

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING
HELD THURSDAY, SEPTEMBER 18, 2008, 9:00 a.m.

1. THE CHAIR CALLED THE MEETING TO ORDER AT 9:00 a.m.

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

Absent for a portion of the meeting: Mayor Lowe.

Staff Present: M. McCliggott - Acting City Manager; D. Schaffer – Manager, Legislative Services; C. Havelka - Recording Secretary.

Staff Present for a Portion of the Meeting: R. Woodland – Corporate Administrator; D. Day – Director of Planning & Development; P. Sparanese – Director of Engineering; T. Phillips – Manager, Revenue; B. Warner – Director, Finance; S. Masters – Manager, Administration & Protocol; K. Friars – Director of Parks, Recreation & Community Development; M. Lam – Senior Planner, Urban Design; L. Baryluk – Planner; S. Hortsing – Manager, Facilities; K. Ramsay Cline – Community Development Planner; S. Thompson – Comptroller; A. Meyer – Manager, Development Services; E. Robertson – Assistant Director, Public Works.

2. APPROVAL OF THE AGENDA

The Chair outlined the following changes to the September 18, 2008, Committee of the Whole agenda:

Open Meeting:

- Item # 5 – Additional correspondence
- Item # 6 – Amended recommendation
- Item # 13 – Addition of bylaw
- Item # 16A – Addition of Proclamation
- Item # 18A – New Business – Motion
- Move item # 17 forward to be under “Presentations”

Closed Meeting:

- Item # 28 – New Item - Land - Sale

Councillor Inquiries / Information Sharing:

- Councillor Chandler – One inquiry
- Councillor Thornton-Joe – One inquiry

Councillor Young inquired why closed item # 22 – Agreements – Community and Senior Centers, is not in the open portion of the meeting. The Corporate Administrator advised that this item deals with the disposition of land which is discussed in the closed portion of the meeting, but the agreements will become public after the discussion.

Action: Councillor Thornton-Joe moved that the Agenda of the September 18, 2008, Committee of the Whole meeting be approved as amended.

CARRIED 08/555

3. ADOPTION OF MINUTES

3.1 September 4, 2008 Committee of the Whole Minutes

Action: Councillor Thornton-Joe moved that the minutes from the Committee of the Whole meeting held September 4, 2008, be adopted.

CARRIED 08/554

4. PRESENTATION

4.1 Official Visit To Khabarovsk, May 27 – June 2, 2008

Committee received a report dated September 5, 2008, as well as a presentation from staff with respect to the Official Visit to Khabarovsk, May 27 – June 2, 2008. The report provided a summary of the Official Visit to Khabarovsk, Russia May 27 – June 2, 2008, attended by Victoria City Councillor Geoff Young, Manager Administration and Protocol, Sheryl Masters, Vice-President of the Canadian Rose Society, Dr. Patrick White and three Victoria – Khabarovsk Twin City Association members, President Pamela Copley, Brian Copley, Michael Tripp.

The purpose of the journey was to represent the City of Victoria at the City of Khabarovsk's sesquicentennial celebrations and to demonstrate a commitment to our Russian twin city relationship. Ms. Masters thanked the many people who helped make this official visit possible. Ms. Copley outlined for Committee the highlights of the trip.

These highlights included:

- Meetings with members of the Pearson College selection committee where the first student from Khabarovsk was selected to attend the college.
- The anniversary gift to Khabarovsk of 35 root stock roses; a winter-hardy explorer variety.
- Garden tourism and other forms of tourism to draw visitors to the region.
- Health promotion, including water purification, nutrition and anti-smoking.
- Supporting the concept of citizen organizations, such as the Victoria – Khabarovsk Association and the valuable role they play in government.
- Meeting and working with the Portland delegation, also twin city associates.

Ms. Copley advised that this trip was made possible due to federal funding. She also displayed a gift from Khabarovsk, which was a book produced for Khabarovsk's 150th anniversary and included a photo of the 2007 City of Victoria delegation. Councillor Young noted that Russia is an increasingly important political and economic country and hopes that the provincial and federal governments will recognize this and assist Victoria's sister city endeavours.

A Committee member requested that the video of the Khabarovsk trip, which was not available, be posted on the City's website.

Action: Councillor Young moved that City Council accept this report for information.

CARRIED 08/553

4.2 Twin Cities Visit to Suzhou and Morioka

Committee received a report dated September 9, 2008, from the Manager of Administration and Protocol, with respect to Twin Cities Visit to Suzhou and Morioka. The Province of British Columbia's Asia Pacific Initiative is a program designed to strengthen our province's competitive position as the preferred economic and cultural gateway between North America and the Asia Pacific region.

The objectives outlined in the Asia Pacific Initiative involve further enhancement of an economically robust relationship with Victoria's twin cities of Morioka, Japan and Suzhou, China, including missions in either or both directions. The City of Victoria has received \$25,000 dollars for each twin city to meet our established objectives. Under the Memorandum of Agreement on Local Government Twinning Relationships, the City is required to report to the Province by March 31, 2009, on results achieved in this relationship.

Action: Councillor Holland moved that Council approves the expenditure of approximately \$14,000 from the Twin City Asia Pacific total budget of \$50,000 for two City representatives to travel, including related expenses, for an Official visit to Suzhou and Morioka in October, 2008.

