

MINUTES - VICTORIA CITY COUNCIL
MEETING OF THURSDAY, NOVEMBER 28, 2002 AT 7:30 PM

PLACE OF MEETING: Council Chambers, City Hall

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

APPROVAL OF AGENDA

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

MINUTES

It was moved by Councillor Lunt, seconded by Councillor McLean, that the minutes of the regular Council meeting of November 14, 2002, be approved. Carried

PROCLAMATION

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

Day of Remembrance and Action to Stop Violence Against Women – December 6, 2002 Carried

HERITAGE DESIGNATION HEARING

1. **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 Madoff, seconded by Councillor Lunt, that the following bylaw **be given third reading:**

Heritage Designation (582 St. Charles Street (Riffham)) Bylaw 02-112
Carried

- (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 02-112
Carried

SPECIAL HEARING

1. **CAPITAL REGIONAL DISTRICT WATER SUPPLY COMMISSION – Public input regarding City of Victoria Appointments.**

Victoria City Council invited submissions regarding Council's choice of appointees to the Capital Regional District Water Supply Commission Board. Victoria City Council will appoint three (3) of its members to the Board in December 2002.

PRESENTATIONS:

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

HEARINGS – REQUESTS TO ADDRESS COUNCIL

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

1. Anne Fletcher – Changes to the *Municipal Elections Act*. She would like to appeal to the Provincial Government regarding individuals who run in a municipal election. For this past election, there were only three individuals who came from English families – and none of them won. She believes that people who are of an English background should win by acclamation. For the non-English candidates, they will have to win by votes. She believes this should be effective for both Mayor and Council. By doing this, she believes that the people who founded this province, and who have title to this province, will be protected. She further said that it would be a compliment if this were done during the Queen's Jubilee Year.

2. Ted Smith – Medical cannabis. He is still in a precarious position facing arrest. His lease for 826 Johnson Street is due next year. When he was arrested in March, the Victoria Police put pressure on his current landlord resulting in himself having to prepay three months of rent (\$4,200.00). To date, his business has lost over \$30,000.00 in drug raids. He is looking into the possibility of signing the lease over to a Non-Profit Society. Also said that Health Canada is very uncooperative with the BC Compassion Society. Stated he needs one of two things: (1) a business licence for his book store; or (2) a letter from City Council acknowledging his group is attempting to obtain a business licence in order to continue operations legally. He believes he has an ideal location for his business. He completely supports safe sites and detox centres and believes the City needs to help his business as well.

REPORTS OF THE COMMITTEE

COMMITTEE OF THE WHOLE – NOVEMBER 21, 2002

1. **SPECIAL PROJECT GRANTS**. It was moved by Councillor Madoff, seconded by Councillor Lunt, that:
 - a) The following Special Project Grants, be approved:

APPLICANT	AMOUNT APPROVED
The Dallas Society - <i>Victoria Fetal Alcohol Syndrome Community</i>	Declined
YM-YWCA of Greater Victoria - <i>We Are Family</i>	\$4,000.00
Greater Victoria Hospitality Award Society - <i>New Production Methods</i>	250.00
James Bay Newspaper Society - <i>New Production Methods</i>	Declined
Victoria AM Association - <i>Cruise Ship Exit Survey</i>	2,500.00
City Green - <i>The Green Garden Visit</i>	3,400.00
Inter Cultural Association of Greater Victoria - <i>Imag-I-nation Cultural Clothesline</i>	4,000.00
Victoria Car Share Cooperative - <i>Neighbourhood Car Sharing Initiative</i>	3,000.00

- b) That the following Special Project Grant, be approved:

APPLICANT	AMOUNT APPROVED
Capital Region Food and Agriculture Initiatives Roundtable - <i>Report on Food Access Forum</i>	\$1,000.00

