

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

PROCLAMATIONS

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

International Walkers Weekend, April 12 - 14, 2002
Dental Health Month, April 2002

Carried

PRESENTATION

Mr. Jack Layton, President, Federation of Canadian Municipalities (FCM) – Re: Issues and Progress report of the FCM for 2002.

Mr. Layton advised of the amount of tax money received by the Federal and Provincial Governments and the amount of funding provided to municipalities. Property taxes are taking on the burden for lack of government funding for social services. Cities need to be innovative to compete with world markets.

PUBLIC HEARINGS

1. **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 as 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

CORRESPONDENCE:

Three (3) letters were received supporting the application.

One (1) letter was received objecting to the application.

PRESENTATIONS:

Ms. Rashida Malik (Applicant): was available to answer any questions of Council.

Mr. Chris Travis, 1702 Quadra Street (Manager, Bradshaw Property Management): expressed objection to the application. This development will increase the existing parking problems.

A proponent: advised that a majority of the users of the Mosque are students who do not drive. The BC Muslim Association, Vancouver Island Chapter, is prepared to share its parking facility with neighbouring churches.

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

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 636)

02-23
Carried

(3) **Bylaw Motion – Adoption:**

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 636)

02-23
Carried

Mayor Lowe excused himself from the meeting at 8:01 PM as he may have a conflict of interest with the next item on the agenda.

Acting Mayor Lunt assumed the Chair.

2. **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

CORRESPONDENCE:

One (1) letter was received objecting to the application.

PRESENTATIONS:

Mr. Jurgen Weyand, 843 Seamist Court (Applicant): advised that the application is to construct a new 11-storey residential apartment building with 100 rental units. A caretaker's unit and a commercial space will be provided on the ground floor. The height of the proposed building will be lower than the existing zoning permits. The original proposal has been revised to incorporate recommendations from the Advisory Design Panel and to address the concerns of the immediate neighbours. The units will accommodate a variety of renters. Parking requirements are in keeping with planning guidelines for the Downtown core. A full time caretaker will provide security. Locker facilities will be provided for cyclists.

Mr. Denis Oliver, 303 – 1235 Balmoral Road: expressed objection to the application. The proposed building will be too high. The store front with a blank wall will not improve the

vitality of the street. Mr. Oliver expressed objection to the Mayor submitting applications from his architectural firm.

Mr. John Mallett, 305-707 Cormorant Street: expressed objection to the application and submitted a petition from residents of 707 Cormorant Street in opposition to the application. The current design lacks imagination and appeal. The proposed building will be too high. The transition of tenants will be distressful. Rental units will affect his life style and property value. There will not be adequate parking. Available parking in the area is already insufficient. The building should be less than six (6) storeys high to be compatible with surrounding buildings and to ensure sufficient natural lighting for neighbouring residences. The building should not abut the street and should have terraces and gardens. This development should enhance the area and revitalize the Downtown area.

Mr. Whittla (Proponent): advised that this development is in accordance with planning guidelines. The proposal is under the allowable elevation. This project will provide needed residential housing. The development will add to the vitality and security of the area. Public transit services this area. The proponents are willing to be flexible to accommodate people with physical disabilities. The original proposal has been revised to incorporate recommendations from the Advisory Design Panel.

Mr. Patrick White, 901-770 Cormorant Street: expressed objection to the application. The height of the proposed building will block the natural light to his residence. The building should not abut the street. This development will set a precedent for the area. The construction period will be unpleasant for residents. The proposed building will be too close to his residence. The sidewalk will feel narrow with no setback from the street, which will diminish the sense of security. Handicapped access should be addressed. Quality of life and property values will be reduced.

Councillor Fleming excused himself from the Council Chambers at 9:00 PM.

A resident of 770 Cormorant Street: expressed objection to the application. The proposed building will be too high and too close to her residence. This development will increase the existing parking problems.

Mr. Delton Woolcock: suggested that the residential units will not be affordable to the poor.

Councillor Fleming returned to the Council Chambers at 9:04 PM.

Mr. Ted Hawryluk, 2625 Prior Street: suggested that the residential units will not be affordable to the poor.

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

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 635) 02-22
Carried

(3) **Bylaw Motion – Adoption:**

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 635) 02-22
Carried

(4) **Development Permit Application No. 02-02:**

To construct a new 11-storey residential apartment building with 100 rental units on the vacant site southwest of the First Island Financial Services building. A caretaker's unit and a commercial space are provided on the ground floor. In addition to the ground floor parking spaces, a separate loading bay is provided on the southeast corner of the building accessible through a gate from Cormorant Street.

