

MINUTES - VICTORIA CITY COUNCIL
MEETING OF THURSDAY, SEPTEMBER 19, 2002 AT 7:30 PM

PLACE OF MEETING: Council Chambers, City Hall

PRESENT: Acting Mayor Madoff in the Chair and Councillors Fleming, Holland, Hughes, Madoff, McLean, Savoie and VandenBerg

ABSENT: Mayor Lowe and Councillor Lunt.

APPROVAL OF AGENDA

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

MINUTES

It was moved by Councillor McLean, seconded by Councillor Hughes, that the minutes of the regular Council meeting of September 12, 2002, be approved. Carried

PROCLAMATIONS

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

Victoria Market Day – September 21, 2002

Single Parents Day – September 24 – September 25, 2002

British Columbia Rivers Day – September 29, 2002

Mahatma Gandhi Day – October 2, 2002

World Teacher's Day – October 5, 2002

PUBLIC HEARING

1. **APPLICATION FOR REZONING OF PROPERTY known as 840 Pemberton Road:**

1. **Zoning Regulation Bylaw, Amendment Bylaw (No. 647) – No. 02-79:**

To create a R1-A15 Zone, Pemberton2 Single Family Dwelling District, which will permit the uses in the R1-A Zone, Rockland Single Family Dwelling District, and will apply its regulations except for new regulations for the area and width of a lot (to enable the land to be subdivided into 2 lots), the number of suites in a building, and floor area.

To rezone land known as 840 Pemberton Road to a new R1-A15 Zone, Pemberton2 Single Family Dwelling District, to permit the existing house on the land to be used for 3 strata suites.

New Zone:	R1-A15 Zone, Pemberton2 Single Family Dwelling District
Legal Description:	Northern 21.4m of Lot 8, Section 68, Victoria District, Composite Plan 2672
Existing Zone:	R1-A Zone, Rockland Single Family Dwelling District

2. **Development Variance Permit #02-09:**

This is an application for a Development Variance Permit to be considered concurrently with Rezoning Application #02-11, and approval of the Development Variance Permit is a condition of the rezoning. The proposal is to rezone the existing parent parcel, move the existing dwelling to one side of the parcel, subdivide a narrow lot from what is currently the south side yard of Pemberton House (the DARS facility), and build a new single family dwelling on the new parcel. The new lot requires a Development Variance Permit as the proposed width of 15.1m is less than the 24m required under the existing zone.

CORRESPONDENCE:

Three (3) letters were received in support of this application.

One Petition with seven (7) signatures was received supporting this application.

PRESENTATIONS:

Brian Sikstrom (Senior Planner, City of Victoria): discussed the application and the requested development variance. The variance is to allow for a narrower lot to build the single family house. There will be a shared driveway between the two houses.

Mike Miller (Applicant) (242 Richmond Avenue): request to rezone the current building into three strata townhomes and one single family house. Their proposal is to relocate and restore the current building to convert it into the townhomes and build a separate building which will be the single family house. The lot will have a detached coach house which is common to the Rockland area. Feels that the best use for the property is to have three larger townhomes rather than smaller units. Would consider obtaining heritage designation for the existing building.

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

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 647)

02-79
Carried

(2) **Bylaw Motion – Adoption:**

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 647)

02-79
Carried

2. **Development Variance Permit No. 02-09:**

It was moved by Councillor Savoie, seconded by Councillor Hughes, that a Development Variance Permit be issued in accordance with:

1. Plans stamped "Development Variance Permit #02-09" dated May 14, 2002
2. Development meeting all bylaw requirements with the following relaxations:
Section 1.1.7. Relaxation of lot width from 24m to 15.1m for the new lot.
3. A reciprocal easement being registered against the title of both properties with respect to driveway access for both parcels to the satisfaction of the Director of Engineering.
4. Final plans in accordance with plans identified above to the satisfaction of the Director of Planning & Development.

Carried

ROAD CLOSURE HEARING

1. **ROAD CLOSURE – Bylaw No. 02-87:**

The Council of the Corporation of the City of Victoria intends to adopt Road Closure (A Portion of Blanshard Street) Bylaw NO. 02-87, the purpose of which is to close to traffic that portion of Blanshard Street shown as Parcel 1 on a reference plan prepared by Alan Marshall Powell, B.C.L.S., and certified the 7th day of August, 2002, and which is attached as Schedule "A" to City of Victoria Road Closure (A Portion of Blanshard Street) Bylaw No. 02-87.

