

MINUTES - VICTORIA CITY COUNCIL
MEETING OF THURSDAY, FEBRUARY 28, 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 Savoie, that the agenda be approved.

It was moved by Councillor McLean, seconded by Councillor Holland, that the agenda be amended by referring item 9(2), Motion – Re: Access and Affordability of Education for Victoria Post-Secondary Students, to the next Committee of the Whole meeting, scheduled for Thursday, March 7, 2002. Carried

On the main motion, as amended Carried

MINUTES

It was moved by Councillor Lunt, seconded by Councillor McLean, that the minutes of the regular Council meeting of February 14, 2002 be approved. Carried

PROCLAMATIONS

It was moved by Councillor Hughes, seconded by Councillor Lunt, that the following proclamation be endorsed:

Capital Region Against Sexual Exploitation of Children and Youth Awareness Week, March 10 – 16, 2002. Carried

PUBLIC HEARINGS

1. **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 interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1

Existing Zone: R1-B Zone, Single Family Dwelling District

CORRESPONDENCE:

Two letters were received from the North Jubilee Neighbourhood Association, advising that the association has not had an opportunity to review this application.

One letter was received objecting to the application.

One letter was received supporting the application.

PRESENTATION:

Dr. Ian Gillespie (Applicant): advised that the application will provide additional parking stalls for the occupants and visitors to the Foul Bay Professional Building. The neighbours have been consulted and have expressed no objection to the application. A parking demand survey was conducted, which confirms the need for additional parking stalls.

Mr. Ickovich, 210 – 2022 Foul Bay Road: expressed support for the application. Demographically, this site provides appropriate access to health care. This area should be promoted as a health centre. This project will be an economic generator for the city. Members of the Strata Council are supportive of this application.

An Owner's Representative of 2343 Trent Street (CA Homes): expressed support for the application.

Ms. Kathryn Foster (Director, North Jubilee Neighbourhood Association): requested that this hearing be postponed in order for the association to have an opportunity to review this application with its members. The proposed use is contrary to the recommended use for this site. A residential component should be encouraged. Incentives should be provided to encourage people to use modes of transportation other than vehicles. An incentive traffic plan should be established. Staff parking fees could be increased, with the additional revenue being used to fund bus passes to encourage employees to use public transit and reduce traffic in the area.

It was moved by Councillor Madoff, seconded by Councillor Hughes, that the Public Hearing into Rezoning Application No. 01-34 for 2335 Trent Street and 1964 Fort Street be adjourned to the Council meeting of Thursday, March 14, 2002, at 7:30 PM. Carried

Councillors Lunt and McLean voted against the motion.

Mayor Lowe left the meeting at 8:02 PM as he may have a conflict of interest with the next two (2) items on the agenda.

Acting Mayor McLean assumed the Chair.

2. 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

CORRESPONDENCE:

A memorandum from the City Solicitor advised that Council must withhold final reading of the bylaws and approval of the Development Permit for 21 Erie Street until the City receives written approval from the Ministry of Land, Air and Water Protection.

A petition was received with eleven (11) signatures in support of the application.

Seven (7) letters were received expressing no objection to the application.

Seven (7) letters were received expressing objection to the application.

PRESENTATIONS:

Doug Koch (Manager, Planning): advised that the proposal is to construct a 6 storey residential and commercial building. The proposed development is in accordance with planning guidelines. The residential density will be limited through a restrictive covenant. Tenants will be required to sign an agreement acknowledging potential noise from the neighbouring businesses. Mr. Koch provided information on similar developments offering public amenities, such as public art, public space improvements, etc.

