

**MINUTES - VICTORIA CITY COUNCIL**  
**MEETING OF THURSDAY, APRIL 25, 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 and Vanden Berg

**ABSENT:** Councillor Savoie

**APPROVAL OF AGENDA**

The Corporate Administrator outlined changes to the agenda. It was moved by Councillor Lunt, seconded by Councillor McLean, 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 April 11, 2002 be approved. Carried

**PROCLAMATIONS**

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

Hepatitis C Awareness Day, May 1, 2002  
Look Good Feel Better Day, May 7, 2002  
Prayer Week, May 1 – 7, 2002  
Be Kind To Animals Week, May 5 – 11, 2002  
Emergency Preparedness Week, May 6 – 12, 2002

Carried

**PUBLIC HEARINGS**

1. **APPLICATION FOR REZONING OF PROPERTY known as 247 Government Street:**

(1) **Rezoning Application No. 01-36:**

**REZONING BYLAW (NO. 1083) – No. 02-46:**

To rezone land known as 247 Government Street from the R-2 Zone, Two Family Dwelling District, to the R1-B Zone, Single Family Dwelling District, and the R1-S2 Zone, Restricted Small Lot (Two Storey) District to permit subdivision and construction of 2 small lot single family dwellings to the rear of the existing house.

Legal description:

- (a) that part of the land that is legally described as: That part of Lot A, Section 1, Beckley Farm, Victoria City, Plan 2232 lying to the northwest of a line and its extensions drawn parallel to and perpendicularly distant 75.98 metres from the southeast boundary of said Lot A, and is shown hatched on the attached map, is placed in the R1-B Zone, Single Family Dwelling District;
- (b) that part of the land that is legally described as: Lot A, Section 1, Beckley Farm, Victoria City, Plan 2232, except that part lying to the northwest of a line and its extensions drawn parallel to and perpendicularly distant 75.98 metres from the southeast boundary of said Lot A, and is shown cross-hatched on the attached map, is placed in the R1-S2 Zone, Restricted Small Lot (Two Storey) District.

Existing Zone: R-2 Zone, Two Family Dwelling District

**CORRESPONDENCE:**

Six (6) letters were received objecting to the application.

**PRESENTATIONS:**

**Mr. Mike Miller (Applicant):** advised that the proposal is to permit the construction of two small lot single family dwellings on two new small lots. The existing house is to be relocated to a new foundation to the west of the lot to permit the small lot subdivision. There will be adequate parking provided on-site. The application is in accordance with planning guidelines and no variances are being requested. The property is large enough without rezoning to accommodate the construction of a new duplex. This proposal will

preserve more green space. The buildings have been designed to address the neighbours' concerns regarding shadowing. The James Bay Community Association is in support of the application.

**Councillor Vanden Berg arrived at 7:40 PM.**

Ms. Kruberg, 614 Marifield Avenue: expressed objection to the application. The application is not in accordance with proposed new planning guidelines for small lot subdivisions. To squeeze two new homes on this site will put the buildings too close to her property line. This development will destroy the green space and the character of James Bay. The residential and heritage character of the neighbourhood should be preserved.

Mr. Denis Oliver, 303 – 1235 Balmoral Road: expressed support for the application. This development will preserve green space and will help to prevent urban sprawl.

Mr. Marc Pakenham, 613 Avalon Road: expressed objection to the application. This proposal is not a creative in-fill. The proposed lot orientation is not appropriate for this site. There are no sidewalks on Marifield Avenue and there is an existing traffic problem on the street. Sunlight and green space will be lost. There will be too much mass on the property.

Mr. Bob Loosmore, 159 Clarence Street: expressed objection to the application. The application is not in accordance with proposed new planning guidelines for small lot subdivisions. The proposed lot orientation is not appropriate for this site. The development will cause shadowing and loss of sunlight to the immediate neighbours.

Ms. Joan Peggs, 232 St. Andrews Street: expressed support for the application. The property is large enough to accommodate a single family dwelling and a duplex without rezoning. Some of the original house features will be restored. The James Bay policy supports single family dwellings. There are no variances being requested. Two off-street parking spaces per residence will be provided. A sidewalk will be provided at the applicant's expense as part of this development.

Ms. Stirland, 660 Battery Street: expressed objection to the application. The development will increase traffic and impact on the water and sewer system. Green space will be lost. The concerns of a 30 year resident should be taken into consideration. Two new homes on this site is too much mass.

