

MINUTES - VICTORIA CITY COUNCIL
MEETING OF THURSDAY, JANUARY 24, 2002 AT 7:30 PM

PLACE OF MEETING: Council Chambers, City Hall

PRESENT: Mayor Lowe in the Chair and Councillors Fleming, Holland, Hughes, Lunt, Madoff, McLean, Savoie and Vanden Berg

APPROVAL OF AGENDA

The Corporate Administrator outlined changes to the agenda. It was moved by Councillor Lunt, seconded by Councillor Hughes, that the agenda be approved. Carried

MINUTES

It was moved by Councillor Lunt, seconded by Councillor Hughes, that the minutes of the regular Council meeting of January 10, 2002 be approved. Carried

ANNOUNCEMENT

Councillor Madoff acknowledged the passing of Mr. Peter Gzowski, former broadcaster, writer and esteemed Canadian.

PUBLIC HEARINGS

1. **APPLICATION FOR REZONING OF PROPERTY for Dance Halls:**

(1) **City Initiative:**

ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 633) – No. 02-2:

To amend the Zoning Regulation Bylaw to prohibit dance clubs and all-night dance clubs.

The purpose of this bylaw is to amend the Zoning Regulation Bylaw to define dance clubs and all-night dance clubs as new, specific uses. The effect of the bylaw is to prohibit dance clubs and all-night dance clubs from any current zones in the City of Victoria. The intent of the City through this proposed bylaw amendment is to require an application for a further amendment to the Zoning Bylaw in the event an applicant wishes to establish a dance club or all-night dance club at a specific location.

PRESENTATIONS:

A resident: inquired as to the permitted hours of operation for All-Night Dance Clubs.

(2) **Bylaw Motion – Consideration of Third Reading:**

It was moved by Councillor Madoff, seconded by Councillor Lunt, that the following bylaws **be given third reading:**

Zoning Regulation Bylaw, Amendment Bylaw (No. 633)	02-2
Dance (All-Night Event) Bylaw	01-146
Dance (Club) Bylaw	01-147
	<u>Carried</u>

HERITAGE DESIGNATION HEARINGS

1. **APPLICATION FOR HERITAGE DESIGNATION FOR PROPERTY known as 1310 Topaz Avenue:**

To designate the building located at 1310 Topaz Avenue as protected heritage property.

PRESENTATIONS:

There were no communications received and no one took advantage of the opportunity to address Council.

(1) **Bylaw Motion – Consideration of Third Reading:**

It was moved by Councillor Madoff, seconded by Councillor Savoie, that the following bylaw **be given third reading:**

Heritage Designation (1310 Topaz Avenue) Bylaw (No. 475)

02-6
Carried

(2) **Bylaw Motion – Adoption:**

It was moved by Councillor Madoff, seconded by Councillor Savoie, that the following bylaw **be adopted:**

Heritage Designation (1310 Topaz Avenue) Bylaw (No. 475)

02-6
Carried

2. **APPLICATION FOR HERITAGE DESIGNATION FOR PROPERTY known as 1614 Pinewood Avenue:**

To designate the house, garage, and interior features of the living room and dining room located at 1614 Pinewood Avenue to be protected heritage property.

This is the 300TH heritage designation for houses eligible for funding from the Victoria Heritage Foundation.

PRESENTATIONS:

There were no communications received and no one took advantage of the opportunity to address Council.

(1) **Bylaw Motion – Consideration of Third Reading:**

It was moved by Councillor Madoff, seconded by Councillor Lunt, that the following bylaw **be given third reading:**

Heritage Designation (1614 Pinewood Avenue) Bylaw (No. 474)

02-5
Carried

(2) **Bylaw Motion – Adoption:**

It was moved by Councillor Madoff, seconded by Councillor McLean, that the following bylaw **be adopted:**

Heritage Designation (1614 Pinewood Avenue) Bylaw (No. 474)

02-5
Carried

Mr. Schutz requested Council to become a lifetime founding member of the Arts and Cultural Accord Foundation.

