

MINUTES - VICTORIA CITY COUNCIL
MEETING OF THURSDAY, OCTOBER 10, 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 Lunt, seconded by Councillor McLean, 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 19, 2002, be approved. Carried

PROCLAMATIONS

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

Canada's Citizenship Week 2002 – October 14 – October 20, 2002

Housing Affordability Week 2002 – October 14 – October 20, 2002

Waste Reduction Week – October 21 – October 27, 2002

Reel Victoria – A Week in Film – October 22 – October 26, 2002

Carried

PUBLIC HEARING

1. **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:**

Victoria City Council is also considering the following site relaxations:

1. Approval of the following Development Permit relaxation for the existing house concurrent with the rezoning:
Section 1.23 To vary the south side yard setback for the existing house from 2.4m to 1.5m
2. Approval of the following Development Variance Permit for the proposed new house concurrent with rezoning:
Section 1.1.7 To vary the lot width for the new house from 15m to 12.9m
Schedule C
Paragraph 3 To permit a parking space for the new house to be located in the front yard.

CORRESPONDENCE:

One (1) letter was received in support of this application.

PRESENTATIONS:

John Miller – Applicant (943 Wilmer Street): thanked his neighbours for their continued support. Said this application is to create an extra lot. The parking plan has been amended and approved by the Engineering Department. Said they are taking efforts to protect the trees in the yard and their goal is to build a park in the back.

Sandra Baigent (933 Wilmer Street): expressed her support for this development. Had two points for Council: (1) would like the trees protected, and (2) in no way do they want to facilitate future development on this lot.

Sylvia von Schuckmann (925 Wilmer Street): expressed her support for this proposal as it currently stands. Said the trees in that area are very important, as they are a part of the Garry Oak ecosystem. As well, this is the biggest grouping of trees (41 in total). Said Margaret's Grove is also very significant including the native vegetation in the area.

Peter Barchyne (a resident): expressed his support for this application. Said there is a willingness by the owner to protect the trees and work with the City and neighbours.

(1) **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. 653) 02-97
Carried

(2) **Bylaw Motion – Adoption:**

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 653) 02-97
Carried

3. **Development Variance Permit Relaxations:**

It was moved by Councillor Madoff, seconded by Councillor McLean, that the following permits be approved:

1. A Development Permit relaxation for the existing house concurrent with the rezoning:
Section 1.23 To vary the south side yard setback for the existing house from 2.4m to 1.5m
2. A Development Variance Permit for the proposed new house concurrent with rezoning:
Section 1.1.7 To vary the lot width for the new house from 15m to 12.9m
Schedule C
Paragraph 3 To permit a parking space for the new house to be located in the front yard. Carried

2. **APPLICATION FOR REZONING OF PROPERTY known as 324 Kingston Road:**

1. **Zoning Regulation Bylaw, Amendment Bylaw (No. 652) – No. 02-96:**

To amend the regulations for the F20 Zone, Kingston Transient District, in the Zoning Regulation Bylaw to permit a high-rise boutique hotel.

2. **Development Permit Application No. 02-28:**

That Council issue 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(d) 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.

CORRESPONDENCE

Eight (8) letters were received objecting to this application.

Two petitions were received objecting to this application with 32 signatures and 12 signatures.

PRESENTATIONS:

Brian Sikstrom – City Planner: Outlined the previous zoning granted for this property in 2000 saying it was a 60 unit/four storey building with 65 underground parking spaces. The applicant is currently seeking an 80 unit, 10 storey boutique style hotel. They will provide 80 underground parking spaces. The hotel will have a fitness area but no restaurant or lounge. Planning took the following into consideration: efficient community plan; the overall density falls within the guidelines; public art agreement valued at a minimum of \$45,000.00; and review by the Advisory Design Panel and the Advisory Planning Commission.

