

MINUTES - VICTORIA CITY COUNCIL
MEETING OF THURSDAY, JUNE 13, 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 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 May 23, 2002 be approved. Carried

PUBLIC HEARINGS

1. **APPLICATION FOR REZONING OF PROPERTY in the 700 Block of Humboldt Street and Fairfield Road:**

(1) **Rezoning Application No. 01-28:**

ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 637) – No. 02-25:

To amend the Zoning Regulation Bylaw

- (a) by amending the regulations in the CA-37 Zone, Fairfield Office District, to allow increased density if the following amenities are provided: retail, restaurant, or hotel lobby frontage, landscaping and extra enclosed parking;
- (b) by creating the CA-47 Zone, YLot 1 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 setbacks and to allow increased density if the following amenities are provided: retail, restaurant, or hotel lobby frontage, landscaping, extra enclosed parking and a walkway between Humboldt Street and Fairfield Road;
- (c) by creating the CA-48 Zone, YLot 2 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 setbacks and to allow increased density if the following amenities are provided: landscaping and extra enclosed parking;
- (d) to rezone part of the lands in the 700 Block of Humboldt Street and Fairfield Road from the CA-37 Zone, to the CA-47 and CA-48 Zones to permit the lands to be used for a variety of residential, hotel and commercial uses.

New Zones:

- (a) CA-47 Zone, YLot 1 District;
- (b) CA-48 Zone, YLot 2 District.

Legal descriptions:

- (a) CA-37 Zone: Development Area 1 as shown on attached map;
- (b) CA-47 Zone: Development Area 2 as shown on attached map;
- (c) CA-48 Zone: Development Area 3 as shown on attached map.

Existing Zone: CA-37 Zone, Fairfield Office District to be renamed YLot District.

CORRESPONDENCE:

Twenty six (26) letters were received supporting the application.

One (1) letter was received providing recommendations on the application.

PRESENTATIONS:

Doug Koch (Planning Manager): advised that the proposal is to allow the “Y” lot block to be developed as three separate properties for use as a Marriott hotel and office/apartment buildings. Height variances will ensure a comprehensive design to address the block’s Urban Design Principles. There will be a net reduction in floor area. A public amenities package is included in the master agreement.

Mr. Bob McKay, Senior Vice President, Concert Properties Ltd. (Applicant): advised that the neighbours have been consulted. A comprehensive streetscape and lighting scheme has been developed. In addition to the Marriott hotel the development will consist of two (2) towers surrounding a public plaza connecting with a mid block connector from Fairfield Road to Humboldt Street. The proposed development will create jobs and generate revenue for the city. A traffic impact study has been conducted. Transit facilities and underground parking will be provided. Design principles have been prepared.

Ms. Jane Durante (Landscape Architect): advised of the open space and landscape proposal. Landscaping inside the development will be softer than the surrounding area. Lighting will be provided. View corridors will be increased. Employment services within Victoria will be utilized where possible.

Mr. B. Golder, 472 Kipling Street (for Mr. Piercy of Chateau Victoria): expressed objection to the application. The height and positioning of the proposed buildings will have a negative impact on the Chateau Victoria building. The view corridors will be reduced. The proposed development is not binding by a Development Permit.

Mr. Jeff Morrison of 965 Humboldt Street: expressed support for the application. This site should be developed. The proposed utilization of youth employment programs in Victoria is encouraged.

Ms. Betty Gibbens, 933 Convent Place: expressed objection to the application and inquired as to the setbacks, which are set out in the design principles and form part of the master agreement. The proposed height is inappropriate and out of character for the neighbourhood. Views of the inner harbour will be blocked.

(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. 637) 02-25
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. 637) 02-25
Carried

2. **APPLICATION FOR REZONING OF PROPERTY known as 254 Belleville Street:**

(1) **Rezoning Application No. 01-31:**

ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO.638) – No. 02-50:

To amend the Zoning Regulation Bylaw

- (a) to create a IHT3 Zone, Inner Harbour Commercial District, which will permit the uses in the IHT Zone, Inner Harbour Transportation District, retail, rental, offices, restaurants, and outdoor storage, and docks for commercial tour boats; will apply regulations for the number and area of uses, and the distance between a building and the boundary of its lot;
- (b) to rezone land known as 254 Belleville Street to a new IHT3 Zone, Inner Harbour Commercial District, to permit the land to be used for a variety of commercial uses.

