

**MINUTES - VICTORIA CITY COUNCIL**  
**MEETING OF THURSDAY, OCTOBER 24, 2002 AT 7:00 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

**PRESENTATIONS – HONOURARY CITIZEN AWARDS**

Mayor Lowe presented the following citizens of Victoria with Honourary Citizen Awards:

**JANET BAIRD**

Janet M. Baird is a strong leader in voluntary community work involving social policies. She has led a very active and productive life in the community of Greater Victoria since she arrived in 1968. Amongst her many contributions, she was a member of the Victoria City Council for nine years, chair of the Camosun College Board of Governors, founding chair of the Camosun College Foundation, the Victoria FreeNet Association and the Greater Victoria Library Foundation. She has chaired the Salvation Army Red Shield Appeal, the consultative planning symposium called "Visions Victoria" and the Board of the Maritime Museum of British Columbia. She has also served as a director on the Capital Regional District and the Victoria Police Board. She was the founding chair in 1988 of the Vancouver Island Advanced Technology Centre, continuing in that role for 13 years. Currently she is the Returning Officer for the Federal riding of Victoria, the Deputy District Electoral Officer for the Provincial riding of Oak Bay Gordon Head, and the vice chair of the Campaign Team raising funds for Royal Roads University. She is also the 2002 recipient of the Royal Roads Community Service Award.

**JESSE DILLARD**

Jesse Dillard is a unique personification of multi-culturalism. Over the past 3 decades, he has selflessly given up many hours of paid work to donate his time to voluntary community work. As one of the modern black pioneers in Victoria, he paved the way for the black community to preserve a sense of their history. He was the Executive Director of the National Black Coalition of Canada and successfully unified different groups and nationalities to work for the common good. His community work has involved being a founding member of the Victoria Black People's Society, a founding member of the Gorge Waterway Committee, a former member of the Parks Committee, past President of the Victoria A.M. Tourist Association and a former member of the Victoria Police Board, which included the Provincial Board and National Board. He is presently a member of the Victoria West Community Association and a board member with the Victoria A.M. Tourist Association. His dedication, generosity, warmth, and soul are beautiful gifts for the City of Victoria and all the lives that he has touched.

**ANN GEDDES**

Ann Geddes is an outstanding humanitarian in voluntary community work and a true visionary in the field of social health. She was instrumental in the establishment of the "Best Babies Program" and in the reorganization of health-related services for the Ministry of Children and Families. As past President of the British Columbia Public Health Association, she has raised the public's awareness that personal health and the health of a community are strongly linked. She has found ways to influence government policies and programs to promote active living, good nutrition, support to parents and babies, and assistance for disabled and elderly people. Her insight into the quality of life for the people of this community resulted in the publication of the book *Quality of Life in BC's Capital Region*, which marked the beginning of the Quality of Life Challenge. She was the President of the Board of Community Council and a member of the Steering Committee for the first Community Celebration. Currently Ms Geddes is the Chair, and on the board of, the James Bay Community Project. She is also the interim Co-Chair of the new Island Regional Service for children and families.

**DAPHNE GOODE**

Daphne Goode is an outstanding and dynamic role model who has dedicated over 30 years to her profession in communication and voluntary community work. She continues to work actively and passionately on behalf of our community. She has tirelessly mentored young people and assisted with many worthy charities in Victoria and beyond. She has served in a wide variety of roles: as a board member of Divorce Lifeline; Volunteer Coordinator at the McPherson Foundation (20 years); Belfry Theatre volunteer; Board Member of The Art Gallery of Greater Victoria; Communications Co-chair and member of The United Way; member of the Commonwealth Games Board of Governors Volunteer Committee; member of The David Foster Foundation volunteer committee; appointee to the Greater Victoria Arts Commission; panel judge for the CFA Community Awards; volunteer with the Victoria Conservatory of Music Sound Foundation committee and Chair of the Women of Distinction Program Committee. Over the years, she has promoted and supported opportunities for equality and social justice for women and groups in need of funding such as the Transition House, Multiple Sclerosis Society, Women in Need Society, Hill House and Status of Women Action group. Her strong commitment and deep roots in this community, coupled with her sensitivity and understanding of its people and issues have made her a valuable resource, reporter and leader. She is a chartered member of the BC Lions Society for Disabled Children's Timmy's Telethon and one of the appointees on the Ours Forever Committee of The Land Conservancy of British Columbia. In highlighting some of her many contributions, she has been recognized as a Regional Award winner for The Canadian Cable Television Association, winner of the ICA Canada Day Award, the BC Lions Society Ability Award, the CFA Arts Merit Award, and the Women of Distinction Award for excellence in communications and public relations.

### **BARBARA HAGER**

Barbara Hager has shown remarkable leadership in the fields of Arts & Culture and First Nations through her many significant accomplishments. Her extensive experience in the areas of arts, museum and heritage administration through previous positions with the Royal BC Museum, Victoria Native Friendship Centre, Aboriginal arts and language foundations, and municipal governments has allowed her to effectively act as an ambassador for First Nations and Arts & Culture. She was the Vice-President of the Victoria Native Friendship Centre and a board member of the BC Museums Association and the Indigenous Arts Service Organization. She is a Cree-Metis writer who has written for many national publications. She is the author of two books -- Honour Song, a collection of profiles of Aboriginal leaders, and On Her Way, a biography of singer Shania Twain. Currently, she is also the producer and host of the New Canoe, an Aboriginal arts and cultural television program broadcast on The New VI.