CARRIED 08/552

5. DEVELOPMENT SERVICES

5.1 Rezoning Application for 701 Belleville and Presentation from Applicant

Committee received a verbal presentation from staff and the applicant, Mr. Cheng, with respect to a rezoning application for 701 Belleville Street. Staff distributed correspondence dated September 10, 2008, from Coriolis Consulting which provides an updated analysis for the proposed rezoning. Staff outlined for Committee the changes to the proposal, which is now a two tower model, with one building at 12 storeys and the other tower 9 storeys in height. Staff is now comfortable with the height which is below the eaves of the Empress Hotel, a

height the *Downtown Victoria – Interim Height Policy* advises is the maximum limit for height in this area. This also limits the impact of views from downtown and the Inner Harbour. The applicant has also amended its economic analysis and is now offering \$443,000 towards the affordable housing trust fund but has withdrawn the proposal to improve the Belleville and Blanshard Streets intersection.

The changes to this proposal have come forward recently so a complete staff review was not available. Staff advised Committee that the applicant, Mr. Cheng, has a presentation. Mr. Cheng's presentation outlined the changes from one tower to two towers, the ground plan for the pedestrian environment, open spaces and green spaces which can be viewed from Queen Victoria Inn, the masonry finishing features of the buildings, the scale similar to buildings in this area and concluded with a video that showed the height in of this proposal.

Councillor Coleman withdrew from the meeting at 9:37 a.m.

Committee discussed with staff:

- The interim height policy and that this proposal is still 12 meters above these guidelines;
- Speculation regarding further development on green space adjacent to the Empress and the bus depot;
- The community association being advised of proposed changes;
- Committee members who preferred the single tower proposal;
- The amenity contribution a secondary consideration, the primary being the appropriate building for this site;
- Protecting the tourist zone and enhancing that precinct; however, more hotels are not needed.

Councillor Coleman returned to the meeting at 9:39 a.m.

- The interrelationship between buildings as density increases.

Mayor Lowe joined the meeting at 9:55 a.m. and assumed the Chair

Staff requested that Committee provide guidance with respect to 'next steps' in relation to this proposal. Committee members agreed that they would like to have a staff report to review. Many members also expressed a desire to see a proposal with the least possible increase in density.

Action: Councillor Holland moved:

1. That Council receive the presentation and information provided by staff and the applicant, Mr. Cheng, for information, and direct staff to prepare a report for the October 16, 2008, Committee of the Whole;
2. That this information be provided to the Advisory Design Panel, the Advisory Planning Commission and the community association, for review.

CARRIED 08/551

5.2 Rezoning Application # 00173 for 1508 Holly Street

Committee received a report dated September 2, 2008, from Development Services with respect to Rezoning Application # 00173 for 1508 Holly Street. The property is currently in the R1-B Zone, Single Family Dwelling District. The proposal is to rezone the property to the R-2 Zone, Two Family Dwelling District, to allow for the construction of a side-by-side duplex to replace an existing single family dwelling.

The following points were considered in assessing this application:

- The *Oaklands Neighbourhood Plan* states that new two-family dwellings will be considered on their own merits, provided they meet the design standards. The proposed duplex meets the intent of the Neighbourhood Plan.
- Single family residences are the predominant housing form in the area, with the exception of some higher residential densities along Belmont Avenue and the areas adjoining Hillside Avenue.
- The houses adjacent to the proposal have a low profile, and are on larger lots, giving rise to issues of scale for the proposed duplex.
- The proposal complies with most aspects of the *Neighbourliness Guidelines for Duplexes*, however, some elements of the design could be refined to ensure a better fit with the neighbourhood and streetscape.
- Variances for the side yard setbacks are required and are considered supportable.
- If rezoned, the lot will be included in Intensive Residential Development Permit Area 26 regulating the exterior design, finish and landscaping.

The report provided further detail on the compliance with applicable City policies. The applicant's letter outlined the proposal and its rationale. The Oaklands Community Association has provided comments on this application.

Committee expressed concerns with respect to the massing at the front of the proposal which impacts the smaller houses to each side. Changes that deal with the garages, recessed entrances and the pitch of the roof would make the application more street-friendly. Staff advised that this application will not go to public hearing until they are satisfied with the design modifications.

Committee also discussed the design principle of not parking beyond the front line of the building, a policy that may require review. Also discussed was the importance of this being a 'true' duplex with no extra suites, so as not to disrupt the neighbourhood.

Action: Councillor Holland moved:

1. That Council advance Rezoning Application #00173 for consideration at a Public Hearing subject to refinement of the design to address inconsistencies

with the *Neighbourliness Guidelines for Duplexes*, as identified in Section 4.1 of this report, to the satisfaction of the Director of Planning & Development.

2. Subject to Council's approval of the Zoning Regulation Bylaw Amendment, that Council authorize the issuance of a Development Permit to allow construction in accordance with the approved plans, subject to the following relaxation to the Zoning Regulation Bylaw:

"Part 2.1 (n) and (r) - Side yard setback for standard requirement relaxed from 3.0 m to 2.26 m and habitable room relaxed from 2.4 m to 2.26 m."

CARRIED 08/550

5.3 Rezoning Application # 00183 for 2010 Government Street (including 2000 Government Street, 526 and 540 Discovery Street)

Committee received a report dated September 5, 2008, from Development Services with respect to Rezoning Application # 000183 for 2010 Government Street (including 2000 Government Street, 526 and 540 Discovery Street) to permit accessory retail sales, including a liquor retail store, to a brewery/distillery use. The applicant has relocated Phillips Brewery to this site and wants to sell the brewery products and related retail products from an on-site retail outlet.

