

MINUTES – VICTORIA CITY COUNCIL
MEETING OF THURSDAY, MAY 08, 2008, AT 7:30 P.M.

PLACE OF MEETING: Council Chambers, City Hall

PRESENT: Mayor Lowe in the Chair and Councillors Chandler, Coleman, Fortin, Holland, Hughes, Madoff, Thornton-Joe and Young

APPROVAL OF AGENDA

The Corporate Administrator outlined changes to the agenda.

It was moved by Councillor Coleman, seconded by Councillor Hughes, that the agenda be approved. Carried

MINUTES

It was moved by Councillor Fortin, seconded by Councillor Coleman, that the minutes of the regular Council meeting of April 24, 2008, be approved. Carried

REZONING PUBLIC HEARINGS

1. Rezoning Application No. 00155 for property known as 327/329 Masters Road

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 834) – No. 08-024

To permit the land to be used for four dwelling units by amending the Zoning Regulation Bylaw's R-14 Zone regulations for area of a lot, number of dwelling units in a multiple dwelling, a building's height and floor area, the ratio between a building's floor area and the area of its lot, the distance of a building from a lot's boundaries, and parking.

Legal Description: Lot A, Fairfield Farm Estate, Victoria City, Plan 25038
Existing Zone: R-14 Zone, Masters Road Multiple Dwelling District

Mayor Lowe opened the public hearing at 7:32 p.m.

Councillor Chandler asked if the suite could be legalized without strata titling.

Brian Sikstrom (Senior Planner): It could be a rental suite which would not require a strata title.

Councillor Young asked if the action Council takes tonight is for the number of suites rather than the ownership of the units.

Brian Sikstrom: Council is only considering the rezoning to allow four units, not the form of ownership.

Councillor Young asked if the rezoning would be required to legalize the four units if it were not being strata titled.

Brian Sikstrom: Yes it would.

Roger Tallentire (Masters): He has heard presentation at the Community Association meeting and he has no objection. He owns the neighbouring property which is the same size lot and his home is a single family dwelling with a suite. He would a number for that suite, he would suggest something logical like 337/339, as he may rezone his property in the future.

Mayor Lowe said that numbers are not given out until the suite is legalized and he would have to make an application to the Engineering Department.

David Kerr (Applicant): The numbering he would expect to see on his suites would be 327a, 327b, 329a and 329b. The only thing under consideration tonight is the rezoning. There is also a strata application, but that has already been reviewed by Council. He feels the issues raised by Mr. Cavenagh's letter to Council would be addressed with approval of this application.

Councillor Chandler asked if Council approves the rezoning it will legalize the fourth suite, but not the strata title.

Robert Woodland (Corporate Administrator): An application would have to be made to the Subdivision Approving Officer for strata titling. There may be other requirements such as building condition, fire separation and structural consideration, that would have to be considered.

Mayor Lowe said that Council only reviews strata applications when they are over four units.

Robert Woodland: There is a Housing Agreement as part of this rezoning which restricts the owner or any future strata council from preventing rental of the strata units.

Councillor Thornton-Joe asked Mr. Kerr if he resided at the residence, or are the suites rented out.

Nicola Moyles (Applicant): There are three legal units and she lives in one of them.

Mayor Lowe closed the public hearing at 7:41 p.m.

2. Bylaw Motion – Consideration of Third Reading
It was moved by Councillor Holland, seconded by Councillor Hughes, that the following bylaw **be given third reading:**
Zoning Regulation Bylaw, Amendment Bylaw (No. 834) 08-024 Carried
Councillor Chandler voted against this motion
3. Bylaw Motion - Adoption
It was moved by Councillor Holland, seconded by Councillor Hughes, that the following bylaw **be adopted:**
Zoning Regulation Bylaw, Amendment Bylaw (No. 834) 08-024 Carried
Councillor Chandler voted against this motion
4. Bylaw Motion – Adoption
It was moved by Councillor Holland, seconded by Councillor Coleman, that the following bylaw **be adopted:**
Housing Agreement (327/329 Masters Road) Bylaw 08-030 Carried
Councillor Chandler voted against this motion