### **BARBARA HOUSSER**

For more than 25 years, Barbara Houser has been an ardent and exceptional volunteer in our community. As the owner of Sam's Deli, she supports the local economy, and has provided training and long-term employment to hundreds of university students and other young Victorians. She has been Vice-President of the Junior Service League of Victoria; the founding Chair of Christmas at Craigdarroch; a Governor of Glenlyon School; President of the Royal and McPherson Theatre Society; and a member of the Pacific Opera Victoria Board and the U-Vic Downtown Advisory Board. She chaired the Our Millennium Committee, and spearheaded the "Smile-Ennium" campaign, a local initiative aimed at making Victoria a friendlier place. She has served as a volunteer for the Greater Victoria Music Festival, the Royal Jubilee Hospital, and the Belfry Theatre. Barbara is an Honourary Governor of the Victoria Foundation and sits on the Foundation's Community Grants Committee. In addition, she is a member of the Salvation Army Advisory Board, a Governor of Shawnigan Lake School, and is on the Board of the Canadian College of the Performing Arts. Her awards include Victoria Businesswoman of the Year for 1995, and Restaurateur of the Year for 1998.

### **WILLIAM STEWART JOHNSTON**

Stewart Johnston is a true professional and a determined volunteer who has steadfastly donated his time, knowledge, and experience from his profession as a lawyer to enhance the community. A great visionary, he made a historic contribution to negotiations involving First Nations for transfer of federally owned harbour assets to a local authority and supervised the project to completion. He is the chair of The Greater Victoria Harbour Authority, a director of the Victoria/Esquimalt Harbour Society, Tourism Victoria, the Greater Victoria Chamber of Commerce, and Art Gallery of Greater Victoria. He is also a past President of Tourism Victoria. He served as Co-chair of the Tourism Working Group of the Pacific North West Economic Region and as Chair of the Victoria/Esquimalt Harbour Divestiture Partnership. He has served on the boards of the Youth Employment Project, Camosun College Foundation, David Foster Celebrity Softball Society, Victoria Bar Association, the advisory boards of the Victoria Foundation, the Post Polio Awareness and Support Society, the City of Victoria's Transportation Advisory Committee, and the Mayor's Task Force on downtown issues.

### **BARBARA McLINTOCK**

Barbara McLintock is an award winning investigative journalist and a strong, dedicated advocate for local community work. Many people know Ms McLintock as the Victoria Bureau Chief for the Province newspaper, and as the author of a best-selling book "Anorexia's Fallen Angel" that exposed problems with the local Montreux eating disorder clinic. However, few are aware that Ms McLintock is also a very active and zealous volunteer with a myriad of community groups, especially those that assist children and young people. She was instrumental in the creation of a task force that worked to find ways to help street youth turn their lives around. She is also a past Director of the Greater Victoria United Way. She is a founding member of "CRATSEY" – the Capital Region Action Team on Sexually Exploited Youth; sits on the CRD Traffic Safety Commission; is a Director of both Greater Victoria Boys & Girls Club Services and the Victoria Law Society; and is a district Co-Commissioner for the Girl Guides. As a founding member of the Greater Victoria Emergency Preparedness Society, Ms McLintock was instrumental in the staging of both the "Big One At One" earthquake preparedness event three years ago, and an event last month that honoured the heroes of 9-11. Ms McLintock's balanced but frank reporting has earned her the respect of politicians of all stripes and at all levels, as well as that of her peers. Articles by Ms McLintock have appeared in Chatelaine, People, BC Business and Canadian Lawyer. She co-authored a chapter in a political science textbook that is in use at British Columbia Universities. She is the recipient of the British Columbia Newspaper Foundation's Award for Best News Story, the Canadian Association of Journalists' National Award for Best Investigative Reporting, and the RCMP Deputy Commissioner's Commendation for her participation in the first Vision Quest fund-raising Canoe journey down the coast.

### **STEPHEN JOHN NASH**

An outstanding athlete, Steve Nash has achieved superstar status as a professional basketball player. He is currently enjoying a remarkable career with the Dallas Mavericks as #13 and was the first Canadian to play in the NBA all-star game in February 2002. He is nationally and internationally known as a person from and for the City of Victoria. He has participated in many charity events locally and internationally. He supports Big Brothers, the Dallas Youth Recycling Program and the Cancer Society and is generous with his time and money. He donates \$30,000 a year to fund youth basketball programs in British Columbia. He is a great role model for youths and has participated in making a video of basketball skills for children to make them more interested in sports, with the monetary proceeds from the video going to the Kids Help Phone. He was actively involved in a campaign to raise awareness and funds for research into MIPS (Muchopolysacharridosis) in support of a school friend. He graciously donated \$10,000.00 to help make the new basketball court in Victoria West a reality. He also signed bowls for the Souper Bowls of Hope this year.