Councillor Madoff excused herself from the Council Chambers at 7:50 PM as she has an association with the following matter, which may be a conflict of interest.

It was moved by Councillor McLean, seconded by Councillor Lunt, that the following speakers be permitted to address Council. Carried

3. Nicholas Bawlf – Re: Victoria Conference Centre - Courtyard Fountain – Recommendation No. 8 from the Committee of the Whole Meeting of January 17, 2002 - Development Permit No. 01-48 for 720 Douglas Street

Mr. Bawlf expressed support for the retention of the courtyard fountain at the Victoria Conference Centre, 720 Douglas Street. Mr. Bawlf read letters of support from Messrs. Arthur Erickson and Barry Downs. Mr. Bawlf's primary concern, and those of his colleagues, relates to aesthetic and architectural integrity of the Victoria Conference Centre, which is threatened by the proposed removal of the fountain.

4. Chris Gower – Re: Victoria Conference Centre - Courtyard Fountain

Mr. Gower expressed support for the retention of the courtyard fountain at the Victoria Conference Centre, 720 Douglas Street. This fountain is a feature that identifies the Centre.

5. Stuart Stark – Re: Victoria Conference Centre - Courtyard Fountain

Mr. Stark expressed support for the retention of the courtyard fountain at the Victoria Conference Centre, 720 Douglas Street. This fountain is a tourist attraction that characterizes the City of Victoria. The aesthetic value the fountain adds to this public space outweighs the Victoria Conference Centre business interests.

6. Diane Carr – Re: Victoria Conference Centre - Courtyard Fountain

Ms. Carr expressed support for the retention of the courtyard fountain at the Victoria Conference Centre, 720 Douglas Street. The Centre is a rare building in Victoria and an architectural statement in its time. The site should have been designated heritage. Functionality and practicality should not be at the expense of aesthetics. Ms. Carr had a letter of support from Dr. Christopher Thomas.

7. Chris Gudgeon – Re: Victoria Conference Centre - Courtyard Fountain

Mr. Gudgeon expressed support for the retention of the courtyard fountain at the Victoria Conference Centre, 720 Douglas Street. This fountain attracts business. The business tenants in the Victoria Conference Centre should have been consulted.

8. Carl Peterson – Re: Victoria Conference Centre - Courtyard Fountain

Mr. Peterson expressed support for the retention of the courtyard fountain at the Victoria Conference Centre, 720 Douglas Street. This fountain is the focal point of the Centre.

DEVELOPMENT PERMIT APPLICATION #01-48 - 720 DOUGLAS STREET

It was moved by Councillor McLean, seconded by Councillor Holland, that Recommendation No. 8 from the Committee of the Whole Meeting of January 17, 2002, Development Permit No. 01-48 for 720 Douglas Street, Victoria Conference Centre, Courtyard Fountain, be brought forward for consideration at this time. Carried

It was moved by Councillor McLean, seconded by Councillor Holland, that a Development Permit for 720 Douglas Street be issued in accordance with:

- 1) Plans stamped "Development Permit Application #01-48" dated December 21, 2001.
- 2) Development meeting all below requirements

REPORTS OF THE COMMITTEE

COMMITTEE OF THE WHOLE – January 10, 2002

1. **RESERVED HANDICAP PARKING ZONES.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that the bylaw penalty amount for illegally parking in a handicap zone be increased to \$150.00; the voluntary payment amount within 14 days be set at \$122.50; and the voluntary payment between 14 and 45 days be set at \$137.50. Carried

