

**MINUTES - VICTORIA CITY COUNCIL**  
**MEETING OF THURSDAY, JULY 11, 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 Vandenberg

**APPROVAL OF AGENDA**

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

**MINUTES**

It was moved by Councillor Lunt, seconded by Councillor Fleming, that the minutes of the regular Council meeting of June 13, 2002, be approved. Carried

It was moved by Councillor McLean, seconded by Councillor Lunt, that the minutes of the special Council meeting of July 4, 2002, be approved. Carried

**PROCLAMATIONS**

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

The Salvation Army BLUE-BAG-IT Month – August 2002. Carried

**PUBLIC HEARINGS**

1. **APPLICATION FOR REZONING OF PROPERTY known as 1574 Bay Street:**

(1) **Rezoning Application No. 02-08:**

**REZONING BYLAW (NO. 1088) – NO. 02-77:**

To rezone land known as 1574 Bay Street to the R-2 Zone, Two Family Dwelling District to permit the construction of a duplex addition behind an existing house.

Legal descriptions: Lot 11, Section 48, Victoria District, Plan 7812  
Existing Zone: R1-B Zone, Single Family Dwelling District

**CORRESPONDENCE:**

Nine letters were received supporting this application.

One letter was received suggesting recommendations to Council.

Four letters were received objecting to this application.

**PRESENTATIONS:**

**Bill Lunt (1168 Bewdley Avenue) – Architect for the Applicants:** Outlined a brief history of this application. Stated that Karen Thompson purchased this house while single and now has a family. Due to the backyard set backs, they are unable to build there and started the plans for the frontyard. Said that they involved the neighbours and Community Association and made some changes including lowering the house by 4½ feet and changing the layout and style of upstairs windows. The hedge on Bay Street would have to be moved for the new driveway and a fence will be installed.

**Karen Thompson (1574 Bay Street) – Applicant:** Opened by saying that her goal is to remain in the neighbourhood and raise their family. They communicated with the neighbours at the onset to inform them that they were considering rebuilding. Said that she received significant positive feedback. Their next step was financing this project. Once approved, they went to the Neighbourhood Association and presented their proposal. Afterwards, they revised their plans to incorporate suggestions from both the neighbours and Community Association. They met with the Woods' who expressed more concerns and suggested subdividing the property and building a single house. Not appropriate as they would like a yard for their children. Submitted her final plans to the City for review and believes that they have designed a house that will fit into the

community. Also thanked all the individuals and families who have supported them during this process.

Bob Moore (2515 Victor Street): Expressed support for this application. Said he has opposed many developments in the past but this application is by a young family and a resident owner.

Joan Cowan (2521 Victor Street): Expressed support for this application. Her biggest concern is the loss of the maple tree in the front yard.

Amy Kazai (2506 Victor Street): Expressed no objection to this application. Has concern for the maple tree. She was initially told by the builder that the tree was not in the way and was not aware that rock blasting was necessary.

Stephanie Hill (2528 Shakespeare Street): Expressed objection to this application. Believes the proposed development is too big for the neighbourhood. She is not happy about the removal of trees and believes that such removal will impact other trees. Also believes that the immediate neighbours will be gravely impacted.

Brian Woods (1580 Bay Street): Expressed objection to this application. Has three major concerns: (1) The size of the proposed house is too big. Currently, the average size of house in this neighbourhood is 1,128 ft<sup>2</sup>. The proposed house would be 2,580 ft<sup>2</sup>. The size of the house will have a shadowing affect on his property and will not benefit his garden. (2) Privacy and the location of windows. The plans reveal that a window will be looking directly into his master bedroom. Would also like to know which windows will open. (3) Cedar trees on his property. He wants his trees to survive and flourish; however, no one can predict the effect of the rock blasting and where the rock debris will land. He also stated that his wife runs a licensed day care from their house and is concerned about her business.

