

MINUTES - VICTORIA CITY COUNCIL
MEETING OF THURSDAY, MARCH 14, 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 February 28, 2002 be approved. Carried

PROCLAMATIONS

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

Victoria's Fifth International Day for the Elimination of Racism, March 21, 2002
International Order of Job's Daughters Days, March 21 – 24, 2002
Male Sexual Abuse Awareness Month, April 2002

Carried

PUBLIC HEARINGS

1. **APPLICATION FOR REZONING OF PROPERTY known as 2335 Trent Street and 1964 Fort Street (Adjourned from February 28, 2002):**

(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:

A letter was received from Kathryn Foster, Director, North Jubilee Neighbourhood Association, advising that the neighbourhood representatives have met with Dr. Ian Gillespie, as representative for the strata council at 1964 Fort Street. The association expressed its concern that the proposed use is contrary to the recommended use for this site in the Neighbourhood Plan and could be perceived as endorsement of vehicular traffic.

PRESENTATIONS:

Dr. Ian Gillespie (Applicant): advised that since the February 28, 2002 Public Hearing, he has had three (3) meetings with representatives of the North Jubilee Neighbourhood Association. The North Jubilee Neighbourhood Association expressed a desire to have this land developed for seniors' housing, as recommended in the neighbourhood plan. The association believes that the provision of additional parking will promote traffic to the area and suggested that the rehabilitation of Bowker Creek should be considered. In an effort to address the concerns of the association, the Owners of Strata 842 Corporation agree to:

1. Increase the parking lot hourly rate to \$1.00 per hour;
2. Give a 20-minute forgiveness period before issuing a violation ticket;
3. Allocate a portion of the parking revenue from the staff lot to subsidize the installation of rental bicycle storage lockers, and / or subsidize the provision of bus passes to staff on a cost-shared basis;
4. Consider the use of a permeable parking lot surface;

5. Review the transportation needs and options for users of the building.

(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 (No. 1081) 02-24
Carried

(3) **Bylaw Motion – Adoption:**

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

Rezoning Bylaw (No. 1081) 02-24
Carried

2. **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.

COUNCIL REPORT:

A Council Report dated March 12, 2002 from the City Planning Division attached the comments and suggestions received from the March 4, 2002 Open House / Presentation on the draft Gonzales Neighbourhood Community Plan (February 7, 2002 edition). It was noted that the boundaries of the area identified for consideration as a Heritage Conservation Area along Foul Bay Road be adjusted to include the properties at 1888 and 1883 Gonzales Avenue.

CORRESPONDENCE:

Two (2) letters were received objecting to the proposed Gonzales Neighbourhood Community Plan.

PRESENTATIONS:

Brian Sikstrom (Planning Division): advised of the consultation process that took place with the stakeholders. The revised Gonzales Neighbourhood Community Plan has been generally approved. The concerns addressed can be resolved as the plan is implemented.

Mr. Keith Elwood (Glenlyon Norfolk School): advised of the Board of Governors' involvement on the Steering Committee for the Gonzales Neighbourhood Community Plan. Mr. Elwood also advised of the school's project for implementing the Pemberton Wood Master Plan and its goals for fostering good neighbourhood relations and resolving mutual concerns. Communities need schools and benefit from them. The Board of Governors' supports the revised Gonzales Neighbourhood Community Plan.

Mr. Paul Osbourne: expressed objection to portions of the revised Gonzales Neighbourhood Community Plan. The regulations should balance family needs and street attractiveness. The R-2 Zone for duplexes is too restrictive. The R1-S Zone is too generous. Permitting secondary suites is supported. Two (2) stories should be permitted without a basement. One and a half (1 ½) stories should be permitted with a basement. The maximum house square footage should be controlled by a floor space ratio. The plan needs to allow for affordable housing. This plan should be referred to professionals in the field to review and provide comments.

Mr. Todd Weir (President, Fairfield Community Association): expressed support for the revised Gonzales Neighbourhood Community Plan. The association endorses the process, legalizing secondary suites, the retention of green space and traffic calming.