Mr. Gene Miller (Applicant): advised that the proponents have refined the proposal to incorporate the concerns of the neighbourhood. The development needs to be flexible in order to be feasible. The design will be consistent with the harbour. The building will not straddle view scapes. This proposal will be street friendly and support small business. Three (3) universal access units will be provided. This proposal has been approved by the Advisory Planning Commission and the Advisory Design Panel. A letter from the Ministry of Land, Air and Water Protection is forthcoming. Any future conflict with neighbouring properties due to different zoning regulations can be resolved. Tenants will be required to sign an agreement acknowledging potential noise from the adjacent businesses. Neighbouring businesses will not be adversely impacted. The proposal will provide an innovative residential use. The proposed building will be 18 feet from the nearest adjacent property. The proponents are committed to the commercial component. A Memorandum of Understanding has been submitted to the city and may be amended to further restrict the development. This proposal will generate employment and tax dollars. A public amenities component is incorporated in this development. The proponents are attempting to create a working building. The adjacent industrial uses are not to be constrained by the tenants.

Mr. Denis Oliver, 303 – 1235 Balmoral Road: expressed objection to the application. This will be an over sized building. Councillors who received campaign contributions from the proponents of this application should exclude themselves from the discussion.

Mr. Gunderson, 27 Erie Street: expressed objection to the application. The existing zone should be retained until the harbour authority is in place. There is a need for Commercial Marine Industrial businesses, which need access to the waterfront. The proposed land use is not compatible with neighbouring properties.

Mr. M. Lindholm: expressed support for the application. This will be a building of architectural distinction. This will be a first class development and a financial success. There is no demand for this site under its existing zone.

Mr. Tony Panegos, 29 Songhees Road (President, Victoria Harbour Residents): expressed support for the application. The market will determine the demand for the proposed use. The proposed land use is compatible with neighbouring properties.

Mr. Bowman, 1061 Fort Street: expressed support for the application. The proposed application is an appropriate use for this site and is consistent with the community.

Ms. Bernice Packford, 152 Cambridge Street: expressed objection to the application. The proposed application is not in keeping with the vision of a working harbour.

Ms. Joan Peggs, 232 St. Andrews Street: expressed objection to the application. The proposed application will limit expansion options for existing businesses in the area. Parking will be a problem. The existing zone will permit a variety of non-water related businesses.

Ms. Tremaine, 219 St. Lawrence Street: expressed objection to the application. The proposed application is not in keeping with the vision of a working harbour.

Mr. Michael Peters, 39-41 Ontario Street: expressed support for the application. Light Industrial zoning should not preclude this type of development. This will be an innovative building that will complement the neighbourhood. The concept of live / work is important. This site is not adjacent to the water. This project will rejuvenate and benefit the neighbourhood. The proponents have consulted the neighbourhood for community input into this project. The eight (8) occupants in his building support this application.

A resident of 3700 Carey Road: expressed support for the application. There is a demand for universally accessible designed units.

A resident of 104 Dallas Road: expressed support for the application. The proposed land use is compatible with neighbouring properties. The proponents have consulted the neighbourhood for community input into this project. This project will not be taking a valuable commodity away from the market.

Ms. Mary Hughes, 14 finger 1, 12 Erie Street: expressed objection to the application. The existing zone should be retained until the harbour authority is in place. The need for developable marine industrial upland property is essential to the success of a working harbour.

Mr. B. Stubbs, 809 Haliburton (Farmer Construction): expressed support for the application. This will be an attractive building. This project will create employment and support the economy. The uses for the waterfront area will change with the elimination of Transport Canada. The potential for this site is constrained under the existing zoning.

A resident of 5110 Cordova Bay Road: expressed support for the application. This development will provide business opportunities.

Mr. Christopher Doyle, Dallas Road: expressed objection to the application. The existing zone should be retained. The vote from the James Bay Neighbourhood Association was ten (10) in support and eight (8) against.

Mr. John Sanderson, 9723 Glenelg Avenue: expressed objection to the application. The existing zone should be retained until the harbour authority is in place.

Mr. Cehak, 141 Ladysmith Street: expressed objection to the application. The existing zone should be retained until the harbour authority is in place.

A resident: expressed support for the application. This development is a 21ST century idea.