New Zone:

IHT3 Zone, Inner Harbour Commercial District

Legal description:

- 1. That Parcel of land and land covered by water, forming a portion of the bed of the public harbour of Victoria, lying in front of Lot 562A, Block 41, Victoria City, beginning at a point in the southeast boundary of the said Lot 562A distant in a northeasterly direction 77.3 feet from the south corner of said lot, being the intersection of the southeast boundary with high water mark, thence in a direction north 59 degrees 10 minutes east a distance of 258.5 feet, then in a direction north 39 degrees 50 minutes west a distance of 72 feet, more or less to the prolongation northeasterly of the northwest boundary of said lot; thence in a direction south 58 degrees 40 minutes west a distance of 250 feet to high water mark; thence following high water mark in a southeasterly direction, to the point of beginning; the whole as

shown coloured red on Plan deposited under No. 59169G, and limited to the area shown as hatched on the attached map.

2. Lot A, of Part of the Bed and Victoria Harbour, Victoria District, Plan VIP 73167.

Existing Zones:

- (a) IHT Zone, Inner Harbour Transportation District;
- (b) IH-PARK Zone, Inner Harbour Parks and Causeway District.

CORRESPONDENCE:

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

PRESENTATIONS:

Ms. Pamela Charlesworth, Chair, Provincial Capital Commission (Applicant): advised that this application will provide improvements to the existing facility and offer convenient, comfortable and efficient facilities for the traveling public as an interim step to the construction of a new Belleville International Terminal, which will replace the existing structure. The proposed expansion of uses at the site will enhance the economic viability of the terminal and advance its overall redevelopment. This proposal will create a more impressive waterway entrance to Victoria and provide needed public washroom facilities.

Mr. Larry Fletcher, 181 West Burnside Road: expressed support for the application and encouraged the proponents to incorporate the solicitation of limousine and other vehicle for hire services within the transportation terminal.

Mr. Klaus Schmidt, 237 Belleville Street: enquired into the details of the proposal and the boundaries of the property.

Ms. Betty Gibbens, 933 Convent Place: expressed objection to the proposed development and the heritage designation. The Stores Building is not worthy of heritage designation. The proposed facilities are currently provided in nearby establishments. Waterfront views should be valued and preserved as the most important asset of the city. Public waterfront land should be preserved as park land, which is the mandate of the Provincial Capital Commission.

Mr. Jim Allard, 308-455 Sitkum Road: suggested that the proposed new IHT3, Inner Harbour Commercial District, Zone should not include the uses currently allowed in the IHT, Inner Harbour Transportation District, Zone, regarding float plane operations.

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

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

Zoning Regulation Bylaw, Amendment Bylaw (No.638)

02-50

Carried

It was moved by Councillor McLean, seconded by Councillor Savoie, that the City Solicitor be directed to execute a covenant with the Provincial Capital Commission prohibiting float plane operations from the site at 254 Belleville Street, prior to Council's consideration of adopting Zoning Regulation Bylaw, Amendment Bylaw (No.638) – No. 02-50. Carried

Councillor Vanden Berg excused himself from the Council Chambers at 8:40 PM.

(3) **Heritage Designation:**

To designate the Stores Building located at 254 Belleville Street to be protected heritage property.

PRESENTATIONS:

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

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

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

Heritage Designation (254 Belleville Street Stores Building) Bylaw (No. 481) 02-66
Carried

(5) **Bylaw Motion – Adoption:**

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

Heritage Designation (254 Belleville Street Stores Building) Bylaw (No. 481) 02-66
Carried

Councillor Vanden Berg returned to the Council Chambers at 8:43 PM.