Mr. Johns, 623 Foul Bay Road: expressed concern that existing residents will have restrictions placed on their properties as previous developments have caused their properties to be the green space for the neighbourhood. The houses in the heritage designation area have no heritage value.

Mr. John Farquharson (Gonzales Neighbourhood Steering Committee): expressed support for the revised Gonzales Neighbourhood Community Plan. The plan provides a reasonable balance in the community. The plan provides for density, change, development and affordable housing. The plan is innovative and provides leadership. The plan has achieved community based consensus.

It was moved by Councillor Madoff, seconded by Councillor Savoie, that the Gonzales Neighbourhood Community Plan (February 7, 2002 edition) be adopted.

It was moved by Councillor Madoff, seconded by Councillor McLean, that the motion be amended to adjust the boundaries of the area identified for consideration as a Heritage Conservation Area along Foul Bay Road to include the properties at 1888 and 1883 Gonzales Avenue. Carried

On the main motion, as amended Carried

DEVELOPMENT VARIANCE PERMIT

1. **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. 01-44 FOR PROPERTY known as 712 & 760 Queens Avenue:**

The application is to reduce the parking standard for the Traveller's Inn and to allow some of its parking to be sited on an adjacent lot (712 Queens Avenue) for use by 760 Queens Avenue. The two properties are currently managed as one hotel. A parking variance would allow the hotel to increase the number of rooms from 87 to 96 rooms by reconfiguring the floor area of the existing building.

PRESENTATIONS:

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

Councillor Savoie asked that the applicant consider a consistent landscaping treatment between the subject site and the adjoining site fronting Douglas Street.

It was moved by Councillor Madoff, seconded by Councillor Lunt, that a Development Variance Permit for 712 & 760 Queens Avenue be issued in accordance with:

- 1) Plans stamped Development Variance Permit #01-44 dated December 5, 2001.
- 2) Developments meeting all bylaw requirements with the following variances:

Schedule C Section C(1)(b)	Relaxation of parking requirements for 712 Queens (Lot 1, Plan 25467) from 1 stall per unit to 0.6 parking stalls per unit
Section 4.46.4	Relaxation of parking requirements for 760 Queens Avenue (Lot A, Plan 779) from 0.8 to 0.6 parking stalls per unit
Schedule C Section 2	Relaxation of location of 11 parking stalls requirement from property at 760 Queens (Lot A, Plan 77, CI-NQ Zone) to property at 712 Queens (Lot 1, Plan 25467, CI-T Zone) subject to an easement for parking and a covenant preventing its release without City approval as per Schedule C.6
- 3) Easements/covenants must be registered for the required parking stalls (11) for 760 Queens Avenue located on the 712 Queens Avenue property to the satisfaction of the Director of Engineering.
- 4) Final plans for on-site development to be 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 Holland, that the following speakers be permitted to address Council. Carried

1. James Morrison – Re: Public Insurance (ICBC)

Mr. Morrison requested Council's support of the Office & Professional Employees' International Union's, Local 378, workers for Insurance Corporation of British Columbia (ICBC) initiative "Don't Wreck Public Auto Insurance" and to join other Councils across BC in endorsing a resolution of support to the Premier of the Provincial Government and local MLA.

It was moved by Councillor Madoff, seconded by Councillor Savoie, that the request from the Office & Professional Employees' International Union, Local 378, workers for Insurance Corporation of British Columbia (ICBC) to support their initiative "Don't Wreck Public Auto Insurance" and to join other Councils across BC in endorsing a resolution of support to the Premier of the Provincial Government and local MLA, be referred to a Committee of the Whole meeting and that staff be requested to analyse the impact of privatizing auto insurance.

2. Anne Fletcher – Re: Business License Applications

Ms. Fletcher inquired as to the process for starting a business.

3. Delton Woolcock – Re: Camp Freedom

Mr. Woolcock requested Council's permission to set up a community of campers in Beacon Hill Park. The city cannot meet the needs of the homeless. Arrangements need to be made for emergency and alternate shelters for homeless people.