It was moved by Councillor Madoff, seconded by Councillor McLean, that Council authorize the issuance of a Development Permit for 732 Cormorant Street in accordance with:

- (a) Plans stamped "Development Permit application 02-02, dated March 6, 2002" and Plans stamped "March 12, 2002 (Elevations sheet A-8b)";
- (b) Development meeting all bylaw requirements;
- (c) 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

HERITAGE DESIGNATION HEARINGS

1. **APPLICATION FOR HERITAGE DESIGNATION FOR PROPERTY known as 1435 Richardson Street:**

To designate the building located at 1435 Richardson Street as protected heritage property.

PRESENTATIONS:

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

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

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

Heritage Designation (1435 Richardson Street) Bylaw (No. 477) 02-35
Carried

(2) **Bylaw Motion – Adoption:**

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

Heritage Designation (1435 Richardson Street) Bylaw (No. 477) 02-35
Carried

Mayor Lowe returned to the Council Chambers at 9:21 PM.

2. **APPLICATION FOR HERITAGE DESIGNATION FOR PROPERTY known as 938 Fullerton Avenue:**

To designate the building located at 938 Fullerton Avenue as protected heritage property.

PRESENTATIONS:

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

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

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

Heritage Designation (938 Fullerton Avenue) Bylaw (No. 476) 02-34
Carried

(2) **Bylaw Motion – Adoption:**

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

Heritage Designation (938 Fullerton Avenue) Bylaw (No. 476) 02-34
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. **Brendan Read (Save Rail Coalition)**

Mr. Read advised that March 29, 2002 is the 114TH anniversary of the first E&N train into downtown Victoria. The E&N is a vital transportation link and the only alternative to the highway. The line should be maintained and extended to sensitive areas of the island. Leadership is needed to strike a deal to ensure the continued operation of the E&N Dayliner beyond April 14, 2002.

2. Joe Richards – Re: E&N Railway

Mr. Richards expressed concern for the proposed cancellation of the E&N Dayliner on the eve of 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 and to provide new equipment for the train. Rail is the safest mode of transportation.

3. Leon “Ted” Smith (Ted’s Books) – Re: Operating License of Ted’s Books

Mr. Smith requested Council to support the headquarters of the Cannabis Buyers Clubs of Canada to remain in its current location and to direct the Victoria Police Department to consider the enforcement of cannabis possession laws to be the lowest priority, especially those in medical need.

4. Lee Morrison – Re: Operating License of Ted’s Books

Mr. Morrison requested that Council direct the Victoria Police Department to not interfere with the business operation of Ted’s Books. The owner and patrons are not a threat. People need cannabis for medicinal purposes.

5. Minneh Kamau (Cannabis Buyers Club) – Re: Operating License of Ted’s Books

Ms. Kamau requested Council to support the headquarters of the Cannabis Buyers Clubs of Canada to remain in its current location and to direct the Victoria Police Department to consider the enforcement of cannabis possession laws to be the lowest priority. People need cannabis for medicinal purposes.

6. Philippe Lucas (Vancouver Island Compassion Society) – Re: Operating License of Ted’s Books

Mr. Lucas requested Council to direct the Victoria Police Department to consider the enforcement of cannabis possession laws to be the lowest priority. People need cannabis for medicinal purposes.

7. Marie Christofferson – Re: Operating License of Ted’s Books

Ms. Christofferson submitted a petition with approximately 200 signatures in support of the continued business operation of Ted’s Books. Ms. Christofferson requested Council to support the headquarters of the Cannabis Buyers Clubs of Canada to remain in its current location and to direct the Victoria Police Department to consider the enforcement of cannabis possession laws to be the lowest priority. People need cannabis for medicinal purposes.

8. Donna Ons – Re: Operating License of Ted’s Books

Ms. Ons requested Council to direct the Victoria Police Department to consider the enforcement of cannabis possession laws to be the lowest priority. People need cannabis for medicinal purposes.

9. Marjorie Rogers – Re: Operating License of Ted’s Books

Mr. Rogers expressed support for the continued business operation of Ted’s Books. People need cannabis for medicinal purposes. Purchasing cannabis from the street is dangerous.

