

MINUTES - VICTORIA CITY COUNCIL
MEETING OF THURSDAY, FEBRUARY 14, 2002 AT 7:30 PM

PLACE OF MEETING: Council Chambers, City Hall

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

ABSENT: Councillor Holland

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 Fleming, that the minutes of the regular Council meeting of January 24, 2002 be approved. Carried

It was moved by Councillor Lunt, seconded by Councillor McLean, that the minutes of the special Council meeting of February 7, 2002 be approved. Carried

PROCLAMATIONS

It was moved by Councillor Lunt, seconded by Councillor McLean, that the following proclamations be endorsed:

Kiwanis Club of Victoria Day, February 20, 2002
Tibet Day, March 10, 2002
Parent Participation Preschools Week, February 16-23, 2002
Heritage Week, February 18-24, 2002
International Friendship Week, February 23-28, 2002
Flower Count Week, February 25-March 2, 2002
Kidney Month, March 2002
Post Polio's Awareness Month, March 2002

Carried

PUBLIC HEARINGS

1. **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

CORRESPONDENCE:

Nine (9) letters were received expressing no objection to the application.

One (1) letter was received expressing objection to the application.

PRESENTATIONS:

Mr. Kenneth Weaver (Applicant): advised that the application is to permit the subdivision and construction of a two-storey small lot single family dwelling on what is currently the rear yard of a house at the corner of Howard and Denman Streets. The proposed new house will front onto Denman Street while the existing house has its frontage on Howard Street. One parking space will be provided on-site.

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

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

Rezoning Bylaw, Amendment Bylaw (No. 1080)

02-7
Carried

(3) **Bylaw Motion – Adoption:**

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

Rezoning Bylaw, Amendment Bylaw (No. 1080)

02-7
Carried

(4) **Development Permit Relaxations:**

It was moved by Councillor Madoff, seconded by Councillor Lunt, that Council approve Development Permit relaxations for 2307 Howard Street for:

- 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

2. **FOR AMENDMENT TO SCHEDULE "A" AND SCHEDULE "D" OF THE ZONING REGULATION BYLAW RELATED TO ESCORT SERVICES:**

(1) **City Initiative:**

ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 634) – No. 02-8:

To amend the Zoning Regulation Bylaw to prohibit escort services in multiple dwellings.

PRESENTATIONS:

Mr. Denis Oiver, 303-1235 Balmoral Road: stated that the proposed new bylaw will not resolve the issue of escort services being rendered from an operator's home.

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

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 634)

02-8
Carried

(3) **Bylaw Motion – Adoption:**

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 634)

02-8
Carried

DEVELOPMENT VARIANCE PERMIT

1. **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. 01-42 FOR PROPERTY known as 857 Rupert Terrace:**

The proposal is to replace the existing South wing of the Rose Manor Seniors' Residence, with a new building. As part of the residence complex, the new three-storey structure will provide seven residence units, a lounge, and a dining area. The proposal also includes renovation and seismic upgrading of a portion of the existing central building including the lounge, kitchen, meeting room and Unit 210.

PRESENTATIONS:

Mr. Bas Smith (Applicant): was available to answer any questions of Council.

It was moved by Councillor McLean, seconded by Councillor Savoie, that a Development Variance Permit for 857 Rupert Terrace be issued in accordance with:

- 1) Plans stamped "Development Variance Permit Application #01-42" dated December 18, 2001.
- 2) Development meeting all bylaw requirements with the following relaxations:
Section 3.3.10 Street frontage setback relaxed from minimum of 7.5m to 2.38m
Section 3.3.18 Parallel street setback relaxed from 7.5m to 2.38m (South Fairfield Road)
- 3) Final plans to be in accordance with plans identified above, to the satisfaction of the Director of Planning & Development. Carried

2. **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. 01-49 FOR PROPERTY known as 350 Windermere Place:**

The proposal is to legalize the conversion of a single car garage to a bedroom in a single family dwelling. A variance is required to permit parking in the front yard.

CORRESPONDENCE:

One (1) letter was received expressing no objection to the application.