2. **CAUSEWAY FLOATS – YELLOW LINE.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that:
 - 1) The yellow line whale watching tour license rate currently at \$300 per seat be reduced to \$166.67 per seat for 2002.
 - 2) Tour (Fishing Charter) rates, currently at \$1,200 per boat be adjusted for 2002 with an increase of the Consumer Price Index 1.7% to \$1,220.
 - 3) Transportation (Harbour Ferry) currently at \$1,800 per boat be adjusted for 2002 with an increase of the Consumer Price Index 1.7% to \$1,830.
 - 4) Rates to be reviewed annually.
 - 5) Issuing of 2002 licenses to be conditional upon payment of any outstanding license fees from prior years, at the prior year's rate. Carried

3. **DEPUTY MAYORS FOR 2002.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that the following schedule of Deputy Mayors for 2002 be adopted:

January	Councillor Madoff	July	Councillor Vanden Berg
February	Councillor McLean	August	Councillor Hughes
March	Councillor Lunt	September	Councillor Madoff
April	Councillor Holland	October	Councillor McLean
May	Councillor Fleming	November	Councillor Lunt
June	Councillor Savoie		

Carried

4. **SUSTAINABLE COMMUNITIES NATIONAL CONFERENCE.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that Councillor Savoie be authorized to attend the Sustainable Communities Conference in Ottawa, February 7-9, 2002, with approval of approximate expenses of \$1,526. Carried

5. **OFFER TO PURCHASE – CECELIA ROAD.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that staff be instructed to counter the offer received from S.E.L.F. Productions Foundation at \$72,000 for the purchase of city-owned property legally described as Lot 2, Section 4, Victoria District, Plan 3187, subject to:
 - 1) The City obtaining title to the adjacent lane, once closed.
 - 2) Registration of an easement, if required, over the southwest corner of the lane allowing access to parking behind 540 Manchester Road.
 - 3) Consolidation of the land and Lot 2 by the purchaser.
 - 4) Termination of the existing parking agreement with Manchester House. Carried

6. **VICTORIA HIGH SCHOOL – CAREER TECH PROPOSAL.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that Mayor Lowe forward a letter of support to the Vic High Alumni Association for their proposed Career Technical Education Centre. Carried

COMMITTEE OF THE WHOLE – January 17, 2002

1. **REZONING APPLICATION #01-28 - Y-LOT.** It was moved by Councillor McLean, seconded by Councillor Lunt, that:
 - 1) Rezoning Application #01-28 for the Y lot property be forwarded for consideration at a public hearing and that the City Solicitor be instructed to prepare the necessary Zoning Bylaw changes, to amend the CA-37 Zone for Parcel A and to rezone Parcels B and C to the new zones based on the draft zones (Appendix 2), subject to:
 - a) Advisory Design Panel approval with reference to the block's Urban Design

- f) the applicant to acquire the adjoining City Lot 2 (to form part of Parcel C).
- 2) Concurrent with rezoning, a Development Permit be issued for the subdivision of Lots B and C. Carried

2. **REZONING APPLICATION #01-34 - 2335 TRENT STREET.** It was moved by Councillor McLean, seconded by Councillor Lunt, that the application to rezone Lot 7 (2335 Trent Street) also include the rezoning of Lot A (1964 Fort Street) to the R3-A2 zone, Low Profile Multiple Dwelling District, and this be forwarded for consideration at a public hearing, and the City Solicitor be instructed to prepare the necessary bylaw amendments, subject to:
 - 1) Confirmation to the Director of Corporate Services that the parking lot design has been reviewed by neighbours and the Community Association.
 - 2) Consolidation of the lots.
 - 3) The provision of an amended, fully dimensioned parking/access plan to the satisfaction of the Director of Engineering. Carried

3. **REZONING APPLICATION #01-35 - 1625 QUADRA STREET.** It was moved by Councillor McLean, seconded by Councillor Lunt, that Rezoning Application #01-35 for 1625 Quadra Street be forwarded for consideration at a public hearing and that the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments, based on the draft zone outline in Appendix 1 of the report dated January 10, 2002 from the City Planning Division, subject to:
 - registration of a covenant on the title of the property at 949 Balmoral Street linking the parking to 1625 Quadra Street. Carried