DEVELOPMENT PERMIT PUBLIC HEARINGS

1. **Development Permit Application No. 000096 for the property known as 1077-1081 Verrinder Avenue**
 1. Development Permit Application No. 000096
The Council of the City of Victoria will consider issuing a development permit for the land known as 1077-1081 Verrinder Avenue, in Development Permit Area 12, for the redevelopment and relocation of the existing building, and varying the requirements of the Zoning Regulation Bylaw for the purpose of reducing the minimum distance required between the lot's southerly boundary and its buildings and maximum height of the building and landscaping provisions.

Legal Description of the Land: Lot 2, Section 74, Victoria District, Plan 737

Mayor Lowe opened the public hearing at 7:42 p.m.

Mayor Lowe closed the public hearing at 7:43 p.m.
 2. Motion – Approve Development Permit
It was moved by Councillor Holland, seconded by Councillor Thornton-Joe, that Council authorize the issuance of a Development Permit in accordance with:
 1. Plans stamped “Development Permit 000096” dated February 20, 2008
 2. Development meeting all Zoning Bylaw requirements, except for:

Section 1.1.5	Side yard setback (south) relaxed from 3.0m to 2.4m
Section 1.2.1 (o) (x)	Maximum height of conversion relaxed from 7.6m to 7.8m
Schedule “C” Section 72(h)	Landscape belt relaxed from 0.6m to nil and wrought iron fence in place of a solid fence.
 3. Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Planning and Development.
Mayor Lowe said that he is happy to see this application as it is good project.

Councillor Madoff said that the cluster of the four buildings at this location is the character defining of the Oak Bay junction and she is pleased to see their future secured.

Don McCarthy: He owns all the buildings and they will be coming before Council in the near future. For such a small development it has taken nine months since he first submitted his application to get to this point. He had expected that it would take only two to three months.

Mayor Lowe asked that he submit his comments on the process as it would be helpful to Council and staff.

Don McCarthy: It was the meeting with the neighbourhood association that seemed to slow the process down, but staff have assisted in speeding up the other aspects.

Carried

2. **Development Permit Application No. 000116 for the property known as 1006 Wharf Street**

1. Development Permit with Variance Application No. 000116

The Council of the City of Victoria will consider issuing a development permit with variance for the land known as 1006 Wharf Street, in Development Permit Area 2, for the purpose of constructing a storage container and varying the distance from the new structure to high water mark.

Legal Description of the Land: Lot 1 of the Bed of Victoria Harbour, Victoria, Plan VIP73553

Mayor Lowe opened the public hearing at 7:46 p.m.

Mayor Lowe closed the public hearing at 7:48 p.m.

2. Approve Development Permit

It was moved by Councillor Holland, seconded by Councillor Hughes, that Council authorize the issuance of a Development Permit with Variance in accordance with:

- a. Plans stamped 'Development Permit 000116' dated Dec. 21, 2007.
- b. Development meeting all bylaw requirements except vary Part 8.17.4 reducing the setback from the high water mark from 7.5 m to 1.82 m
- c. Refinement of the north façade for visual interest to the satisfaction of the Director of Planning and Development.
- d. Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning and Development.

Councillor Holland said that she received a letter from the owner of the Malahat building who had opposed the original application for the restaurant, but he is in full support of restaurant and this application.