Ms. Geddes, 548 Dallas Road: expressed concern for the impact on the neighbourhood and the success of the harbour.

Mr. Bernie Talbot, 1606 Edgeware (President, Victoria / Esquimalt Working Harbour Association): expressed objection to the application. The existing zone should be retained until the harbour authority is in place.

Mr. Gallagher, 2180 Beach Drive: expressed objection to the application. The harbour and its industry needs to be protected.

Mr. Bob Fraumeni, 27 Erie Street (Owner, F.A.S. Seafood Producers Ltd.): expressed objection to the application. The harbour needs to be protected. The existing businesses need room to expand. Live / work is not compatible with Light Industrial. The existing zone should be retained until the harbour authority is in place. The harbour will promote the tourist industry. The harbour will become a vibrant area and promote jobs.

Mr. Joe Richards, 1261 Woodway Road: expressed objection to the application. Tourism needs to be encouraged. A working harbour provides revenue for the city.

Ms. Dian Barron (Office Manager, F.A.S. Seafood Producers Ltd.): expressed objection to the application. The existing businesses need room to expand. Live / work is not compatible with Light Industrial. The existing zone should be retained until the harbour authority is in place.

Ms. Betty Gbbens, 933 Convent Place: expressed objection to the application. The proposed land use is not compatible with neighbouring properties. The increased density will eliminate valuable green space needed to promote a healthy family life style. This development will not provide needed affordable housing. Public art should be for open viewing.

Mr. Fraser McColl, 157 View Royal Avenue: expressed support for the application. The proponents have consulted the neighbourhood for community input into this project. There is a demand for this type of development. There is no demand for this site under its existing zone.

Ms. Whitby, 67 Lewis Street (Victoria / Esquimalt Working Harbour Association): expressed objection to the application. Vessels need access to the harbour and related amenities. Increased density creates increased traffic. The existing zone should be retained until the Harbour Plan has been prepared.

It was moved by Councillor Hughes, seconded by Councillor Holland, that the Council meeting continue past 11:00 PM. Carried

A resident of Sidney: expressed support for the application. This is an appropriate site for this development.

Mr. Monte Prior, 118 Superior Street: expressed support for the application. This development will be environmentally friendly and aesthetically pleasing. This project will enhance the neighbourhood.

A resident of 623 Avalon Road: expressed objection to the application. A working harbour should be supported.

Mr. Higgins, 27 Erie Street (F.A.S. Seafood Producers Ltd.): expressed objection to the application. The existing businesses need room to expand. Live / work is not compatible with Light Industrial.

Mr. Kool, 225 Belleville Street: expressed support for the application.

Ms. A. Fletcher, 2820 Harriet Road: expressed objection to the application. Light Industrial businesses require a lot of space to operate. The Harbour Authority needs people from the area on the Board.

Mr. Lorne Whyte, Parkwood Terrace: expressed objection to the application. The existing zone should be retained until the harbour authority is in place. Transportation and land use planning are key to the success of a working harbour.

(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. 631)	02-14
Official Community Plan Bylaw, 1995, Amendment Bylaw (No. 40)	02-15
	<u>Carried</u>

Councillors Madoff and Vanden Berg voted against the motion.

It was moved by Councillor Madoff, seconded by Councillor Hughes, that the City Solicitor be instructed to prepare a restrictive covenant for 21 Erie Street that will have the legal effect to limit the maximum residential density to 1.6:1 if substantial progress has not been made on initiating the project within three (3) years. Carried

It was moved by Councillor Savoie, seconded by Councillor Hughes, that the Memorandum of Understanding for 21 Erie Street be referred to Committee of the Whole. Carried

(3) **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.

It was moved by Councillor Madoff, seconded by Councillor Hughes, that Development Permit Application No. 01-41 for 21 Erie Street **be TABLED.** Carried

Councillor Lunt left the meeting at 11:55 PM.