Mr. Cheshire, 414 Heather Street: expressed objection to the application. The application will increase traffic on Marifield Avenue. The proposed 2-storey building will be five feet from Ms. Kruberg's property line. To squeeze two new homes on this site will impede on the neighbours' privacy and sunlight.

Ms. J. Somers, 247 St. Andrews Street: expressed objection to the application. The application will increase traffic on Marifield Avenue. The proposed set-backs will not allow for the construction of a sidewalk. Sidewalks and safety issues will not be able to be addressed. The development will impede on the neighbours' privacy and sunlight. Properties should remain the way they were purchased. Development is traumatic to neighbours. The developer does not have to live with the consequences.

A resident of 622 Marifield Avenue: expressed objection to the application. The rights of people who have lived in the area for 30 years should be taken into consideration. This proposal will not benefit the neighbours. Development should not be permitted for profit and benefit of the developer.

Ms. J. O'Connor, 127 Government Street: expressed objection to the application. The development will set a precedent. The character of James Bay should be preserved. Two new homes on this site is too much mass. The proposed development will be five feet from Ms. Kruberg's property line. The development will increase traffic. The only benefit of this development is profit for the developer.

Mr. Tom Adams, 613 Marifield Avenue: expressed support for the application. This is a large lot and can accommodate this development.

Mr. Michael Wheatley, 239 Richmond Avenue: suggested that the people who live in the neighbourhood should have greater control over development in their area than Council has. He urged Council to listen to the neighbours and defeat this application.

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

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

Rezoning Bylaw (No. 1083)

02-46  
Lost

Mayor Lowe and Councillors Fleming, Lunt, Madoff and Vanden Berg voted against the motion.

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

Rezoning Bylaw (No. 1083)

02-46  
Carried

2. **APPLICATION TO AMEND THE ZONING REGULATION BYLAW:**

(1) **City Initiative:**

ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 640 ) – No. 02-45:

To amend the definitions of “area”, “setback”, and “total floor area” in the Zoning Regulation Bylaw.

PRESENTATIONS:

Mr. Doug Makaroff: expressed support for the application. The proposed bylaw harmonizes the bylaws in the Capital Regional District and provides an easy system to administer. The proposal is supported by the Urban Development Institute (UDI) and will remove the incentive for thin walls.

(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:**

Zoning Regulation Bylaw, Amendment Bylaw (No. 640 )

02-45  
Carried

(3) **Bylaw Motion – Adoption:**

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 640 )

02-45  
Carried

3. **APPLICATION TO AMEND THE ZONING REGULATION BYLAW:**

(1) **City Initiative:**

ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 639 ) – No. 02-32:

To amend the definition of “height” in the Zoning Regulation Bylaw.

PRESENTATIONS:

Mr. Denis Oliver, 303 – 1235 Balmoral Road: inquired as to the rationale for the proposed bylaw.

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

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 639 )

02-32  
Carried

(3) **Bylaw Motion – Adoption:**

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 639 )

02-32  
Carried

**ROAD CLOSURE HEARING**

1. **HIGHWAY CLOSURE (MADDISON / WILMER STREETS):**

The Council of the Corporation of the City of Victoria proposes to adopt

- (a) Bylaw #02-30, Highway Closure (Maddison/Wilmer Streets) Bylaw, to close to traffic parts of Maddison and Wilmer Streets; and
- (b) Bylaw #02-39, Highway Cancellation and Park Rededication (Wilmer Green Park) Bylaw, to cancel the dedication of, and rededicate closed parts of Maddison and Wilmer Streets as a park to be known as Wilmer Green.

**CORRESPONDENCE:**

Seven (7) letters were received supporting the application.

**PRESENTATIONS:**

Mr. Ronse, 920 Wilmer Street: expressed support for the application. This proposal will preserve green space and is consistent with the Gonzales Neighbourhood Plan. This proposal is supported by the neighbourhood.

Ms. S. von Schuckmann, 925 Wilmer Street: expressed support for the application. This is a popular green way area. This property was dedicated for park land.

Mr. Howard Thornton, 944 Maddison Street: expressed concern that Maddison and Wilmer Streets would be closed to traffic for existing residences. He also requested the City to repave the lower part of the 900 Block of Maddison Street a distance of 425 feet.