4. Neil Lesage – Re: Camp Freedom

Mr. Lesage requested Council's permission to set up a community of campers in Beacon Hill Park. The amount of homeless will increase with the government cuts. Some people are using the social services that can look after themselves. Sleep is a basic human right, which people living on the streets are not getting because they are asked to move along by police officers. This proposal requires no overhead, no upkeep and no funding. This proposal allows people to take care of themselves. Camp Campbell, on the legislative building lawns, provided a functional society with no cost or risk to the taxpayers.

Councillor Lunt left the meeting at 9:15 PM.

Councillor Vanden Berg excused himself from the Council Chambers at 9:15 PM.

5. Ben Isitt – Re: Camp Freedom

Mr. Isitt requested Council's permission to set up a community of campers in Beacon Hill Park. The poor should be respected not taxed. Money is being given to the rich. Homelessness will not go away. Camp Campbell was a demonstration of how a society can function. Funding for police services should be cut and used to provide stable long term housing for the poor.

Councillor Vanden Berg returned to the Council Chambers at 9:20 PM.

6. Lyle Melnyk – Re: Camp Freedom

Mr. Melnyk presented a letter requesting Council to designate places for camping purposes – one or two acres at or around Mt. Tolmie or on the out skirts of Beacon Hill Park. A camping facility could be used for protesters. There are not enough shelters for the homeless.

7. Joe Richards – Re: E&N Railway, Graffiti, Street Closures

Mr. Richards inquired as to what the city is doing to promote and maintain the VIA rail system on Vancouver Island. The Mayor should proclaim March 29, 2002 as E&N Day, being the 114TH anniversary of the first train into downtown Victoria. The Federal Government should increase the VIA rail subsidy to operate the E&N Dayliner. Graffiti Bylaws need to be enforced. Roads in the Jubilee area need to be reopened to vehicular traffic.

Mayor Lowe excused himself from the meeting at 9:30 PM as he may have a conflict of interest with the next item on the agenda.

Acting Mayor McLean assumed the Chair.

UNFINISHED BUSINESS

APPLICATION FOR REZONING OF PROPERTY known as 21 Erie Street:

Rezoning Application No. 01-21:

The Corporate Administrator advised that the City has received written approval from the Ministry of Land, Air and Water Protection, regarding site remediation required for the development of 21 Erie Street.

It was moved by Councillor Savoie, seconded by Councillor Holland, that the following bylaws and Development Permit related to rezoning application 01-21 for 21 Erie Street be LIFTED from the TABLE:

Zoning Regulation Bylaw, Amendment Bylaw (No. 631)	02-14
Official Community Plan Bylaw, 1995, Amendment Bylaw (No. 40)	02-15
Development Permit Application	01-41
	<u>Carried</u>

It was moved by Councillor Holland, seconded by Councillor McLean, that the Council meeting adjourn at 9:31 PM, until order is restored to the Council Chambers. Carried

The Council meeting reconvened at 9:41 PM.

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

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

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 Savoie, seconded by Councillor Hughes, that a Development Permit for 21 Erie Street be issued in accordance with:

- a) Plans stamped "Development Permit Application #01-41" dated November 7, 2001.
- b) Development meeting all bylaw requirements.
- c) Applicant to reconfigure the ramp at the building front to make it less rigid, create a better sense of welcoming, and provide convenient accessibility.
- d) Applicant to obtain clearance from Ministry of Water, Air, and Land Protection prior to Council's final approval of the Development Permit.
- e) Final plans to be in accordance with plans identified above, with the incorporation of the responses to the recommendations of the Advisory Design Panel, to the satisfaction of the Director of Planning & Development. Carried

Mayor Lowe returned to the Council Chambers at 9:42 PM.