### **ALEXANDER NELSON**

A proud member of the Musgamagw-Tsawataineuk First Nation, Alexander Nelson maintains a strong connection to his family, community, heritage and culture. He and his family have resided in Victoria for the past 30 years. His strong cultural background has been reinforced by his family's potlatch ceremonies. He is one of the founders of the Aboriginal Sports & Recreation Association of British Columbia, a founder of the National Aboriginal Sports Circle, and is one of the founders of the Kwagwiltz Urban Suicide Prevention and Intervention Group. He was the first Chairperson for the North American Indigenous Games. He is the Chair of the North American Indigenous Games Council, a board member for the Native Participation Committee for the 15th Commonwealth Games, and a current member of the Minister's Sport & Recreation Advisory Council of the Provincial Government. He was involved as the Executive Director at the 1997 North American Indigenous Games in Victoria, and served as a Chef de Mission for the 1993, 1995, 2002 Team B.C. As Executive Director of the Victoria Native Friendship Centre, he delivered the 1986 National Association of Friendship Centres Conference to 500 delegates. He was instrumental in establishing reporting relations with the First Nations Summit Group and Friendship Centres, routinely conducts community and self-help suicide prevention workshops, and remains on call 24 hours a day. As a member of the UVic Resolutions Committee, Alex continues to deliver lectures and workshops on aboriginal issues to universities, high schools, communities and conferences, and performs master of ceremonies duties as well. He took six hundred young athletes to Winnipeg on July 27<sup>th</sup> to compete in this year's North American Indigenous Games. His many awards include the Queen's 125<sup>th</sup> Commemorative Medal for Community Services, the 1998 C-FAX Runner-up Sports Person Community Award, and the 1998 Victoria Sports Leader of the Year Award. A rare jewel in the sphere of sports and the First Nations community, his motto is "*My responsibility is to give to the next generation what sports has given to me.*"

### **ANDREW J. PETTER**

Andrew Petter is a leader in heritage and environmental preservation, with an illustrious and remarkable political career. He is Dean of Law at the University of Victoria. His major fields of interest are constitutional law, civil liberties, and legislative and regulatory processes. He has written extensively on these topics and has contributed chapters to several works on constitutional law. From 1991 to 2001, Andrew Petter served as Member of the Legislative Assembly of British Columbia for Saanich South and held numerous cabinet portfolios, including Attorney General, Minister of Advanced Education and Minister of Forests. Throughout these years, he also served as Minister responsible for the Provincial Capital Commission. In these many capacities, he always had the Capital Region's best interests at heart and devoted his energies to enhancing our quality of life through the designation of parks, preservation of key heritage sites, development of the Galloping Goose Trail and protection of the region's water supply. Due in great part to his dedication and efforts, St. Ann's Academy was restored, its grounds protected and a Garry Oak meadow preserved to establish a continuous greenway from Beacon Hill Park to the Inner Harbour. Through these projects and others, Andrew Petter has created a legacy that serves the citizens of Victoria and will benefit future generations.

### **WILLIAM CHARLES TURNER**

A native of the City of Victoria, William Charles Turner is an exemplary leader in the field of land conservation. For over a decade, he has donated his talent and his time to inspire and educate various individuals and groups to participate in the protection of areas needed for natural communities to survive; to secure areas of scientific, historical, cultural, scenic, or compatible recreational value; and to protect vast areas of environmentally sensitive lands and waterways throughout the Greater Victoria Region, British Columbia and Canada. In 1994, he became a volunteer with The Nature Conservancy of Canada. In 1997 he founded The Land Conservancy of British Columbia, which was fashioned after the National Trust of England, and is currently the Executive Director and Chair of the Board. He is also the Chair of the Board at the Land Trust Alliance of British Columbia, Chair of the South Okanagan Similkameen Conservation Program, a board member of the Veins of Life Watershed Society and a board member of the Saanich Inlet Protection Society. He is a past member and past chair of the Provincial Capital Commission Greenways Advisory Committee and a past board member of Tourism Victoria. Mr. Turner is a recipient of the Accredited Land Consultant Designation.

### **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 Hughes, that the minutes of the regular Council meeting of October 10, 2002, be approved. Carried

## PROCLAMATIONS

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

Veteran's Week – November 5 – 11, 2002

Kristallnact Days – November 9 and 10, 2002

Carried

## DEVELOPMENT VARIANCE PERMIT HEARINGS

### 1. **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. 02-05 FOR PROPERTY known as 1925 Blanshard Street:**

#### A. **Development Variance Permit No. 02-05:**

This is an application to construct a new 7,000 seat Multipurpose Facility to replace the existing Memorial Arena on the northeast corner of Blanshard and Caledonia Streets. The new facility, with a dome shaped roof, is oriented at an angle to the Blanshard Street alignment to create a corner plaza and grand entrance to the facility. A portion of Dowler Place south of Pembroke Street will be included in the overall site.

#### CORRESPONDENCE:

There were no letters received regarding this matter.

#### PRESENTATIONS:

Dennis Oliver (303 – 1235 Balmoral Street): expressed his objection to this application. He stated that he realizes that there is a need for an arena; however, Council has their priorities wrong. Said sewage should be a top priority as it is still being dumped into the ocean.

#### B. **Motion:**

It was moved by Councillor McLean, seconded by Councillor Lunt, that the following permit be approved:

- 1) Plans stamped "Development Variance Permit #02-05" dated September 25, 2002.
- 2) Development meeting all bylaw requirements with the following variances:

Section Introduction #9	Number of buildings on lot relaxed from 1 to 3 buildings
Section 4.1.4	Blanshard Street setback relaxed from 6m to 4.6m
Section 4.1.3	Height relaxed from 12m to 24m
Schedule C	Parking relaxed from 947 spaces to 330 spaces
- 3) Site consolidation to include a portion of Dowler Place south of Pembroke Street.
- 4) Review by Advisory Design Panel prior to Building Permit stage.
- 5) Review by Crime Prevention Through Environment Design prior to Building Permit stage.
- 6) Review landscaping and planting plan with City Parks Division prior to Building Permit stage.
- 7) Final plans in accordance with plans identified above incorporating responses to Advisory Design Panel's recommendation to the satisfaction of the Director of Planning & Development.

