieving non-market initiatives within the city; having a procedure on how to identify sites for social housing;
- Looking at all neighbourhoods when adding facilities;
- The quality of the shelter design which is similar to the shelter in Vancouver which works very well.

A Committee member outlined a concern regarding a letter from the Burnside Gorge Community Association with respect to their Freedom of Information request. The Corporate Administrator advised that this request has been given high priority so that they will receive the information prior to the July 10 Council meeting.

**Action:** Councillor Holland moved that the application be forwarded for consideration at a Public Hearing and that the City Solicitor be instructed to prepare the necessary Zoning Regulation Bylaw amendments\* based on the project information table, subject to:

1. Amendment of the *Official Community Plan* to include the site in Development Permit Area 37, Gorge Road, to regulate the siting, form, exterior design and finish of the building as well as landscaping, concurrent with a successful rezoning. Note: Council considers consultation under 879 (2) of the *Local Government Act* and determines that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board, and the federal government and its agencies because the amendment affects three City-owned properties and can be considered under *Official Community Plan* policies.
2. Amending the *Official Community Plan* to change the land use designation covering the site to 'Apartment Residential (Established)' from 'Parks and Public Open Space' concurrent with a successful rezoning.
3. Advisory Planning Commission review of the rezoning application on July 8, 2008.
4. Formulation of a Good Neighbour Agreement involving the Victoria Cool Aid Society, its neighbours, the City and the Victoria Police Department prior to the issuance of an Occupancy Permit.
5. Confirmation by the applicant that sewer impacts will be comparable to impacts possible under the current industrial zoning prior to the issuance of a Development Permit.
6. Replacement boulevard trees must be consistent with Street Tree Master Plan to the satisfaction of the Director of Parks, Recreation and Community Development.
7. Compliance with the Tree Preservation Bylaw.

\*Note: On December 13, 2007 Council directed that staff give priority to the processing of applications for non-market housing and associated services, as well as medical institutions. Consequently, Council's consideration of the OCP

amendment and rezoning application will not be held up pending the Development Permit review of this application. Instead, Council's consideration of Development Permit application will follow, should the OCP amendment and rezoning be approved.

CARRIED 08/387

Councillor Young voted against this motion

Committee members discussed greenspace issues and Burnside Gorge Neighbourhood's concern that no commitment has been made regarding the 'no net loss' of parkland that Council has approved.

**Action:** Councillor Chandler moved:

1. That Council approve in principle the use of funds from the tax sale land reserve account to achieve the 'no net loss' resolution that Council has passed and that staff report back to Committee with specific recommendations regarding new parkland acquisition in the Burnside Gorge neighbourhood;
2. That Council instruct staff to engage the community in a principle based discussion as soon as possible regarding the policy of 'no net loss' of parkland.

CARRIED 08/386

A Committee member requested that staff provide a brief report outlining options and information on how sites for supported housing are selected and the consultation process that it involves.

## **8.2 Rezoning Application # 00128 for 253 Esquimalt Road (Roundhouse)**

Committee received a report dated June 10, 2008 Development Services with respect to Rezoning Application #00128 for 253 Esquimalt Road (Roundhouse). The purpose of this report is to provide Council with an update on the following aspects of the Roundhouse Rezoning Application:

- referral to Council's Advisory Committees, the Township of Esquimalt and the Songhees and Esquimalt First Nations.
- design refinements to the building heights and site plan.
- economic analysis.
- other conditions contained in Council's April 10, 2008 resolution.

### Referrals

The referral of this rezoning application to the Advisory Planning Commission, Advisory Design Panel, Heritage Advisory Committee, the Township of Esquimalt and the Songhees and Esquimalt First Nations has been completed. Council's Advisory Committees recommended the application for approval and no comments have been received from the external referrals.

### Design Refinements

Despite the lack of specific design recommendations from Council's Advisory Committees, there were discussions, particularly at the joint Heritage Advisory Committee and Advisory Design Panel regarding concerns about the juxtaposition

of the closest tower (21-storeys) to the Roundhouse buildings and the amount of shading on the turntable plaza. Staff reviewed these concerns with the proponent and they have modified their proposal to lower the 21-storey building to 18-storeys and increased the 20-storey building to 23-storeys.