SPECIAL PUBLIC HEARING – LIQUOR LICENSING

1. **LICENSEE REQUEST FOR EXTENDED HOURS OF OPERATION at the MERMAID LOUNGE (407 Swift Street):**

The current licensee is requesting a permanent extension to the hours of liquor service in the marine pub of the Mermaid Lounge at 407 Swift Street. Current hours of liquor service at the Mermaid Lounge are from 11:00 AM to 11:00 PM, seven days a week.

- 1) Request for extended hours of liquor service:
 - Extend the hours of operation of the Mermaid Lounge marine pub to 11:00h to 24:00h Sunday through Thursday; and
 - Extend the hours of operation of the Mermaid Lounge marine pub to 11:00h to 01:00h Friday and Saturday
 - Patio closing hour of 23:00h seven days a week.

CORRESPONDENCE:

Sixty seven (67) letters were received supporting the application.

Twenty two (22) letters were received objecting to the application.

PRESENTATIONS:

Mr. Max Tomaszewski, 206-409 Swift Street: expressed support for the application. The continued operation of this establishment is hindered by the Cool Aid Society facilities next door and by the restrictive hours. The proposed extension of hours is consistent with the neighbouring Canoe Club.

Ms. Parker (Greater Victoria Chamber of Commerce): expressed support for the application. The proposed extension of hours is consistent with the neighbouring Canoe Club. This business is at a competitive disadvantage. A number of businesses contribute to the noise problems in this area. This establishment contributes to the objective to have a vibrant downtown 24 hours a day, seven days a week. Innovative strategies need to be explored to remedy the noise problems and alleviate mutual tension between business and residents.

Mr. David Wolsk, 203-409 Swift Street: expressed objection to the application. Noise from the music and the industrial fan is intolerable. Patron noise stops long after drinks are no longer served. The building has minimal sound insulation. The Canoe Club was in operation before the Mermaid Lounge opened for business. The homeowners in the building have a financial investment as well.

Mr. Frank Bury, 1019 North Park Street: expressed support for the application. This establishment contributes to a vibrant downtown. This is one of the few high end operations on the waterfront with a competitive food and beverage menu.

Ms. Beryl Fisher, 640 Fisgard Street: expressed support for the application. This establishment provides a wonderful food and beverage menu.

Ms. Pauline Pearson, a resident: expressed support for the application. This establishment has wonderful food with beautiful décor. A number of businesses contribute to the noise problems.

Mr. Lyall Markham, 103-409 Swift Street: expressed objection to the application. The noise level in the area has been lower since this application has been submitted. The proponents do not have a good track record for being responsible and considerate neighbours.

Mr. Banta, 1121 Faithful Street: expressed objection to the application. The original hours imposed for this establishment recognized the potential noise problems.

Mr. Alex Fraser (Peredine Consultants), 460 Chester Avenue: expressed support for the application. A number of businesses contribute to the noise problems in the area. The stakeholders need to work together to resolve the noise concerns.

Mr. Peter Mah, 309-409 Swift Street: expressed objection to the application. The Canoe Club was in operation before the Mermaid Lounge opened for business. The petition presented by the proponents in support of their application is signed by many out of town patrons. The proponents should have prepared a sound business plan prior to commencement of their proposal. The extension of hours will not revive the lounge if the proponents do not improve their business practices.

Mr. Brian Chalmers, 506-409 Swift Street: expressed objection to the application. The homeowners accept the lounge as a marine pub with closing hours at 11:00 PM. each night. The existing hours of operation should be honoured. The homeowners in the building have a financial investment as well.

Ms. Caroline Moore, 305-409 Swift Street: advised that the Strata Council is attempting to establish an internal noise control bylaw and a "Good Neighbours" Policy. The Strata Council has not provided any structural recommendations to the proponents.

Mr. Dale Irwin, Proprietor, Mermaid Lounge (Applicant): advised that the noise problems are due to the structural design of the building. This is a concrete and steel building. An acoustical engineer has not been consulted. A business plan was prepared. It was assumed that the hours of operation would be permitted to be extended. Staffing costs are too high. The extended hours will ensure the financial viability of the lounge.