Carried

2. **DEVELOPMENT PERMIT #02-34 – 1990 OAK BAY AVENUE**. It was moved by Councillor Madoff, seconded by Councillor Lunt, that a Development Permit be issued in accordance with:
 - 1) Plans stamped "Development Permit Application #02-34 dated September 30, 2002.
 - 2) Development meeting all bylaw requirements with the following relaxation:
Schedule C, Section C4 Relaxation of parking requirement from 1 space per 60m² of gross floor area (31) to 1 space per 65m² of gross floor area (18)
 - 3) Final plans to be in accordance with plans identified above, to the satisfaction of the Director of Planning & Development. Carried

3. **KYOTO ACCORD.** It was moved by Councillor Madoff, seconded by Councillor Lunt, that Mayor Lowe send a letter to the Prime Minister, with copies to the Minister of the Environment and the Minister of Industry, advising of the City's continued support of the Kyoto Accord and requesting ratification. Carried

4. **FIRE SERVICES AGREEMENT.** It was moved by Councillor Madoff, seconded by Councillor Lunt, that the draft letter regarding the Fire Services Agreement, as presented to Committee of the Whole at its November 21, 2002, meeting, be approved and forwarded to the Mayor and Council of Esquimalt. Carried

5. **APPEAL FOR TAXI PERMIT – MR. M.B. ZELEKE.** It was moved by Councillor Madoff, seconded by Councillor Lunt, that:
 - 1) Council grant the appeal and instruct the Chief of Police to issue a Chief's Permit to Mr. Zeleke.
 - 2) The appellant's employer confirm in writing, prior to November 28, 2002, that the employer has reviewed with the appellant emergency procedures to be used if a driver is assaulted or his vehicle is damaged.

It was moved by Councillor Hughes, seconded by Councillor Holland, that the motion be amended to read as follows:

- 1) Council grant the appeal and instruct the Chief of Police to issue a Chief's Permit to Mr. Zeleke.
- 2) The appellant's employer confirm in writing, prior to November 28, 2002, that the employer has reviewed with the appellant emergency procedures to be used if a driver is assaulted or his vehicle is damaged.
- 3) ***A recommendation that the appellant complete an Anger Management course in the next 6 months at a society such as the Cascadia Society.*** Carried

COMMITTEE OF THE WHOLE – NOVEMBER 28, 2002

Mayor Lowe excused himself from the Council Chamber at 8:51 p.m. as he is an immediate neighbour, which may create a conflict of interest.

1. **GLENLYON NORFOLK SCHOOL – CAMPUS PLAN.** It was moved by Councillor Hughes, seconded by Councillor Madoff, that:
 - 1) A non-statutory hearing be held on December 12, 2002, to consider the endorsement of the Glenlyon Norfolk Campus Plan and permitting the removal of the three houses at 755, 771, and 781 Richmond Avenue and directing staff to issue the necessary permits.
 - 2) As part of any approval the relevant maps in the Gonzales Neighbourhood Community Plan be amended to include the three houses on Richmond Avenue as part of the area occupied by the school.
 - 3) A commitment be obtained from Glenlyon Norfolk School that its remaining six houses will remain in residential use for one year, or until the Gonzales Neighbourhood Community Plan is implemented. Carried

Mayor Lowe returned to the Council Chamber at 8:52 p.m.

Councillor Madoff excused herself from the Council Chamber at 8:52 p.m. as she has an association with the following application, which may create a conflict of interest.

2. **HERITAGE ALTERATION PERMIT APPLICATION #102 – 1490 FAIRFIELD ROAD.** It was moved by Councillor Savoie, seconded by Councillor McLean, that, pursuant to Heritage Designation Bylaw #405, Heritage Alteration Permit #102 be issued, in accordance with:
 - 1) Plans dated July 25, 2002, site plan dated October 17, 2002, and handicapped access plan dated October 22, 2002, stamped Heritage Alteration Permit #102.
 - 2) Development meeting all bylaw requirements except for:

Section 2.1.5.3(m)(ii)	Rear yard setback relaxed from 14.3m to 3.2m.
Schedule C7(d)	Relaxed to permit a surface of crushed rock.
Schedule C	Building Class C9 Commercial Exhibit parking requirement of 5 relaxed to permit 3 parking spaces on site
Schedule C(9)	Layout standards relaxed to permit in line (stacked) parking.
 - 3) Final plans to be in accordance with plans identified above. Carried

Councillor Madoff returned to the Council Chamber at 8:52 p.m.