Sheila Woods (1580 Bay Street): Expressed objection to this application. This proposal affects her personal and business life. For the last 13 years, she has been involved in the day care business. Believes the excavation and construction will be loud and disruptive. It also opens the possibilities for an injury amongst her children. Stated that the cedar trees are in the children's play area and are crucial for her day care. Also believes that the noise level will increase once the hedge is removed from the Bay Street side. Furthermore, the building is huge and invasive.

(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. 1088) 02-77  
Lost

**The Mayor, Councillors Madoff, Fleming, Savoie, and Vandenberg voted against this motion.**

(3) **Bylaw Motion – Adoption:**

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

Rezoning Bylaw (No. 1088) 02-77  
Carried

2. **APPLICATION FOR REZONING OF PROPERTY known as 212 St. Charles Street:**

(1) **Rezoning Application No. 02-06:**

REZONING BYLAW (NO. 1087) – NO. 02-76:

To rezone land known as 212 St. Charles Street to the R1-S2 Zone, Restricted Small Lot (Two Storey) District to permit the construction of a new single family dwelling, which will front on the lane next to Ross Bay Cemetery, on the newly subdivided rear yard of an existing single family dwelling.

Legal description: Lot 7, Section 19, Victoria District, Plan 1226  
Existing Zones: R-2 Zone, Two Family Dwelling District

**CORRESPONDENCE:**

Thirty-seven letters were received supporting the application.

PRESENTATIONS:

Stacey Dewhurst (212 St. Charles Street) Applicant: Briefly outlined the changes he would like to make to the property stating that any building will not increase the density. Believes his proposed plan will complement and improve the property. Stated that he had consulted his neighbours (immediate and surrounding) as well as the Community Association and received their support.

(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:**

Rezoning Bylaw (No. 1087) 02-76  
Carried

(3) **Bylaw Motion – Adoption:**

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

Rezoning Bylaw (No. 1087) 02-76  
Carried

**DEVELOPMENT VARIANCE PERMIT**

1. **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. 02-20 FOR PROPERTY known as 880 Courtney Street:**

This is an application requesting relief from providing an additional 16 parking spaces occasioned by interior changes that convert offices and lobby space to exercise use. The applicant would like to vary Schedule "C16 B3" of the Zoning Bylaw from: one parking space per 9.5 to one parking space per 12.4 m<sup>2</sup> of floor area (to permit a net reduction of 16 parking spaces), subject to the provision of an additional 32 bicycle parking spaces secured in a form satisfactory to the Director of Engineering.

It was moved by Councillor Holland, seconded by Councillor Lunt, that Council authorize the issuance of Development Variance Permit #02-20 for 880 Courtney Street to vary Schedule "C16 B3" of the Zoning Bylaw from: one parking space per 9.5 to one parking space per 12.4 m<sup>2</sup> of floor area (to permit a net reduction of 16 parking spaces), subject to the provision of an additional 32 bicycle parking spaces secured in a form satisfactory to the Director of Engineering.  
Carried

**HEARINGS – REQUESTS TO ADDRESS COUNCIL**

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

1. Leon "Ted" Smith – Re: meeting between Health Canada and police.  
Said that his club has not been raided in the past two weeks but he has to continually remind Council of this issue. Stated that he does have a business license. Also said that it has been approximately 4 months that he has been trying to meet with Health Canada on this issue. Urged Council that a resolution is needed immediately. Also declared that he will be running for Mayor in the upcoming election.
2. Delton Woolcock – Re: Campfreedom and the homeless in Victoria.  
He has been advised that there are many local, young kids living in the parks and on the streets and it is a tremendous concern to him. Stated that there is 5.8 acres of land not be used and it is the City's intention to sell that land. Believes that the street kids should have a safe place to go that is zoned from the City.
3. Anne Read – Re: Homeless individuals in Victoria.  
Read a poem to Council about a 17 year old homeless girl in Victoria. Said that in order to help the homeless, Campfreedom requires 2.5 acres of land on a temporary grant. Also said that the City needs to get young people off the street and provide a better, safer environment. Said that Campfreedom is about growing security.
4. Betty Gibbens – Re: Holland Point remedial Work.  
Said that there is 6,500 tonnes of beach fill already in this area including large stones and boulders on the beach. Believes that we need to preserve our beaches as we would provide a

heritage designation to a house. Said that she attended the James Bay Environmental Committee meeting last night and raised this issue. As the James Bay Environment Committee had not heard about this, she would like notices placed in the paper to inform the public.