Robert Westan – Property Owner (198 Slouview Drive, Calgary): Provided an introduction to the company, including its four principals, and their goals for this project. Explained that their company wants to develop in Victoria for many reasons (including the weather, the location, the community). Believes their proposal is suitable for the needs of a growing demographic. Says the hotel is tasteful with West Coast flavour. Realizes the design needs to respect the neighbourhood and that is why their proposal includes a streetscape plan. Prior to their company purchasing this lot, they met with representatives of the community. After they purchased the lot, they were concerned with the current zone/design because the number of proposed rooms could not provide quality and the massing on site would not be friendly to the neighbourhood. It was critical to their company to hire a local architect firm. When they met with Idealink, their companies objectives were: (1) hands-on community consultation process to present and receive information; (2) 80 rooms; (3) quality views; (4) contemporary and unique design; and (5) wouldn't overpower the streets and surrounding neighbourhood. Also stressed that this property is owned by their company and thus, it is not subject to any type of approval.

Christopher Rowe – Architect (300-31 Bastion Square): Discussed the first meeting between Idealink and their client. Thought it would be a challenge to find the best-fit solution, which would meet the needs of a business plan, the community, and the planning context. Said the James Bay Neighbourhood Plan defines this site as a tourist commercial zone. Further, it is currently zoned for a hotel. Their firm also took into consideration why the first proposal did not proceed (poor light and poor views). Used their model to describe the previous proposal. Outlined the neighbourhood concerns with their firms' solution: (1) Height. They did extensive shadowing studies and feel that the L-shaped building with a tower is the best solution. (2) Commercial activity. Said there is no restaurant nor bar in the hotel, which will help reduce the level of activity in and around this proposed hotel. (3) Bus and/or truck traffic. This is an ongoing issue that current hotels face. There is no immediate solution. (4) Spill-over parking. Their plan includes 80 parking spaces. However, many guests will be arriving from the Harbour area or Ogden Point and will thus use a taxi. Said that between 30% and 60% of its parking lot will be used during the busy season. Then proceeded to outline the features of their proposal. The hotel would be setback from Oswego 12m with a low-rise annex for the west side (Kingston street). This creates a significant accessible greenspace area for guests and residents. The passenger drop-off area is off of Oswego. In order to minimize the impact on Harbour Towers, the main tower runs north to south and is parallel to Oswego. From Kingston Street, the tower has minimum frontage and looks elegant, slim and attractive. Stressed that their proposed tower is tiny when compared to Harbour Towers. It is hard to further reduce the size without any negative impact on the hotel. Said they have the support of the James Bay Neighbourhood Association. Detailed the greenspace area in their proposal to include higher quality paving, an information kiosk, benches, thick planting, and a screen structure to assist lighting. Advised this would be a public-use area. Also said their client is open to suggestions in regards to the amenity fund.

Doug McFarland (415 – 405 Quebec Street): His primary concern is the level of noise. There are 20 homes in the Polo Pacific that face Oswego. Believes the reflected sound will create a canyon effect. Said in the past couple of years, there has been an increase in the amount of service traffic. He has always suggested there should be a service entrance off of Kingston Street. Suggested removing one end bay off the west side and sit the tower back 10 feet. This would allow additional space for landscaping and decrease the noise level.

Rob Mallett (219 – 405 Quebec Street): His place faces Oswego Street and his main concern is the emphasis on amenities and landscaping instead of the noise level. Believes a tunneling effect will increase the amount of noise in this area. He is a taxpayer and owner and does not care if the owner makes money on this property. This proposal compromises his interest and should be of serious concern to Council. The issue is more than a business development as we are dealing with the lives of real people. Stressed that the developer does not live here.

Brian Blackburn (405 Quebec Street): Described his nightmare to Council that he woke up and there was a hotel outside his building. Said the condominium unit he lives in was a leaky condo and required a substantial amount to repair it. His biggest concern is sleepless evenings due to the hotel entrance area and garbage pick-up. Said that Council seriously needs to consider the long-term effect on the 20 plus tax payers in the Polo Pacific.

Anne Fletcher (11B – 2820 Harriet Road): Says she is in favour of local people running a business. She defined “local” as a person whose family has resided in BC since the 1800’s. Also said that people are entitled to own and operate tourist businesses; however, if owned by outside people, the money does not stay within BC.

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

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 652) 02-96

Mayor Lowe and Councillors Hughes, Madoff, and Savoie voted against this motion.

(2) **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. 652) 02-96

Mayor Lowe and Councillors Hughes, Madoff, and Savoie voted against this motion.

3. **Development Permit Application No. 02-28:**

It was moved by Councillor Holland, seconded by Councillor McLean, that a Development Permit be issued 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(d) 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

Mayor Lowe and Councillors Hughes, Madoff, and Savoie voted against this motion.