10. Neil Mills – Re: Operating License of Ted’s Books

Mr. Mills expressed support for the continued business operation of Ted’s Books. People need cannabis for medicinal purposes. Cannabis provides pain relief without toxins. Enforcement is against the Charter of Rights and freedoms.

11. Michael Bretter (CBCOC) – Re: Operating License of Ted’s Books

Mr. Bretter expressed support for the continued business operation of Ted’s Books. This business provides people with medical choices. Cannabis helps with his recovery. Lenience and tolerance should be practiced. The City of Victoria should follow the City of Vancouver and direct the Victoria Police Department to consider the enforcement of cannabis possession laws to be the lowest priority.

12. Michael Butterfield – Re: Legal Aid Cuts

Mr. Butterfield advised of the effect of the Provincial Government funding cuts to legal aid services. This is the only recourse for some families. Access to legal services is a basic right. This service must be maintained at its current level.

This matter was referred to Committee of the Whole for discussion.

13. Delton Woolcock – Re: Camp Freedom

Mr. Woolcock requested Council's permission to use park land temporarily to establish a community venture. The community could then gain support and money to purchase their own land.

14. Travis Dodds – Re: Camp Freedom

Mr. Dodds requested Council's support to let the Camp Campbell people rule themselves for free. These people are political refugees in their own city. Hippie communes attract people.

15. David Johnston – Re: Nature of Conscientiousness

Mr. Johnston stated that it is unlawful to prohibit the nature of conscientiousness.

REPORTS OF THE COMMITTEE

COMMITTEE OF THE WHOLE – March 14, 2002

1. **LIQUOR LICENSING POLICY.** It was moved by Councillor Lunt, seconded by Councillor McLean, that:

1. The consideration of the new liquor licensing and person capacity increase applications be deferred until Council develops a comprehensive liquor licensing policy for the City of Victoria.
2. A workshop for Council be scheduled for April 25, 2002 to consider developing a policy for the City of Victoria with respect to liquor licensing and the person capacity increase program. Carried

2. **LEASE – CONFERENCE CENTRE.** It was moved by Councillor Lunt, seconded by Councillor McLean, that:

1. Council approve a new lease with Lisa Matthews for Unit #16 – Victoria Conference Centre:
 - (a) At an annual rental rate in years 1 – 3 of \$17,850.00; \$18,564.00, and \$19,278.00, respectively, plus percentage rent of 7% of gross sales over the base rent; and
 - (b) With a 3-year term commencing May 1, 2002, renewable for an additional 3-year term. Carried

3. **PROPOSED RATES AND FEES 2002 – COMMUNITY SERVICES.** It was moved by Councillor McLean, seconded by Councillor Lunt, that:

1. Council approve the revised rates and fees effective April 30, 2002;
2. That the City Solicitor be instructed to amend the Recreation Facilities Admission Bylaw" (No. 96-28) Schedules "A" to "G" incorporating the approved rates effective April 30, 2002. Carried

Councillors Fleming and Savoie voted against the motion.

4. **RAILWAY ZONING.** It was moved by Councillor Madoff, seconded by Councillor McLean, that Council:

1. Instruct the City Solicitor to prepare a zoning bylaw change to rezone the main railway right of way in order to insure the continuation of this transportation corridor, and other non motorized forms of transportation; and
2. Direct staff to contact the Capital Regional District municipalities who have the railway within their boundaries, and notify these municipalities of Council's intent and recommend that steps be taken to ensure the conservation of this corridor for transportation purposes. Carried

COMMITTEE OF THE WHOLE – March 21, 2002

1. **DEVELOPMENT PERMIT #00-20 FOR 1945 OAK BAY AVENUE.** It was moved by Councillor Fleming, seconded by Councillor Hughes, that Council authorize the issuance of a Development Permit for 1945 Oak Bay Avenue in accordance with:

1. Plans stamped "Development Permit Application #00-20" dated December 7, 2001.
2. Development meeting all bylaw requirements.
3. Lot consolidation required at Building Permit stage.
4. Parking and driveway configuration to be adjusted by the applicant prior to Building Permit stage to the satisfaction of the Director of Engineering.
5. Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development. Carried