5. Lee Morrison – Re: Cannabis Buyers Club and police contact.  
She is concerned about the treatment of the Cannabis Buyers Club (“CBC”). She would like assurances that medical marijuana users will be safe and no longer persecuted by the police. Says that the CBC is providing a service to the community and that CBC members should not have to worry about being arrested for trying to purchase their medicine.

## REPORTS OF THE COMMITTEE

### COMMITTEE OF THE WHOLE – JUNE 27, 2002

1. **SMALL LOT HOUSE PROGRAM: POLICY & DESIGN GUIDELINES.** It was moved by Councillor Holland, seconded by Councillor Savoie, that this issue be referred to the Committee of the Whole Meeting of August 8, 2002. Carried
  
2. **SIGN DEVELOPMENT VARIANCE PERMIT SI#02-42 – 345 QUEBEC STREET.** It was moved by Councillor McLean, seconded by Councillor Hughes, that Sign Development Variance Permit SI#02-42 be declined. Carried
  
3. **REQUEST FOR HERITAGE DESIGNATION – 134 ST. ANDREWS STREET.** It was moved by Councillor McLean, seconded by Councillor Hughes, that the house at 134 St. Andrews Street is worthy of heritage designation, that it be designated as a Municipal Heritage Site. Carried
  
4. **HERITAGE ALTERATION PERMIT #100 – 850 HUMBOLDT STREET.** It was moved by Councillor McLean, seconded by Councillor Hughes, that, pursuant to Heritage Designation Bylaw #453, Heritage Alteration permit #100 be authorized in accordance with:
  - 1) Plans dated May 31, 2002.
  - 2) Development meeting all bylaw requirements.
  - 3) All existing sandstone windowsills to be retained and repaired.
  - 4) No surface treatments to be applied to brickwork.
  - 5) Details of proposed brick cleaning to be submitted to the satisfaction of the Heritage Planner.
  - 6) Final review of plans by the Heritage Advisory Committee prior to building permit.
  - 7) Removal of infill between the two dormers, funding permitted. Carried
  
5. **RAILWAY ZONING.** It was moved by Councillor McLean, seconded by Councillor Hughes, that the rezoning of the E&N railway right-of-way 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 attached draft zone outline set out in the report dated June 20, 2002, from the Economic Development Planner. Carried
  
6. **GREATER VICTORIA COMPOST EDUCATION CENTRE – GRANT REQUEST.** It was moved by Councillor McLean, seconded by Councillor Hughes, that:
  - 1) An operating grant of \$15,000.00 for the Greater Victoria Compost Education Centre for 2002, be approved.
  - 2) The Greater Victoria Compost Education Centre ensure that the City of Victoria receives public recognition for its role as a financial sponsor. Carried
  
7. **CORVAIRITIS TREATMENT DAY.** It was moved by Councillor McLean, seconded by Councillor Hughes, that approval be given to the Western Canada Corsa Club to hold “Corvairitis Treatment Day” in Beacon Hill Park on August 11, 2002, with the following conditions:
  - 1) No commercial activity of any kind permitted.
  - 2) Approval given for this event only, and not to be taken as approval for future requests.
  - 3) Applicant to obtain a park permit and abide by all rules and regulations. Carried
  