Ms. Ingrid Wolsk, 203-409 Swift Street: expressed objection to the application. The Canoe Club was in operation before the Mermaid Lounge opened for business. The homeowners in the building have a financial investment as well. A decibel reading was taken and measured unacceptable noise levels. This is a strange acoustical building where some units are affected more than others. Patron noise stops long after drinks are no longer served. There were to be no fixtures affixed to the outside of the building. There is now a neon sign advertising Mermaid Lounge.

Ms. Gloria Raphael, 119-409 Swift Street: expressed support for the application. The structural issues should be addressed in consultation with the stakeholders. This establishment contributes to a vibrant downtown.

Ms. Chalmers, 506-409 Swift Street: expressed objection to the application. The Canoe Club was in operation before the Mermaid Lounge opened for business. The Canoe Club does not have a residential component in its building. The homeowners accept the lounge as a marine pub with closing hours at 11:00 PM. each night. The homeowners in the building have a financial investment as well.

Ms. Sages, 509-409 Swift Street: expressed support for the application. The noise problems are due to the structural design of the building. The proponents have a financial interest in the building. The proponent and residents need time to work on a mutual agreement for acceptable conduct. All businesses should be permitted to operate and be successful.

Ms. Rhya Lornie, 104-409 Swift Street: expressed objection to the application. She did not sign a disclosure to accept noise levels associated with the lounge and suggested that other homeowners may not have signed disclosures either. She was aware of the commercial development and acknowledges that the lounge has approval to operate until 11:00 PM each night. Her unit is a rental which is losing revenue due to noise complaints. Patron noise stops long after drinks are no longer served. A supporting pillar is under the bedroom and increases the noise problem. The noise level has been lower since this application has been submitted. The proponents do not have a good track record for being responsible and considerate neighbours. The homeowners in the building have a financial investment as well.

Mr. Sages, 509-409 Swift Street: expressed support for the application. A number of businesses attribute to the noise problems. As a maintenance operator for Mermaid Lounge he addresses concerns as they are presented to him.

Mr. Maurice Munro, 219-409 Swift Street: expressed objection to the application. The noise problems are due to the structural design of the building. The homeowners accept the lounge as a marine pub with closing hours at 11:00 PM. each night and acknowledge that this is a vibrant area. The proponents made a business decision based on the restrictions placed on them. The homeowners in the building have a financial investment as well. The Canoe Club was in operation before the Mermaid Lounge opened for business. Patron noise stops long after drinks are no longer served. The proponents should consider improving their business practices to remain competitive.

MOTIONS

MOTION

Heritage Tax Exemption – 536-538 Herald Street – Counter Petition Opportunity

At the May 23, 2002 Victoria City Council meeting Council gave three readings to Tax Exemption (536-538 Herald Heritage, 2002) Bylaw – No. 02-68.

A counter petition opportunity must be initiated prior to adoption of the bylaw.

It was moved by Councillor Savoie, seconded by Councillor Holland, that a counter petition opportunity for Tax Exemption (536-538 Herald Heritage, 2002) Bylaw – No. 02-68 be initiated with a deadline for the receipt of counter petitions of 4:30 PM, on Monday, July 22, 2002. Carried

PUBLIC HEARING – June 27, 2002

It was moved by Councillor Fleming, seconded by Councillor Savoie, that the following public hearing be held in the Council Chambers, City Hall, on **THURSDAY, JUNE 27, 2002 AT 7:30 PM:**

APPLICATION FOR REZONING OF PROPERTY known as 407 David Street:

(1) **Rezoning Application No. 02-04:**

ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 646) – No. 02-65:

To amend the Zoning Regulation Bylaw

- (a) to create a M3-D Zone, David Entertainment District, which will permit the uses in the M-3 Zone, Heavy Industrial District, as well as a dance club and places of recreation;
- (b) to rezone land known as 407 David Street to a new M3-D Zone, David Entertainment District, to permit the land to be used for an entertainment center, a dance club, and an indoor skate facility.