Carried

### 2. **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. 02-05 FOR PROPERTY known as 826 Cormorant Street/831 Fisgard Street:**

#### A. **Development Variance Permit No. 02-07:**

This is an application for a development variance permit to construct a four storey building with ground floor commercial and residential upper floors (30 units). A freestanding residential unit/caretaker unit fronts onto Fisgard Street and 23 underground parking stalls are provided. The proposal also includes a 70m<sup>2</sup> expansion of Peterec's Kickboxing facility.

#### CORRESPONDENCE:

Two (2) letters were received supporting this application.

#### PRESENTATIONS:

Mr. Doug Koch – Manager, Planning & Development: Outlined the amendment to the motion at the end of section #3.

Ms. Jill Savage – Chair of Pacifica Housing: For the past 11 years, she has been working in the non-profit community. Pacifica Housing is a non-profit company that manages over 500 housing units. Stated they also provide housing for those individuals who require minimal care. This may be their last development. They have raised \$350,000.00 in donations. Believes affordable housing is about people and the community. Each housing unit will not exceed 30% of an individual's annual income. The community needs safe and affordable housing. This project serves the present needs of the community rather than its perceived future needs. After their first meeting with the Advisory Design Panel, they made a number of changes and she feels the current plan falls within the Advisory Design Panels recommendations.

Ms. Betty Gibbens (933 Convent Place): Wanted to know where the path and parking lot were to be placed and whether the courtyard would be landscaped. Said this is only a 60 foot wide lot and it will be terribly packed. Said that Council needs to think in terms of not allowing setbacks if they are not within the zoning parameters. Otherwise, it is a waste of time.

Mr. Chris Travis (1702 Quadra Street): Expressed his objection to this application. He represents the owner of a two storey apartment building at 862 Fisgard Street (corner of Fisgard and Quadra). His main concerns were: (1) not consulted by anyone during the application process. As it will have a direct impact on the area, he feels he should have been consulted. (2) The applicant is seeking large relaxations and, if granted, it will create too much density. Also believes there will be no room for any entrances/exits. (3) Says that 19 parking spaces isn't enough as there is very little parking available in the area. Said that while it is important for low income housing to be built in the City, it will create too much density for the area.

Mr. Gerald Hartwig (3510 Cardiff Place): Expressed his support for this application. Says Pacifica and the architect have worked very hard on this project for the past 2 ½ years.

Mr. Eric Barker - Architect: Outlined some of the changes they have made to their plans. Said the courtyard would be on the East side of the property. The ground floor would be pulled in a little to provide more distance from those suites to the road. They have removed one wing for security and lighting reasons. Discussed the proposed walkway saying that Peterec's Kickboxing facility requires two exits.

Mr. Dennis Oliver (303 – 1235 Balmoral Street): Expressed his objection to this application. Does not believe they have worked hard on this project as all four sides are being relaxed to 0m. Believes they have not worked within the guidelines and the building is far too large.

**B. Motion:**

It was moved by Councillor Madoof, seconded by Councillor Lunt, that a Development Permit be issued in accordance with:

1. Plans stamped "Development Variance Permit 02-27" dated October 11, 2002.
2. Development meeting all bylaw requirements with the following relaxations:
  - Section 3.7.5 Site coverage maximum 50% relaxed to 77%
  - Section 3.7.9 Setback from Cormorant Street 4.5m relaxed to 0m
  - Section 3.7.9 Setback from Fisgard Street 4.5m relaxed to 0m
  - Section 3.7.10 Setback from east lot line 6m relaxed to 0m
  - Section 3.7.10 Setback from west lot line 6m relaxed to 0m
  - Section 3.7.7 Open space requirement from 40% be relaxed to 23%, noting that some area is partially covered
  - Section 3.7.6 Relax the maximum site coverage of 38% related to FSR of 2.8"1 to 77%
3. The following items to be implemented to the satisfaction of the Director of Engineering:
  - Dissolution of the existing strata arrangement
  - Arrangement of easement for exiting and parking
  - Discharge of existing covenant applicable to the property
  - Adjustment of configuration of parking arrangement
  - Issuance and registration of Development Variance Permit is subject to conclusion of severance of the site into 2 fee-simple parcels, one for Peterec Kickboxing and the other for Pacifica Housing
  - Staff arrange to de-register the Development Variance Permit 98-03 (previously approved but expired May 2000) from the Land Registry. The de-registration is to take place concurrently with the registration of the new Development Variance Permit #02-27.
4. Review with Crime Prevention Through Environmental Design (CPTED) on safety and security issues.
5. Location of trees to be adjusted to the satisfaction of the City Parks Division.

6. Final plans to be in accordance with plans identified above with the incorporation of responses to recommendations from the Advisory Design Panel, Advisory Transportation Committee and Cycling Advisory Committee to the satisfaction of the Director of Planning & Development and Director of Engineering. Carried

3. **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. 02-17 FOR PROPERTY known as 35 Cook Street:**

A. **Development Variance Permit No. 02-17:**

This is an application to redevelop the existing 9 suite apartment building by adding a penthouse suite on the roof. Variances are required for site coverage and minimum site area.

CORRESPONDENCE:

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

PRESENTATIONS:

Mr. Nigel Banks – Architect: Stated that the requested variances are required for legal conformity, not for the size of the proposed development. Said the applicants attended a meeting with the Community Association to present their plan. They received no objections at that point. Said that the owners/applicants had two choices: (1) redesign the building and rezone to increase the number of units; or (2) build a penthouse. He said the applicants intend to reside in this suite and may consider redesigning the building at some later date. The applicants will provide removable plants for the penthouse level.