The following points were considered in assessing this application:

- The proposed change of use is generally consistent with the *Official Community Plan, Burnside Neighbourhood Plan* and the current Downtown planning initiatives.
- The proposal generally complies with the *Licensee Retail Stores Rezoning Policy*.
- The brewery and distillery use is permitted under the existing zoning. The additional use of the liquor retail store is not a permitted use but is commonly associated with a brewery. The recommendation is to limit the Licensee Retail Store as an accessory use to a brewery to prevent a stand alone Licensee Retail Store from locating on the premises should the brewery cease operation.
- It is in the City's interest to refine the permitted uses for the area and eliminate the potential for some heavy industrial uses.
- The installation of the brewery has resulted in the rehabilitation and reuse of existing industrial buildings, and will create activity and employment in the area.
- Further variances from the *Zoning Regulation Bylaw* are not required to accommodate this proposal.
- The Burnside Gorge Community Association has been consulted and has provided comments on the application.

A Committee member requested information regarding the proposed Grey Line bus tours and parking. The applicant advised that the buses would park in their parking area.

Committee expressed concerns regarding the retail products which are limited to those produced on site, and the impact a change of ownership would have. Also discussed was a reduction in the FSR and the applicant's response to this issue.

Action: Councillor Holland moved:

1. That Council advance Rezoning Application #00183 for 2010 Government Street and 540 Discovery Street for consideration at a public hearing to create a site-specific industrial zone based on the M-G Zone, Government Light Industrial 2 District, to allow a liquor retail store accessory to a brewery, with a maximum floor area of 105 m², retail sales and office subject to the registration of a covenant on this property restricting the sale of alcohol to products produced on site.

CARRIED 08/549

5.4 Development Permit Application # 000124 for 606 – 612 Speed Avenue

Committee received a report dated September 10, 2008, from Development Services with respect to Development Permit # 000124 respecting 606 - 612 Speed Avenue. The proposal is to construct a five-storey, 19-unit apartment building that includes three, two-storey townhouses along the street frontage at a 45-degree orientation.

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

- On March 31, 2008, Council forwarded the proposal to Advisory Design Panel (ADP) for design review with particular attention to the justification of the requested variances as well as Crime Prevention Through Environmental Design (CPTED) principles and sound attenuation measures.
- ADP reviewed the application at two meetings and has recommended that the application be approved.
- The proposed residential building on this site is consistent with the *Burnside Neighbourhood Plan (updated to 2007)* and the proposed design is also consistent with the *Advisory Design Guidelines for Building, Signs and Awnings (1981)*.
- As this Development Permit application includes variances, notification, sign posting and a hearing are required.

Committee discussed with staff:

- The \$1,800 maintenance cost for the improved streetscaping; the Parks inventory would increase and that money would be budgeted yearly.
- The vote count from the advisory committee meetings; the vote was unanimous and without discussion on this item.
- The parking variance and if it provides adequate spaces; Engineering staff worked with the applicant and felt the proposal was adequate.

Action: Councillor Holland moved:

1. That the resolution noted below be considered at the same public meeting for which a public hearing is held for the Zoning Bylaw Amendment for 606 – 612 Speed Avenue, and subject to Council's adoption of the Zoning Bylaw Amendment.
2. That Council authorize the issuance of a Development Permit in accordance with:
 - a. Plans stamped "Development Permit 000124" dated August 8, 2008.

- b. Development meeting all Zoning Bylaw requirements except:
 - i. Schedule 'A' definition of enclosed parking relaxed to permit partial enclosure of parking stalls.
 - ii. Section 3.10.9 - open site space relaxed from 50% min. to 40%.
 - iii. Section 3.10.9(b) - site coverage relaxed from 40% max. to 54%.
 - iv. Section 3.10.10 - building height relaxed from 12.0m and 4 storeys to 17.05m and 5 storeys.
 - v. Section 3.10.11 Front yard setback relaxed from 10.5m to 1.72m.
 - vi. Section 3.10.12 - Side yard setbacks relaxed from 8.525m to 3.72m (east) and nil (west) and rear yard setback relaxed from 8.525m to nil.
 - vii. Schedule "C" Section C 12 (b) - Required parking relaxed from 1.4 stalls per unit (27 stalls) to 1.05 stall per unit (20 stalls).
 - viii. Schedule "C" Section 7.2 (g) - Visitor parking relaxed front 10% of parking to nil.
 - ix. Schedule "C" Section 7.2 (h) - Surface parking landscape strip rear yard (north) and side yard (west) relaxed from 0.6m to nil.
 - c. Final plans to be in accordance with the plans identified above with further refinements to the location and configuration of the balconies to the satisfaction of the Director of Planning and Development.
3. That cost implications to the City, for annual maintenance of the proposed streetscape improvements at 606 - 612 Speed Avenue (\$1,800/year), be approved and forwarded to the Finance Department for inclusion in the 2009 budget.

CARRIED 08/548

5.5 Development Permit Application # 000123 for 2405 – 2409 Vancouver Street

Committee received a report dated September 10, 2008, from Development Services with respect to Development Permit Application # 000123 for 2405 – 2409 Vancouver Street. The application is to permit an existing residential triplex to be raised in order to add two additional suites below, for a total of five residential units.

