

MINUTES - VICTORIA CITY COUNCIL
MEETING OF THURSDAY, NOVEMBER 14, 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 Hughes, that the agenda be approved. Carried

MINUTES

It was moved by Councillor Lunt, seconded by Councillor McLean, that the minutes of the regular Council meeting of October 24, 2002, be approved. Carried

It was moved by Councillor Lunt, seconded by Councillor Fleming, that the minutes of the special Council meeting of October 28, 2002, be approved. Carried

PROCLAMATIONS

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

International Medical Marijuana Day – November 15, 2002

Spirit of Giving Season – November 19, 2002 – December 24, 2002

White Ribbon Days – November 25, 2002 – December 6, 2002

Victorian Christian Festival – November 29, 2002 – December 15, 2002

Carried

PUBLIC HEARING

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

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

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 VIP 67690

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.

CORRESPONDENCE:

Two (2) letters were received outlining support for this application.

Councillor VandenBerg arrived to the Council Chamber at 7:37 p.m.

PRESENTATIONS:

Peter Laughlin – 1102 Fort Street (Griffiths Milne Clough Projects Inc. “GMC”): Provided a visual presentation showing the different views of the project and to help understand the massing of the project. Said Phase I is currently under construction (the third floor is being poured) and the building is approximately 50,000 ft². For Phase I, the roof will be poured on December 12, 2002, the glazing will take place near the end of January 2003, and Coast Capital is set to move in for March 1, 2003. Outlined their reason for developing in Victoria – United Nations voted Canada as the best country to live in and Victoria is ideally located. Outlined the benefits of the site: walking distance to downtown, adjacent to shopping and hotels, easy access to public transit, next to affordable housing, access to the Galloping Goose Trail, and access to water sports. Stressed this is a multi-phased development (two phases) that utilizes intelligent office space (meaning it can be used for several functions) and this project has been delivered through strategic partnering. Phase II of the development will be 100,000 ft² and has many features including environmentally sensitive, spacious modular design, maximum use of natural light, secure underground parking, fitness and daycare centre, and contemporary design. In addition, the development will have the following technological features: scalable systems (meaning the walls serve as division components which can be relocated to incorporate change management features), redundant connectivity, high-speed access, secure code agreement, power back-up systems, and raised floor flexibility. Said GMC is actively marketing in the United States as their target client base is high-tech service, information collection and processing, financial services administration, and suppliers of ebased services. Said the building exceeded the BC Hydro Power Smart requirement by 30% and that ¾ of the jobs created will be new to Victoria. Outlined five benefits to Victoria as follows: (1) helps diversify Victoria’s economy; (2) sets a valuation for the remaining property; (3) immediate economic boost; (4) long-term economic benefit/jobs created; and (5) community amenity package (including public art, bike racks, and a \$50,000 cash contribution GMC would like to use for developing a park).

Denis Oliver (1235 Balmoral Street): Asked if this application was for all phases.

Shelley Gudgeon (1140 Arthur Currie Lane): Expressed her support for this application. Three main points to raise: (1) The Bay/Tyee intersection acts as a gateway – would like to see it soft and welcoming; (2) CPTED design – this is a transportation corridor and access must be visible and accessible; and (3) Charrette – Victoria West is under tremendous development responsibility. If other areas (Fairfield, Fernwood, Hillside/Quadra) are also developed, it will feed into the downtown core. The City needs a well thought-out and planned directive for future development.

Joe Richards (1261 Woodway Road): Has been living in Victoria West for over 50 years. Need to be concerned about safety in this area, especially around Bay Street. Made comments about intersections and traffic lights. Wanted to ensure that this traffic signals will be instanced at Bay/Wilson/Skinner. Also asked if the developer is willing to pay for the traffic lights.

Gary Darrah (938 Fullerton Avenue): Expressed his support for this application. He has been a resident in Victoria West for 8 years and he is a member of the Community Association. Said that many residents see this development as a real sign to vitalizing Victoria West. Believes that a healthy and vibrant Victoria West is an asset to Victoria as it adds to the strength of the downtown core. Also believes this to be a quality project and he appreciates Mr. Laughlin’s vision. Said the residents trust Mr. Laughlin.