2. **NO SKATEBOARDING AREA – RED ZONE.** It was moved by Councillor Fleming, seconded by Councillor Hughes, that:
 1. The existing boundary of the “red zone”, as described in Section 88 of the Streets & Traffic Bylaw, be amended to include the area bounded on the west by the west side of Wharf Street and the east side of Store Street, on the north by the south side of Herald Street and North Park Street, on the east by the east side of Quadra Street and on the South by the south side of Fairfield Road, the east side of Blanshard Street and the south side of Belleville Street.
 2. The impoundment fee for “red zone” violations, as described in the Streets & Traffic Bylaw Amendment (No. 18), be reduced from \$40 to \$25, consistent with other bylaw infractions in the City of Victoria.
 3. The term “similar apparatus” in the existing bylaw be specifically defined so not to arbitrarily exclude the use of alternate non-motorized transportation modes within the downtown core. Carri

3. **CAR FREE DAY.** It was moved by Councillor Fleming, seconded by Councillor Hughes, that Council approve the motion from the Environment and Shoreline Advisory Committee and that this report be received for information. Carried

4. **DEPARTMENT OF NATIONAL DEFENSE AGREEMENT.** It was moved by Councillor Fleming, seconded by Councillor Hughes, that Council ratifies the Department of National Defense’s Contribution Agreement pending final review by the City Solicitor at the Council Meeting of March 28, 2002. Carried

5. **LEGAL – CAFÉ RITMO LATINO.** It was moved by Councillor Fleming, seconded by Councillor Hughes, that a civil action be commenced against the owners and operators of Café Ritmo Latino for compliance with zoning and business licence regulations, as follows:
 1. an immediate (interlocutory) injunction against Café Ritmo Latino operating as an after-hours club; and
 2. an injunction against operating as a restaurant in contravention of the City’s business licence regulations. Carried

COMMITTEE OF THE WHOLE – March 28, 2002

1. **LEGAL ADVICE – LITIGATION.** It was moved by Councillor McLean, seconded by Councillor Hughes, that it be recommended to Council that a settlement be entered into as recommended by the City Solicitor in his report at the Council Meeting of March 28, 2002. Carried

Councillor Lunt left the meeting at 10:44 PM.

MOTIONS

PUBLIC HEARING – April 11, 2002

It was moved by Councillor Madoff, seconded by Councillor Hughes, that the following public hearing be held in the Council Chambers, City Hall on **THURSDAY, APRIL 11, 2002 AT 7:30 PM:**

APPLICATION FOR REZONING for Menzies Street James Bay Neighbourhood:

- (1) **City Initiative:**

OFFICIAL COMMUNITY PLAN BYLAW, 1995, AMENDMENT BYLAW (NO. 41) - No. 02-19:

To amend the Zoning Regulation Bylaw by adding Development Permit Area 32, Menzies Street James Bay Neighbourhood. The purpose of the Development Permit Area is to establish development permits and guidelines for regulating the form and character of buildings in the area along Menzies Street from Simcoe to Superior Streets. The establishment of this Development Permit Area will recognize and revitalize the village centre of the James Bay neighbourhood and assure a high quality of development when change occurs. 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. 639) (City Initiative - Height)	02-32
Heritage Designation (940 Heywood Avenue) Bylaw (478)	02-37
Heritage Designation (1646 St. Francis Wood) Bylaw (479)	02-38

Heritage Designation (97 Cook Street) Bylaw (480)

02-41
Carried

ADOPTION

At its meeting on December 13, 2001, Victoria City Council gave third reading to Loan Authorization (Bridges) Bylaw – No. 01-156 and Loan Authorization (Dockside) Bylaw – No. 01-157.

The Inspector of Municipalities gave approval to Loan Authorization (Bridges) Bylaw – No. 01-156 on January 16, 2002 with approval to Loan Authorization (Dockside) Bylaw – No. 01-157 on January 17, 2002.

A Counter Petition Opportunity commenced February 15, 2002 and concluded March 19, 2002. No Counter Petition was received by Legislative Services by the deadline date.

Council may now proceed to adopt the bylaws authorizing the City to finance capital works through long-term debt.

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

Loan Authorization (Bridges) Bylaw	01-156
Loan Authorization (Dockside) Bylaw	01-157
	<u>Carried</u>

QUESTION PERIOD

A question period was held.

ADJOURNMENT

It was moved by Councillor McLean, seconded by Councillor Holland, that the Council meeting adjourn.
Time: 10:50 PM. Carried

CERTIFIED CORRECT:

CORPORATE ADMINISTRATOR

MAYOR OF THE CITY OF VICTORIA