The proposal is consistent with the urban design policies Within the *North Park Local Plan* and the *Advisory Design Guidelines for Buildings, Signs and Awnings*. The proposal was also evaluated using the City's *Developing Core Area Residential High Density - Interim Design Guidelines* indicating two proposed bedroom windows in the lower addition are 1.1 m closer than recommended within the guidelines. Given that the proposal is to raise an existing structure; with a lower-floor addition designed to continue an already-established footprint, the applicant has proposed window blinds to mitigate potential privacy impacts. Subsequent to the rezoning application review, the applicant has altered the fenestration along the north and south elevations for the new lower addition to align with the existing upper-storey windows. The design effect is a more unified facade. In addition, the site plan showing parking layout has been updated to reflect the City requirement for an easement along Bay Street.

Action: Councillor Holland moved:

1. That Council authorize that the resolution noted below be considered at the same public meeting for which a public hearing is held for Rezoning Application #00134 for 2405 - 2409 Vancouver Street, and subject to Council's adoption of the OCP and Zoning Bylaw Amendments.
2. That Council authorize the issuance of a Development Permit in accordance with:
 - a. Plans stamped "Development Permit 000123", dated June 19, 2008.
 - b. Development meeting all Zoning Bylaw requirements.
 - c. Prior to Building Permit stage, final landscape plans be adjusted as a result of changes to easement requirements, parking layout and CPTED principles.
 - d. Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Planning and Development.

CARRIED 08/547

6. SOCIAL PLANNING AND HOUSING

6.1 Child-Friendly Community Policy and Implementation Strategy

The Director of Planning and Development announced that Karen Ramsay Cline, Community Development Planner, will be leaving the City and Committee wished her well with future endeavours.

Committee received a report dated September 8, 2008, from Social Planning and Housing with respect to Child-Friendly Community Policy and Implementation Strategy. This report also provides an update on current research on childcare demand and supply, demographic trends in Victoria and decisions by senior levels of government.

The initial draft policy, presented to Council on July 12, 2007, was the culmination of the work of the Advisory Social Planning Committee (ASPC), which started with a Child Care Roundtable in February, 2004, and included a series of presentations and additional research by City staff over three years. The policy discussions have been directed towards creating more affordable, accessible, quality childcare spaces, infrastructure and amenities in close proximity to work and home to meet the needs of families in Victoria.

Staff confirmed, after completing the analysis, that the draft policy supports and advances policies outlined in the City's *1995 Official Community Plan* by providing more detail and outlining actions. Although the intent of the draft policy was to create a "Child-Friendly Community", the majority of recommended actions related to childcare issues. As a result of staff analysis and recommended modifications, the Child-Friendly Community Policy for Victoria and Implementation Strategy has been changed as follows:

- broadened to better reflect the breadth of the Child-Friendly Community Policy's intent, retaining a focus on childcare;
- considered additional consultation that had occurred in 2008; updated information about need and demand as well as senior government decisions; and consistency with City policies, regulations and current work; and

- re-organized the draft policy components and proposed an implementation strategy.

Committee discussed:

- To be a top employer, it is important to have in-house childcare to attract and retain employees; job share opportunities.
- Make City Hall child-friendly by having, change tables, breast-feeding friendly places, safe play areas.
- Downtown: Information on washrooms, rest spots for families and parks space for families.
- The LIFE program offering childcare opportunities.
- Other organizations that have childcare within their facilities.

Action: Councillor Fortin moved that City Council:

1. Approve the Child-Friendly Community Policy for Victoria (Attachment A) which will serve as a framework to advance work related to children and families and help to create a more sustainable city.
2. Approve the Implementation Strategy (Attachment A) and direct staff to undertake the following:
 - a. Monitor the progress of the forthcoming 3 Year Regional Early Childhood Community Action Plan developed by the Partnership in Learning & Advocacy for Young Children (PLAY) and Regional Child Care Council of Greater Victoria, and report back as appropriate.
 - b. Prepare amendments to the Zoning Regulation Bylaw #80-159 to:
 - i. remove the restriction in the R1-B Zone on the number of children permitted in daycare homes and reference provincial regulations;
 - ii. change the parking requirements of Schedule C, B) Institutional Classes, 6 a) Kindergartens to require only 1 space per employee; and
 - iii. update and improve public information explaining City regulations with respect to daycare and kindergartens.
3. Refer the Child-Friendly Community Policy and Implementation Strategy to the Official Community Plan and Neighbourhood Plan update and Civic Sustainability processes.
4. Refer the remaining Implementation Strategy action items to the relevant Departments for incorporation in future work planning and budget proposals.
5. Direct staff to investigate options to make City Hall child-friendly.
6. Direct staff to investigate opportunities to create an in-house childcare facility.

CARRIED 08/546

7. FINANCE

7.1 Greater Victoria Public Library Operating Agreement (2009 – 2013) Amendment

Committee received a report dated August 28, 2008, from Finance with respect to the Greater Victoria Public Library Operating Agreement (2009 – 2013) Amendment. These amendments are being requested by the Greater Victoria Public Library, the main amendment being the change in wording of the cost

formula. The new agreement had attempted to simplify the complex formula, but in changing the wording had inadvertently changed the outcome of the formula which was not intended. The amendments revert the formula for operating costs in Section 6.1 to its previous wording in the last agreement.