2. **ROAD DISPOSITION AND EXCHANGE OF CLOSED ROAD:**

The Council of the Corporation of the City of Victoria intends to adopt Road Disposition and Exchange (Blanshard Street) Bylaw No. 02-88, to dispose of the portion of Blanshard Street closed to traffic under Bylaw No. 02-87 by transferring it to the owner (being the Corporation of the City of Victoria) of Lot A, Victoria City, Plan 42163, PID: 001-488-023, to be consolidated with the said Lot A, in exchange for the following lands necessary for the purpose of widening and improving Blanshard Street:

"That Part of Lot A, Victoria City, Plan 42163, PID: 001-488-023 shown as Parcel 2 on a Reference Plan prepared by Alan Marshall Powell, B.C.L.S., and certified the 7th day of August, 2002, and attached as Schedule "A" to City of Victoria Road Disposition and Exchange (Blanshard Street) Bylaw No. 02-88."

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 McLean, seconded by Councillor Hughes, that the following bylaws **be given third reading:**

Road Closure (A Portion of Blanshard Street) Bylaw	02-87
Road Disposition and Exchange (Blanshard Street) Bylaw	02-88
	<u>Carried</u>

(2) **Bylaw Motion – Adoption:**

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

Road Closure (A Portion of Blanshard Street) Bylaw	02-87
Road Disposition and Exchange (Blanshard Street) Bylaw	02-88
	<u>Carried</u>

HEARINGS – REQUESTS TO ADDRESS COUNCIL

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

1. Colin Blair – Re: Firefighting Contract with Esquimalt. Believes that the Fire Contract is a bad deal for Esquimalt and could put lives in danger. Said that the Councillors are there to protect Victoria but what about the smaller communities? Stated there are four firefighters stationed in Esquimalt who could be called out to Vic West. If there is an emergency in Vic West then there will be no firefighters in the Esquimalt area. Asked what could happen – trucks could be dispatched from Bay Street but that would take too much time in which lives could be lost. Stated the truck station on Harbour Road has no crew. Victoria needs to provide crew for this location 24 hours a day, 7 days a week. Said that for all taxes paid in this area, the residents deserve more than this. Further, with all the new construction in the Vic West and Songhees area, we definitely need better safety coverage. Asked that if Council is not going to provide more trucks and firefighters, then instruct the Fire Chief that Esquimalt trucks are not to leave the boundaries of Esquimalt. Believes this agreement is an unfair reciprocal agreement that was drafted in secret.
2. Jenny Davis – Re: Parking pass and funding for next year for The Victoria Fruit Tree Project. Their organization harvests fruit from people's yards and turns it into a food source. Outlined an average day of work stating that they receive three times more calls than they are able to handle. It takes her about two weeks to be able to return calls due to picking fruit, deliveries et cetera. Would love to form a partnership with City Hall. Also said that she received a parking ticket while she was dropping fruit off and as most of their work occurs in the downtown area, she would love a parking pass. Said that one truck is used for all their pick-ups/deliveries. Informed that November 16, 2002, is the Celebration of Apples at the Moss Street Market.
3. Leon "Ted" Smith – Re: Health Canada meeting and actions of other city governments across the continent. Updated Council on current local activities and international activities. Said that other legalized clubs have been shut down: the Toronto Compassion Centre (with 1,200 members) and one on the Sunshine Coast (Gibson). Is aware that it could happen to them any day. In the United States, despite nine states having laws to legalise these clubs, many are also being shutdown including the Western Alliance for Medicinal Marijuana (California). Also wanted to discuss the upcoming meeting with Health Canada. He has been told the wrong information for months and hopes this meeting happens.
4. Denis Oliver – Re: The removal of some recipients from the list of organizations worthy of permissive exemptions. At the Committee of the Whole meeting held this morning, there are several organizations that discriminate contrary to the City's bylaw. Stated that the Chinese Consolidated Benevolent Association discriminates against creed. The St. Vincent de Paul Society is closed to men on Tuesdays from 1:00 p.m. to 4:00 p.m. as women require a male-free atmosphere – this discriminates against sex. Also, the Girl Guides of Canada, the Victoria Women in Need Society and the Victoria Women's Transition House Society discriminate against sex. The Young Men's and Young Women's Christian Association discriminates against creed. Said Council should remove organizations from permissive exemptions as they are indirectly discriminating against sex, creed, ancestry, and race.