Lorene Clark – Chamber of Commerce (850 Courtney Street): Expressed her support for this application and is pleased to see this type of development in Victoria West. This project fills a need for business space and emphasizes that downtown is more than the inner harbour area. The technology sector is one we want to further develop in Victoria. Stated this design is quite sensitive to the surrounding landscaping. This proposal will create the concept of 24/7 living spaces in the urban core.

(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. 655)

02-99
Carried

(2) **Bylaw Motion – Adoption:**

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

3. **Development Permit Application:**

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

1. Plans stamped "Development Permit #02-30" dated September 13, 2002.
2. Development meeting all bylaw requirements.
3. Final plans to be in accordance with plans identified above with the incorporation of responses to the recommendations of the Advisory Design Panel to the satisfaction of the Director of Planning & Development.
4. All proposed landscaping in the public right of way an on the City lot to the satisfaction of the Director of Parks, Recreation & Community Development. Carried

Councillors Fleming and Lunt excused themselves from the Council Chamber at 8:15 p.m.

OFFICIAL COMMUNITY PLAN BYLAW HEARING

1. **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).

PRESENTATIONS:

Alison Meyer (City Planner): Outlined that this amendment is for housekeeping purposes. The maps have been tidied up as well as the numbering system for various applications.

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

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

Official Community Plan Bylaw, 1995, Amendment Bylaw (No. 38) 02-18

(2) **Bylaw Motion – Adoption:**

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

Official Community Plan Bylaw, 1995, Amendment Bylaw (No. 38) 02-18

Councillors Fleming and Lunt returned to the Council Chambers at 8:16 p.m.

HEARINGS – REQUESTS TO ADDRESS COUNCIL

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

1. Barbara Kennedy – Re: City Parking Services. On June 13, 2002, Ms. Kennedy received a parking ticket for parking in front of her house. She appeared in court on November 8, 2002, to dispute this ticket. Informed Council that the Judge said the City should have used common sense before issuing this ticket but that the Judge upheld the ticket as Ms. Kennedy was parked against a solid yellow line. Ms. Kennedy wrote a letter to Helen Hughes but Ms. Hughes was unable to help. This problem arose due to construction people blocking Ms. Kennedy's garage. She went to the Traffic Department in City Hall and was advised that the edges of her driveway would be marked. Instead, they painted a solid yellow line. Stated that she has erased part of the yellow line. On July 9, 2002, Ms. Kennedy wrote a letter to Victor van den Boomen for assistance but did not hear from him. She said that she deserves better treatment than she received from City staff. She also discussed a Saanich Court case regarding blocking your own driveway with your car.
2. Ted Smith – Re: Health Canada meeting, proclamation, and election. Said he received a copy of the letter Health Canada sent to City Hall and it affirms to him that Health Canada is willing to let people suffer and die. The Medical Marijuana Proclamation states that people have a legal right and this gives him a sense of security. Thanked Council for trying to get a Health Canada representative to Victoria. Discussed BC Hydro and natural electricity. Suggested solar panels be implemented for hot water. Mr. Smith further suggested that we should create energy in our own home. Mr. Smith provided Council with his report entitled "The Power is Ours".

REPORTS OF THE COMMITTEE

COMMITTEE OF THE WHOLE – OCTOBER 24, 2002

1. **JUBILEE TRIAL ROAD CLOSURES - UPDATE.** It was moved by Councillor Madoff, seconded by Councillor Savoie, that:
 - 1) Fern Street be re-opened to vehicle traffic subject to consultation with residents and the North Jubilee Neighbourhood Association.
 - 2) Staff be instructed to complete an evaluation of the 18 month Jubilee Trial Road Closures and report back to Committee of the Whole with recommendations. Carried

2. **REQUEST FOR REMOVAL FROM BOULEVARD MAINTENANCE TAX.** It was moved by Councillor Madoff, seconded by Councillor McLean, that the petition from the owners of 1435 and 1439 Brooke Street, requesting removal from the taxed boulevard program, be endorsed. Carried

3. **YOUTH OUTREACH FUNDING GRANT.** It was moved by Councillor Madoff, seconded by Councillor McLean, that \$10,000 be set aside in the 2003 budget, for release upon confirmation that the Community Centres have received the balance of funding required for the program. Carried

4. **GRANT FUNDING OF RECURRING SPECIAL PROJECTS.** It was moved by Councillor Madoff, seconded by Councillor McLean, that:
 - 1) Tourism Victoria, Victoria AM Association, Victoria Youth Empowerment Society, and Greater Victoria Bike to Work Society be requested to submit Program Grant applications to be evaluated and reported back to Council during the regular Program Grant review process early in 2003.
 - 2) Staff be requested to prepare a supplementary budget submission for these four programs in the 2003 budget and these supplementary requests be referred to the 2003 budget discussion. Carried