REPORTS OF THE COMMITTEE

COMMITTEE OF THE WHOLE – February 28, 2002:

1. **FIRST RESPONDER PROGRAM.** It was moved by Councillor Holland, seconded by Councillor Hughes, that:
 - 1) The Victoria Fire Department continue to participate in the First Responder Program; and
 - 2) The City of Victoria reopen negotiations with the Ambulance Service British Columbia and the Ministry of Attorney General to determine how these services should be provided. Carried
2. **COST OF DEVELOPING HIRING POOL.** It was moved by Councillor Holland, seconded by Councillor Hughes, that Council agree to add \$10,000.00 to the Human Resources Recruitment Budget to cover the cost of the creation of a fire fighter hiring pool. Carried
3. **PLANNING & DEVELOPMENT DEPARTMENT SUPPLEMENTARY CONSULTANT BUDGET.** It was moved by Councillor Holland, seconded by Councillor Hughes, that:
 - 1) Council fund consultant services for the new Noise Bylaw in the amount of \$25,000.
 - 2) Council allocate one-half of the City general consulting budget of \$66,000.00 to the Department of Planning and Development. Carried
4. **ALL NATIVE TOTEM SOCCER TOURNAMENT.** It was moved by Councillor Holland, seconded by Councillor Hughes, that Council approve the request from the All Native Totem Soccer Organization to sell souvenirs for the event scheduled for March 29 and 30, 2002 at Topaz Park. Carried
5. **PLAQUE TO HONOUR VICTORIA CHINESE CANADIAN VETERANS.** It was moved by Councillor Holland, seconded by Councillor Hughes, that Council approve the request from the Victoria Chinese Canadian Veteran's Association to install a plaque in honour of the Victoria Chinese

Veterans on The Gate of Harmonious Interest in Chinatown, to the satisfaction of the Victoria City Staff. Carried

6. **LAND/LEASE - VIA TRAIN STATION AND PARKING LOT LEASE.** It was moved by Councillor Holland, seconded by Councillor Hughes, that Council approve the Lease for that portion of the VIA Train Station on City property and the Sublease for that portion of the parking lot owned by CPR (leased to VIA Rail) and Operated by the City of Victoria. Carried

7. **CYCLE VICTORIA, SEASIDE CYCLE ROUTE SIGNAGE.** It was moved by Councillor Holland, seconded by Councillor Hughes, that
 - 1) The project of installing signs on the Seaside Cycle Route be approved in principle; and
 - 2) City Staff review the project and report back to Committee of the Whole. Carried

8. **MULTIPURPOSE FACILITY FINANCING.** It was moved by Councillor Holland, seconded by Councillor Hughes, that \$300,000 of the annual contribution to the Economic Development Reserve Account be directed towards the funding of the Multipurpose Facility. Carried

9. **OFFICER APPOINTMENT – COMPTROLLER.** It was moved by Councillor Holland, seconded by Councillor Hughes, that Victoria City Council appoint Mr. Mike McCliggott to the officer position of Comptroller as of February 28, 2002. Carried

10. **REGIONAL GROWTH STRATEGY.** It was moved by Councillor Holland, seconded by Councillor Hughes, that a non-statutory public hearing for the residents of the City of Victoria be held after the CRD's statutory public hearing for the RGS Bylaw, subject to, City staff providing to Council, a report on the Regional Growth Strategy during the 120-day referral period for municipalities. Carried

11. **COUNCIL BUDGET PRESENTATION.** It was moved by Councillor Holland, seconded by Councillor Savoie, that:
 - 1) The 2002 Budget be approved in principle; and that:
 - 2) Council provide direction to City staff to proceed with the proposed Operating and Capital Property Tax Increase of 4.74%, as outlined in the 2002 Operating Budget Summary. Carried

COMMITTEE OF THE WHOLE – March 7, 2002:

1. **GREATER VICTORIA PUBLIC LIBRARY BOARD.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that the amount requested in the GVPLB's budget presentation be confirmed and placed in the City Budget Bylaw for 2002. Carried

2. **BELFRY THEATRE'S HERITAGE RESTORATION PROJECT.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that this matter be referred back to the Capital Regional District so that the Capital Regional District and the Royal & McPherson Theatres Subcommittee of the Finance & Administration Committee may hold a special meeting to consider this issue with the Belfry Theatre's Heritage Restoration Project grant request. Carried