DEVELOPMENT VARIANCE PERMIT HEARING

1. **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. 02-12 FOR PROPERTY known as 122 Superior Street:**

This is an application for a development variance permit to construct a new single family dwelling. The applicant has requested relaxation of the number of storeys; site coverage; front, rear, and side yard setbacks, and minimum site area. The large number of variances are due to the unusual site conditions of this existing subdivided lot.

CORRESPONDENCE:

One (1) letter was received expressing objection to this application.

PRESENTATIONS:

Michael Levin – Praxis Architects: outlined and described the technicalities of the development variance permit and the seven relaxations the applicant is seeking. Said there have been two previous proposals, which were turned down by the Board of Variance. The current scheme attempts to address some concerns raised by the Board of Variance. Says they have met with the neighbours and have amended their original plans to co-operate with some of the neighbour's suggestions. Said that since the original proposal of November 2000, the proposed plan has been significantly decreased. Stated that the house size is not disproportional to the neighbourhood.

Monte Prior (118 Superior Street): expressed his concerns to the application. He is the property owner to the west of 122 Superior Street. The proposed house is only 3 feet away from his property and is concerned about privacy. Also expressed his concerns about safety, especially regarding a fire. Believes that in the unfortunate case of a fire at 122 Superior Street, due to its close proximity to his house, he would be in danger. A few of the main points he wants to speak about: (1) the proposed house is portrayed as a 2½ storey house but it is actually a 3 storey house; (2) the drawings portray his house as being a 3 storey house but it has a staircase in order to access the roof line; and (3) cannot oppose this application, he just dislikes it less than the last one.

It was moved by Councillor Madoff, seconded by Councillor Hughes, that Development Variance Permit #02-12 be issued in accordance with:

1. Plans stamped "Development Variance Permit #02-12" dated August 8, 2002.
2. Development meeting all bylaw requirements with the following variances:

Section 1.2.5(2)	Number of storeys relaxed from 2 to 2½
Section 1.2.6	Site coverage relaxed from 40% to 46.9%
Section 1.2.7	Front yard setback relaxed from 7.5m to 2.4m
Section 1.2.9	Rear yard setback relaxed from 7.5m to 0m (deck) and to 1.2m (building)
Section 1.2.10	Side yard west setback relaxed from 1.5m to 0m
Section 1.2.10	Side yard east setback relaxed from 3.0m to 1.2m
Section 1.2.14	Minimum site area 460m ² relaxed to 125.6m ²
3. Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development. Carried

Councillors Madoff and Savoie voted against this motion.

HERITAGE DESIGNATION HEARINGS

1. **APPLICATION FOR HERITAGE DESIGNATION OF PROPERTY known as 2645 Fernwood Road:**

To designate the house and garage located at 2645 Fernwood Road as protected heritage property.

PRESENTATIONS:

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

(1) Bylaw Motion – Consideration of Third Reading:

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

Heritage Designation (2645 Fernwood Road) Bylaw 02-89

(2) Bylaw Motion – Adoption:

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

Heritage Designation (2645 Fernwood Road) Bylaw 02-89

Councillor Fleming excused himself from the Council Chambers at 9:37 p.m.

2. **APPLICATION FOR HERITAGE DESIGNATION OF PROPERTY known as 525 Fort Street:**

To designate the building located at 525 Fort Street as protected heritage property.

PRESENTATIONS:

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

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

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

Heritage Designation (525 Fort Street) Bylaw 02-90

(2) **Bylaw Motion – Adoption:**

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

Heritage Designation (525 Fort Street) Bylaw 02-90

3. **APPLICATION FOR HERITAGE DESIGNATION OF PROPERTY known as 352 Moss Street:**

To designate the house located at 352 Moss Street as protected heritage property.

PRESENTATIONS:

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

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

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

Heritage Designation (352 Moss Street) Bylaw 02-91

(2) **Bylaw Motion – Adoption:**

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

Heritage Designation (352 Moss Street) Bylaw 02-91

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

Councillors McLean and VandenBerg excused themselves from the Council Chambers at 9:38 p.m.