The Amendments also insert wording about leasing of premises into the new agreement which had been included in the previous agreement.

The amendments do not change the intent of the Library Operating Agreement (2009 - 2013) that Council approved in June.

A Committee member inquired about the formula for the operating costs with staff advising that the formula is staying the same.

Action: Councillor Hughes moved that Council accept and approve the amendments attached to the report dated August 28, 2008, to the Library Operating Agreement (2009 - 2013).

CARRIED 08/545

Councillor Holland withdrew from Council Chambers at 11:11 a.m. due to a non-pecuniary conflict with the following item due to her involvement with St. John's Court Society.

7.2 Additional Request – Permissive Property Tax Exemptions – 2009

Committee received a report dated September 3, 2008, from Finance with respect to Additional Request to Permissive Property Tax Exemptions – 2009.

On August 14, 2008, Committee of the Whole reviewed the applications for permissive property tax exemptions for 2009 and instructed staff to prepare the bylaw.

There has been an additional application to consider. The Anglican Synod of the Diocese of British Columbia has the exclusive use of a hall and parking lot situated at 1613 Quadra Street. The current organization on title, St John's Court Society, has a Trust Deed with the Anglican Church for this property recognizing that the Church Hall and parking lot are the property of the church and used exclusively for the church and worship purposes.

The hall and parking lot are 45% of this property and the exemption will be approximately \$8,100, the municipal portion being approximately \$4,783.

In addition, the Canadian Pacific Lawn Bowling easement had expired but will be in effect for 2009. This will require the property at 720 Belleville to be put on the permissive tax exemption bylaw. The municipal portion of taxes is \$30,775 and the total is \$49,025.

Action: Councillor Young moved:

1. That Council approves the additional request for exemption on that portion of Folio 01497039, 1613 Quadra occupied by the hall, its footprint and the parking lot, and the addition of Folio 01030008, 720 Belleville.

2. That Council direct staff to amend the permissive tax exemption bylaw for 2009 to incorporate the addition of these properties.

CARRIED 08/544

A Committee member advised that a discussion occurred at the Finance Committee regarding property tax assessments, notably the business class, and that further discussions will be shared with Council.

Councillor Holland returned to the meeting at 11:13 a.m.

7.3 Amendments to Church Tax Exemption Bylaw

Committee received a report dated September 9, 2008, from Finance with respect to Amendments to Church Tax Exemption Bylaw. Under the City of Victoria Bylaw 94-142, places of worship are granted permissive exemption for certain buildings and lands set apart and in use for the public worship of God. The building and footprint are statutorily exempted and the City has permissively exempted lands and buildings deemed essential to the place of worship.

Action: Councillor Young moved that Council direct staff to amend the Church Tax Bylaw No 94-142 to incorporate the corrections, changes and deletions listed on the schedule attached to the report dated September 9, 2008.

CARRIED 08/543

7.4 CRD Sewer Costs

Committee received a report dated September 4, 2008, from Finance and Engineering with respect to CRD Sewer Costs. The purpose of this report is to provide Council with options for moving the Capital Regional District (CRD) sewer costs to the City of Victoria's utility bill.

With the future implementation of the CRD Liquid Waste Management Plan (LWMP), the cost to the citizens and businesses in Victoria is expected to be significant. Currently, all CRD sewer costs are levied to the property owners of the City of Victoria on their property tax bill, based on the assessed value of the property. It was recognized by Council the more equitable method of distributing these costs is basing the charges on water consumption. Staff was instructed by Council, on July 24, 2008, to develop strategies moving the CRD sewer charges to the utility billing system, based on water consumption and frontage tax.

To meet the objectives of basing the CRD sewer costs on water consumption, the most direct action would be to move to 100% consumption in 2009. However, there are only three months to implement a proper communication strategy. With the significant effect on some businesses with high consumption and on budgets of government organizations, it would be reasonable to consider phasing in the consumption model. In addition, the move to consumption will shift the sewer costs, in part, from business to residential, providing a more equitable balance. The frontage tax would further shift the costs from business to residential,

particularly single family dwellings.

Committee members discussed with staff:

- The phasing in of the changes that will have significant implications for heavy water users.
- The opportunity to reduce use and how that will reflect on methods of doing business.
- Properties that are tax exempt will have to pay through utility bill.
- Future consideration of the frontage charges to address properties with little water and/or sewer use.
- Inflow and infiltration issues and increasing fees for pipe repairs.

Action: Councillor Young moved that Council instruct staff:

1. To apportion 33% of the Capital Regional District sewer levy from the CRD requisition to the City of Victoria water utility bill, based on water consumption, in January 2009,
2. To apportion 66% of the Capital Regional District sewer levy from the CRD requisition to the City of Victoria water utility bill, based on water consumption, in January 2010,
3. To apportion 100% of the Capital Regional District sewer levy from the CRD requisition to the City of Victoria water utility bill, based on water consumption, in January 2011.

CARRIED 08/542

8. LEGISLATIVE AND REGULATORY SERVICES

8.1 Nuisance (Business Regulation) Bylaw Review

Committee received a report dated September 8, 2008, from Legislative and Regulatory Services with respect to the *Nuisance (Business Regulation) Bylaw Review*. This report recommends Council consider minor amendments to the Nuisance (Business Regulation) Bylaw to improve its administration and enforcement.