This action has the benefit of providing a more respectful relationship between the new buildings and the existing Roundhouse. It also allows a greater degree of sunlight into the plaza area during the heavy use times during the spring and fall equinox. This impacts the long distance views of the Roundhouse site, from directly across the harbour, and moves away from strictly adhering to the principle of topographical integrity. However, it is felt that the values associated with rehabilitating the Roundhouse buildings and ensuring that the turntable plaza has adequate exposure to direct sunlight for the public to enjoy, are paramount. This new approach still allows an adequate degree of stepping up and away from the water's edge, as the natural projection and slope of Lime Bay Park and the eight to nine-storey apartment buildings across Kimta Road, provide a transition up and away from the Harbour.

Additionally, the size of the building immediately south of the Car Shop building has been decreased. This action was taken to increase the visibility and presence of the Car Shop and to further increase the amount of sunny public space that is available in the plaza during the shoulder seasons.

#### Economic Analysis

As per Council's direction, an independent economic analysis regarding the proposed community amenities, in relation to the proposed density, has been commissioned. This work has been undertaken by Coriolis Consulting. They will be present at Committee of the Whole on Thursday, June 19, 2008 to provide Council with an in camera briefing.

#### Other Conditions

Council's resolution dated April 10, 2008 contains a number of items that were to be addressed concurrently while the proposal advanced through the application process. This work is proceeding well and it is expected that the application will be ready for a public hearing in late July.

A Committee member noted that there is a change in zoning but the FSR remains the same which allows for the height that wouldn't occur if it remained commercially zoned.

A Committee member noted that the concern from the joint Heritage Advisory Committee and Advisory Design Panel was that the feature heritage buildings were not impacted by shadowing.

**Action:** Councillor Holland moved that that Council receive this report for information.

CARRIED 08/385

### **8.3 Rezoning Application # 00166 for 1025, 1029, 1035 & 1075 Tolmie Ave**

Committee received a report dated May 27, 2008 from Development Services with respect to an application to rezone four properties located at 1025, 1029, 1035 and 1075 Tolmie Avenue from the R1-B Zone, Single Family Dwelling District, to the R-J Zone, Low Density Attached Dwelling. The proposal is to demolish the four existing single family dwellings and construct a ten unit townhouse development.

The following points were taken into consideration in evaluating this application:

- The *Official Community Plan* (OCP) designates these parcels as suitable for General Residential with an equivalent low density of 1:1 floor space ratio (FSR). The proposed density for the project is 0.54:1 FSR. The OCP also provides for attached dwellings in this area, as such, this application satisfies the intent of the OCP.
- The *Hillside Quadra Neighbourhood Plan* places the properties within an area where the current zoning is to be maintained. Townhouses would not be supportable as a housing form in this area.

Committee invited the applicant, Mr. Barker, to speak on this project because staff's recommendation is to decline this application. Mr. Barker advised that they have been working with the neighbourhood and a large majority support this proposal. He noted that the development is sited at the edge of Victoria and that there are townhouses across the street in Saanich and therefore this proposal is not inconsistency with the area. This development is ideal for families and is well served by public transport.

Some Committee members noted that it would be of value to forward this application to public hearing as this proposal was well received at the community meeting.

Some Committee members accepted staff's view that this proposal is not consistent with plans for the neighbourhood. It was also noted that this is a stable neighbourhood characterized by well maintained houses and the houses on this property are poorly maintained. It would also have been desirable to have included rental housing into the plan.

**Action:** Councillor Holland moved that this application be declined.

CARRIED 08/384

Councillors Coleman and Fortin voted against this motion

### **8.4 Rezoning Application # 00185 for 504 Cecelia Road**

Committee received a report dated June 19, 2008 from Development Services with respect to Rezoning Application # 00185 for 504 Cecelia Road. The proposal is to rezone the lands from the R1-B Zone (Single Family Dwelling District) to the R-2 Zone (Two Family Dwelling District), to permit the construction of a duplex. The subject lands are located on the northeast corner of Cecelia Road and Jutland

Road. The existing house, which will remain on the site, fronts onto Cecelia Road. The proposed second unit would be attached to the rear (north) of the existing house and would front onto Jutland Road.