4. **DEVELOPMENT PERMIT #01-19A - 412 QUEBEC STREET.** It was moved by Councillor McLean, seconded by Councillor Lunt, that Development Permit #01-19 for 412 Quebec Street be amended as Development Permit #01-19A in accordance with:
 - 1) Plans stamped "Development Permit Application #01-19A" dated November 30, 2001.
 - 2) Development meeting all bylaw requirements except:

Section 5.6.11	Site coverage maximum relaxed from 25% to 28.5%
Section 5.6.12	Front yard setback relaxed from 10.9m to 7.9m
 - 3) Final plans to be in accordance with plans identified above with the incorporation of responses to the recommendation of the Advisory Design Panel (June 27, 2001). Carried

5. **DEVELOPMENT PERMIT APPLICATION #01-43 - 3190 SHELBOURNE STREET.** It was moved by Councillor McLean, seconded by Councillor Lunt, that a Development Permit for 3190 Shelbourne Street be issued in accordance with:
 - 1) Plans stamped "Development Permit Application #01-43" dated November 20, 2001.
 - 2) Development meeting all bylaw requirements.
 - 3) The applicant is to provide a landscape plan for review by the Advisory Design Panel in the event that the existing trees around the building perimeter do not survive the removal and replanting.
 - 4) Final plans to be in accordance with plans identified above incorporating the responses to the recommendations of the Advisory Design Panel. Carried

6. **DEVELOPMENT PERMIT APPLICATION #01-47 - 2995 JUTLAND ROAD.** It was moved by Councillor McLean, seconded by Councillor Lunt, that a Development Permit for 2995 Jutland Road be issued in accordance with:
 - 1) Plans stamped "Development Permit #01-47" dated December 21, 2001.
 - 2) Development meeting all bylaw requirements with the following variance:

Schedule C, Section C5	Relaxation of required parking from 284 stalls to 272 stalls
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 - 3) Final plans in accordance with plans identified above to the satisfaction of the Director of Planning & Development. Carried

7. **GREENWAYS PLAN STEERING COMMITTEE TERMS OF REFERENCE.** It was moved by Councillor McLean, seconded by Councillor Lunt, that the draft Terms of Reference for the Greenways Plan Steering Committee, as attached to the report dated January 10, 2002 from the City Planning Division, be endorsed. Carried

8. **HERITAGE ALTERATION PERMIT APPLICATION #93 - 1421 BLANSHARD STREET.** It was moved by Councillor McLean, seconded by Councillor Lunt, that the roof design for Heritage Alteration Permit #93 for 1421 Blanshard Street be re-affirmed in accordance with plans dated January 4, 2002. Carried

11. **CHIEF ELECTION OFFICER - 2002 ELECTIONS.** It was moved by Councillor McLean, seconded by Councillor Lunt, that, pursuant to Section 41(1) of the Local Government Act:
- 1) Mr. Robert Woodland is appointed Chief Election Officer for conducting other voting and the general local government election in 2002;
 - 2) Mr. John Marshall is appointed Deputy Chief Election Officer for other voting in 2002.

Carried

12. **PACIFIC NATIONAL INVESTMENTS LTD. v. CITY OF VICTORIA.** It was moved by Councillor McLean, seconded by Councillor Lunt, that, in the matter of Pacific National Investments Ltd. v. City of Victoria, the City Solicitor be given instructions to appeal Justice Wilson's ruling to the Court of Appeal.

Carried

13. **PRIVATE PROPERTY MAINTENANCE COMMITTEE.** It was moved by Councillor McLean, seconded by Councillor Lunt, that Councillor McLean, Councillor Savoie, and Councillor Fleming be appointed to the Private Property Maintenance Committee for the term from January 25, 2002 to December 1, 2002.

Carried

Mayor Lowe excused himself from the Council Chambers at 8:38 PM as he has an association with the following application, which may be a conflict of interest.