8. **DEDICATED DISABLED PARKING.** It was moved by Councillor McLean, seconded by Councillor Hughes, that:
  - 1) The City of Victoria designate as disabled parking the stalls identified by the Transportation Division in conjunction with the Disability Resource Centre (DRC) as meeting the appropriate physical requirements.
  - 2) The conversion to dedicated disabled parking stalls be undertaken as soon as possible, with all conversion to take place at the same time (as staff availability and resources allow).
  - 3) These stalls be metered (2 hour limit) and accessible to any vehicle displaying a valid disabled parking placard (2 hour limit to apply to those possessing all-day exemption permits as well).
  - 4) Users who are physically incapable of feeding the meter will be required to display a permit from the City of Victoria (2 hour disabled parking permit – cost \$20.00 per year).
  - 5) Fines for parking violations in these spaces be set at \$15.00 for a vehicle with a disable placard and \$150.00 for a vehicle without.

- 6) These stalls be designated as dual usage for the purpose of taxi and Handi-Dart pickup and drop off.
  - 7) These stalls be signed to indicate the above restrictions.
  - 8) The existing 2 hour disabled parking exemption permit be eliminated. Vehicles displaying a valid disabled parking placard will be given one hour of grace time on all meters by the Commissionaires. Vehicles displaying the new 2 hour permit will be able to park in any spot for 2 hours without feeding the meter.
  - 9) The City of Victoria, in cooperation with the DRC, undertake to communicate the creation of these dedicated parking stalls and these changes to disabled parking regulations to the disabled and the community at large. The City should also attempt to address the issue of disabled visitors by placing disabled parking information on the City's website. Carried
9. **FACILITY USE AGREEMENTS FOR EMERGENCY SOCIAL SERVICES.** It was moved by Councillor McLean, seconded by Councillor Hughes, that the formalization of Emergency Social Services Reception Centre Facility Use Agreements between the City of Victoria and the following facility operators, be approved:
- 1) Canadian National Institute for the Blind
  - 2) Victoria Curling Club
  - 3) Taoist Tai Chi Society of Canada – Pacific Region
  - 4) Royal Canadian Legion – Pro Patria Branch #31 Carried
10. **DEPUTY CHIEF ELECTION OFFICER – 2002 ELECTION.** It was moved by Councillor McLean, seconded by Councillor Hughes, that, pursuant to Section 41(1) of the *Local Government Act*, Victoria City Council appoints Ms. Sheryl Masters to the position of Deputy Chief Election Officer for the general local government election in 2002. Carried
11. **LEGAL – G. MACLEAN v. CITY OF VICTORIA.** It was moved by Councillor McLean, seconded by Councillor Hughes, that the City settle the matter of G. MacLean v. City of Victoria for the amount recommended in the report dated June 18, 2002, received from the City Solicitor. Carried
12. **LAND – USE OF SOUTH END CAUSEWAY.** It was moved by Councillor McLean, seconded by Councillor Holland, that the Greater Victoria Harbour Authority be advised that the City is willing to work with the Harbour Authority in developing a policy to manage the south end of the causeway. Carried
13. **LAND – OWNERSHIP OF SCHOOL SITES.** It was moved by Councillor McLean, seconded by Councillor Hughes, that:
- 1) An internal staff team comprised of the Property Manager, the Community Recreation Development Coordinator, the Parks Development Manager, and a Planner be formed to develop a land management plan for City-owned properties being utilized by Greater Victoria School District #61. This plan will identify opportunities for development, exchange, consolidation and management of properties to enhance and maximize use of community greenspace and public amenities.
  - 2) A negotiation team be struck to work in partnership with the Greater Victoria School District #61 to implement this Land Management Plan. The negotiation team will be comprised of the Director of Parks & Recreation and the Director of Planning & Development and/or their nominees. Carried

#### COMMITTEE OF THE WHOLE – JULY 4, 2002

1. **YOUTH EMPLOYMENT PROJECT – GRANT REQUEST FOR BC CARING.** It was moved by Councillor McLean, seconded by Councillor Hughes, that the City of Victoria provide a program grant of \$15,000.00, funded from the 2002 contingency fund, to the Youth Employment Project, for the promotion and launch of the “BC Caring” Program. Carried