3. **TERRIFVIC JAZZ SOCIETY.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that a total grant of \$2,000 be approved for the TerrifVic Jazz Society for the TerrifVic Jazz Party, with regret that the City is unable to provide the requested grant increase. Carried

4. **REZONING APPLICATION #02-01 THE WATERLOT BEHIND 1810 STORE STREET.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that:
 - 1) The application 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) An Amended, fully dimensioned access plan, to the satisfaction of the Director of Engineering;
 - (b) An Agreement ensuring that future development, municipal servicing, and signage are to the satisfaction of the Director of Planning and Development.
 - 2) That Council instruct staff to re-negotiate the terms of the easement to ensure the applicant builds and maintains the 5 meter public access area behind 1810 Store Street and that the final plans for the upland area are to the satisfaction of the Director of Planning and Development.
 - 3) That Staff be requested to return to Committee of the Whole with an elevation plan showing the heights before this matter goes to Council.
 - 4) That Staff request the applicant to remove the debris from the tidal and subtidal areas.

Carried

5. **REZONING FOR #01-31 FOR 254 BELLEVILLE STREET.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that
- 1) That the application 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 as outlined in Appendix II, subject to:
 - a) An amended, fully dimensioned parking/access plan, to the satisfaction of the Director of Engineering;
 - b) Register a covenant on title establishing the hours of operation for commercial tour boats.
 - 2) That Council designate the Stores Building for heritage protection concurrent with the rezoning process. Carried
6. **ZONING IMPROVEMENTS 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, as follows:
- 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 of the exterior walls including any cantilevered element above floor level ~~outer limits~~, 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 or 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 of a building provided that a cornice or retaining wall or fence shall not be deemed to be a building and excepting any improved exterior treatments up to a maximum of 0.2 m for any building constructed before (date of amendment). Carried
7. **REQUEST FOR HERITAGE DESIGNATION FOR 97 COOK STREET.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that whereas the land and building at 97 Cook Street is worthy of heritage designation, City Council designate it as a municipal heritage site, including the Carriage House and the stone wall along the perimeter of Cook Street and Faithful Street. Further, the designation will protect the following features:
- 1) All stained glass, wood wainscoting and trim, light chandeliers, fireplaces and mantelpieces in the following rooms as shown on Schedule A:
 - (a) Entrance hall/lobby (former living room)
 - (b) Library (former dining room)
 - (c) Office #2 (former bedroom/library)
 - (d) Pantry. Carried
8. **HERITAGE ALTERATION PERMIT NO. 97 FOR 536-538 HERALD STREET.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that
- 1) Pursuant to Heritage Designation Bylaw #414, City Council authorize the issuance of Heritage Alteration Permit #97 in accordance with:
 - (a) Plans dated February 5, 2002.
 - (b) Development meeting all bylaw requirements except for: Section 6.7.1(e) relaxed to permit residential use below the second floor.
 - (c) Final plans to be in accordance with plans identified above.
 - (d) Masonry repainting specifications to the satisfaction of the Heritage Planner.
 - 2) That the City Solicitor be instructed to prepare a Tax Exemption Bylaw for 536 – 538 Herald Street for 40% for 10 years pursuant to Section 342 of the Local Government Act with the following conditions attached to the bylaw:
 - (a) That a covenant identifying the tax exemption be registered on the Land Title and future Strata Titles.
 - (b) Final costs of seismic upgrading be verified by the Victoria Civic Heritage Trust. Carried
9. **NOMINATION DEPOSIT FOR CIVIC ELECTIONS.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that Council instructs the City Solicitor to prepare an amendment to the Elections Procedure Bylaw to establish a nomination deposit for all candidates running for office in a civic election, pursuant to section 72.1 of the Local Government Act, as follows:
- 1) A nomination deposit of \$50.00 for all candidates running for the office of the Mayor in a civic election; and
 - 2) A nomination deposit of \$25.00 for all candidates running for the office of Councillor in a civic election. Carried