Ms. Cornelia Lang (25 Cook Street): Expressed her objection to this application. She met the new owners and is delighted they will be living on the premises. Said the original owner lived there for forty years and then investors took over the building. The applicants then approached them to get support for a four-foot variance. They signed the form not realizing that they had a say about the penthouse.

Ms. Betty Gibbens (933 Convent Place): Expressed her objection to this application. She often walks through this area and shops in the village. Said most buildings have character but this one is non-conforming. Believes Cook Street should remain a character area and that buildings should not be built higher nor should they have additions built around them. Said there is a reduction of greenspace when we should be trying to increase greenspace. She said if Council allows this application, more will follow.

Mr. Carey Lang (25 Cook Street): Expressed his objection to the application. He is thrilled to have the owner's living next door. Admits the building is not the most attractive one and he hoped it would be redeveloped.

B. **Motion:**

It was moved by Councillor Madoff, seconded by Councillor Lunt, that a Development Permit be issued in accordance with:

1. Plans stamped "Development Variance Permit #02-17" dated June 13, 2002.
2. Plans meeting all bylaw requirements with the following variances:  
Section 3.3.4 Site coverage for 3 storeys relaxed from 30% to 40.6%  
Section 3.3.9 Minimum site area relaxed from 920m<sup>2</sup> to 908m<sup>2</sup>
3. Final plans in accordance with plans identified above to the satisfaction of the Director of Planning & Development.
4. That the roof fascia board on the new addition match the existing. Lost

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

**Councillor Fleming excused himself from the Council Chamber at 8:31 p.m.**

4. **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. 02-26 FOR PROPERTY known as 312 Niagara Street:**

A. **Development Variance Permit No. 02-26:**

This is an application for a development variance permit to allow reconstruction of the existing house. The proposal includes the renovation of the existing house and an addition of a second floor. All the work is confined to the area and location of the existing house foundation.

CORRESPONDENCE:

Two (2) letters were received supporting this application.

Five (5) letters were received objecting to this application.

PRESENTATIONS:

Mr. Barry Horn – Architect: Referred Council to letters received from the neighbours supporting this application. Outlined the requested variances for the front and rear yard and height requirements. Original application was denied last February so they reworked their plans to meet with the Board of Variance's suggestions. Then took the application to the James Bay Neighbourhood and Environment Association and received a majority vote in the applicant's favour. It is an old house that needs to be rebuilt in order to keep the essence of the community. Said the size of the house will be comparable to its neighbours. Discussed the trees that will be removed (especially the poplar on the NW corner).

**Councillor Fleming returned to the Council Chambers at 8:35 p.m.**

Ms. Beverly Horn (322 Niagara Street): Expressed her support for this application. She has been living in James Bay for eleven years. In this time, a number of homes have been built – all different but they have added to the area. Believes rebuilding this house will be a wonderful improvement to the area and will help keep James Bay a residential area.

Mr. Chris Travis (1702 Quadra Street): Expressed his objection to this application. He and his father have owned 315/317 Beckley Avenue since the 1970s. It is a side-by-side duplex and they have long-term tenants. The current proposal will have a direct impact on their property and tenants. Believes the problem is the front and rear setbacks – it will create too much house for the lot. Says the development will cut-out his property's natural light and privacy (which leads to a loss of enjoyment). Said this house is being built as a speculation home for resale. Admits the present home requires repairs (the yard and the exterior) and that it should be renovated, not redeveloped.

Ms. Laurie Neuman (317 Beckley Avenue): Expressed her objection to this application. She has opposed this development since last year. Her property would lose natural daylight. The side yard would get a limited amount of sunshine. She will also lose privacy in her bathroom and kitchen. Believes the area is overdeveloped and advised that the last original existing house was built in the early 1900s.

Ms. Susan Brooster (315 Beckley Avenue): Expressed her objection to this application. The proposed house will block all her daylight. She has a garden and finds gardening a good way to relieve stress. Said the applicant has the option of building a basement. Believes the residents should have priority over the developer.

**B. Motion:**

It was moved by Councillor Madoff, seconded by Councillor Lunt, that a Development Permit be issued in accordance with:

1. Plans stamped "Development Variance Permit #02-26" dated August 8, 2002.
2. Development meeting all bylaw requirements with the following relaxations:  
Section 1.2.7 Front yard setback 7.5m relaxed to 3.7m  
Section 1.2.9 Rear yard setback 7.5m relaxed to 2.18m
3. Final plans to be in accordance with plan identified above to the satisfaction of the Director of Planning & Development. Lost

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

**HERITAGE DESIGNATION HEARINGS**

**1. APPLICATION FOR HERITAGE DESIGNATION OF PROPERTY known as 1923 Fernwood Road:**

To designate the building located at 1923 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 Fleming, seconded by Councillor Savoie, that the following bylaw **be given third reading**:

Heritage Designation (1923 Fernwood Road) Bylaw 02-102

(2) **Bylaw Motion – Adoption:**

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

Heritage Designation (1923 Fernwood Road) Bylaw 02-102

2. **APPLICATION FOR HERITAGE DESIGNATION OF PROPERTY known as 582 St. Charles Street:**

To designate the house, “Riffham”, located at 582 St. Charles 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 Savoie, seconded by Councillor McLean, that the following bylaw **be given third reading**:

Heritage Designation (582 St. Charles Street (Riffham)) Bylaw 02-103

(2) **Bylaw Motion – Adoption:**

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

Heritage Designation (582 St. Charles Street (Riffham)) Bylaw 02-103

3. **APPLICATION FOR HERITAGE DESIGNATION OF PROPERTY known as 1250 Rudlin Street:**

To designate the house located at 1250 Rudlin 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 Hughes, that the following bylaw **be given third reading**:

Heritage Designation (1250 Rudlin Street) Bylaw 02-104

(2) **Bylaw Motion – Adoption:**

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

Heritage Designation (1250 Rudlin Street) Bylaw 02-104

**Councillor Fleming excused himself from the Council Chambers at 9:07 p.m.**

4. **APPLICATION FOR HERITAGE DESIGNATION OF PROPERTY known as 637-649 Fort Street:**

To designate the house located at 637-649 Fort 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 Hughes, that the following bylaw **be given third reading:**

Heritage Designation (637-649 Fort Street) Bylaw

02-105

(2) **Bylaw Motion – Adoption:**

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

Heritage Designation (637-649 Fort Street) Bylaw 02-105

**Councillor Fleming returned to the Council Chambers at 9:08 p.m.**

**HEARINGS – REQUESTS TO ADDRESS COUNCIL**

It was moved by Councillor Madoff, seconded by Councillor McLean, that the following speaker be permitted to address Council. Carried

1. Leon “Ted” Smith – Re: Health Canada meeting, youth and drugs. Thanked Council for the opportunity to speak. Inquired into the progress of arranging a meeting between Victoria City Council and Health Canada. He has only received correspondence recently and was informed by the Mayor that past communications took place over the phone. Mr. Smith thought the form of the meeting would involve the Police Board, Council and Committee of the Whole. He would like to see a full debate for this meeting. Discussed the panhandling bylaw and said that it will penalize innocent people. Said that Council is creating a crime, much like the drug war they created with the implementation of laws. Said we do not need drug laws nor a panhandling law.

**UNFINISHED BUSINESS**

It was moved by Councillor McLean, seconded by Councillor Hughes, that Council rescind third reading to Bylaw No. 02-107. Carried

It was moved by Councillor McLean, seconded by Councillor Hughes, that Council amend Bylaw No. 02-107 by adding the following:

“63) Bayanihan Cultural Housing Society

63) 60% of the improvements of land described as Lot 30, Suburban Lot 3, Victoria City (1709 Blanshard Street) Tax Roll #01-516-025.”

Carried

It was moved by Councillor McLean, seconded by Councillor Hughes, that Council give third reading to Bylaw No. 02-107 as amended. Carried

**REPORTS OF THE COMMITTEE**

**COMMITTEE OF THE WHOLE – October 3, 2002**

1. **DEVELOPMENT PERMIT APPLICATION #02-32 – 1479 WESTALL AVENUE.** It was moved by Councillor Fleming, seconded by Councillor Hughes, that a Development Permit be issued in accordance with:
  - 1) Plans stamped “Development Permit Application #02-32” dated September 13, 2002.
  - 2) Development meeting all bylaw requirements with the following variances:
    - Section 2.1.4(l)(b)(ii) Setback to flanking street relaxed from 7.5m to 5.4m
    - Section 2.1.3(b) Allow a two storey plus basement building
    - Section 2.1.5(3)(m) Rear yard setback reduced from 12.8m to 9.3m
  - 3) Final plans in accordance with plans identified above to the satisfaction of the Director of Planning & Development.
  - 4) A fully dimensioned parking and access plan to the satisfaction of the Director of Engineering. Carried

**COMMITTEE OF THE WHOLE – OCTOBER 10, 2002**

1. **DEVELOPMENT PERMIT #02-25 – 1234 WHARF STREET.** It was moved by Councillor Madoff, seconded by Councillor Hughes, that a Development Permit be issued in accordance with:
  - 1) Plans stamped “Development Permit #02-25” dated July 31, 2002.
  - 2) Development meeting all bylaw requirements with the following variance:
    - Section 8.21.5 Setback from high water mark relaxed from 7.5m to 3m

- 3) Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development. Carried

2. **CORRECTIONS TO ASSESSMENT ROLLS.** It was moved by Councillor Madoff, seconded by Councillor Hughes, that the assessment variations to Supplementary Rolls #14 for 2001, and #3, #4, and #5 for 2002 as outlined in the memorandum dated September 30, 2002, from the Director of Finance, be approved. Carried

3. **2% HOTEL TAX.** It was moved by Councillor Madoff, seconded by Councillor Hughes, that:

Whereas the City of Victoria, under the Hotel Room Tax Act, levies a 2% Hotel Room Tax in respect of accommodation within the City of Victoria, which can by legislation be expended on Conference Centre marketing and tourism promotion, projects and programs, and,

Whereas the City of Victoria agreed in 1099 to establish a Destination Marketing Commission under the auspice of Tourism Victoria for tourism promotion, which is funded with the proceeds of the hotel tax less an amount set aside for the Victoria Conference Centre for marketing purposes, which as of 1993 was capped at \$400, 000 plus C.P.I., and,

Whereas the growth in the hotel tax from 1989 (\$1.2 million) to 2001 (\$2.5 million) was \$1.3 million which equates to an 8.7% average annual increase with Tourism Victoria's share in that period increasing by \$1.1 million from \$.9 million to \$2.0 million, and,

Whereas the City of Victoria has identified a need to address future financial challenges related to tourism projects and programs other than the Conference Centre marketing and the tourism promotion through the Destination Marketing Commission,

Be it resolved that:

- 1) The Victoria Conference Centre Advisory Committee be re-established.
  - 2) A Mayor's Blue Ribbon Committee be established to:
    - a) Develop terms of reference for the Victoria Conference Centre Advisory Committee, and
    - b) Advise on the available options for tourism projects and programs.
  - 3) The mandate of the Mayor's Blue Ribbon Committee would include but not be limited to the following:
    - a) Engaging a consultant to identify options in expanding the Victoria Conference Centre, including the cost and benefits;
    - b) Engaging a consultant to identify the Return of Investment (R.O.I.) on the dollars spent on marketing the Conference Centre, tourism promotion through the Destination Marketing Commission, and/or other options that would be considered tourism projects and programs including a review of present and future funding options to ensure Victoria's tourism industry is competitive.
    - c) Engaging a consultant to conduct a "value for money" audit on the operations of the Victoria Conference Centre, Tourism Victoria's information centre, and the Destination Marketing Commission. Carried
4. **POUNDKEEPER APPOINTMENTS.** It was moved by Councillor Madoff, seconded by Councillor Hughes, that:
- 1) Brad Cornell, Lance Hurrell, and Tony Dobos be appointed Poundkeepers for the City of Victoria.
  - 2) The appointment of Andrew Dolan to the position of Poundkeeper be rescinded. Carried

#### **COMMITTEE OF THE WHOLE REPORT – OCTOBER 17, 2002**

1. **RESTORATIVE JUSTICE – VICTORIA AND FAMILY COURT COMMITTEE.** It was moved by Councillor Savoie, seconded by Councillor McLean, that Mayor Lowe be requested to send a letter to the Solicitor General, through Restorative Justice-Victoria, supporting their request for \$5,000 start-up funding. Carried
2. **REZONING APPLICATION #02-14 – 86/88 DALLAS ROAD.** It was moved by Councillor Savoie, seconded by Councillor McLean, that:
  - 1) Rezoning Application #02-14 for 86/88 Dallas Road be forwarded for consideration at a public hearing and that the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments, based on the draft zone outline set out in the report dated October 9, 2002, from the Senior Planner, subject to:
    - a) Review by the Heritage Advisory Committee.
    - b) Concurrent with rezoning, heritage designation or the registration of a heritage covenant on the house.
    - c) An amended and fully dimensioned parking and access plan provided to the satisfaction of the City Engineer.
  - 2) Strata titling of the house into 6 strata units be approved concurrently with any rezoning approval, subject to compliance with applicable provincial codes and municipal bylaws. Carried

3. **SUSTAINABLE DESIGN AND DEVELOPMENT POLICIES/GREEN BUILDING INITIATIVES.** It was moved by Councillor Savoie, seconded by Councillor McLean, that:
- 1) consideration of Sustainable Design and Development Policies / Green Building Initiatives be considered as part of the Planning Division 2003 Work Program.
  - 2) the Advisory Planning Commission, with the Advisory Design Panel and other relevant committees establish a special committee to research issues and propose a green building policy for the City for Council's consideration.
  - 3) the recommended process and make-up of the special committee be reported back to Committee of the Whole. Carried
4. **M-2 REZONING ADJACENT TO RESIDENTIAL PROPERTIES.** It was moved by Councillor Savoie, seconded by Councillor McLean, that:
- 1) The City Solicitor be instructed to prepare the necessary Zoning Bylaw amendments in accordance with the map attached to the report dated October 11, 2002, from the Economic Development Planner, and the rezoning be forwarded to a public hearing.
  - 2) Copies of the above-mentioned report be forwarded to property owners and community associations for input. Carried
5. **RESIDENTIAL STRATA TITLE APPLICATION – 1261 OSCAR STREET.** It was moved by Councillor Savoie, seconded by Councillor McLean, that the application to strata title the residential building at 1261 Oscar Street be approved subject to compliance with all applicable provincial codes and municipal codes. Carried
6. **DEVELOPMENT PERMIT TO SUBDIVIDE – FAIRFIELD HEALTH CENTRE.** It was moved by Councillor Savoie, seconded by Councillor McLean, that a Development Permit be issued to subdivide Lot 1, Plan VIP72384 to create Lot A as shown on the plan prepared by Orrico and Associates dated October 1, 2002. Carried
7. **PROPERTY TAX EXEMPTION – VICTORIA HARBOUR AUTHORITY.** It was moved by Councillor Savoie, seconded by Councillor McLean, that EXEMPTION UNDER section 346(1)(a) of the Local Government Act for Ogden Point Breakwater and Ship Point be requested from the Assistant Deputy Minister of Local Governments, subject to the understanding that the Greater Victoria Harbour Authority will provide public access and consult with the City on commercial activity. Carried
8. **LIQUOR-PRIMARY LICENSING POLICY.** It was moved by Councillor Savoie, seconded by Councillor McLean, that Council:
- 1) Adopt the proposed Liquor-Primary Licensing Policy, as amended August 21, 2002.
  - 2) The City Solicitor be instructed to amend Business License Bylaw No. 89-71 to:
    - a) Require a Good Neighbour Agreement between the City and the liquor-primary licenses as a condition of a City of Victoria business license to be implemented as follows:
      - For existing downtown Class "C" liquor licensees for the 2003 business license;
      - For all other liquor-primary licensees for the 2004 business license.
    - b) Apply the provisions of Section 36(a)(ii) to businesses specified in Section 36(c), namely businesses with a Class "B" liquor license that have liquor-primary (designation food optional or lounge endorsement) seats.
    - c) Repeal Section 36(d) and include these businesses with those defined in Section 36(a).
    - d) Amend the definitions contained in the bylaw to correspond with the new license classification system defined by the Liquor Control & Licensing Act and its regulations effective December 2, 2002.
  - 3) Prepare a draft Liquor-Licensing Regulation Bylaw that consolidates the City's policy and procedures regulating liquor-licensed businesses for Council's consideration in 2003.
  - 4) Not object in principle to extended hours of service on Sundays and instruct the Corporate Administrator to conduct a Stage 2 assessment of requests for extended Sunday hours and to provide a Council resolution to the Liquor Control & Licensing Branch following the Stage 2 assessment.
  - 5) Not consider applications for 4:00 a.m. closings for 12 months, after which the Corporate Administrator be instructed to bring forward a report on the issue, including information from BC municipalities that have permitted the 4:00 a.m. closing time. Carried
9. **LABOUR DISPUTE – TIMES COLONIST.** It was moved by Councillor Savoie, seconded by Councillor McLean, that the City of Victoria:
- 1) not advertise in the Times Colonist newspaper during the labour dispute.
  - 2) Not consider any requests for distribution of the newspaper from city-owned sites during the labour dispute. Carried
10. **APPOINTMENTS – ENVIRONMENT & SHORELINE ADVISORY COMMITTEE.** It was moved by Councillor Savoie, seconded by Councillor McLean, that Peggy Waterton and Eric Lott be appointed to the Environment & Shoreline Advisory Committee for the remainder of the term, ending June 30, 2003. Carried
11. **PROVINCIAL LAND NEGOTIATIONS.** It was moved by Councillor Savoie, seconded by Councillor McLean, that staff be directed to advise Land and Water British Columbia of the