**Councillor Savoie voted against this motion.**

2. **NEIGHBOURHOOD DEVELOPMENT FUNDING PROGRAM – 2002/2003 GRANTS.** It was moved by Councillor McLean, seconded by Councillor Hughes, that approval be given to 2002-2003 funding requests of \$33,755.00 for Base Funding, \$28,245.00 for Matching Grants, and \$4,910.00 for Celebration Grants, as follows:

Neighbourhood	Base Funding	Matching Grants	Celebration Grants
Hillside/Quadra (Blanshard)	\$ 3,400	\$ 845	\$500
Burnside/Gorge	2,450	2,500	500
Downtown	500	4,300	50
Fairfield	6,920	4,300	1,000
Fernwood Comm. Association and Fernwood Comm. Centre	3,800		850
James Bay	5,200	3,400	750
North Jubilee	2,325		250
North Park	1,420	4,300	
Oaklands	3,250	4,300	500
Rockland	1,670		
South Jubilee	650		160
Vic West	2,550	4,300	350
Fairfield Community Assoc. – General Liability Insurance for 5 Associations	1,350		
<b>Totals</b>	<b>\$ 35,755</b>	<b>\$ 28,245</b>	<b>\$ 4,910</b>

Carried

3. **INTEGRATED PEST MANAGEMENT POLICY.** It was moved by Councillor McLean, seconded by Councillor Hughes, that:

- 1) The Integrated Pest Management Draft Policy, as attached to the report dated June 28, 2002, from the Parks Division, be received and approved in principle.
- 2) The IPM Draft Policy be forwarded to the Capital Regional District and the Environment and Shoreline Advisory Committee for information and review, and to assist in the development of a Model Internal Policy and Pesticide Bylaw. Carried

4. **PESTICIDE REGULATION.** It was moved by Councillor McLean, seconded by Councillor Hughes, that:

Whereas the May 2000 report of the federal Standing Committee on Environment and Sustainable Development on pesticide use in Canada concludes that more research is needed to address the effects of pesticides on children, in light of new information regarding the particular vulnerability of children, and potential for significant exposure due to play time on lawns, playing fields, etc.;

Whereas Health Canada's memorandum to pesticide registrants, applicants and agents (January 25, 2001) notes that the U.S. Environmental Protection Agency will start incorporating an additional tenfold margin of safety in the assessment of toxicity of new and existing pesticides, due to new concerns about vulnerability of infants and children;

Whereas in the case of *Hudson, Quebec v. Spraytech and Chemlawn* (2001), the Supreme Court of Canada ruled unanimously to uphold the right of the Town of Hudson to enact and enforce a pesticide use bylaw. The Supreme Court noted that its decision respects international law's "precautionary principle" and its tenet of preventive action. (In the Supreme Court ruling, "precautionary principle" means that environmental measures must anticipate, prevent and attach the causes of environmental degradation, and where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. Definition source cited as: Bergen Ministerial Declaration on Sustainable Development, 1990);

Whereas the Ontario Public Health Association passed a resolution November 7, 2001 urging the restriction on non-essential use of chemical pesticides on public and private lands;

Whereas the Ontario College of Physicians and Surgeons' Environmental Health Committee has issued a statement on pesticides and human health which outlines the toxicological basis for concern about human exposure to chemical pesticides;

Whereas a growing number of Canadian municipalities are passing bylaws to restrict the use of pesticides within the City (including Hudson, Quebec; Chelsea, Quebec; Halifax, Nova Scotia);

Whereas in 2001 the Federation of Canadian Municipalities prepared a model resolution that would reduce use of pesticides by municipal staff due to concern for human and environmental health;

Whereas in January 2002, City Council approved a motion from the City of Victoria Environment and Shoreline Advisory Committee;

Whereas in January 0f 2002 the CRD Environment Committee approved the workplan of the CRD Roundtable's Subcommittee on Toxic Contaminants which outlines (a) public education on

pesticides, (b) municipal government policies to reduce pesticides, and (c) creation of a model bylaw.