Mr. Peter Barchyn, 949 Lawndale Avenue: expressed support for the application.

Mr. Bruce Rutherford, 948 Maddison Street: expressed support for the application. The Willow trees planted by the city in this area will be preserved as part of this proposal.

Ms. M. Barchyn, 949 Lawndale Avenue: expressed support for the application. This proposal will provide needed green space.

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

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

Highway Closure (Maddison/Wilmer Streets) Bylaw	02-30
Highway Cancellation and Park Rededication (Wilmer Green Park) Bylaw	02-39
	<u>Carried</u>

**HEARINGS – REQUESTS TO ADDRESS COUNCIL**

1. **Katherine Haynes (Haynes Consulting Inc.) – Re: Liquor License – Mermaid Lounge**

It was moved by Councillor Fleming, seconded by Councillor McLean, that Ms. Haynes be permitted to address Council. Carried

Ms. Haynes requested Council's consideration of extending the closing time for the liquor license for The Mermaid Lounge Ltd., at 407 Swift Street, by one additional hour. The proposed hours would be the same as those granted to the Canoe Club.

2. **Leon "Ted" Smith – Re: Business License of Ted's Books**

It was moved by Councillor Holland, seconded by Councillor Fleming, that Mr. Smith be permitted to address Council. Carried

Mr. Smith requested Council's consideration to granting a business license to Victoria's Hempology 101 Society, under the name Island Holistic Learning Center. This will provide a safe place for people to purchase marijuana for medical purposes.

**REPORTS OF THE COMMITTEE**

**COMMITTEE OF THE WHOLE – April 11, 2002**

1. **PROPOSED MULTIPURPOSE FACILITY.** It was moved by Councillor Madoff, seconded by Councillor Lunt, that Council refer the motion from the Cycling Advisory Committee to the Multipurpose Project Steering Committee for their consideration. Carried

2. **BUS PASS PROGRAM.** It was moved by Councillor Madoff, seconded by Councillor Lunt, that Council write the Regional Transit Commission to request that they investigate forming a committee to consider the concept of a Youth Transit pass system for students in the Greater Victoria area and that the School Districts of Victoria, Saanich, Sooke, Parent Advisory Councils, and local governments be invited to attend. Carried
  
3. **FCM ANNUAL CONFERENCE.** It was moved by Councillor Madoff, seconded by Councillor Lunt, that
  1. Council approve Councillor McLean's attendance at the Federation of Canadian Municipalities Annual Conference; and that
  2. Council approve the funding of approximately \$2,086.20 to cover related expenses. Carried

**COMMITTEE OF THE WHOLE – April 18, 2002**

1. **REZONING APPLICATION #02-03, 246 GORGE ROAD EAST.** It was moved by Councillor Madoff, seconded by Councillor McLean, 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, subject to:
  1. Review by the Advisory Design Panel with particular reference to the 1994 *Conversion Guidelines*;
  2. Confirmation that the final design has been reviewed by the Community Association;
  3. Approval of the following zoning variances as part of the Development Variance Permit concurrent with rezoning:
    - (a) Section 3.9.6 – to reduce minimum dwelling floor area from 33m to 20m<sup>2</sup> for up to 26 dwellings;
    - (b) Section 3.9.13(2) – to reduce the parking requirement from 1.3 to 0.5 space per rental bachelor dwelling unit and from 1.3 to 1.0 for a manager's suite.
  4. Submission of a fully dimensioned parking/access plan, including a 4.94m area along Gorge frontage for future improvements to the satisfaction of the City Engineer prior to public hearing.
  5. The securing of an affordable housing agreement to the satisfaction of the Director of Planning & Development establishing a rental structure by bylaw under Section 905 of the Local Government Act. Carried
  
2. **REZONING APPLICATION #02-05, 1494 DALLAS ROAD.** It was moved by Councillor Madoff, seconded by Councillor McLean, 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 draft zone outline in section 3.2, subject to:
  1. Confirmation to the Corporate Administrator that the design has been reviewed by neighbours and the Community Association;
  2. An amended and fully dimensioned parking and access plan provided to the satisfaction of the City Engineer. Carried
  