The following points were considered in assessing this application:

- The proposed development is consistent with the *Official Community Plan* and the *Burnside Neighbourhood Plan*, as duplexes are considered an appropriate land use in this area.
- The neighbourhood contains a mix of land uses, including duplex dwellings. The proposed development is consistent with the surrounding land use pattern.
- The existing house will remain on the site, helping to preserve the character of the neighbourhood. The new unit will be designed to complement the existing house.
- As the proposal is a rezoning for a duplex, in accordance with the *Official Community Plan*, the subject lands will be placed within Development Permit Area 26.
- The proposed duplex requires front and side yard setback variances for the existing house. The variances would recognize the present site conditions for the existing house.
- The applicant has consulted with the Burnside Gorge Community Association.

**Action:** Councillor Holland moved:

1. That Council advance the application for consideration at a public hearing.
2. Subject to Council's approval of the Zoning Bylaw Amendment, that Council authorize the issuance of a Development Permit to allow construction in accordance with the plans date stamped May 15, 2008, subject to the following relaxations to the Zoning Bylaw, Part 2.1:
  - a. Section 5(k)(i) — for the existing house, reduce the required front yard setback from 7.5 m to 5.2 m;
  - b. Section 5(o)(i) — for existing house, reduce the required corner lot side yard setback from 3.5 m to 3.3 m.

CARRIED 08/383

## **8.5 Rezoning Application # 00187 for 1784 Chandler Avenue**

Committee received a report dated June 19, 2008 from Development Services with respect to Rezoning Application # 00187 for 1784 Chandler Avenue. The proposal is to rezone the lands from the R1-G Zone (Single Family Dwelling Gonzales District) to a new zone, to permit the addition of a secondary suite. Under the current zoning, if exterior building alterations are made which result in additional floor space, a property owner must wait five years in order to install a secondary suite. In order to achieve the minimum floor area requirement (150 m<sup>2</sup>) for the installation of a secondary suite, the owner is proposing an addition to their existing dwelling. Therefore, since the applicant is proposing a building addition resulting in increased floor space to accommodate a secondary suite, a rezoning is required.

The following points were considered in analyzing this application:

- The proposed development is consistent with the *Official Community Plan* and the *Gonzales Neighbourhood Community Plan*, as secondary suites are permitted in this neighbourhood.
- The existing house will remain on the site, maintaining the character of the neighbourhood.
- The proposed addition is in the rear yard. Since the property is quite large (975 m<sup>2</sup>) and the dwelling is one storey in height, the proposal should not negatively impact the immediate neighbours.
- The proposed access to the suite is in the rear yard. Staff have recommended that the suite access be relocated to the east side of the house to improve the privacy between the dwelling and the suite.
- The applicant has consulted with the Fairfield Community Association.

Committee members discussed the conversion policy for secondary suites with one Committee member expressing concerns regarding additional costs for the homeowner. Another Committee member noted that this is a modest addition but properties with large back yards require the provisions of the bylaw to prevent large additions.

**Action:** Councillor Holland moved that Council advance rezoning application #00187 for 1784 Chandler Avenue for consideration at a public hearing.

CARRIED 08/382

## **8.6 Rezoning Application # 00198 for 661 Burnside Road East**

Committee received a report dated June 19, 2008 from Development Services with respect to Rezoning Application # 00198 for 661 Burnside Road East. The application is to rezone the property from the C1-N Zone (Neighbourhood Shopping District) to a new zone to permit the operation of a U-brew winery (Blanshard Street Winery).

The subject lands are located at the southeast corner of Burnside Road East and Manchester Road, approximately one block northeast of Douglas Street. The property contains a two-storey commercial building. Presently there are four businesses that operate in the building. Three of the existing businesses will remain, all on the second storey, while the Blanshard Street Winery will occupy the entire first storey.

The following points were considered in assessing this application:

- The proposed development is consistent with the land use policies of the *Official Community Plan* and the *Burnside Neighbourhood Plan*.
- The neighbourhood contains a mix of land uses, including commercial development along Burnside Road East. The proposed development is consistent with the surrounding land use pattern.
- The existing property will be aesthetically improved by painting the building and new landscaping.
- The applicant has consulted with the Burnside Gorge Community Association.

**Action:** Councillor Holland moved that Council advance rezoning application #00198 for 661 Burnside Road East for consideration at a Public Hearing.