1. Anne Fletcher – Re: To inquire into the soil removal procedures in the Ross Bay Cemetery. Would like the soil to remain in the cemetery because if outside soil is used, it lowers the standards of the Ross Bay Cemetery. Originally, Ross Bay used its own soil and she would like to see this happen again. Would also like to speak to someone more specifically about this issue.

Councillors McLean and VandenBerg returned to the Council Chambers at 9:39 p.m.

2. Jackie Ackerly – Re: Panhandling Bylaw. This is her last plea for Council to reconsider the panhandling bylaw. There is no justification for “bubble zones” in this bylaw. This bylaw expresses some sort of threat from the street people but emphasized that the perception of a threat is different than that of a physical threat. Also believes this bylaw to be discriminatory by stating that only a specific class of people have to behave in a certain way. We would never consider a bylaw involving only females or natives. Believes this bylaw is a black mark on Victoria and it serves no purpose. The City is willing to discriminate against the most vulnerable people.

Councillor Fleming returned to the Council Chambers at 9:44 p.m.

3. Leon “Ted” Smith – Re: Democracy and the urgency of the meeting with Health Canada. He has been coming to council for the past six months asking for resolution of police harassment towards their organization, the Cannabis Buyers Club. Does not mean to berate Council but at the last meeting, Councillor McLean suggested that he get another issue. He feels that he only needs one issue and that this is a good issue. Said that democracy was created for the people to use against monarchs and tyrannies. Says that he has a history of working with the people for the people and feels very strongly about this. Said that many federal laws have been passed which were inappropriate. He was almost arrested last Tuesday while handing out information. Also said that the panhandling bylaw violates the Charter. As for the meeting with Health Canada, he feels that

there is no serious and honest attempt to seek any resolution. He also thought that the meeting was to be held at a Police Board meeting, not at Council.

Councillor Holland excused herself from the Council Chambers at 9:49 p.m.

4. Lee Morrison – Re: International medical marijuana day. Four points to discuss: (1) comment to Councillor McLean that she is glad Mr. Smith has an issue because the ill need healthy people to help them. (2) Why is the letter to Health Canada dated October 10, 2002? (3) At present, Health Canada has brought cannabis in from the United States as the cannabis grown in Flin Flon is of poor quality. (4) She would like to see support from City Council regarding National Marijuana Day on November 15, 2002.

Councillor Holland returned to the Council Chambers at 9:53 p.m.

5. Minneh Kamau – Re: Make November 15 International Medical Marijuana Day and meeting with Health Canada. When she was on the internet today, did a search for November 15 and discovered that there would be a protest at noon by the White House. This shows an act of civil disobedience and she was happy to see that Canada is in tune with the times. Feels that medical marijuana is an issue of life just like AIDS and Gay Pride. Council needs to stop and listen to its citizens and change our current way of thinking. While she wishes the City had made an effort earlier, she is pleased to see that the City is ready to work with them regarding Health Canada.

Councillor Lunt excused herself from the Council Chambers at 9:56 p.m.

6. Steven Lessvage – Re: Making November 15, 2002 International Medical Marijuana Day. He is a caregiver for a terminally ill individual. Believes that Mr. Smith's actions are an act of compassion. He believes it is important to see where Ted is coming from. His wife suffers from cancer and he purchases marijuana for her. This year, she underwent two operations to assist her cancer recovery.
7. Ryan Schakohl – Re: Make November 15 International Medical Marijuana Day 2002. He is frustrated by the lack of knowledge regarding this issue. Believes that the speech from the Throne is only a short-term solution, which is bound to fail. Mr. Smith is a one-issue man – he wakes-up and lives with this everyday. Mr. Smith represents over 1,000 members. Mr. Smith will display that he is the best candidate.

Councillor Lunt returned to the Council Chambers at 10:02 p.m.