10. **ACCESS AND AFFORDABILITY OF EDUCATION FOR VICTORIA POST-SECONDARY STUDENTS.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that Council adopt and communicate to Minister Bond and Victoria MLA's the following motion:

WHEREAS over 20,000 students attend public post-secondary institutions in Victoria, namely Camosun College and the University of Victoria;

AND WHEREAS Victoria's post-secondary institutions attract students, staff and faculty to reside and participate in Victoria's economy and UVic alone sustains 10,000 direct and indirect jobs and contributes \$290 million to the regional economy (1998 figures);

AND WHEREAS 73 per cent of new jobs will require some level of post-secondary education by 2008; and British Columbia currently lags behind other provinces in degrees and diplomas granted;

AND WHEREAS many students require government support to finance their education;

AND WHEREAS the elimination of student assistance and employment programs such as Youth Community Action, Training Assistance Benefits, Student Summer Works (incl. Youth E-Teams), and Work Study will eliminate over 1,000 student employment positions in Victoria and make it harder for students to afford the high costs of post-secondary education;

AND WHEREAS Bill 28 (Public Education Flexibility and Choice Act) passed by the Provincial Legislature on January 28 threatens the quality of education through increasing class sizes and mandating on-line delivery of courses in place of face-to-face instruction;

AND WHEREAS an increase in tuition fees will negatively affect access to post-secondary education for Vancouver's students;

THEREFORE BE IT RESOLVED THAT City Council ask the provincial government to:

1. reinstate student employment and assistance programs;
2. regulate tuition fees to ensure access to post-secondary education; and
3. repeal Bill 28-Public Education Flexibility and Choice Act.

Carried

11. **CRAIGDARROCH CASTLE – WALL REPAIRS.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that Council approve a five year extension to the covenant attached to the Agreement that requires the Craigdarroch Castle Historical Museum Society to restore the wall and have the City solicitor prepare the necessary amendment subject to:

- 1) The Craigdarroch Castle Historical Museum Society providing the City with a report from their project engineers, assuring the City that the proposed delay in completing the repairs will not measurably increase the risk to the City or to the public.

Carried

12. **450 SWIFT STREET – OFFER TO PURCHASE.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that Council approve the proposed amendment to the Agreement of Purchase and Sale, with partial payment of \$250,000.00 due on the amended Closing Date of March 15, 2002, and the balance of approximately \$426,240.00 payable on or before May 15, 2002.

Carried

13. **THE REGENT HOTEL.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that Council not consent to the request by the Regent Hotel to close off the statutory right of way to the public, during the night, but continue to work with the Regent Hotel and the Police Department in an effort to reduce the number of complaints in the area.

Carried

Mayor Lowe and Councillors Holland and Hughes voted against the motion.

COMMITTEE OF THE WHOLE – March 14, 2002:

1. **DEVELOPMENT PERMIT NO. 02-07 FOR 836-844 VIEW STREET.** It was moved by Councillor McLean, seconded by Councillor Fleming, that the resolution of approval for the Development Permit for 836-844 View Street be considered at the same meeting for which the rezoning and hearing is scheduled, after the public hearing has been completed.
- Carried
2. **GARBAGE COLLECTION FEE INCREASE.** It was moved by Councillor McLean, seconded by Councillor Fleming, that Council approve the Garbage Collection fee increase of 2%.
- Carried
3. **PROPOSED RESIDENTIAL STRATA TITLING APPLICATION – 117 CLARENCE STREET.** It was moved by Councillor McLean, seconded by Councillor Fleming, that the application to strata title the duplex at 117 Clarence Street be approved subject to compliance with applicable Municipal bylaws and Provincial codes.
- Carried
4. **CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION (CRTC).** It was moved by Councillor McLean, seconded by Councillor Fleming, that the City of Victoria support

L.M.T.V.'s appeal to the C.R.T.C. with respect to a multilingual television station in Vancouver, British Columbia. Carried

5. **CYCLING ADVISORY COMMITTEE.** It was moved by Councillor McLean, seconded by Councillor Fleming, that Council appoint Claire Lynch to the Cycling Advisory Committee for the remainder of the term of January 1, 2002 – June 30, 2003. Carried