CARRIED 08/381

### **8.7 Development Variance Permit Application # 00056 for 200 Douglas St**

Committee received a report dated June 19, 2008 from Development Services regarding Development Variance Permit Application # 00056 for 200 Douglas Street. The proposal is for a 38 suite, seven-storey strata apartment building with underground parking for 53 vehicles at the corner of Douglas and Simcoe Streets. It would replace the three-storey, 24-suite rental "Emily Carr Apartments" building. The proposed building meets all the R3-2 Zone, Multiple Dwelling District zoning standards with the exception of three variances:

- The ground floor site coverage of 22% is above the 12% permitted for a building of 21.5 metres in height.
- The west setback of 10 metres to an above grade parkade projection is less than the required 10.75 metres.
- The east (Douglas Street) setback of 8.4 metres is less than the required 10.75 metres.

The proposed building is of contemporary design with aluminum, glass, exposed concrete, brick veneer and painted steel materials.

The following points were considered in analysing this application:

- The proposed site coverage/height and setback variances are supportable because: the units on the ground floor add "eyes on the street" and contribute to pedestrian friendliness. Moreover, the proposed site coverage is low and the building height is in keeping with other apartment buildings in the area.
- The yard setback reductions are minor with the Douglas Street setback in line with that of other nearby buildings.
- The contemporary form and character of the building could benefit from a review by the Advisory Design Panel.
- Green building and adaptable housing features are included in this proposal.
- An easement is proposed for the adjacent Emily Carr "House of All Sorts" to enable vehicular access to what is currently a land-locked rear yard.
- To address one aspect of the rental housing loss resulting from this proposal, the option of renting units in future should be secured through a Housing Agreement.
- The application was presented to residents at the James Bay Neighbourhood Association meeting of April 9, 2008.

This Development Variance Permit requires sign posting, notification and a hearing.

Committee members discussed the following:

- The design of the plan which could have benefitted from an extensive landscaping plan and more of a design response considering its location across from the park;

- The front of the building sited on Simcoe Street instead of Douglas Street;
- Concerns regarding the demolition of affording rental housing during a housing crisis;
- Rental units secured under a housing covenant would be more costly than the current rates.

Committee members discussed the proposed housing agreement and the suggestion that affordable housing could be negotiated for the main floor. It was suggested that this variance is like a rezoning and that any amenity that could result from the extra floor should be explored.

Committee was advised by staff that the owner had applied for a demolition permit last year and it has been issued. A Committee member requested that staff report back on the urgent subject of anti-demolition regulations.

Committee was advised by staff that any enclosure of a balcony would require a rezoning.

Committee was advised that the easement would be secured before this application went to public hearing.

**Action:** Councillor Holland moved that Council postpone consideration of this report pending further discussions regarding amenity units and the re-use of materials from the deconstruction of the apartment building.

CARRIED 08/380

Councillor Young voted against this motion

*Councillors Coleman and Fortin withdrew from Council Chambers at 10:57 a.m.*

### **8.8 Development Permit Application # 000127 for 2908 Hipwood Lane**

Committee received a report dated June 10, 2008 from Development Services with respect to Development Permit Application # 000127 for 2908 Hipwood Lane. This is an application to amend the Small Lot Development Permit #78 to allow for an accessory building. The rezoning of this property to allow a small lot to be subdivided from the Hipwood Lane frontage of 2905 Cook Street was adopted in December 2006. The original plans did not include an accessory building for the new small lot. The applicant is now requesting that an accessory building be placed in the rear yard requiring a setback relaxation.

This Development Permit Application has variances, therefore it requires notification, sign posting and a hearing.

**Action:** Councillor Holland moved that Development Permit Application #000127 to amend Development Permit Small Lot 78 be advanced to allow the construction of an accessory building that meets the Zoning Bylaw, Part 1.23 with the exception of:

1. Section 13, Setback for the accessory building from the front yard be relaxed from 18 m to 12.5 m.

## 9. PARKS

### 9.1 Request for Removal from Boulevard Maintenance Tax – 2500 block of Fernwood Road

Committee received a report dated June 6, 2008 from Parks regarding a Request for Removal from Boulevard Maintenance Tax – 2500 block of Fernwood Road. Withdrawal of one or both sides of the block from this service requires presenting Council with a petition signed by a minimum of 66% of the property owners and representing a minimum of 66% of the assessed property values of the side of the block.

A Committee member inquired as to the procedure if a boulevard maintained by a block of residents is not maintained. The Director of Parks, Recreation and Community Development advised that if there are complaints a request would be issued to the property owners to attend to their boulevard and further steps would be taken if that wasn't carried out.