In a report dated June 18, 2004, staff recommended amendments to the *Business Licence Bylaw* that would have prohibited take out food sales after 12:00am in the downtown area. Council was reluctant to regulate business hours believing that, for the most part, merchants were operating responsibly. Therefore, Council directed staff to review other regulatory options, and the *Nuisance (Business Regulation) Bylaw* was subsequently adopted.

In 2008 the City attempted to utilize the *Nuisance (Business Regulation) Bylaw* against an eatery, an effort which was not successful and resulted in no consequences for the eatery being imposed. Staff has reviewed existing regulations in anticipation of improving administration and enforcement due to ongoing late night disturbances, and a lack of business accountability for patrons who misbehave. It is believed that the creation of a new bylaw which regulates operating hours for take out eateries, combined with minor amendments to the

existing *Nuisance (Business Regulation) Bylaw*, will improve the City's ability to control late night disturbances.

Late night nuisances can be expected to increase if a successful strategy is not deployed. The City is not limited to enforcement, however that is what will be considered in this report.

Councillor Coleman withdrew from the meeting at 11:20 a.m.

The Director of Legislative and Regulatory Services outlined for Committee the scope of this bylaw and the high burden of proof required to pursue enforcement. A fine-tuning of the bylaw to capture behaviour directly associated with the business would be the objective of the amendment.

Councillor Coleman returned to the meeting at 11:22 a.m.

A Committee member discussed with staff the issue of bottle depots and the affect this amendment would have on those facilities.

Action: Councillor Thornton-Joe moved that Council directs the Corporate Administrator to amend and improve the enforceability of the *Nuisance (Business Regulation) Bylaw* for Council's consideration.

CARRIED 08/541

8.2 Proposed Business Hours Regulation Bylaw

Committee received a report dated September 8, 2008, from Legislative and Regulatory Services with respect to Proposed Business Hours Regulation Bylaw. This report recommends that City Council adopt a *Business Hours Regulation Bylaw* as part of a strategic initiative to abate late night nuisances. These disturbances typically consist of intoxicated patrons that congregate in public areas adjacent to late night eateries.

It is believed that the community nuisances arising from these businesses could largely be eliminated by limiting the business hours of operation. City staff has concluded that limiting the hours of operation would prevent intoxicated patrons from gathering at the businesses after bars close and would generally encourage those people to leave the downtown area.

Council has the ability to restrict the hours of operation of the business, under the *Community Charter*. This direct method of regulation of the hours of operations within the downtown core will reduce excessive calls for service arising from late night community nuisances.

In 1999 the City of Vancouver adopted a similar bylaw and has indicated that the bylaw did reduce the calls for service and allowed their police department to focus their attention to more serious matters.

Committee discussed with staff:

- Hours of closing for take-out operations and restaurants.

- Convenience stores such as 7Eleven and how this proposal will affect them; these businesses are not captured in the proposed category.
- The late night food need should be met by establishments that serve people indoors.
- The impact this proposal will have on late-night small businesses; that business model is not consistent with having people live downtown.
- Further reducing the closing time to 12 midnight to address sleep issues for residents.
- Increasing the number of late night eateries for better crowd dispersal.
- Reviewing neighbourhood villages after instigating this proposal downtown to see if displacement has occurred.
- Expanding the area of enforcement after initial implementation and review.
- Creative solutions to this issue such as shuttle bus to UVIC.

Mayor Lowe left the meeting at 11:57 a.m. Councillor Hughes assumed the Chair

Committee members noted that it is difficult to legislate inappropriate behaviour but the City's strategic plan includes making Victoria a liveable city. The proposed amendment to the bylaw is a harm reduction strategy and an enforcement tool in an area where the City is under-resourced. If the approach is adopted there should be an evaluation after 1 year.

Action: Councillor Thornton-Joe moved that Council:

1. Instructs the Corporate Administrator to proceed with public hearings in the creation of a Business Hours Regulation Bylaw that will restrict the hours of operation for certain classes of restaurant establishments located within the downtown core, as outlined in Schedule "A" and area within Schedule "B", attached to the report dated September 8, 2008.

CARRIED 08/540

Councillors Chandler and Hughes voted against this motion

The Director of Legislative and Regulatory Services advised that the bylaw could be further amended following the public hearing.

8.3 Non-payment/Late payment of Business Licence Fees

Committee received a report dated August 12, 2008, from Legislative and Regulatory Services with respect to Non-payment/Late payment of Business Licence Fees. On July 7, 2008, the Finance Committee approved, in principle, a surcharge for business licences which remain unpaid after January 15. Presently there is no surcharge for non payment or late payment.

The Finance Committee requested staff review proportionate surcharges, including those in neighbouring municipalities, and report back with a recommendation. A review of neighbouring municipal surcharges indicate a late penalty of \$25 is appropriate.

Approximately 9000 Business Licence invoices are generated each year, totalling approximately 1.260 million dollars. It is anticipated that a surcharge will act as an incentive for businesses to renew their licences on time. Collecting overdue licence fees requires significant staff time and resources. A nominal surcharge will offset some of these expenses and reduce staff involvement.

Businesses who fail to renew their business licence by January 15 are considered to be carrying on business without a licence. Carrying on business without a licence is subject to a fine of \$100 per day pursuant to section 4(a) of the *Business Licence Bylaw*.

Councillor Fortin withdrew from the meeting at 12:03 p.m.