COMMITTEE OF THE WHOLE – NOVEMBER 7, 2002

1. **DEVELOPMENT PERMIT APPLICATION #02-33 – 1644 DENMAN STREET.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that a Development Permit be issued in accordance with:
 - 1) Plans stamped "Development Permit Application #02-33" dated October 23, 2002.
 - 2) Development meeting all bylaw requirements except for:
Part 1.23.3(a) Relaxed from 18m to 11.6m
 - 3) Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development. Carried

2. **DEVELOPMENT PERMIT #02-37 – 1003 VIEW STREET.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that a Development Permit be issued in accordance with:
 - 1) Plans stamped "Development Permit #02-37" dated October 10, 2002.
 - 2) Development meeting all bylaw requirements with the following relaxation:
Section 7.6.11(d) Screening 60cm wide x 1.5m high relaxed to 0 on the east property line
 - 3) Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning & Development.
 - 4) Final approval subject to a Maintenance Agreement to the satisfaction of the Director of Parks, Recreation & Community Development for the proposed landscaping on the public right of way. Carried

3. **AMENDMENT TO ZONING BYLAW.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that the City Solicitor be instructed to amend Schedule C of the Zoning Bylaw to allow the use of pervious surfaces, in addition to concrete and asphalt. Carried

4. **HERITAGE ALTERATION PERMIT #105 – 721 GOVERNMENT STREET – EMPRESS HOTEL.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that, pursuant to Heritage Designation Bylaw #8, Heritage Alteration Permit #105 be issued in accordance with:
 - 1) Plans dated October 16, 2002.
 - 2) Development meeting all bylaw requirements.
 - 3) Final plans to be in accordance with plans identified above. Carried

5. **LICENSEE RETAIL STORES.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that the City Solicitor be instructed to prepare a draft amendment to the Zoning Bylaw that would set proximity restrictions for the siting of new licensee retail stores. Carried

6. **ANTOINE'S RESTAURANT.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that staff be instructed to negotiate a fair price (by means of an independent appraisal) to buy out Antoine's Restaurant lease advantage and the residual value of the equipment and improvements made by Antoine's Restaurant. Carried

7. **DOCKSIDE REDEVELOPMENT PROJECT.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that
 - 1) Staff be directed to release the Dockside Lands business case entitled "Development Opportunity: Dockside Lands" dated September 2002, the Fact Sheet, the Q & A Sheet, and the news release, with the following amendments:
 - a) References to "Vic West" be changed to "Victoria West".
 - b) The first sentence of the second "answer" on the Q&A Sheet be changed as follows: "The importance of public space is recognized in the Dockside Guidelines, however, development of this land exclusively for public use is not financially viable."
 - 2) Staff be directed to prepare recommendations on the Dockside Project Community Advisory Committee process for December 5, 2002.
 - 3) Preliminary approval be given to the critical dates and 2003 budget estimate. Carried

8. **ANDERSON V. CITY OF VICTORIA.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that:
 - 1) The report dated November 5, 2002, from the City Solicitor regarding Anderson v. City of Victoria, be received for information.
 - 2) The City Solicitor be instructed to amend the City's Streets and Traffic Bylaw #92-84 as outlined in his report. Carried

9. **APPOINTMENTS – CYCLING ADVISORY COMMITTEE.** It was moved by Councillor Savoie, seconded by Councillor Madoff, that Susanna Grimes and Michael Buda be appointed to the Cycling Advisory Committee for the remainder of the term, which expires June 30, 2003. Carried

COMMITTEE OF THE WHOLE – NOVEMBER 14, 2002

1. **CALEDONIA STREET HYDRO POLES.** It was moved by Councillor McLean, seconded by Councillor Hughes, that \$138,000 be allocated from the corporate contingency account to fund the relocation of two hydro poles to the south side of Caledonia Street and that the effect of the poles be mitigated by the placement of some significant Boulevard trees. Carried

2. **PLUMBING PERMITS FOR CRD BYLAW NO. 2922.** It was moved by Councillor Holland, seconded by Councillor McLean, that:
 - 1) Whereas the City has limited resources available for the performance of plumbing inspections;