6. **LEGAL ADVICE – ASSENT PROCESS, VICTORIA MULTIPURPOSE FACILITY.** It was moved by Councillor McLean, seconded by Councillor Holland, that Council instructs the Chief Election Officer to:

- 1) Prepare bylaw synopsis for the Notice of Other Voting under Section 164(4)(5) of the Local Government Act; and
- 2) Amend the question put to the Assent of the Electors as per the following question:

<p>City of Victoria Assent of the Electors – April 2002 Pursuant to Section 178 of the <u>Local Government Act</u></p> <p>THE QUESTION REGARDING THE <u>Proposed Partnering Agreement Between:</u></p> <p><u>The Corporation of the City of Victoria (the "City")</u></p> <p><u>And</u></p> <p><u>R.G. Properties Ltd.,</u> <u>R.G. Construction (Victoria) Ltd.</u> <u>and R.G.Facilities (Victoria) Ltd.</u> <u>(collectively the "RG Group of Companies")</u></p> <p>Do you approve of the proposed Partnering Agreement (the synopsis of key terms are noted on the back of this ballot including the matters requiring the assent of the electors) between the City of Victoria and the RG Group of Companies, a copy of which is attached to the City of Victoria Multipurpose Facility Partnering Agreement Authorization Bylaw No. 02-40. 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.</p> <p>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.</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
--

Carried

7. **VICTORIA MULTIPURPOSE FACILITY.** It was moved by Councillor McLean, seconded by Councillor Fleming, that Council forward to the March 14, 2002, City of Victoria Council Meeting for consideration:

- 1) The City of Victoria Multipurpose Facility Partnering Agreement Authorization Bylaw No. 02-40 for the first, second, and third readings.
- 2) The City of Victoria Multipurpose Partnering Agreement and related schedules:
 - Schedule 1 Site Plan
 - Schedule 2 Preliminary Design Report and Preliminary Design Drawings
 - Schedule 3 Review and Summary Review of Costs
 - Schedule 4 Agreed Guaranteed Price – Major Items
 - Schedule 5 Operating Agreement – Terms and Conditions

Carried

Mayor Lowe excused himself from the meeting at 9:50 PM as he may have a conflict of interest with the next item on the agenda.

Acting Mayor McLean assumed the Chair.

8. **REZONING APPLICATION #01-21 FOR 21 ERIE STREET - MEMORANDUM OF UNDERSTANDING.** It was moved by Councillor Holland, seconded by Councillor McLean, that Council forward this report with the bylaws associated with rezoning application 01-21 and Development Permit Application 01-41 for consideration at fourth reading, at the March 14, 2002, City of Victoria Council Meeting. Carried

Mayor Lowe returned to the Council Chambers at 9:51 PM.

Councillor Savoie excused herself from the Council Chambers at 9:51 PM.

MOTIONS

PUBLIC HEARING – March 28, 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 28, 2002 AT 7:30 PM:**

APPLICATION FOR REZONING OF PROPERTY known as 1625 Quadra Street:

- (1) **Rezoning Application No. 01-35:**

ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 636) – No. 02-23:

To amend the Zoning Regulation Bylaw

- (a) to create a S-9 Zone, Quadra Special District, which will permit as uses a place of worship, a caretaker's residence, and the uses in the S-2 Zone, Special District, and will apply the S-2 Zone's regulations except for new regulations for parking;
- (b) to rezone land known as 1625 Quadra Street to a new S-9 Zone, Quadra Special District, to permit the land to be used for a place of worship, a funeral home, and a caretaker's residence.

New Zone:	S-9 Zone, Quadra Special District
Legal description:	Lot A, Suburban Lot 9, Victoria City, Plan 20206
Existing Zone:	S-2 Zone, Special District

Carried

Mayor Lowe excused himself from the meeting at 9:53 PM as he may have a conflict of interest with the next item on the agenda.

Acting Mayor McLean assumed the Chair.