PRESENTATIONS:

The Applicant: was available to answer any questions of Council.

Mr. Denis Oliver, 303-1235 Balmoral Road: expressed objection to the City amending its bylaws to legalize existing situations.

It was moved by Councillor McLean, seconded by Councillor Hughes, that a Development Variance Permit for 350 Windermere Place be issued in accordance with:

- 1) Plans stamped "Development Variance Permit Application #01-49 DVP" dated December 24, 2001.
- 2) Development meeting all bylaw requirements with the following variance:
Schedule C, Section 3 Relaxation to permit parking for a single family dwelling to be located in front yard
- 3) Final plans in accordance with plans identified above to the satisfaction of the Director of Planning & Development. Carried

HEARINGS – REQUESTS TO ADDRESS COUNCIL

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

1. Joe Richards – Re: VIA Rail

Mr. Richards stated that cyclists should not be permitted to ride on the VIA Rail station platform for passenger safety. Rail is the safest mode of transportation. The E&N Railway property should be designated for railway use only.

The Director of Planning advised that a report is being prepared for Council's consideration of a resolution to the Association of Vancouver Island and Coastal Communities regarding the protection of railway rights of way as transportation corridors.

2. Mr. Denis Oliver – Re: Unightly Boulevards

Mr. Oliver advised that the boulevard in front of the Yates Street Market is a mud puddle and requested Council to direct staff to cut the grass at a higher setting on the mower. Mr. Oliver expressed objection to the City of Victoria paying money for a former employee who chose not to accept an alternate position.

REPORTS OF THE COMMITTEE

COMMITTEE OF THE WHOLE – February 7, 2002

1. **GONZALES NEIGHBOURHOOD COMMUNITY PLAN - FEBRUARY 7, 2002.** It was moved by Councillor Madoff, seconded by Councillor Lunt, that:

- 1) The Gonzales Neighbourhood Community Plan, February 7, 2002, be received for information.
- 2) An Information Open House be held on the Gonzales Neighbourhood Community Plan, February 7, 2002 at Margaret Jenkins School on March 4, 2002.
- 3) The Gonzales Neighbourhood Community Plan be considered for adoption following the holding of a non-statutory public hearing at City Council's meeting on March 14, 2002.

- 4) The Gonzales Neighbourhood Plan Steering Committee be thanked and commended for their continued work on the Plan. Carried

2. **REZONING APPLICATION #01-33 - 836-44 VIEW STREET.** It was moved by Councillor Madoff, seconded by Councillor Lunt, that Rezoning Application #01-22 for 836-44 View Street be forwarded for consideration at a public hearing and that the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments, to the R-48 Zone (instead of a special zone based on the appended draft zone), subject to:
 - 1) Advisory Design Panel review with particular reference to the Harris Green Charrette Urban Design Guidelines;
 - 2) any height relaxation to be negotiated as part of the Development Permit;
 - 3) an amended, fully dimensioned parking/access plan, to the satisfaction of the Director of Engineering, and boulevard tree details satisfactory to the Parks Division, will be required prior to Advisory Design Panel review. Carried

3. **DEVELOPMENT PERMIT APPLICATION #SL 50 - RICHMOND AVENUE.** It was moved by Councillor Madoff, seconded by Councillor Lunt, that a Development Permit for Richmond Avenue be issued in accordance with:
 - 1) Plans stamped "Development #SL 50 dated January 14, 2002.
 - 2) Final plans, in accordance with plans identified above, to the satisfaction of the Director of Planning & Development. Carried

4. **ROOF HEIGHT - COUNCILLOR INQUIRY.** It was moved by Councillor Madoff, seconded by Councillor Lunt, that staff be directed to prepare an amendment to the Zoning Bylaw to change the current height calculation, which is "mid-range to eaves", to "mid-range to where the pitch changes". Carri

5. **REQUEST FOR HERITAGE DESIGNATION - 1435 RICHARDSON STREET.** It was moved by Councillor Madoff, seconded by Councillor Lunt, that, whereas the house at 1435 Richardson Street is worthy of heritage designation, it be designated as a Municipal Heritage site. Carried