**Action:** Councillor Madoff moved that Council endorse the petition requesting removal from the taxed boulevard program for both sides of the 2500 block of Fernwood Road between Bay and Haultain Streets.

CARRIED 08/379

*Councillor Fortin returned to Council Chambers at 10:58 a.m.*

Committee members discussed with staff the issue of boulevard maintenance and the patchwork of privately and publicly maintained areas. A policy shift may be in order to investigate how to maintain the urban forest as a city-wide service. Staff advised that they are engaged in a number of discussions and community consultations related to this issue in order to approach it in a comprehensive manner.

*Councillor Coleman returned to Council Chambers at 10:59 a.m.*

## 10. COMMUNITY DEVELOPMENT

### 10.1 Neighbourhood Development and Community Arts Project Grants

Committee received a report dated June 10, 2008 from Community Development regarding Neighbourhood Development and Community Arts Project Grants. This report provides a summary of the Neighbourhood Development and Community Arts Program grants for the 2008 - 2009 funding cycle. The Neighbourhood Development Funding Program operationalizes the Neighbourhood Development Policy, adopted by Council in 1994. The program provides funding support to the City's Community and Neighbourhood Associations to ensure they can provide basic programs and services that are needed in each community in accordance with policy guidelines. For 2008 - 2009, the budget for the entire grants program is \$111,180.00 including Base, Enhancement Matching and Greenways Matching Grants.

The charts attached to the report outline the Recreation & Community Development recommendations to Council for the 2008 - 2009 Neighbourhood Development Funding Program and Community Arts Grants.

*Councillor Fortin withdrew from the Council Chambers at 11:04 a.m. as he is the Executive Director of the Burnside Gorge Community Association and has a direct pecuniary interest with the following item.*

**Action:** Councillor Madoff moved that Council approve staff's recommendation regarding the Neighbourhood Development Program 2008 – 2009 Base Grant of \$3,330.00 for the Burnside/Gorge Community Association.

CARRIED 08/377

*Councillor Fortin returned to Council Chambers at 11:06 a.m.*

**Action:** Councillor Madoff moved that Council approve the 2008 – 2009 funding allocations of \$50,502.00 for Neighbourhood Development Program 2008 – 2009 Base Grants.

CARRIED 08/376

**Action:** Councillor Madoff moved that Council approve the 2008 – 2009 funding allocations of \$25,115.00 for Neighbourhood Development Program 2008 – 2009 Enhancement Matching Grants.

CARRIED 08/375

**Action:** Councillor Madoff moved that Council approve the 2008 – 2009 funding allocations of \$5,000.00 for Neighbourhood Development Program 2008 – 2009 Greenways Matching Grant.

CARRIED 08/374

**Action:** Councillor Madoff moved that Council approve the 2008 – 2009 funding allocations of \$30,000.00 for the Community Arts Program Grants.

CARRIED 08/373

## **10.2 Parks and Recreation Rates and Fees**

Committee received a report dated June 4, 2008 from Parks, Recreation and Community Development regarding Parks and Recreation Rates and Fees. The purpose of this report is to seek Council's approval for revisions to the City of Victoria's Recreation Fees Bylaw (Bylaw #06-056). This report provides analysis and recommendation for the revision of facility rental, equipment rental and admission rates. The primary consideration in the review of rates and fees is to find a balance between fiscal goals and financial accessibility.

**Action:** Councillor Madoff moved that Council approves the revised Recreation Fees effective September 1, 2008 as outlined in Appendix 1 of the report dated June 4, 2008.

CARRIED 08/372

## 11. FINANCE

### 11.1 Greater Victoria Public Library Operating Agreement

Committee received a report dated June 19, 2008 from Finance regarding the Greater Victoria Public Library Operating Agreement. The purpose of this report is to recommend the approval of the January 2009 – December 2013 Greater Victoria Public Library Operating Agreement.

A sub-committee comprised of citizen and municipal representatives of the Library Board has developed a new operating agreement. This proposed agreement has addressed many of the concerns raised by the member municipalities.

The main changes include the requirement of a five-year financial plan, review and feedback provisions for the provisional five-year financial plan, more timely reporting on the strategic plan, a two-year notice period for additions of new branches, a formulated rationale for representation to the board, and the clarification of the role of the Central Library. These changes are outlined in the report and substantially address the concerns raised by the City.

