

## **MINUTES – COMMITTEE OF THE WHOLE**

### **MEETING HELD THURSDAY, SEPTEMBER 16, 2004 AT 9:00 A.M.**

**Committee Present:** Mayor Lowe, Chair, Councillors Coleman, Fleming, Fortin, Holland, Hughes, Madoff, Savoie, and Thornton-Joe

**Staff Present:** J. Martignago, City Manager; and M. Moodrey, Committee Secretary

**Staff Present for a Portion of the Meeting:** Donna Atkinson, Director of Parks, Recreation & Community Development; John Basey, Director of Planning & Development / City Solicitor; Wil Clark, Manager, Business Support and Risk Management; Mickey Lam, Head, Urban Design; Mike Leskiw, Manager, Parks Division; Mike McCliggott, Comptroller; Sheryl Masters, Manager, Administration; Alison Meyer, Planner, Planning Division; Tina Phillips, Revenue Manager; Brian Sikstrom, Senior Planner, Planning Division; R. Woodland, Corporate Administrator

### **CALL TO ORDER**

The Chair called the meeting to order at 9:00 a.m.

### **APPROVAL OF AGENDA**

The Agenda of the September 16, 2004 Committee of the Whole meeting was circulated. The City Manager outlined the following changes to:

#### **Regular Meeting**

1. Item 09 – Rezoning Application No. 04-31 – 1306 Johnson Street, pages 60(a) – 60(u) are added to the Staff report;
2. Item 13 – 528-532 Pandora Street/591 Fisgard Street is withdrawn from the Agenda;
3. Item 16 – 2004 UBCM Conference is added to the Agenda;
4. Councillor Information Sharing: Councillors Madoff and Fleming

#### **Closed Meeting**

1. Item 17 – Appointment – Advisory Committee is added to the Agenda
2. Councillor Inquiries – Councillor Holland

**ACTION:** It was moved by Councillor Hughes that the Agenda of the September 16, 2004 Committee of the Whole meeting be approved as amended.

CARRIED 04/641

## ADOPTION OF MINUTES

The Minutes of the September 09, 2004 Committee of the Whole meeting was circulated.

**ACTION:** It was moved by Councillor Holland that the Minutes of the September 09, 2004 Committee of the Whole meeting be approved as circulated.

CARRIED 04/640

## DELEGATION

### HOMELESS FAMILIES OUTREACH PROJECT

Colleen Kastings, Community Housing Coordinator, of the Burnside Gorge Community Association (BGCA), provided an update to Committee of the Whole on the situation of homeless families in the City of Victoria in general and, specifically, on the *Homeless Families Outreach Project*.

There are many families in Victoria facing homelessness. Although homelessness is not the direct responsibility of the City of Victoria, the lack of low cost and safe rental accommodation combined with many people's inability to cover their basic costs can make people vulnerable to homelessness.

Homelessness also involves other issues such as violence, mental health, and substance abuse. Homelessness for children means lack of education opportunities, more health problems, and more psychological / behavioural problems, which leads to the cycle repeating itself from generation to generation.

Presently, the *Homeless Families Outreach Project* is funded by the Ministry of Human Resources. Since the beginning of the *Homeless Families Outreach Project*, BGCA has worked with approximately 550 families who have over 1000 children attached to them. About one-half of the families are absolutely homeless and the other one-half are relatively homeless. Over 50% of these families have children less than six years of age. The outreach workers work with the family until they are settled in permanent housing, i.e. find temporary accommodation, provide referrals to community agencies, advocate on their behalf, and offer crisis counseling.

The *Homeless Families Outreach Project* also includes a community based research component, which involves collecting and analyzing information on the clients. The next analysis will be done over the next two years. The results of this research will help BGCA and their workers to understand the potential impact on the health system and to advocate for more housing appropriate to the needs of the community.

The number of homeless families is increasing rapidly (increase from 15 – 18 families per month to 30 – 34 families per month). The City of Victoria has one of the lowest vacancy rates in the country, and there is not enough affordable housing and social housing in the City of Victoria. BGCA encourages the City of Victoria to:

- Provide an affordable housing subsidy (which cannot be done by the private market alone because the costs are too expensive);
- Expand the definition of legal secondary suites;

- Encourage both the Federal and Provincial levels of government to get back into the social housing market because many people cannot afford private market rents.

On September 15, 2004, the BGCA Homeless Families Outreach Project held its official launch of art display entitled, "Through the Eyes of Children", which shows the children's experience of being homeless through their eyes. A catalogue of the pictures was given to each Committee member. This display is currently located at City Hall, main foyer.

Committee thanked Ms Kasting for the update on the homeless situation in the City of Victoria and the *Homeless Families Outreach Project*.