8. Lloyd Martin Re: - Neighbourhood safety including slum landlords, drug dealing, prostitution, and theft. Displayed to Council used syringes found in his neighbourhood. Also presented Council with 261 letters from concerned residents. He has lived in this area for the past 12 years and over the last five years, he has seen a dramatic decrease in the area. He is asking for assistance – he wants solutions, not meetings. There is one building in the area and he would like a letter drafted to the landlord regarding the tenants he houses. Believes the City's drug problem is being dumped into their neighbourhood. He is prepared to fight to move it out of Fernwood.
9. Lyle Acton – Re: Fernwood: A livable community and the Residential Tenancy Act. Says that Council's attitude to the proposed amendments to the Residential Tenancy Act should be positive. The amendment allows landlords to work with the government to prevent any degradation of the neighbourhood. The current Act allows the Residential Tenancy office to be an advocate for tenants, not landlords. We need to understand that 60% of residential property in Victoria is rental and City Council needs to support the landlords.
10. Creole Carmichael – Re: Drugs, crime and prostitution in the Fernwood area. She is a property owner and a taxpayer. There has been a proliferation of crime, drugs and prostitution in the Fernwood area. This area has now been labeled a "low-income neighbourhood" but she feels it is a diverse community. Provided evidence to City Council of the amount of syringes that can be found in the school parks or on the streets. Said there is immediate danger to their children as their kids are solicited by prostitutes, needles are placed upright in children's play areas (including the sand), and drug selling is quite open and obvious. A big part of the problem is the building on Spring & Ridge (bicycle drug couriers, vicious dogs, firearms) and she believes a "turf war" is about to erupt. Also feels that there is an overload of social services in their area including the methadone clinic, the needle exchange on Cormorant and the detox center. Said Fernwood is a community with a real crisis and they would like to establish a community crime watch. However, they need resources and would like the City's help. Said the City has a responsibility for property development in Fernwood and they want their tax dollars to come home.

REPORTS OF THE COMMITTEE

PRIVATE PROPERTY MAINTENANCE COMMITTEE – JULY 11, 2002

1. **2716 ROCK BAY AVENUE.** It was moved by Councillor McLean, seconded by Councillor Hughes, that the City Solicitor be instructed to prepare a demolition bylaw regarding the unauthorized construction for 2716 Rock Bay Avenue. Carried

COMMITTEE OF THE WHOLE – SEPTEMBER 19, 2002

1. **TOURISM VICTORIA – DESTINATION MARKETING COMMISSION.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that the Destination Marketing Commission 2003 Interim Funding Request of \$858,779 to be paid from the 2003 2% Hotel Tax proceeds, be approved. Carried
2. **DEVELOPMENT PERMIT #SL-55 TO REPLACE DEVELOPMENT PERMIT #SL-23 – 1717 FERNWOOD ROAD.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that Development Permit #SL-55 be issued to replace Development Permit #SL-23. Carried
3. **LOCAL PLANNING PARTNERSHIP CONCEPT.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that:
 - 1) Approval not be given to the *Local Planning Partnership Guidelines* dated February 14, 2002, but instead, Council be open to considering and approving specific proposals on their merits if and when they come forward.
 - 2) The Planning division explore work experience programs for planning and architecture students as a means of addressing the backlog in planning projects. Carried
4. **CITY HALL/SEISMIC UPGRADING.** It was moved by Councillor McLean, seconded by Councillor Holland, that the following motion passed at the September 10th, 2002 meeting of the Heritage Advisory Committee, be endorsed in principle and referred to the 2003 budget process:

“Whereas Victoria City Hall is a building of national historic significance as one of the finest surviving examples of the Second Empire style in western Canada;

And whereas, the building could be damaged or destroyed by an earthquake.