Staff advised that this change in bylaw will require a public hearing to give affected businesses an opportunity to speak to this change.

Councillor Fortin returned to the meeting at 12:05 p.m.

Action: Councillor Young moved that Council direct the Corporate Administrator to amend the Business Licence Bylaw by adding a \$25 surcharge to balances 30 days past due.

CARRIED 08/539

9. ADMINISTRATIVE MATTERS

9.1 Disposition of Communications dated September 8, 2008

Action: Councillor Coleman moved that the Disposition of Communications dated September 8, 2008 from the Manager, Legislative Services, be received for information and filed.

CARRIED 08/538

A Committee member requested more information regarding item # 10 on the disposition, with respect to neighbourhood concerns over the proposal to locate an ambulance station on Carrick Street. Staff advised that a request hasn't been submitted from BC Ambulance.

9.2 Proclamation – “Fire Prevention Week” and “Fire Service Recognition Day”

Action: Councillor Holland moved that the week of October 5th – 11th, 2008, be proclaimed as “Fire Prevention Week” and October 11th, 2008 be proclaimed as “Fire Service Recognition Day” in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED 08/537

10. COUNCILLOR INFORMATION SHARING AND INQUIRIES

10.1 New Business - Motion

Committee received a memo dated September 2, 2008, from Councillor Chandler with respect to information regarding the production of Cage-Free Eggs. There is overwhelming scientific evidence that hens suffer greatly in battery cages, therefore, eleven BC communities have now officially oppose battery cage egg production methods in this province. Local governments play an important role in setting social policy and this is to encourage consumers to consider their options.

Committee members discussed the importance of raising awareness of this issue with some Committee members expressing reservations about supporting the UBCM resolution to restrict the production of eggs from caged hens.

Whereas Regional boards and local governments can play an important role in setting socially responsible policies for food production and consumption.

Whereas traditional, organic methods of food production are good for the animals, good for the environment good for the economy and good for our health.

Whereas egg production methods impact the environment, public health, land use, the economy, consumer choice:

Action: Councillor Chandler moved that Victoria City Council encourage:

1. By way of passing this motion and issuing a related press release to:
 - a. Restaurants and caterers serving both private and City operations, to ensure availability of and support of certified organic, free-range eggs on their menus;
 - b. Consumers, to request the option of purchasing certified organic, free-range eggs at retail food outlets and restaurants and, where available, choose the certified organic, free-range option;
 - c. Wholesalers, to highlight the preference for and availability of certified organic, free-range eggs in their food supply inventories; and
 - d. Retailers, to highlight the preference for and availability of certified organic, free-range eggs in their food stores.
2. Operators and caterers serving City-run facilities, to be encouraged to use only certified organic, free-range or free-run whole (shell) eggs; and
3. That a letter be written to the Provincial Government, Federal Government and the Canadian Food Inspection Agency stating that the Victoria Council opposes battery cage egg production based on the inherent cruelty of confining egg-laying hens in battery cages.
4. That a letter from the City of Victoria, including this resolution, be forwarded to the 12 regional municipalities and the CRD board for consideration and adoption.

CARRIED 08/536

10.2 New Business – Motion

Committee received a memo dated September 17, 2008, from Councillor Madoff, with respect to City of Victoria Parks. Committee expressed approval for the underlying principle of the need for a park zone. However, the need for a list of locations was stated as an important first step. Staff advised that this can be explored though it is a fairly significant task due to the large list of parks. Staff and Committee discussed how this may be attached to the Parks Master Plan or the Official Community Plan and the possibility of hiring a consultant to do the analysis.

Councillor Madoff requested that staff report back to Committee on how this proposal could fit into the overall work plan to ensure that it moves forward. Staff advised that they could report back on what approach could be undertaken stage-wise.

Whereas there are approximately 120 parks and greenspaces in the City of Victoria that are not zoned specifically as parks;

And whereas it is in the public interest to provide greater consistency, clarity and certainty, that these lands be identified through zoning bylaw;

Action: Councillor Madoff moved that City Council approve:

1. That a Park zone be created which would accurately reflect the intended and existing use of parks and greenspace within the City of Victoria;
2. That consideration of these lands be brought forward in a City-initiated rezoning process;
3. That staff be directed to bring forward the necessary zone description and bylaw in a timely manner.

CARRIED 08/535

10.3 Councillor Chandler – Election information

Councillor Chandler outlined for Committee an inquiry regarding election information and how students can be advised of where and how they can vote. Staff advised that voter eligibility is one of the pieces of information that will be on the mail-out. Councillor Chandler also requested that biographies of candidates be placed on the City's website and that voting places provide voters with 'I voted' stickers.

A Committee member expressed concerns regarding City staff's involvement with the candidates outside of their administrative role. More information on how other jurisdictions regulate biographies on line would be helpful. The Corporate Administrator advised that staff is planning another round of soft communication measures with exposure through the local media.

Many Committee members expressed approval for the 'I voted' stickers with the Corporate Administrator advising that this initiative can be provided at a modest cost.

10.4 Councillor Thornton-Joe – Needle Exchange Update

Councillor Thornton-Joe inquired if Committee could receive a report from AVI and VIHA regarding the needle exchange. The Acting City Manager advised that staff will request these agencies attend Committee of the Whole to update Council on the needle exchange.

11. CLOSED MEETING at 12:42 a.m.

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

Absent: Mayor Lowe.