Although the Board composition has changed, the City as a founding member will continue to have five members as this is a requirement under the Library Act. Furthermore, each municipality is required to appoint one member to the Board from its municipal council.

The operating cost calculation and payment formula have been clarified, but in substance remain unchanged.

A Committee member outlined for Council the limitations of the Library Act which doesn't contemplate this kind of library system and therefore puts the City in a difficult position. This agreement deals with additional costs for new branches and the needs of the Central Library. Staff noted that the strategic planning process has been delayed because of the recent service disruption.

**Action:** Councillor Hughes moved that Council approve the January 2009 - December 2013 Greater Victoria Public Library Operating Agreement.

CARRIED 08/371

## 12. LEGISLATIVE AND REGULATORY SERVICES

## **12.1 Application for a Structural Change – New Outdoor Patio Strathcona Hotel – The Clubhouse, License No. 43930**

Committee received a report dated June 9, 2008 from Legislative and Regulatory Services regarding an Application for a Structural Change – New Outdoor Patio Strathcona Hotel – The Clubhouse, License No. 43930. The owner of the Strathcona Hotel, Mr. Grant Olson, is proposing a sidewalk patio for the Strathcona Hotel, located on Douglas Street, extending 4 feet (1.22 meters) from the front of the building and covering a length of approximately 22 feet (6.71 meters). It will seat approximately 6 people. City licensed sidewalk patios are temporary in nature.

The applicant is requesting the patio for the Strathcona in order to create a daytime and evening street presence for the Strathcona. Plans include new double glazed windows which will improve energy efficiency for The Clubhouse.

The applicant, Mr. Grant Olson, addressed Committee regarding his application which staff does not support. Mr. Olson noted that patio use is limited to good weather but it may help to contain the line-up by opening up the ends of the patio. The patio would also make the inside space more inviting. The Taxi Zone has been moved up to accommodate the proposed patio.

Committee members discussed the following:

- Dealing with the crowds on the sidewalk; this establishment has the highest concentration of people at any one time;
- The heritage exterior of the building and the proposed changes; the Senior Heritage Planner has approved the plan;
- Options to make the interior more inviting;
- Further reports: the application is subject to street occupancy sidewalk cafe permit approval; the lease comes due every year and can be evaluated at that time.

Committee members discussed with staff the alternate resolution which would be to close the patio at 10:00 p.m.

**Action:** Councillor Chandler moved that Victoria City Council, after conducting a review with respect to noise and community impacts for the Structural Change to a Liquor License Application for the Strathcona Hotel located at 919 Douglas Street, Victoria B.C., Liquor Primary Licence No. 43930 supports:

1. A street level outdoor patio, with hours of service to 22:00h;
2. Victoria City Council accepts the attached staff report of June 9, 2008 in support of these recommendations.
3. Victoria City Council comments on the prescribed considerations are as follows:
  - (a) The location in a mixed use area, with residential within 100 meters, makes this business with an outdoor patio compatible with the neighbouring land uses, with the limited hours of service. It is expected there will some impact related to noise given the changing nature of the neighbourhood to one with increased residential;

- (b) The extension of service area in the venue may have a mixed impact to the neighbourhood. There will be an increase in vibrancy, however, as there is no increase in capacity to the occupant load there is not expected to be an increase in nuisance.
- (c) The views of the residents were solicited through public notice and notification letter sent to surrounding residents and property owners as described in the staff report of June 9, 2008 to which Council received one letter of support.

CARRIED 08/370

Mayor Lowe, Councillors Holland and Madoff voted against this motion

## **12.2 Amendment of the *Towing Companies Bylaw No. 92-188***

Committee received a report dated June 11, 2008 from Legislative and Regulatory Services with respect to Amendment of the *Towing Companies Bylaw No. 92-188*. This report recommends adoption of a new Towing Companies Bylaw. The existing bylaw sets out requirements for tow operators, including the rates that they may charge for towing, and the distances from City Hall where vehicles may be stored during impound.

A new bylaw is needed to improve compliance with the City's regulation. The proposed bylaw will update towing-related fees, provide greater flexibility on the location of impound lots in relation to city boundaries, and add penalties for violations.