Sufficient funds be allocated in the 2003 budget to undertake a detailed architectural and engineering study for the seismic upgrading of the building, and further, sufficient capital funds be allocated to begin a program of seismic upgrading to the building.” Carried
5. **TAX INCENTIVE PROGRAM.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that the Director of Planning & Development be instructed to, in consultation with the Victoria Civic Heritage Trust, develop the terms of reference for the Tax Incentive Program to assist in the redevelopment of uses in downtown heritage buildings in addition to residential. Carried
6. **PERMISSIVE EXEMPTIONS.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that staff be directed to:
 - 1) Prepare a Permissive Exemption Bylaw incorporating the specific changes in the schedules attached to the report dated September 13, 2002, from the Manager, Revenue.
 - 2) Invite representatives of the Bayanihan Community Centre to attend the next meeting of the Finance Committee to discuss their application for tax exemption. Carried
7. **CHURCH TAX EXEMPTIONS.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that staff be directed to prepare an amendment to the Church Tax Exemption Bylaw, to incorporate the changes as outlined in the schedule attached to the report dated September 13, 2002 from the Manger, Revenue. Carried
8. **BEACON HILL PARK.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that the offer received from Mr. Bill Dale to relocate to Beacon Hill Park, his collection of rhododendrons developed by George Fraser, be accepted. Carried
9. **LIQUOR LICENSE APPLICATION – CASABLANCA CAFÉ – 537 HERALD STREET.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that support be given to Class “B” license endorsement to permit patron participation entertainment proposed by Casablanca Café at 537 Herald Street in the City of Victoria, provided:
 - 1) Alcoholic beverage sales cease at 24:00h in all parts of the restaurant and the restaurant closes for business at 00:30h.
 - 2) Confirmation that the applicant has addressed:
 - Possible noise issues with adjacent neighbours;
 - Patron access to Herald/Fisgard Streets from Dragon Alley after the gates are locked. Carried
10. **LIQUOR LICENSE APPLICATION – VICTORIA MULTIPURPOSE FACILITY.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that support be given to RG Properties’ application to the Liquor Control & Licensing Branch for Class “A” and Class “E” liquor licenses for the new Victoria Multipurpose Facility located at 1925 Blanshard Street. Carried

11. **OFFER TO PURCHASE – BUDGET STEEL.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that the City enter into an Agreement of Purchase & Sale with Budget Steel Ltd. (BSL) for those portions of David Street and Pleasant Street as shown on a plan attached to the report dated September 5, 2002 received from the Property Manager, subject to:
1. The City successfully closing the subject streets to traffic and petitioning for title.
 2. A sale price of \$366,000.00.
 3. Consolidation of streets with abutting BSL properties, by BSL.
 4. Registration of blanket statutory rights-of-way for all applicable services, including fire fighting.
 5. BSL indemnifying the City against future environmental claims.
 6. BSL repairing any damage to underground services, caused by BSL, as determined by the City's Engineering Department.
 7. BSL paying for construction of a turnaround at Pleasant Street/Hillside Avenue and curb/gutter at David Street and Turner Street intersections.
 8. Receipt of confirmation that the owners of Point Ellis House have been consulted regarding the sale.
 9. Receipt of further information regarding the possibility of a public access point to the shore immediately adjacent to the Point Ellis property. Carried

COMMITTEE OF THE WHOLE – OCTOBER 3, 2002

1. **DOCKSIDE LAND BUSINESS CASE.** It was moved by Councillor McLean, seconded by Councillor Hughes, that the following recommendations from the Dockside Land Business Case, be endorsed:
- 1) Determine the vision for the Dockside Lands through a value assessment of all aspects, and this form the basis for land use.
 - 2) Develop a communication plan, including a public consultation process, as part of the vision process.
 - 3) Further assess alternate land uses by a full-scale risk and market analysis (financial, environmental, legal, and marketing.)
 - 4) Phase remediation as the sites are sold/leased, (the City negotiates final purchase agreements for the various sites and then commences to remediate that particular site) to achieve the following:
 - a) No significant expenditure of cash for remediation until income is confirmed.
 - b) The City can determine at a later stage how Site 1 should be remediated.
 - c) If Live/Work is determined to be a desired option, the sale of Site 4 first will provide a positive initial cash flow.
 - d) Cost efficiency is achieved through a remediation plan customized to the needs of proposed development.
 - 5) Phase development by the:
 - a) Sale and remediation of Site 1 occurring last, to provide the greatest flexibility and maximize cash flow for the overall project.
 - b) Subdivision of sites to facilitate sale to a broader market, if required.
 - c) Substantial completion of the rezoning process prior to marketing of the properties. Carried

Mayor Lowe excused himself from the Council Chamber at 10:29 p.m. as he has an association with the following application, which may create a conflict of interest.

2. **DEVELOPMENT PERMIT #02-31 – 2200 QUADRA STREET.** It was moved by Councillor Madoff, seconded by Councillor Lunt, that a Development Permit be issued in accordance with:
- 1) Plans stamped "Development Permit #02-31" dated September 19, 2002.
 - 2) Plans meeting all bylaw requirements with the following variances:

Section 3.68.9(2)(a)	Quadra Street setback relaxed from 7.6m to 6.5m
Section 3.68.9(2)(b)	Princess Avenue setback relaxed from 4.8m to 2.4m
Section 3.68.9(2)(d)	North lot line setback relaxed from 5.0m to 3.0m
 - 3) Final plans in accordance with plan identified above to the satisfaction of the Director of Planning & Development. Carried

Mayor Lowe returned to the Council Chamber at 10:30 p.m.