3. **REZONING #01-29, 505 GOVERNMENT STREET.** It was moved by Councillor Madoff, seconded by Councillor McLean, that the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments, as outlined in section 3.1, and that the application be forwarded for consideration at a Public Hearing subject to:
  1. Confirmation to the Corporate Administrator that the proposal has been reviewed by neighbours and the Community Association.
  2. An amended and fully dimensioned parking and access plan be provided to the satisfaction of the City Engineer. Carried
  
4. **121 WILDWOOD AVENUE, OWNER REQUEST FOR HERITAGE DESIGNATION.** It was moved by Councillor Madoff, seconded by Councillor McLean, that Council designate the house and garage at 121 Wildwood Avenue as a municipal heritage site. Carried
  
5. **INTERNATIONAL CONFERENCE “MAKING THE CONNECTION.** It was moved by Councillor Madoff, seconded by Councillor McLean, that:
  1. Council approve Councillor Hughes' attendance at the International Conference “Making the Connection”; and that
  2. Council approve the funding of \$150.00 to cover the conference registration fee. Carried
  
6. **DECRIMINALIZATION OF MARIJUANA.** It was moved by Councillor Madoff, seconded by Councillor McLean, that Victoria City Council express its support for the decriminalization of marijuana (cannabis) use and possession in Canada, for medicinal purposes only. Carried

7. **FUTURE OF BC HYDRO.** It was moved by Councillor Madoff, seconded by Councillor McLean, that Council support the following resolution:
- WHEREAS:** BC Hydro is a crown corporation owned and developed for the benefit of all British Columbians.
- WHEREAS:** BC Hydro contributed \$904 million to the Provincial government last year to enable funding of medical care, education and numerous government programs.
- WHEREAS:** All sectors of the BC economy benefit from the third lowest power rates in North America delivered from clean, reliable generation sources.
- WHEREAS:** BC Hydro employs British Columbians to deliver power to people of British Columbia.
- WHEREAS:** Deregulation and privatization will result in tremendous price increase (estimated by the government Energy Task Review Committee to be in the 30% - 80% range).
- WHEREAS:** The Joint Industry Electricity Steering Committee recognizes that the “electric power customers and the British Columbia economy are being well served with reliable power at regulated, predictable rates” and “BC Hydro is returning substantial benefits to the province.”
- BE IT THEREFORE RESOLVED:** BC Hydro is owned by the people of British Columbia and provides affordable, reliable and clean power. In order to preserve this valuable asset, the province must retain BC Hydro as a complete entity within a regulated pricing structure. Its integrated systems and services are critical to BC Hydro’s ability to provide reliable power at affordable pricing that does not discriminate against rural customers. Carried
8. **GREATER VICTORIA PERFORMING ARTS FESTIVAL ASSOCIATION.** It was moved by Councillor Madoff, seconded by Councillor McLean, that the City of Victoria continue the funding of the traditional cash award of \$200.00 to accompany the City of Victoria Medallion Challenge Trophy. Carried
9. **LEGAL – SERVICES AGREEMENT.** It was moved by Councillor Madoff, seconded by Councillor McLean, that Council instruct the Negotiating Team to:
1. Finalize detailed discussions with Esquimalt and prepare a draft service agreement for Council’s consideration.
  2. Continue discussions through GVLRA with the International Association of Fire Fighters Local 730 to reach an agreement on labour relation issues resulting from any fire services contract with Esquimalt. Carried
10. **RICKSHAW SERVICE – PROPOSED BUSINESS.** It was moved by Councillor McLean, seconded by Councillor Holland, that Council approve the application for operating one rickshaw in the downtown core for a trial period of six months, subject to, overall review by City staff at the end of the six-month trial period with a report to Council. Carried
- Councillor Hughes voted against the motion.
11. **UNDERSEA GARDENS.** It was moved by Councillor Holland, seconded by Councillor Madoff, that Council request the Provincial Capital Commission not to renew the lease with the Undersea Gardens. Carried
- Mayor Lowe and Councillor McLean voted against the motion.
- COMMITTEE OF THE WHOLE – April 25, 2002**
1. **REZONING APPLICATION #02-04 - 407 DAVID STREET.** It was moved by Councillor Hughes, seconded by Councillor Madoff, that Rezoning Application #02-04 for 407 David 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:
- 1) Exterior lighting and pedestrian access design through the front parking lot to be confirmed to the satisfaction of the Advisory Design Panel.
  - 2) A fully dimensioned parking/access plan to be submitted to the satisfaction of the Director of Engineering prior to the public hearing. Carried
2. **B. MURPHY v. CITY OF VICTORIA – S.C.B.C. #00 0858.** It was moved by Councillor Hughes, seconded by Councillor Madoff, that the matter of Bernadette Murphy v. City of Victoria et al be settled for the amount as set out in the report dated April 24, 2002 received from the City Solicitor. Carried