proposed rezoning of Lot 102, Plan 3237, Vic West from M3 to R1-B and offer a purchase price of \$200,000 through release of the Province's park improvement commitment with a Certificate of Compliance standard for environmental remediation. Carried

#### **COMMITTEE OF THE WHOLE REPORT – OCTOBER 24, 2002**

1. **YOUTH OUTREACH FUNDING GRANT.** It was moved by Councillor McLean, seconded by Councillor Hughes, that support in principle be given to the joint application from Fernwood, Fairfield and Oaklands Community Centres for a Youth Outreach Program Grant of \$10,000. Carried
2. **SPECIAL COUNCIL MEETING.** It was moved by Councillor McLean, seconded by Councillor Hughes, that a Special Council Meeting be held on Monday, October 28, 2002 at 9:30 a.m. to consider Bylaw #02-107 in an Open Meeting, and an update on the Victoria Arena Project in a Closed Meeting. Carried

#### **MOTIONS**

It was moved by Councillor Madoff, seconded by Councillor Hughes, that the following public hearing be held in Council Chambers, City Hall, on **THURSDAY, NOVEMBER 14, 2002, AT 7:30 P.M.:**

1. **APPLICATION FOR REZONING OF PROPERTY known as 645/655 Tye Road:**

(1) **Rezoning Application No. 02-17:**

Zoning Regulation Bylaw, Amendment Bylaw (No. 655) – No. 02-99:

To amend the Zoning Regulation Bylaw

- (a) To create a SBP-5 Zone, Tye Business District, which will permit the uses in the SBP-3 Zone, Business Park District, as well as high tech, office, and retail use, and will apply the SBP-3 Zone regulations except for new regulations for the number of buildings on a lot, height of buildings, siting, loading, driveways, screening, floor areas of office and retail use, the ratio between buildings' floor area and lot area, which are increased from the SBP-3 Zone;
- (b) To rezone land known as 645/655 Tye Road to a new SBP-5 Zone, Tye Business District, to permit the land to be used for higher density use.

New Zone:	SBP-5 Zone, Tye Business District
Legal description:	Lot 1 (DD ET66207), District Lot 119, Esquimalt District, Plan VIP67690
Existing Zone:	S-BP-1 Zone, Business Park District SBP-3 Zone, Business Park District

(2) **Development Permit #02-30:**

The Development Permit application is for a new 5 storey mixed use building (including office, high tech and retail) as Phase 2 of the Upper Harbour Place development.

It was moved by Councillor Madoff, seconded by Councillor Hughes, that the following public hearing be held in Council Chambers, City Hall, on **THURSDAY, NOVEMBER 14, 2002, AT 7:30 P.M.:**

2. **OFFICIAL COMMUNITY PLAN BYLAW, 1995, AMENDMENT BYLAW (NO. 38) - No. 02-18:**

To amend and consolidate Schedule B of the Official Community Plan (Designated Development Permit Areas and Heritage Conservation Areas).

#### **BYLAWS**

##### **INTRODUCTION AND SECOND READING**

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

Official Community Plan Bylaw, 1995, Amendment Bylaw (No. 38)

02-18  
Carried

##### **INTRODUCTION, SECOND AND THIRD READING**

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

Demolition (2716 Rock Bay Avenue) Bylaw

02-86

Animal Control Bylaw, Amendment Bylaw (No. 8)

02-110  
Carried

**ADOPTION**

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

Tax Exemption (Permissive) Bylaw, 2003

02-106  
Carried

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

Streets and Traffic Bylaw, Amendment Bylaw (No. 52)

02-108  
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.**

**QUESTION PERIOD**

A question period was held.

**ADJOURNMENT**

It was moved by Councillor McLean, seconded by Councillor Fleming, that the Council Meeting adjourn.  
Time: 9:16 PM.

Carried

CERTIFIED CORRECT:

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

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