3. **PRELIMINARY REZONING REVIEW (DEVELOPMENT GUIDELINES) 701 TYEE ROAD - RAILYARDS.** It was moved by Councillor McLean, seconded by Councillor Hughes, that the Railyards Development Guidelines be amended in accordance with the recommendations of the Advisory Design Panel at its meeting on September 15, 2002, and this be considered in conjunction with the public hearing for Rezoning Application #02-16. Carried
4. **REQUEST FOR REMOVAL FROM THE HERITAGE REGISTRY – 715 CATHERINE STREET.** It was moved by Councillor McLean, seconded by Councillor Hughes, that, whereas the Heritage Registry house at 715 Catherine Street has historical significance, it not be removed from the City's Heritage Registry. Carried

5. **DEVELOPMENT VARIANCE PERMIT #02-07 – 826 CORMORANT STREET & 831 FISGARD STREET.** It was moved by Councillor McLean, seconded by Councillor Hughes, that:
 - 1) The report dated September 19, 2002 from the Advisory Design Panel regarding Development Variance Permit #02-07 for 826 Cormorant Street & 831 Fisgard Street, be received for information.
 - 2) A public hearing for the application be set for October 24, 2002. Carried

6. **CROSSWALK ON TYEE ROAD.** It was moved by Councillor McLean, seconded by Councillor Hughes, that THE FOLLOWING RECOMMENDATION FROM THE advisory Transportation Committee, be endorsed:

Support be given to the installation of a crosswalk on Tyee Road at Harbour Road when the intersection is signalized, and the design of Triangle Park and boulevard space on Tyee Road be referred to the Parks, Recreation & Community Services Advisory Committee for review.

Carried

7. **PATRON PARTICIPATION ENTERTAINMENT ENDORSEMENT – ROYAL CANADIAN LEGION – 411 GORGE ROAD EAST.** It was moved by Councillor McLean, seconded by Councillor Hughes, that support be given to the granting of a “B” license endorsement to permit patron participation entertainment proposed by The Pro Patria Branch #3, The Royal Canadian Legion, located at 411 Gorge Road East in the City of Victoria, provided:
 - Alcoholic beverage sales cease at 24:00h in the Class “B” licensed area and the dining room closes for business at 00:30h. Carried

8. **PANHANDLING.** It was moved by Councillor Holland, seconded by Councillor Lund, that the provisions of the Streets & Traffic Bylaw dealing with obstructive panhandling be amended as set out in the draft bylaw attached to the report dated July 17, 2002 from the City Solicitor. Carried

Councillors Fleming, Madoff, Savoie and VandenBerg voted against this motion.

9. **MEETING SCHEDULE – COMMITTEE OF THE WHOLE AND COUNCIL.** It was moved by Councillor McLean, seconded by Councillor Hughes, that:
 - 1) A Council meeting be held on November 28, 2002.
 - 2) December 2002 Committee of the Whole meetings be held on the 5th and 12th only.
 - 3) December 2002 Council meeting be held on the 12th only.
 - 4) The regular meeting schedule be resumed on January 9, 2002 with meetings of both Council and Committee of the Whole. Carried

10. **CLEAN AIR RESOLUTION.** It was moved by Councillor McLean, seconded by Councillor Hughes, that:

WHEREAS a high quality of life depends on healthy and sustainable communities;

WHEREAS air pollution threatens quality of life;

WHEREAS exposure to today’s concentrations of fine particulate matter, a major component of smog, increases the risk of premature death, asthma attacks, breathing difficulty, lung cancer and heart attacks;

WHEREAS thousands of Canadians die prematurely each year from air pollution;

WHEREAS health costs from air pollution reaches \$1 billion dollars annually in Ontario alone, according to the Ontario Medical Association;

WHEREAS Canadians need to be fully informed on the state of the air they breathe;

WHEREAS Canadians need to better understand options for cutting air pollution;