DEVELOPMENT VARIANCE PERMIT

1. **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. 02-03 FOR PROPERTY known as 3184 / 3198 Quadra Street:**

The proposal is to replace previously approved Development Variance Permit #99-06 that expired on September 9, 2001. There is no change in the proposal and variances originally requested. The proposal is for a two storey addition with two residential units to an existing commercial residential building.

CORRESPONDENCE:

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

PRESENTATIONS:

Mr. Denis Oliver, 303 – 1235 Balmoral Road: expressed objection to the Mayor submitting applications from his architectural firm.

It was moved by Councillor Madoff, seconded by Councillor Holland, that Development Variance Permit #02-03 for 3184 / 3198 Quadra Street be issued in accordance with:

- 1) Plans stamped "Development Variance Permit #02-03" dated January 16, 2002;
- 2) Development meeting all bylaw requirements with the following variances:

Section 4.1.6	Rear yard setback relaxed from 6m to 3.8m
Schedule "C" Sec.9	Relaxation of required aisle dimension for 5 parking stalls from 7m to 6m
Schedule "C" Sec.A (12)(c)	Reduction of parking requirement for residential units from 1.4 stalls per unit to 1 stall per unit
- 3) Final plans are to be in accordance with the plans identified above but modified to replace the soft landscaping for the "small car" spaces #1-5 with an ornamental paving material, to the satisfaction of the Director of Planning & Development. Carried

HEARINGS – REQUESTS TO ADDRESS COUNCIL

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

1. Lesley Cook – Re: Festival Investment Grant

Ms. Cook requested Council's consideration to increase the approved Festival Investment Grant for the Terrific Jazz Society for the Terrific Jazz Party from \$2,000.00 to \$5,000.00.

2. Roy Fletcher – Re: Beacon Hill Park Round Table

Mr. Fletcher inquired as to whether the concerns of the Environment Sector of the Beacon Hill Park Round Table will be incorporated into the Round Table Final Report: A Strategy to Restrict and Control Commercialism in Beacon Hill Park, entitled Achieving Peace in the Park.

3. Betty Gibbens – Re: Beacon Hill Park Round Table

Ms. Gibbens encouraged Council to honour the Trust and the two (2) BC Supreme Court decisions to maintain and preserve the character of Beacon Hill Park not for profit or utility.

4. Joe Richards – Re: VIA Rail

Mr. Richards encouraged the continued operation of the VIA rail system on Vancouver Island. Mr. Richards also suggested that the streets in the Jubilee area be opened to vehicular traffic.

REPORTS OF THE COMMITTEE

COMMITTEE OF THE WHOLE – February 14, 2002

1. **ECONOMIC DEVELOPMENT GRANTS.** It was moved by Councillor Savoie, seconded by Councillor Fleming, that:

- 1) a grant of \$15,000 be approved for CEDCO Victoria;
- 2) a grant of \$10,000 be approved for Sport Host Victoria;
- 3) a grant of \$60,000 be approved for Tourism Victoria;
- 4) a grant of \$50,000 be approved for the Greater Victoria Film Commission;
- 5) a grant of \$25,000 be approved for VIATeC;
- 6) all grant recipients ensure that the City of Victoria receives public recognition of its role as a financial sponsor of their programs. Carried

2. **PROGRAM GRANT COMMUNITY ASSOCIATION NETWORK.** It was moved by Councillor Savoie, seconded by Councillor Fleming, that approval be given to a Program Grant of \$1,550 to the Fairfield Community Association to cover the insurance costs of matching projects, and administrative support for the Community Association Network. Carried

3. **PROGRAM GRANTS YOUTH OUTREACH WORKERS.** It was moved by Councillor Savoie, seconded by Councillor Fleming, that:

- 1) A grant of \$10,000 be approved to the Burnside/Gorge Community Association to assist in funding the Youth Outreach Worker position.
- 2) A grant of \$10,000 be approved to the Boys' & Girls' Clubs of Greater Victoria to assist in funding the Vic West/Esquimalt Youth Outreach Project.
- 3) A grant of \$10,000 be approved to the James Bay Community Project to fund the Youth Outreach Program.
- 4) A grant of \$20,000 be approved to the Youth Empowerment Society to assist in funding two outreach workers in the Downtown Youth Outreach Operations Teams.
- 5) The City of Victoria receive public recognition of its role as financial sponsor of these programs. Carried

4. **CORRECTIONS TO ASSESSMENT ROLLS.** It was moved by Councillor Savoie, seconded by Councillor Fleming, that the assessment variations to Supplementary Rolls, #24 for 1999; #13 and #19 for 2000; and #4, 5, 6, 7, and 8 for 2001, as outlined in a memorandum dated December 31, 2001 from the Director of Finance, be approved. Carried

5. **2002 SHORT TERM REVENUE ANTICIPATION BORROWING.** It was moved by Councillor Savoie, seconded by Councillor Fleming, that the City Solicitor be instructed to prepare a temporary loan bylaw authorizing the borrowing of up to \$10,000,000. Carried

6. **FEDERAL GASOLINE TAX - FUNDING FOR PUBLIC TRANSPORTATION.** It was moved by Councillor Savoie, seconded by Councillor Fleming, that Mayor Lowe send a letter to the Member of Parliament for Victoria, the Honourable David Anderson, advising of Council's concerns regarding the lack of federal funding for public transportation. The letter should be copied to the Federation of Canadian Municipalities. Carried

7. **BYLAW ENFORCEMENT.** It was moved by Councillor Savoie, seconded by Councillor Fleming, that:
 - 1) the new Bylaw Officer position be maintained at 1 FTE;
 - 2) the workload management plan outlined in the report dated February 7, 2002 from the Senior Bylaw Officer, be endorsed. Carried

8. **PACIFIC NATIONAL INVESTMENTS LTD. v. CITY OF VICTORIA.** It was moved by Councillor Savoie, seconded by Councillor Fleming, that, in the matter of Pacific National Investments Ltd. v. City of Victoria, the report of the City Solicitor dated February 11, 2002, be received and the recommendations for trial preparation be approved. Carried

9. **FESTIVAL INVESTMENT GRANTS.**

It was moved by Councillor Savoie, seconded by Councillor Fleming, that a grant of \$2,000 for the TerrifVic Jazz Society for the TerrifVic Jazz Party be referred to the next Committee of the Whole meeting, scheduled for Thursday, March 7, 2002. Carried

It was moved by Councillor Holland, seconded by Councillor Fleming, that a grant of:

- 1) \$9,500 be approved for the Fringe Festival.
- 2) \$12,000 be approved for the Intercultural Association of Greater Victoria for FolkFest.
- 3) \$6,000 be approved for the Victoria Jazz Society for JazzFest International.
- 4) \$4,000 be approved for the Victoria Jazz Society for the Vancouver Island Blues Bash.
- 5) \$1,500 be approved for Theatre Inconnu for the Victoria Shakespeare Festival.
- 6) \$5,000 be approved for the Victoria Immigrant and Refugee Centre Society for the Latin and Caribbean Festival.
- 7) \$2,200 be approved for the Intrepid Theatre Company for the UNO Festival.
- 8) \$4,000 be approved for CFUV Public Radio Society for the SKA Festival.
- 9) \$2,000 be approved to the Victoria Literary Arts Festival Society for their Arts Festival.
- 10) \$5,000 be approved for the Victoria Military Music Festival Society for BandFest.
- 11) \$5,000 be approved for the Victoria Native Friendship Centre for the First Peoples Festival.
- 12) \$6,000 be approved for the Victoria Dragon Boat Festival Society for the Victoria Dragon Boat Festival.
- 13) \$4,000 be approved for the Victoria Symphony Society for the Symphony Splash.
- 14) \$8,000 be approved for the Greater Victoria Festival Society for the Island Farms Victoria Day Parade and the Santa's Light Parade.
- 15) \$12,500 be approved for the Intercultural Association of Greater Victoria for Luminara Victoria.
- 16) \$1,500 be approved for the Art Gallery of Greater Victoria for the Moss Street Paint In. Carried