Acting Mayor Madoff assumed the Chair.

14. **REZONING APPLICATION #01- 30 - 732 CORMORANT STREET.** It was moved by Councillor Hughes, seconded by Councillor Fleming, that:
- 1) Rezoning Application #01-30 for 732 Cormorant Street be forwarded for consideration at a public hearing and that the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments, based on the appended draft zone, subject to:
 - a) Advisory Design Panel review with particular reference to balancing the need for interesting street level detailing along with privacy for the ground floor caretaker suite;
 - b) an amended, fully dimensioned parking/access plan, to the satisfaction of the Director of Engineering.
 - 2) The letter dated January 10, 2002 from the applicant, Jurgen Weyand, Value Developments Cormorant Street Inc., requesting consideration of fast-tracking the project and waiving or reducing fees, be received for information.

Carried

Mayor Lowe returned to the Council Chambers and resumed the Chair at 8:39 PM.

COMMITTEE OF THE WHOLE – January 24, 2002

1. **DOCKSIDE REDEVELOPMENT PROJECT.** It was moved by Councillor Madoff, seconded by Councillor Hughes, that:
- 1) Any sale of city-owned Dockside Lands be tendered through a public process, and that adjacent property owners be advised of this policy.
 - 2) Staff be directed to continue negotiations with British Columbia Assets and Lands Corporation toward purchasing the former transit corridor lands.

Carried

It was moved by Councillor Madoff, seconded by Councillor Hughes, that the following motion be **received and filed:**

That staff be directed to create a Development Permit Area for the Dockside Lands, and potential developers be advised that the City will not consider new development proposals for the Dockside Lands until the Development Permit Area is established.

Carried

MOTIONS

PUBLIC HEARING

It was moved by Councillor Hughes, seconded by Councillor Lunt, that the following public hearing be held in the Council Chambers, City Hall on **THURSDAY, FEBRUARY 14, 2002 AT 7:30 PM:**

APPLICATION FOR REZONING OF PROPERTY known as 2307 Howard Street:

(1) **Rezoning Application No. 01-23:**

REZONING BYLAW, AMENDMENT BYLAW (NO. 1080) – No. 02-7:

To amend the Zoning Regulation Bylaw to rezone land known as 2307 Howard Street to the R1-S2 Zone, Restricted Small Lot (Two Storey) District to permit the land to be used for a new house in the rear yard of an existing house.

Legal description: Lot 3, Block 3, Section 75, Victoria District, Plan 420
Existing Zone: R1-B Zone, Single Family Dwelling District

(2) **Development Permit Relaxations:**

- Section 1.7.4 to vary the front yard setback of the proposed house from 6.0m to 2.4m
- Section 1.7.5 to vary the side yard setback (east) of the proposed house from 2.4m to 1.5m
- Section 1.7.5 to vary the rear yard setback of the existing house from 6.0m to 1.2m

Carried

BYLAWS

INTRODUCTION AND SECOND READING

It was moved by Councillor McLean, seconded by Councillor Lunt, that the following bylaws **be given two readings:**

Rezoning Bylaw, Amendment Bylaw (No. 1080) 02-7
(Rezoning 01-23 for 2307 Howard Street)

Zoning Regulation Bylaw, Amendment Bylaw (No. 634) 02-8
(City Initiative – To Prohibit Escort Services in Multiple Dwellings) Carried

ADOPTION

It was moved by Councillor Savoie, seconded by Councillor Fleming, that the following bylaws **be adopted:**

Storm Water Bylaw 01-154

Sewer User Charge Bylaw, Amendment Bylaw (No. 9) 02-10
(Increase Consumption Rate for Use of Sewers)

Waterworks Bylaw, Amendment Bylaw (No. 19) 02-11
(Increase Consumption Charge) Carried

QUESTION PERIOD

A question period was held.

CORPORATE ADMINISTRATOR

MAYOR OF THE CITY OF VICTORIA