Carried

HEARINGS – REQUEST TO ADDRESS COUNCIL

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

1. John C. Eggenberger, RCAF Memorial Cairn Committee, re: Seek Approval to Raise a Royal Canadian Air Force Memorial Cairn on Pioneer Square at No Cost to the City

He has been given the honour to speak to our proposal that seeks to gain approval to place a Royal Canadian Air Force Memorial Cairn at a location in Pioneer Park. The sentiment of the inscription on the cairn is to honour the memory of all who served in and supported military aviation. He is a cold war flyer. World War II was a major conflict for Canada and more than 232,000 men and 17,000 women volunteered for service in the Royal Canadian Air Force between 1939 and 1945; more than 17,000 of these volunteers lost their lives fighting for peace during that war. A great many volunteers for the RCAF came from the City of Victoria, and about 300 WWII very old Royal Canadian Air Force veterans still live here. Other retired Air Force folks from the Cold War era living in Victoria number about 1,000. The inscription is to be read, all inclusively, to mean, all aspects of aviation activity supporting Canadian and Allied Force, including Naval and Army aviation, as well as civilian support." The inscription on the proposed cairn reads as follows:

Dedicated to the memory of all who served in aviation supporting Canadian and Allied Forces in two World Wars, Korea, the Cold War, Peace operations and training in the continuing struggle for the common cause of world peace. Respectfully placed by the family and friends of Lieutenant General R.G. (Reg) Lane DSO, DFC and Bar, CD, LoM (USA) representing all those who served and fell in war and peace.

Lieutenant General Lane was born and raised in Victoria and was the unanimous choice to be named on the Cairn.

Mr. Gord Smith, Manager, Park Operations and I walked over the park area where the Cairn might be positioned and Mr. Smith felt that the general location was suitable, and cited the following placement conditions: 1. Setback from the sidewalk on Rockland; 2 No damage to any major tree roots when installation takes place; 3. Due to use of the site as a burial ground, remain aware that we may have to be flexible on the final placement should we encounter underground issues; 4. We are not creating a situation where persons can hide behind the monument. We agree to these conditions. It is also confirmed that this project will be at no cost to the City of Victoria. We respectfully seek your approve to place the Royal Canadian Air Force Cairn on a location on Pioneer Square to honour all who flew and fell, as well as all who kept them flying in the common cause for world peace.

Robert Woodland (Corporation Administrator): Advised Council they could either request a report to Committee of the Whole from the Director of Parks, Recreation and Community Development if they felt they required further information, or approve the request in principle subject to the final details to be worked out by staff.

Councillor Madoff said that she has spoken with the Director of Parks, Recreation and Community Development and the Manager of Parks has worked closely with the proponents, so she would support a motion to approve the Cairn.

Motion:

It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council supports the request to raise a Royal Canadian Air Force Memorial Cairn on Pioneer Square and that final details be to the satisfaction of the Director of Parks, Recreation and Community Development and the Heritage Planner.

Carried

2. C. Joe Richards, re: To Preserve Victoria's Views and Restrict Height to Buildings

He agrees with Monday Magazine that if Council continues to allow 14 storey high buildings it will destroy tourism. He has also read about Dockside Green's request for a height exemption; this should not be allowed. We are losing industry and that is tourism. In San Francisco many years ago they had a referendum that no building could be higher than six storeys without the consent of voters. There was a crooked street that you could see, but is now invisible due to all the tall buildings. The clock is ticking and there is six months to the election and it involves all of the Council. He would encourage this Council to not allow any more building over 15 storeys. He would like to complement Mr. Jawl who is building seven storeys. If Council approves another building over 15 storeys then it will be in the "Piss Me Off" column of Monday Magazine every week.

UNFINISHED BUSINESS

1. **Zoning Regulation Bylaw, Amendment Bylaw (No. 831) – No. 08-014 and Development Permit Application No. 000117 for property known as 1321 Blanshard Street**

At the April 10, 2008 Council meeting Council gave third reading to Zoning Regulation Bylaw, Amendment Bylaw (No. 831) – 08-014, but withheld adoption and approval of the Development Permit pending confirmation of registration of the Master Development Agreement.