3. **TENDER #02-049 – MUNICIPAL CASTINGS.** It was moved by Councillor McLean, seconded by Councillor Lunt, that Tender #02-049 – Municipal Castings be awarded to Andrew Sheret Ltd., for a two year period ending October 31, 2004, at a total cost of \$272,722.94, based on being the overall lowest tender. This tender has 3 one year extension options, allowing for a maximum of a 5 year award. Carried

4. **MEMBERSHIP IN THE CANADIAN CAPITAL CITIES ORGANIZATION.** It was moved by Councillor McLean, seconded by Councillor Lunt, that the City of Victoria maintain its full voting membership in the Canadian Capital Cities Organization at a cost of \$750.00 per year. Carried
5. **POUNDKEEPER APPOINTMENTS.** It was moved by Councillor McLean, seconded by Councillor Lunt, that:
 1. Neil Bacik and Sheila Weitman be appointed Poundkeepers for the City of Victoria.
 2. The appointment of Garett Legault to the position of Poundkeeper be rescinded. Carried
6. **APPOINTMENT – FAMILY COURT COMMITTEE.** It was moved by Councillor McLean, seconded by Councillor Lunt, that Georgette Poirier be appointed to the Greater Victoria Family Court & Youth Justice Committee for the term of January 1, 2003, to December 31, 2003. Carried

MOTIONS

It was moved by Councillor Madoff, seconded by Councillor Lunt, that the following public hearing be held in Council Chambers, City Hall, on **THURSDAY, DECEMBER 12, 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. <u>Carried</u>

PUBLIC HEARING – DECEMBER 12, 2002

It was moved by Councillor Madoff, seconded by Councillor Lunt, that the following public hearing be held in Council Chambers, City Hall, on **THURSDAY, DECEMBER 12, 2002, AT 7:30 PM:**

1. **OFFICIAL COMMUNITY PLAN BYLAW, 1995, AMENDMENT BYLAW (NO. 43) – NO. 02-95:**

To change the name of Development Permit Area 23, and to amend its regulations to reference the Railyards Development Guidelines.

2. **APPLICATION FOR REZONING OF PROPERTY known as 701 Tyee Road:**

- (1) **Rezoning Application No. 02-16:**

Zoning Regulation Bylaw, Amendment Bylaw (No. 651) – No. 02-94:

To amend the Zoning Regulation Bylaw

- (a) To create a CD-5 Zone, Railyards Residential Commercial District, which will permit townhouses, apartments, live-work and commercial uses and will apply regulations for the number of buildings on a lot, the distance between a building and its boundary, parking, height of buildings, floor area of buildings, and the ratio between buildings' floor area and lot area;
- (b) To rezone land known as 701 Tyee Road to a new CD-5 Zone, Railyards Residential Commercial District, to permit the land to be used for residential and commercial purposes.

New Zone:	CD-5 Zone, Railyards Residential Commercial District
Legal description:	Lot 2, District Lot 119, Esquimalt District, Plan VIP54467, removed from CD-3 Zone

Lot 3, District Lot 119, Esquimalt District, Plan VIP54467, removed from M-3 Zone
Existing Zone: CD-3 Zone, Bayside Comprehensive District
M-3 Zone, Heavy Industrial District

(2) **Development Permit #02-36:**

That a Development Permit be issued in accordance with:

- a) Plans stamped "Development Permit Application #02-36" dated October 2, 2002.
- b) Development meeting all bylaw requirements.
- c) Review by the Advisory Design Panel of the lighting plan prior to Building Permit stage.
- d) Adjustment of the parking configuration in Area A (townhouses) to the satisfaction of the Director of Engineering.
- e) Final plans to be in accordance with plans identified above with the incorporation of responses to the Advisory Design Panel to the satisfaction of the Director of Planning & Development.