New Zone: M3-D Zone, David Entertainment District
Legal description: Lot 1, Block D, Section 4, Victoria District, Plan 36629
Existing Zone: M-3 Zone, Heavy Industrial District Carried

PUBLIC HEARING – June 27, 2002

It was moved by Councillor Fleming, seconded by Councillor Savoie, that the following public hearing be held in the Council Chambers, City Hall, on **THURSDAY, JUNE 27, 2002 AT 7:30 PM:**

APPLICATION FOR REZONING OF PROPERTY known as 1810 Store Street (water lot behind 1810 Store Street):

(1) **Rezoning Application No. 02-01:**

ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 643) – No. 02-58:

To amend the Zoning Regulation Bylaw

- (a) to create a MS-4 Zone, Store Marina District, which will permit the uses in the M-S-1 Zone, Marine Service (Outer Harbour) District, and a variety of other marine-related uses; will apply regulations for the number, area, and height of buildings; and will not require any parking;
- (b) to rezone land known as 1810 Store Street to a new MS-4 Zone, Store Marina District, to permit the land to be used for marina uses.

New Zone: MS-4 Zone, Store Marina District
Legal description: That parcel of land covered by water, forming a portion of the bed of the public harbour of Victoria lying to the west of Lot 1, Victoria City Lots 109, 110, 111 and 112, Victoria City, Plan 40579
Existing Zone: M-3 Zone, Heavy Industrial District Carried

PUBLIC HEARING – June 27, 2002

It was moved by Councillor Fleming, seconded by Councillor Savoie, that the following public hearing be held in the Council Chambers, City Hall, on **THURSDAY, JUNE 27, 2002 AT 7:30 PM:**

APPLICATION FOR REZONING OF PROPERTY known as 505 Government Street:

(1) **Rezoning Application No. 01-29:**

ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 645) – No. 02-64:

To amend the Zoning Regulation Bylaw

- (a) to create a R2-37 Zone, Government2 Bed & Breakfast District, which will permit the uses in the R-2 Zone, Two Family Dwelling District, as well as transient accommodation that is located in the same building as the residence of the operator of the transient accommodation, and will apply the R-2 Zone's regulations except for new regulations for the number of suites and parking;
 - (b) to rezone land known as 505 Government Street to a new R2-37 Zone, Government2 Bed & Breakfast District, to permit the land to be used for a bed and breakfast business.
- New Zone: R2-37 Zone, Government2 Bed & Breakfast District
Legal description: Parcel B (DD62770I) of Lots 1746 and 1747, Victoria City
Existing Zone: R-2 Zone, Two Family Dwelling District Carried

BYLAWS

INTRODUCTION AND SECOND READING

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

Heritage Designation (1311 Franklin Terrace) Bylaw (No. 483)	02-71
Heritage Designation (1272 Walnut Street) Bylaw (No. 484)	02-72
Heritage Designation (1276 Walnut Street) Bylaw (No. 485)	02-73
Road Closure (Cecelia Road Lane) Bylaw	02-74
Rezoning Bylaw (No. 1087) (Rezoning 02-06 for 212 St. Charles Street)	02-76
Rezoning Bylaw (No. 1088) (Rezoning 02-08 for 1574 Bay Street)	02-77 <u>Carried</u>

INTRODUCTION, SECOND AND THIRD READING

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

Security Issuing (Bridges and Dockside) Bylaw	02-69
Security Issuing (Multipurpose Facility) Bylaw	02-70
Sidewalk Cafes Regulation Bylaw	02-75 <u>Carried</u>

ADOPTION

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

Recreation Facilities Admission Fees Bylaw, Amendment Bylaw (No. 9)	02-52 <u>Carried</u>
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QUESTION PERIOD

A question period was held.

ADJOURNMENT

It was moved by Councillor McLean, seconded by Councillor Fleming, that the Council Meeting adjourn.
Time: 11:31 PM. Carried

CERTIFIED CORRECT:

CORPORATE ADMINISTRATOR

MAYOR OF THE CITY OF VICTORIA