Staff confirm that the Master Development Agreement has now been registered under No. FB166053. Council may now consider approval of the Zoning Regulation Bylaw, Amendment Bylaw (No. 831) – No. 08-014 and Development Permit Application No. 000117.

Motion:

It was moved by Councillor Holland, seconded by Councillor Hughes, that the following bylaw **be adopted:** Zoning Regulation Bylaw, Amendment Bylaw (No. 831) – 08-014.

Carried

Motion:

It was moved by Councillor Holland, seconded by Councillor Hughes, that Council authorize the issuance of a Development Permit in accordance with:

- a) Plans stamped "Development Permit 000117, dated January 24, 2008.
- b) Development meeting all Zoning Bylaw requirements.
- c) Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Planning and Development.

Carried

2. **Application for a Permanent Change to a Liquor Licence, Ingraham Hotel**

At the April 24, 2008 Council meeting the staff recommendation supporting change the hours of sale to 12:00h – 02:00h, Monday to Saturday from the currently approved hours of 11:00h – 01:00 h and no change to the Sunday hours of 10:00h – 24:00h, was lost on a tie vote.

A letter from the applicant has been received providing Council with further information on his request.

As Council is required to comment on the application to satisfy Liquor Control and Licensing Branch regulations two options were presented for Council's consideration as well as additional options contained in the Committee of the Whole report dated April 7, 2008.

Councillor Fortin said that he is opposed to the application. He said that it would reduce the number of taxis available in the downtown core at the 2:00 a.m. closing time as they would also be required up at the Ingraham.

Councillor Hughes noted the applicants' letter where he said that his clientele tends to leave around midnight to head downtown to businesses with a 2:00 a.m. closing. She is persuaded that this does hold some value in the decision making tonight.

Councillor Thornton-Joe thanked the applicant for his letter and business case for clarifying the request for a change in hours, however, she is going to stick with her original decision. This is not about the applicants, but we request comments from the police which we must consider. We have just gone through their budget request regarding providing the proper level of policing for the safety of the community, and we must respect their comments.

Motion:

It was moved by Councillor Fortin, seconded by Councillor Madoff, that: City Council deny the application to change the hours of operation of the Ingraham Hotel due to the impact on police resources and the potential impact on the community including an increase in noise and nuisance.

1. Victoria City Council provides the following comments on the prescribed conditions:
 - (a) The potential for noise and nuisance is increased with the extension of late night hours; the operation is located within the Intermediate Zone of the Noise Bylaw allowing for a greater noise threshold for noise and nuisance.

- (b) There will be a negative impact on the community if the application to extend hours seven days a week to 02:00h were approved. Approval of the application would place an increased demand on police resources which are currently over extended in Victoria's downtown specifically at the 02:00h closing time for clubs and bars.
- (c) The views of the residents were solicited through a public notice and a notification letter sent to surrounding residents and property owners as described in the staff report to Council dated April 01, 2008 to which Council received no letters of response. Carried

Councillor's Coleman, Holland, Hughes and Young voted against this motion

REPORTS OF THE COMMITTEE

1. COMMITTEE OF THE WHOLE – May 01, 2008

1. Creative Peace Mural – Twin City Napier, New Zealand

It was moved by Councillor Hughes, seconded by Councillor Thornton-Joe, that Council support the Creative Peace Mural Society in promoting a renewed relationship with Napier, New Zealand by approving a grant of \$1,000 to cover costs of the supplies for a peace mural for Napier with the following standard conditions:

- 1. Acknowledgment of the City's support of the program in print and publicity materials for the project;
- 2. Ongoing updates to the Protocol Division related to the mural's progress;
- 3. Final report on the project and production of the finished mural. Carried

2. 2008 Social Services Operating Grants

It was moved by Councillor Hughes, seconded by Councillor Thornton-Joe,

- 1. That the recommended 2008 Social Services Operating Grant allocations outlined in Option C be approved as presented.
- 2. That Council direct the Administration to engage the other core municipalities in a discussion to revise the grant application deadline to receive requests in the final quarter of the year. Carried

3. Fire Fighters Memorial

It was moved by Councillor Hughes, seconded by Councillor Thornton-Joe, that Council approve the proposed location of the Fire Fighters Memorial for the Pandora Street side of City Hall.