## MOTIONS

### PUBLIC HEARING – May 9, 2002

It was moved by Councillor Madoff, seconded by Councillor Lunt, that the following public hearing be held in the Council Chambers, City Hall on **THURSDAY, MAY 9, 2002 AT 7:30 PM:**

#### APPLICATION FOR REZONING OF PROPERTY known as 453 Kipling Street:

(1) **Rezoning Application No. 02-02:**

REZONING BYLAW (NO. 1084) – No. 01-49:

To rezone land known as 453 Kipling Street to the R1-S2 Zone, Restricted Small Lot (Two Storey) District to permit the land to be used for a new house in the rear yard of an existing house.

Legal description: Lot 108, Fairfield Farm Estate, Victoria City, Plan 884  
Existing Zone: R1-B Zone, Single Family Dwelling District

(2) **Development Permit Relaxations:**

Section 1.7.4 to vary the front yard setback of the proposed house from 6.0m to 3.0m  
Section 1.7.5 to vary the rear yard setback of the existing house from 6.0m to 3.0m

Carried

### PUBLIC HEARING – May 9, 2002

It was moved by Councillor Madoff, seconded by Councillor Lunt, that the following public hearing be held in the Council Chambers, City Hall on **THURSDAY, MAY 9, 2002 AT 7:30 PM:**

#### APPLICATION FOR REZONING OF PROPERTY known as 97 Cook Street:

(1) **Rezoning Application No. 01-32:**

ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 642) – No. 02-60:

To amend the Zoning Regulation Bylaw

(a) to create a R1-27 Zone, Cook Office Residential District, which will permit offices for psychologists, residential uses, and the uses permitted in the R1-B Zone, Single Family Dwelling District, and will apply the R1-B Zone's regulations except for new regulations for parking;

(b) to rezone land known as 97 Cook Street to a new R1-27 Zone, Cook Office Residential District, to permit the land to be used for offices for psychologists and residential use.

New Zone: R1-27 Zone, Cook Office Residential District  
Legal description: Lot 20, Fairfield Farm Estate, Victoria City, Plan 960  
Existing Zone: R1-B Zone, Single Family Dwelling District

(2) **Heritage Designation:**

To designate the building, land, Carriage House and the stone fence located at 97 Cook Street to be protected heritage property. Carried

## BYLAWS

### INTRODUCTION AND SECOND READING

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

Rezoning Bylaw (No. 1084) (Rezoning 02-02 for 453 Kipling Street)	02-49
Zoning Regulation Bylaw, Amendment Bylaw (No. 638) (Rezoning 01-31 for 254 Belleville Street)	02-50
Rezoning Bylaw (No. 1085) (Rezoning 01-26 for 3180 Douglas Street)	02-54
Official Community Plan Bylaw, 1995, Amendment Bylaw (No. 42) (Rezoning 01-26 for 3180 Douglas Street)	02-55
Zoning Regulation Bylaw, Amendment Bylaw (No. 642)	02-60

(Rezoning 01-32 for 97 Cook Street)

Carried

**INTRODUCTION, SECOND AND THIRD READING**

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

Temporary Borrowing Bylaw, 2002 02-59  
Carried

**ADOPTION**

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

Ticket Bylaw, Amendment Bylaw (No. 10) 02-17  
(Graffiti)

Loan Authorization (Multipurpose Facility) Bylaw 02-12

Multipurpose Facility Partnering Agreement Authorization Bylaw 02-40

Tax Bylaw, 2002 02-42

Boulevard Tax Bylaw, 2002 02-43

Five Year Financial Plan Bylaw 02-44  
Carried

**QUESTION PERIOD**

A question period was held.

**ADJOURNMENT**

It was moved by Councillor Madoff, seconded by Councillor Lunt, that the Council meeting adjourn.  
Time: 9:32 PM.

Carried

CERTIFIED CORRECT:

\_\_\_\_\_  
CORPORATE ADMINISTRATOR

\_\_\_\_\_  
MAYOR OF THE CITY OF VICTORIA