COMMITTEE OF THE WHOLE – February 21, 2002

1. **PARKS - BEACON HILL PARK MANAGEMENT PLAN.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that:
 - 1) the Round Table report entitled *Achieving Peace in the Park* be received for information.
 - 2) Staff be directed to proceed with implementation of the recommendations contained in the Round Table report, giving priority to the action items referred to in the report dated February 13, 2002 from the Manager, Park Design & Development.
 - 3) Staff be requested to return to Committee of the Whole with regular progress reports. Carried

2. **REZONING APPLICATION #02-02 - 453 KIPLING STREET.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that:
- 1) Rezoning Application #02-02 for 453 Kipling Street be forwarded for consideration at a public hearing and the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments, subject to confirmation that the design has been reviewed by neighbours and the neighbourhood association.
 - 2) Approval of the following relaxations as part of the Development Permit ~~to~~ considered concurrently with the rezoning:
 - Section 1.7.4 to vary the front yard setback of the proposed house from 6.0m to 3.0m
 - Section 1.7.5 to vary the rear yard setback of the existing house from 6.0m to 3.0m
- Carried
3. **REZONING APPLICATION #01-36 - 247 GOVERNMENT STREET.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that Rezoning Application #01-36 for 247 Government Street be forwarded for consideration at a public hearing and that the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments subject to confirmation that the design has been reviewed by neighbours and the neighbourhood association. Carried
4. **REZONING APPLICATION #01-26 - 3180 DOUGLAS STREET.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that
- 1) Rezoning Application #01-26 for 3180 Douglas Street be forwarded for consideration at a public hearing and the City Solicitor be instructed to prepare the necessary bylaw amendments to rezone the property to C1-N and to amend the Official Community Plan to include the site in Development Permit Area #7, Blanshard Street North.
 - 2) Approval is subject to Advisory Design Panel review, with particular emphasis on the parking lot. Carried
5. **DEVELOPMENT PERMIT #02-01 - SUITE 603 - 525 BROUGHTON STREET.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that a Development Permit for 603 – 525 Broughton Street be issued to amend the Land Use Contract in accordance with:
- 1) Plans stamped Development Permit #02-01 dated January 7, 2002.
 - 2) Development meeting all bylaw requirements.
 - 3) Final plans, in accordance with plans identified above, to the satisfaction of the Director of Planning & Development. Carried
6. **DEVELOPMENT PERMIT #02-06 - 3000 SHELBOURNE STREET.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that a Development Permit for 3000 Shelbourne Street be issued in accordance with:
- 1) Plans stamped “Development Permit #02-06, dated January 25, 2002.
 - 2) Development meeting all bylaw requirements with the following relaxation:
 - Section 2.22.7 Front yard setback relaxed from 9.7m to 6m
 - 3) Final plans, in accordance with plans identified above, to the satisfaction of the Director of Planning & Development. Carried
7. **REQUEST FOR HERITAGE DESIGNATION - 1646 ST. FRANCIS WOOD.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that, whereas the house at 1646 St. Francis Wood is an outstanding example of West Coast contemporary residential design, it be designated as a municipal heritage site. Carried
8. **REQUEST FOR HERITAGE DESIGNATION- 940 HEYWOOD AVENUE.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that, whereas the house and garage at 940 Heywood Avenue are worthy of heritage designation, they be designated as a municipal heritage site. Carried
9. **HERITAGE ALTERATION PERMIT #96B - 224 SUPERIOR STREET.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that, pursuant to Heritage Designation Bylaw #229, Heritage Alteration Permit #96B for 224 Superior Street be authorized in accordance with:
- 1) Plans dated February 2, 2002.
 - 2) Development meeting all bylaw requirements.
 - 3) Final plans to be in accordance with plans identified above.
 - 4) Submission of shop drawings for all proposed new windows to the satisfaction of the Heritage Planner, along with a photo of the existing windows to compare how the new windows will match. Carried