Carried

4. Sub-Trade Tenders – Crystal Garden Renovation

It was moved by Councillor Hughes, seconded by Councillor Thornton-Joe, that Council approve:

- 1. That Crystal Garden Sub-Trade Tender # 15 Mechanical be awarded to Tech Mechanical Systems Ltd., for a total cost of \$1,684,444.00 based on being the overall lowest tender.
- 2. That Crystal Garden Sub-Trade Tender # 16 Electrical be awarded to Mawson Gage Associates Ltd., for a total cost of \$507,859.00 based on being the overall lowest tender. Carried

5. Canadian Capital Cities Organization Annual Conference, June 25th – June 28th, 2008

It was moved by Councillor Hughes, seconded by Councillor Thornton-Joe, that is be recommended to City Council that a grant of \$6,000.00 be approved to assist with staging the *Canadian Capital Cities Organization Annual Conference* in Victoria, June 25th – June 28th, 2008.

Carried

6. Downtown Plan Update – Preferred Option

It was moved by Councillor Hughes, seconded by Councillor Thornton-Joe, that Council direct staff to develop a draft Downtown Plan Update on the basis of Option 3 – Cross Town, with the inclusion of public park space and harbour pathway extensions adjacent to Rock Bay. Carried

7. Public Washrooms Update

It was moved by Councillor Hughes, seconded by Councillor Thornton-Joe, that Council support the rejection of the current offer from Urilift International BV in favour of investigating alternative options to address the late night urination problem, while continuing operation of the portable urinals in the interim. Carried

8. Demolition Permit Applications for 1315-1317 Waddington Alley and 1612-1614 Store Street

It was moved by Councillor Hughes, seconded by Councillor Thornton-Joe, that whereas, the buildings at 1315-1317 Waddington Alley (formerly Morley's Soda Water Factory) and 1612-1614 Store Street have high heritage value and are vital to the integrity of Old Town, City Council commence the heritage designation process with introduction and second reading of heritage designation bylaws at its meeting of May 8, 2008. Carried

9. Heritage Inspections for 1314 Wharf Street, 1316-1318 Wharf Street, 1612-1614 Store Street, 1315-1317 Waddington Alley

It was moved by Councillor Hughes, seconded by Councillor Thornton-Joe,

- 1. That the Heritage Buildings Inspection Report dated April, 2008 by Donald Luxton Associates and RJC Consulting Engineers be received for information.

2. That the City of Victoria send a copy of the Heritage Building Inspections Report for 1314 Wharf Street and 1316-1318 Wharf Street to the property owner, and the City of Victoria request the remedial work recommended in the report, be commenced immediately.
3. That further action on the remedial work for 1315-1317 Waddington Alley and 1612-1614 Store Street be deferred pending the outcome of the heritage designation process for these buildings. Carried

10. Development Permit # 000090 for 800 Tyee Road

It was moved by Councillor Madoff, seconded by Councillor Fortin, that this application be declined based on the staff analysis that the application did not meet the principles of four of the design guidelines that are stipulated for that particular area of the Songhees.

Councillor Coleman asked if the applicant could come back with an application with no variances.