Tow operators report that it is no longer economically viable to comply with the current bylaw and respond to city calls, as the bylaws fee structure has not kept pace with the dramatically increasing costs they have incurred in recent years. The City has not updated the fees within the bylaw in approximately 15 years, and this has resulted in deficient, and at times, nonexistent service to the City.

Staff are requesting Council consider a new Towing Bylaw which will ensure rates are reflective of present day costs and charges. Fees will require amendments periodically to ensure they remain viable.

It is believed a new bylaw will result in improved compliance with the regulation, increased protection for the public, and enhanced towing services for the City.

Staff advised Committee that this is an operational issue to secure service providers in a review of rates and an expansion of boundaries for impound lots. A Committee member requested that these lots not be placed at a distance that will create a hardship for people claiming their vehicles.

**Action:** Councillor Fortin moved that Council instructs the Corporate Administrator to bring forward a new Towing Bylaw for consideration that incorporates the following changes:

1. An Updated fee schedule; and
2. A boundary extension where impounded vehicles may be lawfully stored.

**13. ADMINISTRATIVE MATTERS**

**13.1 Disposition of Communications dated June 5 & 13, 2008**

**Action:** Councillor Coleman moved that the Disposition of Communications dated June 5 & 13, 2008 from the Manager, Administration, be received for information and filed.

CARRIED 08/368

**13.2 Proclamation – “Pride Week 2008”**

**Action:** Councillor Holland moved that the week of June 29<sup>th</sup> to July 6<sup>th</sup>, 2008, be proclaimed as “Pride Week 2008” in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED 08/367

**14. COUNCILLOR INFORMATION SHARING AND INQUIRIES**

**14.1 Councillor Fortin – Open Door Extended Hours**

Councillor Fortin outlined for Committee challenges Open Door is facing regarding service hours which need to be extended. BC Housing stated it would provide funds to help expand Open Door’s operations, but not until March 2009. Councillor Fortin proposed that the City provide funding from the City’s Housing Fund to bridge this time gap in funding. The current hours of service at the Open Door is creating extra work for the City’s Police force. Councillor Fortin requested that the Mayor meet with BC Housing to secure their commitment for future funding and investigate the possibility of the City funding in the interim.

**14.2 Councillor Fortin – New Housing**

Councillor Fortin requested an updated regarding new housing that is under discussion and requested that the Commission to end Homeless comment or provide more information on this issue.

**14.3 Councillor Chandler – Bowker Creek Celebration**

Councillor Chandler advised Committee that there was a Bowker Creek Celebration on June 14, 2008 where the City was presented with a stepping stone which was sponsored through the City of Victoria’s ‘Artist First’ Grant. This stepping stone will be placed in the Spirit Garden in the Jubilee neighbourhood.

**14.4 Councillor Chandler – Petition for Fixed Site Needle Exchange**

Councillor Chandler advised Committee that she is gathering names for a petition to VIHA regarding a fixed site for the Needle Exchange. The loss of a fixed site is a serious deficit in the community and the mobile site is not an optimal service.

Committee members discussed the petition and Councillor Chandler's letter to VIHA outlining the urgency of this issue and requesting that they report to City Council on the status of this issue. Committee agreed to send the letter from all City Council. Also noted was that this issue is a regional matter and should be looked at in that context.

**14.5 Councillor Hughes – Reconsideration of Development Variance Permit # 00043 for 1977 Fairfield Road**

Councillor Hughes advised Committee advised that this application was defeated by a tie vote and the applicant was not given an opportunity to speak on this proposal.

**Action:** Councillor Hughes moved that the motion regarding Development Variance Permit # 00043 for 1977 Fairfield Road be reconsidered.

CARRIED 08/366

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

**Action:** Councillor Hughes moved that consideration of Development Variance Permit # 00043 for 1977 Fairfield Road be postponed to the next Committee of the Whole meeting of July 3, 2008.

CARRIED 08/365

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

**14.6 Councillor Thornton-Joe – Canada Day Celebrations**

Councillor Thornton-Joe advised Committee that this year's funding for Canada Day Celebrations is secured thanks to all the sponsors that made it possible to continue. There are many headline acts and the fireworks will be synchronized to music on CFAX or Cool FM. She also advised that the Lieutenant Governor will be welcoming 16 new Canadians citizens during a ceremony on July 1<sup>st</sup>.

Committee recessed at 11:49 a.m.