Whereas the City's solicitors have prepared a legal opinion on the ability of the City to enact a pesticide bylaw, and have identified the likely need for approval by the Provincial Minister of Health or the Provincial Cabinet.

Therefore be it resolved that in collaboration with the CRD Roundtable's Subcommittee on Toxic Contaminants, the City, and the Victoria Environment and Shoreline Advisory Committee continue to develop and implement a pesticide education program for the residents in the CRD.

Be it further resolved that the City continue to develop an internal policy governing municipal use of pesticides, in collaboration with the CRD Roundtable's Subcommittee on Toxic Contaminants, to be brought forward for approval by Committee of the Whole by the end of September 2002.

Be it further resolved that the City and the Victoria Environment and Shoreline Advisory Committee continue to work in collaboration with the CRD Roundtable's Subcommittee on Toxic Contaminants to develop a draft model bylaw restricting the use of pesticides by residents, businesses and municipal staff.

Be it further resolved that once a draft model bylaw has been prepared, the City and the CRD jointly approach the Minister of Health to explore the Minister's willingness to support a bylaw, and if so, whether any conditions would be imposed.

Be it finally resolved that if the Minister of Health indicates potential support for a pesticide bylaw, the City in collaboration with the CRD will conduct stakeholder consultations on the draft bylaw prior to its finalisation. Carried

5. **HERITAGE ALTERATION PERMIT APPLICATION #101 – 932 BALMORAL AVENUE / 1701 QUADRA STREET.** It was moved by Councillor McLean, seconded by Councillor Hughes, that, pursuant to Heritage Designation Bylaw #137, Heritage Alteration Permit #101 be issued in accordance with:

- 1) Plans dated June 14, 2002.
- 2) Development meeting all bylaw requirements.
- 3) The handrails being wrought iron of steel, and not aluminum.
- 4) Final plans to be in accordance with plans identified above. Carried

6. **TRAFFIC ORDERS.** It was moved by Councillor McLean, seconded by Councillor Hughes, that the Traffic Orders outlined in the report dated June 26, 2002 received from the Senior Technician, Transportation, be approved. Carried

7. **LAND – CONFERENCE CENTRE LEASE REVIEW.** It was moved by Councillor McLean, seconded by Councillor Hughes, that:

- 1) The request for rent reduction for the Stephen Lowe Art Gallery at the Victoria Conference Centre, be denied.
- 2) The tenant be advised of another smaller space at the Victoria Conference Centre that is available for lease. Carried

#### COMMITTEE OF THE WHOLE – JULY 11, 2002

1. **SNOWBIRDS.** It was moved by Councillor McLean, seconded by Councillor Hughes, that:
- 1) Approval be given to the following activities for the Snowbirds Air Show to be held at Clover Point and the Dallas Road Waterfront on August 7, 2002:
    - Set up a VIP tent, chairs and commentators stand.
    - Two Q-100 media vehicles on site to broadcast the show from Clover Point.
    - Set up of large speakers around the 'teardrop' portion of Clover Point.
    - A pipe and drum performance prior to the air show.
  - 2) The applicant obtain a Park permit and abide by all conditions as agreed. Carried

**Councillor Savoie voted against this motion.**

2. **MARGARET JENKINS SCHOOL – PROPOSED WINDOW REPLACEMENT.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that the established process (i.e. review by the Heritage Advisory Committee) be waived for window replacement at Margaret Jenkins School, a Heritage Registry building at 1824 Fairfield Road. Carried