6. **REQUEST FOR HERITAGE DESIGNATION - 938 FULLERTON AVENUE.** It was moved by Councillor Madoff, seconded by Councillor Lunt, that, whereas the house at 938 Fullerton Avenue is worthy of heritage designation, it be designated as a Municipal Heritage site. Carried

7. **DOG LICENSE REVENUE.** It was moved by Councillor Madoff, seconded by Councillor Lunt, that:
 - 1) Staff be directed to prepare amendments to the City's contract with the Capital Regional District for animal control services, to include management of a proactive dog licensing program.
 - 2) A revenue account be created for the dog licensing program.
 - 3) Staff be directed to prepare amendments to the Animal Control Bylaw as follows:
 - a) amend Section 4 to provide that the City may enter into an agreement with a qualified contractor;
 - b) amend section 14(a) by changing the impoundment fees for cats and licensed dogs to \$35, \$55, and \$115 for the first, second, and third impoundment, and for unlicensed dogs to \$70, \$90, and \$150 for the first, second, and third impoundment.
 - c) amend section 27(2) to change the cutoff date for the license fee increase from March 1st to March 31st, and to change the increase from \$5 to \$10. Carried

8. **VIA RAIL PASSENGER SERVICE.** It was moved by Councillor Madoff, seconded by Councillor Lunt, that the following recommendations from the Advisory Transportation Committee, be supported:
 - 1) The formation of a Federal Rail Authority, using best practices from other authorities, to regulate and oversee rail operations on Vancouver Island.
 - 2) Obtaining a stay of execution on E & N passenger service and line closure to March 2003 to provide sufficient time to negotiate and form the Rail Authority and to enable the E & N to continue to serve residents and visitors.
 - 3) A move by island organizations (municipalities, chambers of commerce, tourist, environment, etc.) to form a Round Table on Vancouver Island rail to oversee the Rail Authority creation and management. Carried

9. **TRAFFIC ORDERS.** It was moved by Councillor Madoff, seconded by Councillor Lunt, that the Traffic Orders outlined in the report dated January 25, 2002 received from the Manager, Transportation, be approved, with the exception of #3, Blanshard Street, which will be the subject of further review. Carried

10. **BRITISH COLUMBIA HERITAGE AWARD - MR. STUART STARK.** It was moved by Councillor Madoff, seconded by Councillor Lunt, that the contributions made to the community by Mr. Stuart Stark, through his work in heritage preservation, be acknowledged by the City of Victoria, and, on the occasion of his receipt of The Minister's Award for Heritage, a letter of congratulations be sent on behalf of Mayor Lowe and Council. Carried

11. **COUNTER PETITION - LOAN AUTHORIZATION BYLAWS.** It was moved by Councillor Madoff, seconded by Councillor Lunt, that a Counter Petition opportunity be initiated for Bylaw No. 01-156 and Bylaw No. 01-157 with a deadline for the receipt of counter-petitions of 4:30 pm on March 19, 2002. Carried

12. **THE NEW VI CITY HALL CAMERA PROPOSAL - PRIVACY ISSUES.** It was moved by Councillor Madoff, seconded by Councillor Lunt, that the City of Victoria not enter into a license agreement to permit The New VI to install a video camera on Victoria City Hall. Carried
13. **CITY OF VICTORIA - ELECTION PROCEDURES BYLAW.** It was moved by Councillor Madoff, seconded by Councillor Lunt, that draft Bylaw No. 02-13, Election Procedures Bylaw be forwarded for consideration at the February 14th, 2002 Victoria City Council meeting, with the following amendments:
 Section 5(2) Delete
 Section 5(3) Renumber as Section 5(2) and delete the clause "In addition to the precautions prescribed in subsections (1) and (2)" Carried
14. **CONDUIT - REQUEST FOR LETTER OF SUPPORT.** It was moved by Councillor Madoff, seconded by Councillor Lunt, that:

 WHEREAS many property owners in Greater Vancouver and on Vancouver Island have suffered major emotional and financial setbacks due to the failure of building envelopes in multi-family buildings (leaky condos);