Staff Present: M. McCliggott – Acting City Manager; R. Woodland – Corporate Administrator; D. Schaffer – Manager, Legislative Services; C. Havelka – Recording Secretary.

Staff Present for a Portion of the Meeting: D. Day – Director of Planning & Development; S. Barber – Senior Heritage Planner; K. Friars – Director of Parks, Recreation and Community Development; K. Josephson – Communications Manager; M. McLean – Executive Assistant; C. O'Regan – Manager of Facilities and Operations; G. Welham – Assistant Community Recreation Coordinator; J. Sturdy – Assistant Director of Underground & Facilities; P. Sparanese – Director of Engineering; S. Hortsing – Manager, Facilities.

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 08/534

11.1 Minutes from the Closed Portion of the Committee of the Whole Meeting held September 4, 2008

Action: Councillor Madoff moved that the Closed Portion of the minutes from the Committee of the Whole meeting held September 4, 2008 be corrected to include the 'Personnel – Recruitment' item.

11.2 Staff Appointment

Committee received a report dated September 10, 2008, from Engineering with respect to the Appointment of Alternate Subdivision Approving Officer. Under Section 77 (1 and (2) of the *Land Title Act* (LTA), Council must appoint a person as the Approving Officer to undertake duties pertaining to the subdivision of land as governed by the LTA within the City of Victoria.

Over the past year, the Engineering Department has undergone some minor reorganization with the creation of the position of Assistant Director of Transportation & Parking Services. Mr. Mike Lai was appointed to this position at the end of March 2008. It is recommended that Council appoint Mr. Mike Lai as Alternate Approving Officer as a result of the recent minor reorganization, as well as to provide coverage during vacations and other absences.

Action: Councillor Madoff moved that Council appoint Mr. Mike Lai as the Alternate Approving Officer for the City of Victoria pursuant to the *Land Title Act*.

CARRIED 08/532

11.3 Land – Security of City Properties

Committee received a report dated August 6, 2008, from Engineering with respect to Security of City Properties.

The discussion and motion were recorded and kept confidential.

(Closed Resolution # 08/531)

Councillor Fortin left the meeting at 1:30 p.m. as he is the Executive Director of the Burnside Gorge Community Association and has a direct pecuniary interest with the following item.

11.4 Agreements – Community and Senior Centers

Committee received a report dated September 8, 2008, from Parks, Recreation and Community Development with respect to Agreements – Community and Senior Centers. The purpose of this report is to outline for Council the main operating principles that are recommended to form the basis for community and senior centre operating agreements. The operating agreements the City proposes to use for community and senior centres are based on similar operating agreement principles that have been used in past agreements.

Councillor Holland withdrew from the meeting at 1:30 p.m.

Committee members discussed with staff the following:

- The newer centres have custodial contracts with private companies, others have custodial services provided by the City.
- Encouraging responsible management of the centres with respect to budget control.
- Standardization of the agreements; the responsibility for tenant improvements is the largest change.

Councillor Holland returned to the meeting from 1:32 p.m.

Action: Councillor Madoff moved that Council authorize the Corporate Administrator and Director of Park, Recreation & Community Development to execute five year Operating Agreements for community and senior centres in accordance with the guiding principles as approved by Council.

CARRIED 08/530

11.5 Legal – Intergovernmental Negotiations

Committee received a memo dated September 10, 2008, from Councillor Young with respect to Legal – Intergovernmental Negotiations.

The discussion and motion were recorded and kept confidential.

(Closed Resolution # 08/529)

11.6 Land – Disposition

Committee received a verbal report from the Director of Legislative and Regulatory Services with respect to Land Disposition.

The discussion and motion were recorded and kept confidential.

(Closed Resolution # 08/528)

11.7 Legal – FCA Mediation

Councillor Chandler withdrew from the meeting at 2:00 p.m.

Councillor Chandler returned to the meeting at 2:01 p.m.

Committee received a verbal report from the Director of Legislative and Regulatory Services with respect to FCA Mediation.

Councillor Coleman left the meeting at 2:24 p.m.

The discussion and motion were recorded and kept confidential.

(Closed Resolution # 08/526 and 527)

11.8 Litigation – Cridge Park Petition

Committee received a verbal report from the Director of Legislative and Regulatory Services with respect to Cridge Park Petition.

This discussion was recorded and kept confidential.

11.9 Legal – Dockside Master Development Agreement

Committee received a report dated September 2, 2008, from Social Planning and Housing with respect to the Dockside Master Development Agreement.

Councillor Chandler left the meeting at 2:37 p.m.

The discussion and motion were recorded and kept confidential.

(Closed Resolution # 08/524 and 525)

11.10 Legal - Sale and Purchase Agreement

Committee received correspondence dated September 11, 2008, from Patterson Adams, Barristers & Solicitors, regarding a Sale and Purchase Agreement.

The discussion and motion were recorded and kept confidential.

(Closed Resolution # 08/522 and 523)

Councillor Madoff voted against this motion

Staff advised Committee that a special closed Committee of the Whole Workshop on the Spirit Square is tentatively scheduled for October 3, 2008, subject to Committee's ability to attend.

12. ADJOURNMENT

Action: Councillor Thornton-Joe moved that the Committee of the Whole meeting of September 18, 2008 be adjourned at 2:50 p.m.

CARRIED 08/521

Mayor Lowe, Chair