PUBLIC HEARING – DECEMBER 12, 2002

It was moved by Councillor Madoff, seconded by Councillor Lunt, that the following non-statutory public hearing be held in Council Chambers, City Hall, on **THURSDAY, DECEMBER 12, 2002, AT 7:30 PM:**

1. **GLENLYON NORFOLK SCHOOL – Campus Plan:**

The preparation of a long-term campus plan by Glenlyon Norfolk School with consultation and input from residents, the neighbourhood and the City is an important recommendation of the Gonzales Neighbourhood Community Plan.

The major campus plan elements include: the provision of a driveway access to the school from Richmond Road with on-site drop off and visitor parking, expansion of the school's playing field to Richmond Road with removal of three houses, and modifications to the parking access from Maddison Street. The plan includes campus design guidelines and analysis of traffic problems and impacts of a Richmond Road access driveway.

DEPUTY MAYOR FOR DECEMBER 2002

It was moved by Councillor McLean, seconded by Councillor Savoie, that Helen Hughes be appointed Deputy Mayor for December 2002. Carried

BYLAWS

INTRODUCTION AND SECOND READING

It was moved by Councillor Holland, seconded by Councillor Hughes, that the following Bylaw **be introduced:**

Zoning Regulation Bylaw, Amendment Bylaw (No 651) 02-94
(*Railyards Residential Commercial District*) Carried

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

Zoning Regulation Bylaw, Amendment Bylaw (No 651) 02-94
(*Railyards Residential Commercial District*)

It was moved by Councillor McLean, seconded by Councillor Hughes, that Zoning Regulation Bylaw, Amendment Bylaw (No. 651) 02-94, section 6(a) **be amended as follows:**

"A lot must contain the number of parking spaces required under Schedule C for commercial use in that lot except as defined in 6(b), (c), (d), (e) and (f)." Carried

On the main motion. Carried

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

Official Community Plan Bylaw, 1995, Amendment Bylaw (No. 43) 02-95
(*Railyards Development Guidelines*) Carried

INTRODUCTION, SECOND AND THIRD READING

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

Recreation Reserve Fund Expenditure (Crystal Pool – Roof Replacement) Bylaw	02-115
Recreation Reserve Fund Expenditure (Crystal Pool – Class System Implementation) Bylaw	02-116
Recreation Reserve Fund Expenditure (Crystal Pool – Upgrades) Bylaw	02-117
Recreation Reserve Fund Expenditure (Royal Athletic Park – Upgrades) Bylaw	02-118
Recreation Reserve Fund Expenditure (Cecelia Ravine Park – Restoration) Bylaw	02-119
Tax Sale Money Expenditure (Landscape/Remediation – 652 Fisgard Street) Bylaw	02-127
Tax Sale Money Expenditure (Gorge Road Reconstruction) Bylaw	02-128
Tax Sale Money Expenditure (Finlayson – Mainstreets Revitalisation Program) Bylaw	02-129
Tax Sale Money Expenditure (Beacon Hill Park Management Plan) Bylaw	02-130
Tax Sale Money Expenditure (Dockside Remediation) Bylaw	02-131
Tax Sale Money Expenditure (Property Purchase – 508 Selkirk Avenue)	02-132
Development Cost Charge Reserve Fund Expenditure (Leighton Prv Station Replacement) Bylaw	02-133
	<u>Carried</u>

ADOPTION

It was moved by Councillor Savoie, seconded by Councillor Lunt, that the following Bylaws **be adopted:**

Business Licence Bylaw, Amendment Bylaw (No. 24)	02-111
Streets and Traffic Bylaw, Amendment Bylaw (No. 53)	02-120
Vehicle Impoundment Bylaw	02-121
Ticket Bylaw, Amendment Bylaw (No. 13)	02-122
	<u>Carried</u>

QUESTION PERIOD

A question period was held.

ADJOURNMENT

It was moved by Councillor McLean, seconded by Councillor Lunt, that the Council Meeting adjourn.
Time: 7:59 PM.

Carried

CERTIFIED CORRECT:

CORPORATE ADMINISTRATOR

MAYOR OF THE CITY OF VICTORIA