UNFINISHED BUSINESS

It was moved by Councillor McLean, seconded by Councillor Holland, that the Bylaw for the Road Closure of 521 Cecelia Road **be lifted from the table.**

Road Closure (Cecelia Road Lane) Bylaw

02-74
Carried

It was moved by Councillor Savoie, seconded by Councillor Hughes, that the following Bylaw **be adopted**:

Road Closure (Cecelia Road Lane) Bylaw

02-74
Carried

REPORTS OF THE COMMITTEE

COMMITTEE OF THE WHOLE – SEPTEMBER 12, 2002

1. **REQUEST FOR HERITAGE DESIGNATION – 1923 FERNWOOD AVENUE.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that, whereas the building at 1923 Fernwood Road is worthy of heritage designation, it be designated as a municipal heritage site. Carried
2. **REQUEST FOR HERITAGE DESIGNATION – 637-645 FORT STREET.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that, whereas the Yarrows Building (Pemberton Block) at 637-649 Fort Street is worth of heritage designation, it be designated as a municipal heritage site. Carried
3. **REQUEST FOR HERITAGE DESIGNATION – 1250 RUDLIN STREET.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that, whereas the house at 1250 Rudlin Street is worthy of heritage designation, it be designated as a municipal heritage site. Carried
4. **REQUEST FOR HERITAGE DESIGNATION – 582 ST. CHARLES STREET.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that, whereas the house at 582 St. Charles Street is worthy of heritage designation, it be designated as a municipal heritage site. Carried
5. **INSPECTION POWERS.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that:
 - 1) Andrey Dolan be appointed to the position of Bylaw Officer.
 - 2) This recommendation be forwarded to the regular Council Meeting of September 19, 2002.
 - 3) The appointment of Debra Turner to this position, be rescinded. Carried
6. **2002 HONOURARY CITIZENS AWARDS.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that the twelve nominees for Honourary Citizen Awards, as recommended in the report dated September 6, 2002, from the Chair, Honourary Citizens Advisory Committee, be endorsed. Carried
7. **PROPOSED CHANGES TO THE NOMINATING PROCEDURE FOR HONOURARY CITIZENS.** It was moved by Councillor Savoie, seconded by Councillor Hughes, that the following changes to the nomination process for Honourary Citizens Awards, be adopted:
 - 1) The Honourary Citizens Advisory Committee (the Committee) set out the categories and the scoring process in relation to the categories.
 - 2) Not only would Committee members and City Council be allowed to recommend the nominees for the Honourary Citizens Award, the public also would be invited to participate in the nomination process by gathering information about their nominees for submission to the Committee. Guidelines as to the qualification of the nominees and the categories would be determined by the Committee and placed in a newspaper advertisement. An application form and guidelines for the nomination process should be prepared and made available to those who are interested.
 - 3) The City shall advertise in a local newspaper for the public to participate in the nomination process. A deadline date for the public to submit their applications and supporting material would be stated in the advertisement.
 - 4) After the deadline date, when all the applications are received, they should be categorized from A – Z. Then these applications are to be split equally to the Committee members for vetting.
 - 5) Honourary Citizen Awards will be made once in each Council term, with the nomination process commencing in the Fall of the 2nd year of the term, and awards presented in the 3rd year of the term. Carried

COMMITTEE OF THE WHOLE – SEPTEMBER 19, 2002

1. **TENDER #02-036 – ADMIRALS ROAD WATERMAIN REPLACEMENT.** It was moved by Councillor Savoie, seconded by Councillor McLean, that Tender #02-036 – Admirals Road Watermain Replacement be awarded to Knappett Industries Ltd., at a cost of \$759,781.32, based on being the overall lowest tender. Carried
2. **APPEAL OF RESIDENTIAL STRATA POLICY – 1261 OSCAR STREET.** It was moved by Councillor Savoie, seconded by Councillor McLean, that the appeal submitted by the owner of 1261

Oscar Street to strata title this building into three strata units be approved and the Director of Engineering be authorized to accept a complete strata title application. Carried

3. **RESIDENTIAL STRATA TITLE APPLICATION – 933 EMPRESS STREET.** It was moved by Councillor Savoie, seconded by Councillor McLean, that the application to strata title the residential building at 933 Empress Avenue into two strata units, be approved. Carried
4. **CAPITAL REGION EMERGENCY SERVICE TELECOMMUNICATIONS (CREST).** It was moved by Councillor Savoie, seconded by Councillor McLean, that the City of Victoria:
 - 1) Receives and approves the 2002 CREST Directors Report.
 - 2) Receives and approves the May 31, 2002 CREST Financial Statements.
 - 3) Approves the re-appointment of KPMG, Chartered Accountants as CREST Auditors.
 - 4) Re-appoints Councillor David McLean to the Board of Capital Region Emergency Service Telecommunications (CREST) Inc.
 - 5) Approves the CREST Special Resolution to amend Sections 12 and 13.2 of the CREST Company Articles as proposed. Carried
5. **OFFER TO PURCHASE – 508 SELKIRK AVENUE.** It was moved by Councillor Savoie, seconded by Councillor McLean, that:
 - 1) the City acquire, under Section 99.1(h) of the Land Title Act, the waterfront portion of the property at 508 Selkirk Avenue from The Land Conservancy for the conservation work on this newly acquired City lot.
 - 2) the City enter into an agreement with The Land Conservancy for the conservation work on this newly acquired City lot. Carried
6. **LANE CLOSURE – CECELIA ROAD.** It was moved by Councillor Savoie, seconded by Councillor McLean, that the road closure bylaw for this property be adopted, and staff be instructed to petition for title in order to close the sale. Carried
7. **LADEROUTE v. CARMEL HOLDINGS LTD. et al.** It was moved by Councillor Savoie, seconded by Councillor McLean, that settlement of the claim under the terms set out in the report of the City Solicitor dated September 13, 2002, be approved. Carried