And whereas it is expected that the City will receive an increased number of plumbing permit applications as a result of the requirements of Schedule "I" of Capital Regional District Bylaw No. 2922;

And whereas Council for the City does not consider that it is an appropriate use of limited City Resources to review plumbing permit applications for compliance with the requirements of Schedule "I" of CRD Bylaw No. 2922;

Be it resolved that City staff be directed not to review plumbing permit applications or to inspect plumbing work for compliance with Schedule "I" of CRD Bylaw No. 2922;

And be it further resolved that staff prepare any necessary amendments to the Plumbing Bylaw and permit application forms to ensure that they are consistent with this policy.
 - 2) Staff be instructed to place appropriate wording in a disclaimer on the plumbing permit application.
 - 3) Mayor Lowe be requested to send a letter to the CRD Board advising them of the action taken by Council. Carried

3. **ANDERSON V. CITY OF VICTORIA.** It was moved by Councillor Holland, seconded by Councillor McLean, that the City not appeal the Court decision in the matter of Anderson v. City of Victoria. Carried

4. **APPOINTMENT – CYCLING ADVISORY COMMITTEE.** It was moved by Councillor Holland, seconded by Councillor McLean, that Gerald Hartwig be appointed to the Cycling Advisory Committee for the remainder of the term, which expires June 30, 2003.

Councillor Savoie excused herself from the Councillor Chamber at 8:52 p.m.

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 28, 2002, AT 7:30 PM:**

1. **APPLICATION FOR REZONING OF PROPERTY known as 2516-2524 & 2608 Douglas/2515 Government Street:**

Zoning Regulation Bylaw, Amendment Bylaw (No. 654) – No. 02-98:

To amend the Zoning Regulation Bylaw:

- (a) To create a C1N-B Zone, Bus Terminal District, which will permit the uses in the C1-N Zone, Neighbourhood Shopping District, as well a bus terminal, including its ticket office and accessory uses, and will apply the C1-N Zone regulations except for new regulations for parking and the distance between a building and the boundary of its lot;
- (b) To rezone lands known as 2515 Government Street, and 2516-2524 & 2608 Douglas Street to a new C1N-B Zone, Bus Terminal District, to permit the land to be used for a relocated bus terminal.

New Zone:	C1N-B Zone, Bus Terminal District
Legal Descriptions:	2515 Government Street: Lot 29 and the north ½ of Lot 30, Section 4, Victoria District, Plan 162 2516-2524 & 2608 Douglas Street: Lots B, 4, 8 and the southerly 2 feet 6 inches of 9, Section 4, Victoria District, Plan 162
Existing Zones:	2515 Government is removed from the C1-N Zone, Neighbourhood Shopping District 2616-2524 & 2608 Douglas Street is removed from the M2-I Zone, Douglas-Blanshard Industrial District.

Carried

BYLAWS

INTRODUCTION AND SECOND READING

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

Heritage Designation (582 St. Charles Street (Riffham)) Bylaw (No. 491)	02-112
Zoning Regulation Bylaw, Amendment Bylaw (No. 656)	02-113 <u>Carried</u>

INTRODUCTION, SECOND AND THIRD READING

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

Streets and Traffic Bylaw, Amendment Bylaw (No. 53)	02-120
Vehicle Impoundment Bylaw	02-121
Ticket Bylaw, Amendment Bylaw (No. 13)	02-122
Ticket Bylaw, Amendment Bylaw (No. 14)	02-123 <u>Carried</u>

ADOPTION

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

Demolition (2716 Rock Bay Avenue) Bylaw	02-86
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It was moved by Councillor McLean, seconded by Councillor Fleming, that the following Bylaw **be tabled:**

Animal Control Bylaw, Amendment Bylaw (No. 8)	02-110 <u>Carried</u>
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Councillor Savoie returned to the Council Chamber at 8:58 p.m.

Councillor Vandenberg excused himself from the Council Chamber at 8:58 p.m.

QUESTION PERIOD

A question period was held.

Councillor VandenBerg returned to the Council Chamber at 8:58 p.m.

ADJOURNMENT

It was moved by Councillor Madoff, seconded by Councillor Hughes, that the Council Meeting adjourn.
Time: 9:00 PM.

Carried

CERTIFIED CORRECT:

CORPORATE ADMINISTRATOR

MAYOR OF THE CITY OF VICTORIA