Mayor Lowe said that there were no variances in this application, but if the applicant changes the design to meet the Development Permit guidelines then he can come back. Carried

Councillor Coleman, Holland and Hughes voted against this motion

11. Results of Facilitated Community Consultation on the Alston, Tyee, Bay Land Use Policy Update and Next Steps, Study Case # 3-04

It was moved by Councillor Holland, seconded by Councillor Hughes,

1. That Council amend the zoning (Option 1A) in the Alston Tyee Bay (ATB) area to:
 - a. Remove uses identified in the ATB report as not consistent with its future development of the area including warehouse uses at 800 Tyee and along Bay Street.
 - b. Establish minimum building setbacks and landscape screening as proposed in the ATB report.
2. That Council direct staff to instruct the City Solicitor to prepare the necessary zoning bylaws and that the affected property owners be informed before the bylaws are prepared

Brian Sikstrom (Senior Planner): Staff would like to further propose that Council consider removing warehouse/wholesale use as a permitted use at 180 Alston Street. This vacant property is adjacent to the residential properties on Alston Street. A development permit application for a mini-storage warehouse was approved for this property on July 22, 2004. The project has not proceeded and the development permit approval has expired. The attached map illustrates the additional parcel at 180 Alston Street in addition to the properties at 800 Tyee Road and 280 Bay Street.

Amendment:

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

1. That Council amend the zoning (Option 1A) in the Alston Tyee Bay (ATB) area to:
 - a. Remove uses identified in the ATB report as not consistent with its future development of the area including warehouse uses at 800 Tyee and along Bay Street.
 - b. Establish minimum building setbacks and landscape screening as proposed in the ATB report.
 - c. **Include 180 Alston Street in a new M2-TB Zone, Tyee-Bay Light Industrial District, which excludes warehouse/wholesale as permitted uses.**
2. That Council direct staff to instruct the City Solicitor to prepare the necessary zoning bylaws and that the affected property owners be informed before the bylaws are prepared.

Councillor Hughes asked if 280 Bay Street would be included.

Brian Sikstrom (Senior Planner): Yes, that is included as well as 800 Tyee and 180 Alston.

Councillor Hughes asked if the owner of the property would be given an opportunity to address Council regarding the changed.

Brian Sikstrom: Everyone in that area will be advised about the public hearing where they are welcome to make a presentation to Council

Mayor Lowe asked about the Rona site and how this proposed change will affect them if they wanted to add a small warehouse.

Brian Sikstrom: Warehouse use is removed; however, a warehouse building that is ancillary to their primary use would be acceptable.

Councillor Young said he would like to see if the zoning could be 'tweaked' before this proceeds any further as he would like meet the objectives of the long term transition to residential use and not allowing large scale new developments, but allow existing units allowance as it will take some time before the transition is complete.

Brian Sikstrom: That is what this proposal is trying to do by allowing warehouse and wholesale on Bay Street. Staff are hoping that this will minimize the potential for friction and maintain the current uses in the zone.

Councillor Hughes asked if it were possible to grandfather what someone has proposed or is doing.

Deb Day (Director, Planning and Development): This grandfathers the established uses; if the two lots in the middle of the triangle of Alston-Tyee-Bay are not consistent they might have to change, but as they are existing warehouse, staff would recommend putting in setbacks, but not removing the uses. Central area has industrial warehouse character although staff are recommending setback changes so that it will fit in with the residential around it. Ancillary use is important if the principle use is allowed and the incidental warehouses are to keep the rest of business running then there is more openness to that.

Carried
Carried

On the main motion as amended:

12. Bus Corridor and LRT

It was moved by Councillor Young, seconded by Councillor Holland, that Council request the Capital Regional District to initiate an update to the LRT Alignment Study that will capture opportunities with the E & N project and other development opportunities in the region, as part of the Transportation Management review process.

Councillor Young noted that conditions have changed since Councillor Fortin proposed this motion. With the change in direction he feels that Council is going to have to be more proactive in the planning of downtown transportation system. The good thing about the Douglas Street Bus Corridor was that it did not bring about any revolutionary changes to the downtown circulation patterns. If the decision is to proceed with light rail, the City needs to be ready to move forward with the other municipalities as there is no regional body that handles, finances, transportation or research. It is going to be a lot tougher and there will more of an impact on the downtown if we move to rail transportation and it will take a lot of public input and technical input.