MOTIONS

PUBLIC HEARING – OCTOBER 10, 2002

It was moved by Councillor Holland, seconded by Councillor McLean, that the following public hearing be held in the Council Chambers, City Hall, on THURSDAY, OCTOBER 10, 2002 AT 7:30 PM:

APPLICATION FOR REZONING OF PROPERTY known as 943 Wilmer Street:

1. ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 653) – No. 02-97:
To rezone land known as 943 Wilmer Street to the R1-S2 Zone, Restricted Small Lot (Two Storey) District to permit the land to be used for a new house on a newly subdivided lot.

New Zone:	R1-S2 Zone, Restricted Small Lot (Two Storey) District
Legal description:	All that part of Lot A, Section 68 and 74, Victoria District, Plan 13149 commencing at the northwestern corner of said Lot A, thence easterly and parallel to the southern boundary of said Lot A for 17.575 metres, thence easterly and parallel to the southern boundary of said Lot A for 14.72 metres, thence northeasterly for 8.77 metres more or less to a corner of said Lot A, thence northeasterly for 15.655 metres more or less to a northeastern corner of said Lot A, thence westerly along the northern boundary of said Lot A for 27.365 metres more or less to the point of commencement.
Existing Zone:	R1-B Zone, Single Family Dwelling District

2. DEVELOPMENT VARIANCE PERMIT RELAXATIONS:

A minor relaxation of the south side yard setback of the existing house is also required. The lot it occupies does not require zoning but approval of a development variance permit is required for its width. This lot has frontage on both Wilmer and Maddison Streets.

A parking space for the new house is proposed in the front yard, and this also requires a development variance permit. Carried

PUBLIC HEARING – OCTOBER 10, 2002

It was moved by Councillor Holland, seconded by Councillor McLean, that the following public hearing be held in the Council Chambers, City Hall, on THURSDAY, OCTOBER 10, 2002 AT 7:30 PM:

APPLICATION FOR REZONING OF PROPERTY known as 324 Kingston Road:

1. ZONING REGULATION BYLAW, AMENDMENT BYLAW (NO. 652) – No 02-62:
To amend regulations for the T-20 Zone, Kingston Transient District, in the Zoning Regulation Bylaw to permit a high-rise boutique hotel.

2. **DEVELOPMENT PERMIT:**

That Council is considering the issuance of a Development Permit in accordance with:

1. Plans stamped "Development Permit 02-28" dated August 7, 2002
2. Development meeting all bylaw requirements with the following relaxations:
Section 5.20.7(a) Setback from Kingston Street from 3.5m to 3.1m
Section 5.20.7(b) Setback from rear property line from 4.0m to 1.4m
3. Review by Advisory Design Panel at Building Permit stage
4. Adjustment to the configuration of the underground parking area and ramps to the satisfaction of the Director of Engineering
5. Final plans to be in accordance with plans identified above with the incorporation of responses to the recommendations of the Advisory Design Panel, the City's Parks Division, the City Engineering Department to the satisfaction of the Director of Planning & Development Carried

It was moved by Councillor Fleming, seconded by Councillor Hughes, that the motion declining the application of 62 Government Street (August 15, 2002 Council Meeting) be **rescinded**.

Carried

It was moved by Councillor Fleming, seconded by Councillor Hughes, that the application of 62 Government Street be referred to the Committee of the Whole. Carried

BYLAWS

INTRODUCTION, SECOND AND THIRD READING

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

Affordable Housing (246 Gorge Road East) Agreement Authorisation Bylaw

02-62

Carried

ADOPTION

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

Temporary Borrowing (Multipurpose Facility) Bylaw

02-100

Carried

QUESTION PERIOD

A question period was held.

ADJOURNMENT

It was moved by Councillor McLean, seconded by Councillor Hughes, that the Council Meeting adjourn.

Time: 8:17 PM.

Carried

CERTIFIED CORRECT:

CORPORATE ADMINISTRATOR

MAYOR OF THE CITY OF VICTORIA