3. **HOLLAND POINT WALKWAY PROTECTION PROJECT.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that:
- 1) the report dated June 26, 2002, from the Manager, Transportation & Development, regarding the Holland Point Walkway Protection Works, be received for information.
  - 2) the Holland Point walkway be protected by beach nourishment. Carried

4. **TENDER #01-024 – HOLLAND POINT – WALKWAY PROTECTION WORKS.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that Tender #01-024 – Holland Point Walkway Protection Works, be awarded to JJM Construction Ltd., at a cost of \$226,840.00, based on being the overall lowest tender. Carried

5. **TENDER #01-077 – CECELIA RAVINE PARK – SITE IMPROVEMENTS.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that Tender #01-077 – Cecelia Ravine Park Site Improvements, be awarded to Wilco Landscaping, at a cost of \$270,321.24, based on being the overall lowest tender. Carried
  
6. **LIQUOR LICENSE – 15 BASTION SQUARE.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that Victoria City Council supports the application for a 225 seat, Class “C” cabaret at 15 Bastion Square as proposed by Points West Restaurant Group (Mr. Ward), subject to the execution of a *Good Neighbour Agreement* between the liquor licensee at 15 Bastion Square and the City of Victoria as a condition precedent to the issuance of a business license for the Class “C” cabaret at 15 Bastion Square. Carried
  
7. **STAIRWAY CLOSURE.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that discussions be initiated with the Provincial Capital Commission regarding closure of the stairs on the south side of Hartwig Court after midnight to reduce the potential for conflicts between patrons from the cabarets on Wharf Street and Bastion Square. Carried
  
8. **VICTORIA MULTIPURPOSE FACILITY.** It was moved by Councillor McLean, seconded by Councillor Hughes, that:
  - 1) Agreement be given to waiving the WHL precondition under section 8.5 of the Partnering Agreement on the basis of the amendments proposed.
  - 2) The City Solicitor be directed to undertake the required changes to the Partnering Agreement as set out in the correspondence from Mr. Daniel McIntyre dated July 9, 2002, and as further amended by the City Solicitor on July 11, 2002. Carried
  
9. **APPEAL FOR TAXI PERMIT – MR. BRUCE MACGREGOR.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that Council:
  - 1) Grant the appeal and instruct the Chief of Police to issue a Chief’s Permit to Mr. MacGregor.
  - 2) Encourage Mr. MacGregor to complete the course that is a condition of his probation as soon as it can be arranged by his probation officer. Carried

#### MOTIONS

#### PUBLIC HEARING – AUGUST 15, 2002

It was moved by Councillor Madoff, seconded by Councillor Holland, that the following public hearing be held in the Council Chambers, City Hall, on **THURSDAY, AUGUST 15, 2002 AT 7:30 PM:**

#### APPLICATION FOR ROAD CLOSURE OF PROPERTY known as 521 Cecelia Road:

(1) **Rezoning Application No. 02-06:**

REZONING BYLAW (NO. 1087) – No. 02-76:

To rezone land known as 212 St. Charles Street to the R1-S2 Zone, Restricted Small Lot (Two Storey) District to permit the construction of a new single family dwelling, which will front on the lane next to Ross Bay Cemetery, on the newly subdivided rear yard of an existing single family dwelling.

Legal description: Lot 7, Section 19, Victoria District, Plan 1226  
 Existing Zone: R-2 Zone, Two Family Dwelling District

(2) **Development Permit Relaxations:**

- Section 1.7.5 to vary the rear yard setback of the existing house from 6.0 m to 5.1 m

Carried

**Councillors Fleming and Vandenberg excused themselves from Council Chambers at 9:28 PM.**

#### QUESTION PERIOD

A question period was held.

**Councillors Fleming and Vandenberg returned to Council Chambers at 9:29 PM.**

**ADJOURNMENT**

It was moved by Councillor McLean, seconded by Councillor Holland, that the Council Meeting adjourn.  
Time: 9:30 PM. Carried

CERTIFIED CORRECT:

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

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