10. **AMENDMENTS TO THE ZONING REGULATION BYLAW - TO FACILITATE WALL REPAIRS.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that the City Solicitor be instructed to amend the Zoning Regulation Bylaw as follows to facilitate improved exterior wall design by allowing exemption of thicker walls:
- Excerpts from Zoning Bylaw "Schedule A" with new wording shaded
- "Area"** when used in reference to a floor of a storey of a building means the entire area which in plan is enclosed by the interior face ~~outer limits~~ of the exterior walls, of the storey at floor level, but does not include the area of the floor or floors of any and all portions of the building used or intended to be used for the parking or movement of motor vehicles nor the floor area of areas of any and all balconies, exposed decks, patios or roofs
- "Setback"** or **"Line of Setback"** means the shortest horizontal distance from any boundary of a lot to the face of the nearest wall interior face of a building provided that a cornice or retaining wall or fence shall not be deemed to be a building. Carried
11. **AVICC ANNUAL CONFERENCE.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that approval be given to funding of approximately \$2,519.80 to cover the costs for Councillors Holland, Fleming, McLean and Vanden Berg to attend the AVICC annual conference in Campbell River, March 8-10, 2002. Carried
12. **VANCOUVER ISLAND, GULF ISLANDS AND- SUNSHINE COAST ARTS AND CULTURAL ACCORD FOUNDATION.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that:
- 1) \$250 be approved as a one-time cost of becoming a "Lifetime Founding Member" of the Vancouver Island, the Gulf Islands and the sunshine Coast Arts and Cultural Accord Foundation.
 - 2) Council and the City's Economic Development office maintain membership status and any related responsibilities. Carried
13. **GREENWAYS STEERING COMMITTEE.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that the following appointments be made to the Greenways Steering Committee:
- | | |
|-----------------|------------------|
| Katia Gauvin | Isabella Jude |
| Donna Wong | Peggy Magee |
| Fiona MacIntosh | John Farquharson |
| Karl Sturmanis | |
- Carried
14. **CONFERENCE CENTRE LEASES- UNITS #5 AND #18.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that approval be given to the proposed sale of leasehold interest in Victoria Conference retail units #5 and #18 to Msasa Holdings Ltd., under the following terms:
- 1) 5 year term commencing March 1, 2002 with one 5 year renewal option.
 - 2) Base rent for units #5 and #18 be \$26,130 and \$19,952 respectively, with additional percentage rent of 7%.
 - 3) All other terms and conditions of the current lease to remain the same. Carried
15. **STRATA PLAN 2030 v. CITY OF VICTORIA.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that the City Solicitor's recommendation in his report dated February 20, 2002 with respect to the litigation involving City File #97-99, be endorsed. Carried
16. **APPEAL FOR TAXI PERMIT - MR. JAMES FRY.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that Council grant the appeal and instruct the Chief of Police to issue a Chief's Permit to Mr. Fry. Carried
17. **PLANNING & DEVELOPMENT - REZONING APPLICATION #01-32 – 97 COOK STREET.** It was moved by Councillor Hughes, seconded by Councillor Holland, that Rezoning Application #01-32 for 97 Cook 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 set out in the report dated February 15, 2002 received from the Senior Planner, subject to:
- 1) Concurrent with rezoning, the approval of heritage designation for the house and property, including the stone fence.
 - 2) An amended and fully dimensioned parking and access plan to the satisfaction of the City Engineer. Carried
18. **LOCAL PLANNING PARTNERSHIPS.** It was moved by Councillor Savoie, seconded by Councillor Holland, that:
- 1) the Local Planning Partnerships framework dated February 14, 2002, be approved in principle as a basis for assisting community groups to advance local planning projects.
 - 2) the document be referred to the Advisory Planning Commission for its review and comments, regarding funding equity between neighbourhoods. Carried