WHEREAS it is known that the pollution causing smog can contribute to climate change, and that taking action on clean air will also help protect the climate;

WHEREAS municipal governments must partner with federal and provincial/territorial governments to develop and implement programs and policies to improve air quality;

WHEREAS the 2001 Speech from the Throne made clean air a priority for the Government of Canada;

BE IT RESOLVED THAT the City of Victoria calls on the Government of Canada to accelerate the delivery of its Clean Air Agenda and specifically focus on the need to develop and implement a comprehensive Clean Air Action Plan that will:

- Advance scientific understanding of the link between air pollution and health;
- Provide financial resources to municipal governments for programs that cut smog and climate pollution;

- Ensure Canadians have access to accurate information on the quality of their air and on action they can take to reduce their exposure and their emissions;
- Ensure significant emission reductions from the transportation sector; and
- Partner with provincial/territorial governments to encourage stronger pollution reduction standards for industry and the electric power generation sector.

BE IT FURTHER RESOLVED THAT this resolution be communicated to our Member of Parliament; federal environment, health and finance ministers; provincial finance, health, environment and energy ministers; federal and provincial opposition leaders; community media; and the Federation of Canadian Municipalities. Carried

11. **POLICE BOARD APPOINTMENT.** It was moved by Councillor McLean, seconded by Councillor Hughes, that Maureen Meikle be appointed to the new Victoria Police Board, effective January 1, 2003. Carried

COMMITTEE OF THE WHOLE REPORT – OCTOBER 3, 2002

1. **ADULT CROSSING GUARD GRANT 2002.** It was moved by Councillor Hughes, seconded by Councillor McLean, that stag be authorized to issue the 2002 Adult Crossing Guard grant of \$12,500 to the Victoria Confederation of Parent Advisory Councils. Carried
2. **PROPERTY EXEMPTION – BAYANIHAN SOCIETY.** It was moved by Councillor Hughes, seconded by Councillor McLean, that partial exemption equal to 60% of the improvements and footprint of land be approved under Section 341(2)(k) of the Local Government Act for the Bayanihan Community Centre at 1709 Blanshard, Folio #01516025. Carried
3. **MULTIPURPOSE FACILITY.** It was moved by Councillor Hughes, seconded by Councillor Holland, that staff be instructed to execute the following agreements as presented to Committee of the Whole on October 10, 2002:
 - The Design-Build Contract
 - The Operating Agreement
 - The Guarantee and Security Agreement Carried

MOTIONS

It was moved by Councillor Savoie, seconded by Councillor Madoff, that City Council exercise its due diligence in undertaking and implementing a plan that will address the impacts of the Victoria Centre on the adjacent neighbourhood, funding for which will be referred to the budget process. Carried

BYLAWS

INTRODUCTION AND SECOND READING

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

Zoning Regulation Bylaw, Amendment Bylaw (No. 655)	02-99
Heritage Designation (1923 Fernwood Road) Bylaw	02-102
Heritage Designation (582 St. Charles Street) Bylaw	02-103
Heritage Designation (1250 Rudlin Street) Bylaw	02-104
Heritage Designation (637-649 Fort Street) Bylaw	02-105
	<u>Carried</u>

INTRODUCTION, SECOND AND THIRD READING

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

Tax Exemption (Permissive) Bylaw, 2003	02-106
Church Tax Exemption Bylaw, Amendment Bylaw (No. 9)	02-107

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

Streets and Traffic Bylaw, Amendment Bylaw (No. 52)	02-108
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Carried

Councillors Fleming, Madoff, Savoie and VandenBerg voted against this motion.

Ticket Bylaw, Amendment Bylaw (No. 12)

02-109
Carried

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

Councillor Lunt excused herself from the Council Chamber at 10:41 p.m.

ADOPTION

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

Affordable Housing (246 Gorge Road East) Agreement Authorization Bylaw

02-62
Carried

Councillor Vandenberg excused himself from the Council Chamber at 10:42 p.m.

QUESTION PERIOD

A question period was held.

Councillor Vandenberg returned to the Council Chamber at 10:43 p.m.

ADJOURNMENT

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

Time: 10:44 PM.

Carried

CERTIFIED CORRECT:

CORPORATE ADMINISTRATOR

MAYOR OF THE CITY OF VICTORIA