Councillor Fortin said that he concurs with Councillor Young in that we must start the work, so when funding is available we are ready to go. We need to look at all options, what may not have been feasible several years ago, maybe something we can look at now.

Mayor Lowe said that the business plan and review will take about 8-10 months and it will look at all options, LRT, buses in the centre, buses at the curb and the E & N. The Transit Commission has been advised that they need a business plan before any money will be released from the Province. We will be looking long term rather than smaller projects which can be done as funds become available. Now the gas tax is available and there will be funding from the Province, there are more opportunities. It was a good idea to step back from the Douglas Street bus corridor as the proposal had many people not supporting it and they felt they were not heard.

Councillor Holland said that City staff will be working very closely with the Transit Commission. The Douglas Street corridor is the spine of any system and it will be an asset in the future planning.

Councillor Madoff asked if there will be a land use plan, she never saw one as part of the Douglas Street bus corridor plan.

Deb Day (Director of Planning and Development): Meetings took place between the community planners, transportation and parking staff and BC Transit. The OCP and regional context statement were linked into the Douglas Street corridor. There is another phase which will include more intensive land use and staff have advocated that it is important to link transit with land use.

Councillor Madoff said the pedestrian environment needs to be addressed as well as rapid transit. The proposed four stations of the bus corridor was an uninviting area and it was not going to create vibrancy. We must have activity on the street.

Carried

Councillor Fortin withdrew from Council Chambers at 8:42 p.m. as he has a non-pecuniary interest in the following item as he has an application for a parking variance that will coming before Council.

2. Memo re: Development Variance Permit Application No. 00052 for property known as Unit 2 – 380 Cook Street

At the Committee of the Whole meeting on May 1, 2008, Council direct staff to provide clarification of details with respect to Development Variance Permit Application No. 00052. The applicant wishes to lease a commercial space for a medical office and this requires a two stall parking variance.

In 1988, the original approved site-specific zoning bylaw for this property required the development to provide parking in compliance with Schedule C of the Zoning Bylaw, with an exception for the seniors' activity centre. The CR-SC Zone required 15 parking spaces for this use.

Seniors' activity centre	14 stalls
Office use	4 stalls

Residential	49 stalls (1.4 stalls required for each of 35 residential units)
Total required	67 parking stalls

The building permit plans were not submitted until 1992 showing a total of 53 stalls. In order to accommodate this reduction of 14 stalls, a development variance permit was approved in January 1992. This variance relaxed the residential parking requirement from 1.4 spaces per dwelling unit to 1.0 per dwelling unit, or from 49 stalls to 35 stalls for the residential component.

The existing situation is as follows:

Seniors' activity centre	14 stalls (12 assigned surface parking and 2 in the parkade)
Office use	4 stalls (parkade)
Residential	35 stalls (1.0 stall required for each of 35 residential units in parkade)
Total provided	53 parking stalls

The parkade has a total of 41 stalls located beyond a security gate. By strata plan these stalls are specifically assigned to New Horizons (2 stalls), the office (4 stalls) and one stall per residence (35 stalls).

In summary, a review of the minutes approving changes to this property has shown that the parking variance was to reduce the requirement for the residential use. The parking requirements are currently satisfied under the provisions of the relevant bylaws with no stalls that can be recalculated or reassigned to the medical use. Therefore, the medical office use would require a variance for two stalls.

Motion:

It was moved by Councillor Holland, seconded by Councillor Madoff, that this application be declined.

Councillor Young said that he would be inclined to grant the relaxation. This space was historically set aside for the possible use by the Fairfield seniors and as they have declined to take over the space he is willing to allow the variance.

Councillor Holland said that if Fairfield New Horizons had expanded then it would have been a City expense as the City owns the property and pays the lease but they could not raise the money to access the lease. Her concern is not with the office, but the already congested parking in the area and the amount of traffic on Cook Street. She is usually flexible about parking, but because her knowledge of the parking issues in the area, she cannot support the application. Perhaps the senior's condo would be willing to give up two of their spaces.