 BE IT RESOLVED THAT the City of Victoria contact the federal and provincial governments to request that they provide meaningful relief to those impacted by the failure in building envelopes (leaky condos). Carried
15. **LEASE - VIA RAIL PARKING LOT.** It was moved by Councillor Madoff, seconded by Councillor Lunt, that approval be given to a new 3 year lease with Transport Canada for the part of the parking lot adjacent to the VIA Rail station, as follows:
 - Rental rate of \$500 per annum plus 20% of gross revenue
 - Term: May 15, 2002 to May 14, 2005. Carried
16. **APPOINTMENTS - PROVINCIAL CAPITAL COMMISSION.** It was moved by Councillor Madoff, seconded by Councillor Lunt, that Councillor Fleming and Councillor Vanden Berg be re-appointed to the Provincial Capital Commission Board through December 1, 2002. Carried
17. **APPOINTMENT - DOWNTOWN ADVISORY COMMITTEE.** It was moved by Councillor Madoff, seconded by Councillor Lunt, that Brenda Bolwyn be appointed to the Downtown Advisory Committee for the term January 1, 2002 to June 30, 2003. Carried
18. **TOWING CONTRACT.** It was moved by Councillor Madoff, seconded by Councillor Lunt, that:
 1) A Request for Proposals be issued for the City's Towing Contract, including the following amendments to be made to the Towing Bylaw:
 - expansion of the location of primary lots located within the City of Victoria to a 3 km radius from City Hall, and a secondary lot to a 5 km radius.
 2) The Towing Contract be granted to Always Towing on an interim basis. Carried
19. **HERITAGE ALTERATION PERMIT #79 - 1785 CARRICK STREET.** It was moved by Councillor McLean, seconded by Councillor Hughes, that, pursuant to Heritage Designation Bylaw No. 210, Heritage Alteration Permit #79 for 1785 Carrick Street be authorized for:
 1) The installation of a new arched window on the ground floor of the east elevation of the house at 1785 Carrick Street (as currently installed) conditional on the applicant installing a new storm sash window as shown on the drawing dated January 31, 2002.
 2) The installation of wood storm windows as shown on drawings dated October 26, 2001 so that they fit within the existing rabbet of the window frame.
 3) The maintenance plan, as outlined in a letter dated December 20, 2000 received from the owners of the property, be received for information. Carried

Councillor Madoff voted against the motion.

COMMITTEE OF THE WHOLE – February 14, 2002

1. **PRE-BUDGET APPROVAL FOR COMMUNITY AND SENIOR CENTRE FUNDING.** It was moved by Councillor Savoie, seconded by Councillor Lunt, that:
 1) Pre-budget approval be given for payment of 1/3 of the 2002 provisional budget for community recreation grants to Community and Senior Associations on March 1, 2002.
 2) The balance of the approved 2002 annual budget for these grants be paid July 1, 2002. Carried
2. **CANADIAN CAPITAL CITIES ORGANIZATION ANNUAL BOARD MEETING.** It was moved by Councillor Savoie, seconded by Councillor Lunt, that an expenditure of up to \$1,400 be approved for Councillor Fleming to attend the annual Canadian Capital Cities Organization Board of Directors meeting in Ottawa, February 2002. Carried

3. **GRAFFITI.** It was moved by Councillor Savoie, seconded by Councillor Lunt, that the Graffiti Bylaw and amendments to the Ticket Bylaw and Rubbish Bylaw be forwarded to the February 14, 2002 Council meeting for consideration of first, second, and third readings. Carried

4. **BRANCH PICKUP PROGRAM 2002.** It was moved by Councillor Savoie, seconded by Councillor Lunt, that:
- 1) The residential branch pick up program be continued with modifications in 2002 at an estimated savings of \$11,000.
 - 2) A fee for service of \$30 per load on all call backs be instituted. Carried

Mayor Lowe excused himself from the Council Chambers at 7:50 PM, as his company has an association with the following application, which may create a conflict of interest.

Acting Mayor McLean assumed the Chair.