Committee reconvened at 11:59 a.m.

**15. ADJOURNMENT**

**Action:** Councillor Holland moved that the Committee of the Whole Meeting dated June 19, 2008 be adjourned at 12:01 p.m. to convene a Council Meeting.

CARRIED 08/364

**16. RECONVENE**

**Action:** Councillor Hughes moved that the Committee of the Whole meeting dated June 19, 2008 be reconvened at 12:02 p.m.

CARRIED 08/363

**17. CLOSED MEETING at 12:01 p.m.**

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

**Staff Present:** R. Woodland – Acting City Manager; C. Havelka – Recording Secretary.

**Staff Present for a Portion of the Meeting:** K. Friars – Director of Parks, Recreation & Community Development; M. Hornell – Acting Director, Planning & Development; A. Meyer – Manager, Development Services; S. Barber – Senior Heritage Planner; B. Warner – Director of Finance; P. Sparanese – Director of Engineering; H. Furtado – Manager, Streets; M. McLean – Executive Assistant.

**Action:** Councillor Coleman 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 08/362

**17.1 Minutes from the Closed Portion of the Committee of the Whole Meeting held June 5, 2008**

**Action:** Councillor Fortin moved that the Closed Portion of the Committee of the Whole meeting held June 5, 2008 be adopted.

CARRIED 08/361

**17.2 Staff Appointment**

Committee received a report dated June 10, 2008 from Finance with respect to the Comptroller Position. The Manager of Budget & Financial Planning position, held by Susanne Thompson, has been replaced with the resurrected position of Comptroller. Per Bylaw # 01-143, *“in the Director of Finance’s absence the Comptroller will assume the statutory duties of the financial officer under the community charter.”*

**Action:** Councillor Thornton-Joe moved that City Council approve the appointment of Susanne Thompson to the position of Comptroller.

CARRIED 08/360

**17.3 Rezoning Application # 00128 for 253 Esquimalt Road (Roundhouse) – Receipt of Third Party Confidential Business Information**

Committee received a correspondence dated June 13, 2008 from Coriolis Consulting Corp. regarding Rezoning Application # 00128 for 253 Esquimalt Road (Roundhouse) and the Receipt of Third Party Confidential Business Information.

*Councillor Chandler withdrew from the meeting at 12:15 p.m.*

*Councillor Chandler returned to the meeting at 12:17 p.m.*

*Mayor Lowe withdrew from the meeting at 12:19 p.m.*

*Mayor Lowe returned to the meeting at 12:20 p.m.*

The discussion was recorded and kept confidential.

**17.4 Legal – Court Case Update**

The Corporate Administrator updated Committee on the status of an on-going court case.

This discussion and motion were recorded and kept confidential.

(Closed Resolution #/359)

**17.5 Proposed Municipal Service/Honour**

Committee received a report dated June 11, 2008 from the Director of Engineering and the Manager of Communications regarding a proposed Municipal Service/Honour.

*Councillor Fortin withdrew from the meeting at 1:02 p.m.*

*Councillor Fortin returned to the meeting at 1:04 p.m.*

This discussion and motion were recorded and kept confidential.

(Closed Resolution #08/358)

**17.6 Legal – Demolition Permit Application**

Committee received a report dated June 18, 2008 from Community Planning regarding a Demolition Permit Application.

*Mayor Lowe withdrew from the meeting at 1:13 p.m.*

*Mayor Lowe returned to the meeting at 1:14 p.m.*

*Councillor Holland withdrew from the meeting at 1:15 p.m.*

*Councillor Holland returned to the meeting at 1:17 p.m.*

The discussion and motion were recorded and kept confidential.

(Closed Resolution #08/357)

### **17.7 Land – Parkland Acquisition**

Committee did not discuss this item as they felt it was resolved in the open portion of the meeting.

### **17.8 Advisory Committee Appointments**

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

*Councillor Coleman withdrew from the meeting at 1:28 p.m.*

*Councillor Coleman returned to the meeting at 1:29 p.m.*

This discussion and motion were recorded and kept confidential.

(Closed Resolution #08/353, 354, 355, 356)

## **18. ADJOURNMENT**

**Action:** Councillor Madoff moved that the Committee of the Whole meeting of June 19, 2008 be adjourned at 1:31 p.m.

CARRIED 08/352

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Mayor Lowe, Chair