Councillor Madoff said that it appears to be a modest request given the practitioners will only be here part of the year. However, her experience is if she walks, she will not go to Cook Street; parking is a nightmare and that parking lot is already servicing three buildings. It is impossible to get around Cook Street Village during the day.

Councillor Hughes said that she would prefer to hear what the residents of the area say; she will be voting against the motion.

Mayor Lowe said that he is also familiar with the area and when the Fairfield seniors used it, it met the parking requirements as it did not have the same requirements as a medical office does. It would create more problems if this application were to go forward

Carried

Councillors Coleman, Hughes and Young voted against this motion

Councillor Fortin returned to the meeting at 8:46 p.m.

MOTIONS

1. For Public Hearings to be held on Thursday, May 22, 2008

It was moved by Councillor Holland, seconded by Councillor Thornton-Joe, that the following Public Hearings be held in the Council Chambers, City Hall, on **THURSDAY, MAY 22, 2008, at 7:30 p.m.:**

1. Rezoning Application No. 00145 for property known as 2746 Shelbourne Street
2. Zoning Regulation Bylaw, Amendment Bylaw (No. 843) – No. 08-051
3. Heritage Designation Application No. 000056 for property known as 417 Arnold Avenue
4. Heritage Designation Application No. 000064 for property known as 432 Heather Street Carried

BYLAWS

1. INTRODUCTION AND SECOND READING

It was moved by Councillor Thornton-Joe, seconded by Councillor Hughes, that the following bylaws be given two readings:

Zoning Regulation Bylaw, Amendment Bylaw (No. 835) <i>1033 Pakington Street</i>	08-031
Zoning Regulation Bylaw, Amendment Bylaw (No. 837) <i>2546 Government Street</i>	08-034
Zoning Regulation Bylaw, Amendment Bylaw (No. 838) <i>28 Oswego Street</i>	08-035

Heritage Designation (1315-1317 Waddington Alley) Bylaw (No. 573)	08-043
Heritage Designation (1610-1612-1614 Store Street) Bylaw (No. 574)	08-045
Zoning Regulation Bylaw, Amendment Bylaw (No. 841) <i>2746 Shelbourne Street</i>	08-046
Zoning Regulation Bylaw, Amendment Bylaw (No. 843) <i>Alston Bay Tyee</i>	08-051
	<u>Carried</u>

2. ADOPTION

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

Boulevard Tax Bylaw, 2008	08-028
Parcel Tax (View and Vancouver Intersection Local Area Service) Bylaw	08-029
Business Improvement Area Rate Bylaw, 2008	08-038
Tax Bylaw, 2008	08-041
Five Year Financial Plan Bylaw	08-042
	<u>Carried</u>

QUESTION PERIOD

A question period was held.

NEW BUSINESS

CLOSED MEETING

It was moved by Councillor Holland, seconded by Councillor Hughes, that Council convene a closed meeting that excludes the public under Section 11(6) of the Council Bylaw for the reason that the following agenda item deals with matters specified in Sections 11(3) and/or (4) of the Council Bylaw. Carried

1. Advisory Committee Appointment

It was moved by Councillor Thornton-Joe, seconded by Councillor Holland, that Victoria City Council rescind Roger Tinney's appointment to Advisory Planning Commission for the term ending June 30, 2009; and that he be appointed to the Heritage Advisory Committee for the term ending June 30, 2009. Carried

Council agreed not to rise and report, but requested that the discussion and the resolutions be recorded and kept confidential.

ADJOURNMENT

It was moved by Councillor Hughes, seconded by Councillor Young, that the Council meeting adjourn.
Time: 9:34 p.m. Carried

CERTIFIED CORRECT:

CORPORATE ADMINISTRATOR

MAYOR OF THE CITY OF VICTORIA