MOTIONS

PUBLIC HEARING – February 28, 2002

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 28, 2002 AT 7:30 PM:**

APPLICATION FOR REZONING OF PROPERTY known as 21 Erie Street:

(1) **Rezoning Application No. 01-21:**

OFFICIAL COMMUNITY PLAN BYLAW, 1995, AMENDMENT BYLAW (NO. 40) - No. 02-15:

To amend the Official Community Plan to designate 21 Erie Street as Apartment Residential (Developing).

ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 631) – No. 02-14:

To amend the Zoning Regulation Bylaw

- (a) to create a CR-E Zone, Erie Residential Commercial District, which will permit residential and commercial uses and will apply regulations for the number of dwelling units and commercial units on a lot, the height of buildings, the ratio of a building's floor area to the area of its lot, the area of land covered by buildings, the distance between a building and the boundary of its lot, and parking;
- (b) to rezone land known as 21 Erie Street to a new CR-E Zone, Erie Residential Commercial District, to permit the land to be used for residential and commercial uses.

New Zone:	CR-E Zone, Erie Residential Commercial District
Legal description:	Lot 1, District Lots 1348, 1349, 1350 and 1351, Victoria City, Plan 43651
Existing Zone:	M-2 Zone, Light Industrial District

(2) **Development Permit Application No. 01-41:**

The proposal is to construct a 6 storey residential and commercial building. It includes 45 residential condominium units and 28 units, which may be used for commercial, live/work or residential purposes. The 19 ground floor units have a two storey design and direct access to street level. A 236m² restaurant is proposed for the north end of the building. Underground parking is provided with access from Ontario Street. Carried

Councillors Madoff and Vanden Berg voted against the motion.

Mayor Lowe resumed the Chair at 7:55 PM.

PUBLIC HEARING – February 28, 2002

It was moved by Councillor Hughes, seconded by Councillor McLean, that the following public hearing be held in the Council Chambers, City Hall on **THURSDAY, FEBRUARY 28, 2002 AT 7:30 PM:**

APPLICATION FOR REZONING OF PROPERTY known as 2335 Trent Street and 1964 Fort Street:

(1) **Rezoning Application No. 01-34:**

REZONING BYLAW (NO. 1081) – No. 02-24:

To rezone land known as 2335 Trent Street and 1964 Fort Street to R3-A2 Zone, Low Profile Multiple Dwelling District to permit the land to be used for additional parking for an office building.

Legal description:	Lot 7, Block B, Section 76, Victoria District, Plan 1220 AND Strata Lots 1 to 28, Section 76, Victoria District, Strata Plan 842, together with an
--------------------	--

Existing Zone: interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1
R1-B Zone, Single Family Dwelling District Carried

BYLAWS

INTRODUCTION AND SECOND READING

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

Official Community Plan Bylaw, 1995, Amendment Bylaw (No. 41) (Menziess Street – James Bay Neighbourhood (City Initiative))	02-19
Rezoning Bylaw (No. 1081) (Rezoning 01-34 for 2335 Trent Street and 1964 Fort Street)	02-24 <u>Carried</u>

INTRODUCTION, SECOND AND THIRD READING

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

Parks & Greenways Acquisition Reserve Fund Bylaw	02-9
Election Procedures Bylaw	02-13
MacDonald Park Reservation Bylaw, Amendment Bylaw (No. 1)	02-20
Inner Harbour Floats Regulation Bylaw, Amendment Bylaw (No. 5)	02-26
Streets and Traffic Bylaw, Amendment Bylaw (No. 49)	02-27 <u>Carried</u>

ADOPTION

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

Ticket Bylaw, Amendment Bylaw (No 7)	01-125
Ticket Bylaw, Amendment Bylaw (No 8)	01-155 <u>Carried</u>

QUESTION PERIOD

A question period was held.

ADJOURNMENT

It was moved by Councillor McLean, seconded by Councillor Lunt, that the Council meeting adjourn.
Time: 7:57 PM.

Carried

CERTIFIED CORRECT:

CORPORATE ADMINISTRATOR

MAYOR OF THE CITY OF VICTORIA