COMMITTEE OF THE WHOLE – February 28, 2002

1. **VICTORIA CENTRE FACILITY.** It was moved by Councillor Holland, seconded by Councillor Savoie, that the Memorandum of Understanding in Respect to a Partnering Agreement for sharing of National High Performance Athletic Services and Sports Entertainment Facilities between The Corporation of the District of Saanich, City of Victoria, and Pacific Sport National Sport Centre Greater Victoria be executed once the Memorandum of Understanding is approved by The Corporation of the District of Saanich. Carried
2. **VICTORIA CENTRE FACILITY – REFERENDUM QUESTION.** It was moved by Councillor Hughes, seconded by Councillor Holland, that the question put to the assent of the elector process be as follows:

Proposed Partnering Agreement Between:
The Corporation of the City of Victoria (the "City")
and
R.G. Properties Ltd., R.G. Construction (Victoria) Ltd. and R.G. Facilities (Victoria)
Ltd. (collectively the "RG Group of Companies")

Do you approve of the proposed Partnering Agreement between the City of Victoria and the RG Group of Companies, a copy of which is attached to City of Victoria Partnering Agreement Bylaw No. _____. Under this Agreement the members of the RG Group of Companies would design and build a multipurpose arena with no less than 7,000 seats (the "Multipurpose Facility") for the City of Victoria, and then operate the Multipurpose Facility on behalf of the City of Victoria for a period of up to 30 years.

The proposed Partnering Agreement requires, among other terms, that the City pay the costs of design and construction of the Multipurpose Facility, and your approval of the Partnering Agreement will authorize the City to borrow for that purpose up to \$30 million under proposed City of Victoria Loan Authorization (Multipurpose Facility) Bylaw No. 02-12.

Yes

No

Carried

MOTIONS

PUBLIC HEARING – March 14, 2002

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

NON STATUTORY PUBLIC HEARING - GONZALES NEIGHBOURHOOD COMMUNITY PLAN

(1) **City Initiative:**

Victoria City Council is considering adopting the Gonzales Neighbourhood Community Plan. The purpose of the Gonzales Neighbourhood Community Plan is to provide direction for the future of the Gonzales neighbourhood. It includes recommendations on housing, zoning, parks, greenways, institutions and transportation within the neighbourhood. Carried

BYLAWS

INTRODUCTION AND SECOND READING

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 635)
(Rezoning 01-30 for 732 Cormorant Street)

02-22

Zoning Regulation Bylaw, Amendment Bylaw (No. 636)
(Rezoning 01-35 for 1625 Quadra Street)

02-23

Carried

INTRODUCTION, SECOND AND THIRD READING

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

Vehicles for Hire Bylaw, Amendment Bylaw (No. 12)
(Chief's Designate for Taxis)

02-28

Plumbing Permit Fees Bylaw, Amendment Bylaw (No. 2)

02-29

(Fees to be Schedule A)

Animal Control Bylaw, Amendment Bylaw (No. 7)
(Impoundment Fees for Dogs and Cats)

02-36
Carried

ADOPTION

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

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) (To change the moorage charges for tour vessels, ferries and whale watching)	02-26
Streets and Traffic Bylaw, Amendment Bylaw (No. 49) (To increase penalties for illegal handicapped parking)	02-27
Graffiti Bylaw	02-16
Rubbish Bylaw, Amendment Bylaw (No. 3)	02-21
	<u>Carried</u>

QUESTION PERIOD

A question period was held.

ADJOURNMENT

It was moved by Councillor Holland, seconded by Councillor Fleming, that the Council meeting adjourn.

Time: 12:35 AM.

Carried

CERTIFIED CORRECT:

CORPORATE ADMINISTRATOR

MAYOR OF THE CITY OF VICTORIA