PUBLIC HEARING – March 28, 2002

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

APPLICATION FOR REZONING OF PROPERTY known as 732 Cormorant Street:

- (1) **Rezoning Application No. 01-30:**

ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 635) – No. 02-22:

To amend the Zoning Regulation Bylaw

- (a) to create a CA-49 Zone, Cormorant District, which will permit the uses in the CA-4 Zone, Central Area Commercial Office District, and will apply its regulations except for new regulations for the distance between a building and the boundary of its lot, to allow dwelling units to be located on the ground floor of a building, to allow increased density if 50% of a building is devoted to apartment use, and for parking;
- (b) to rezone land known as 732 Cormorant Street to a new CA-49 Zone, Cormorant District, to permit the land to be used for an apartment building.

New Zone:	CA-49 Zone, Cormorant District
Legal description:	Lot 1 of Lots 675 and 676, Victoria City, Plan 31890
Existing Zone:	CA-4 Zone, Central Area Commercial Office District

Carried

Mayor Lowe returned to the Council Chambers at 9:54 PM.

BYLAWS

INTRODUCTION AND SECOND READING

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 637) (Rezoning 01-28 for Y-Lot)	02-25
Heritage Designation (938 Fullerton Avenue) Bylaw (476)	02-34
Heritage Designation (1435 Richardson Street) Bylaw (477)	02-35
Highway Closure (Maddison / Wilmer Streets) Bylaw	02-30
Highway Cancellation and Park Rededication (Wilmer Green Park) Bylaw	02-39 <u>Carried</u>

ADOPTION

It was moved by Councillor McLean, seconded by Councillor Hughes, that the following bylaws **be adopted:**

Vehicles for Hire Bylaw, Amendment Bylaw (No. 12) (Chief's Designate for Taxis)	02-28
Plumbing Permit Fees Bylaw, Amendment Bylaw (No. 2) (Fees to be Schedule A)	02-29
Animal Control Bylaw, Amendment Bylaw (No. 7) (Impoundment Fees for Dogs and Cats)	02-36 <u>Carried</u>

INTRODUCTION, SECOND AND THIRD READING

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

Multipurpose Facility Partnering Agreement Authorization Bylaw	02-40 <u>Carried</u>
--	-------------------------

The City Solicitor advised of the following changes:

Schedule 5, page 3, section 3.1(b), should read:

- (b) do not compete or conflict with the business interests of RG Facilities in operating the Victoria Centre Facility.

Schedule 5, page 10, section 14.2, should include the following, at the end of the paragraph:

The WHL Team will have priority.

Partnering Agreement, page 10, section 2.7, should read:

The RG Group covenant and agree that RG Construction and RG Facilities are both wholly owned subsidiaries of Prospero Canadian Land Investment Fund Ltd., 100% of the voting shares of which are owned by the Parent Company.

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

Multipurpose Facility Partnering Agreement Authorization Bylaw	02-40 <u>Carried</u>
--	-------------------------

Councillor Savoie returned to the Council Chambers at 9:55 PM.

It was moved by Councillor McLean, seconded by Councillor Hughes, that Multipurpose Facility Partnering Agreement Authorization Bylaw – No. 02-40 **be amended as follows:**

Schedule 5, page 3, section 3.1(b), should read:

- (b) do not compete or conflict with the business interests of RG Facilities in operating the Victoria Centre Facility.

Schedule 5, page 10, section 14.2, should include the following, at the end of the paragraph:

The WHL Team will have priority.

Partnering Agreement, page 10, section 2.7, should read:

The RG Group covenant and agree that RG Construction and RG Facilities are both wholly owned subsidiaries of Prospero Canadian Land Investment Fund Ltd., 100% of the voting shares of which are owned by the Parent Company. Carried

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

Multipurpose Facility Partnering Agreement Authorization Bylaw

02-40
Carried

Councillor Savoie voted against the motion.

QUESTION PERIOD

A question period was held.

ADJOURNMENT

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

Time: 10:05 PM.

Carried

CERTIFIED CORRECT:

CORPORATE ADMINISTRATOR

MAYOR OF THE CITY OF VICTORIA