04/639

## **FINANCE**

### **TAX SALE**

Committee received a memorandum dated September 09, 2004 from the Manager of Revenue and Comptroller, Finance Department, regarding tax sales. The Local Government Act states that Municipal Collectors must conduct an annual tax sale on the last Monday in September. The purpose is to auction off properties that are delinquent in the payment of property taxes (i.e. no payments made for three years). The starting point for each bid is the upset price of each property, which includes all unpaid property taxes, plus penalties, interest and registration charges. Registered property owners are then given one year to pay the outstanding property taxes, interest, and penalties to reclaim the property. If the property is reclaimed, the successful bidder receives a refund in full together with interest earned.

Under section 408 of the Local Government Act: "A person authorized by the Council may bid for the Municipality at the tax sale up to maximum amount set by Council." The intention of the tax sale is to recover the Municipality's unpaid taxes, not necessarily provide investment opportunities for individuals. By allowing the City to purchase tax sale properties, we avoid unnecessary administrative work and ensure that the investment premium earned due to the high interest rate benefits the Municipality as a whole, rather than an individual. Further, if a property has not been redeemed during the one-year redemption period, the City would be declared the purchaser, rather than the property reverting to a third party. Section 417(6) of the Local Government Act provides Council with the ability to allow an additional one-year redemption period, thus, providing further protection for the property owner.

The Committee thanked City staff for this well planned, proactive recommendation.

**ACTION:** Councillor Fleming moved that it be recommended to Council that the Victoria City Council authorize the Director of Finance or his designate to bid at the tax sale up to 75% of the property's assessed value on behalf of the City of Victoria.

**ACTION:** Councillor Fortin moved that it be recommended to Council that this matter be forwarded for consideration at the September 16, 2004 Council Meeting.

CARRIED 04/638

## **PERMISSIVE PROPERTY TAX EXEMPTIONS POLICY**

Committee received a memorandum dated September 08, 2004 from the Manager of Business Support and Risk Management regarding permissive property tax exemptions. Each year the City grants permissive property tax exemptions for properties owned by non-profit organizations whose activities Council wish to support. In the past years, there has been no formal policy in place to guide the process of granting exemptions, and the practice has been to deal only with changes from the previous year in the list of applications.

In November 2003 council approved the Permissive Property Tax Exemptions Policy in principle, with a request that staff organize an opportunity for input from those organizations that would be affected. All those organization that would be affected by the policy were notified. The Finance Committee reviewed the policy and recommended a modified policy, which was attached to the September 08, 2004 report. The Finance Committee also recommended that two organizations which received tax exemptions for 2004 not be grandfathered and therefore not be exempted from the proposed policy. They are the Hostelling International Canada Hostel at 516-518 Yates Street and the Chinese Freemasons Cultural Centre at 557-561 Fisgard Street. Neither of these uses is considered to be complementary extensions of municipal services and is therefore not targeted in the draft policy.

**ACTION:** Councillor Fleming moved that it be recommended to Council that Victoria City Council adopts the enclosed policy to guide the permissive tax exemption process for 2005 and subsequent years.

Councillor Thornton-Joe declared an indirect non-pecuniary conflict of interest on the following matter and was excused from the meeting at 9:38 a.m.

**ACTION:** Councillor Holland moved that it be recommended to Council that all organizations and properties, which received exemptions for 2004, with the exception of the two properties mentioned in the September 08, 2004 staff report, be exempted from the policy.

**ACTION:** Councillor Fleming moved that it be recommended to Council that this matter be forwarded for consideration at the September 16, 2004 Council Meeting.

CARRIED 04/637

Councillor Thornton-Joe returned to the meeting at 9:40 a.m.

## **APPLICATION FOR 2005 PERMISSIVE PROPERTY TAX EXEMPTIONS**

Committee received a memorandum dated September 13, 2004 from the Manager of Business Support and Risk Management regarding permissive property tax exemptions. Council must pass a bylaw before October 31, 2004 to specify which properties they wish to exempt from property taxes for the following year. In order to accommodate the process timelines for the 2005 tax year, a list of all applications, including new applications and

recommendations for each application was attached as a schedule to the report of September 13, 2004.

Councillor Thornton-Joe left the meeting at 9:45 a.m. after declaring a non-pecuniary conflict of interest with the Chinese Consolidated Benevolent Association matter.

- ACTION:** Councillor Fleming moved that it be recommended to Council that:
1. Victoria City Council direct staff to prepare a permissive tax exemption bylaw for 2005 incorporating the exemptions recommended in the attached schedule with the exception of the Capital Mental Health Association whose application for 2616 Pleasant Street was withdrawn.
  2. This matter be forwarded for consideration at the September 16, 2004 Council Meeting.

CARRIED 04/636

Councillor Thornton-Joe returned to the meeting at 9:46 a.m.

## **PARKS, RECREATION & COMMUNITY DEVELOPMENT**

### **NAMING OF WALKWAY BETWEEN CENTENNIAL SQUARE AND FISGARD STREET**

Committee received a memorandum dated September 07, 2004 from the Department of Parks, Recreation & Community Development regarding the naming of the walkway between Centennial Square and Fisgard Street. On February 06, 2004, local historian, John Adams, met with Councillor Thornton-Joe to talk about naming the walkway between Centennial Square and Fisgard Street after a Chinese pioneer.

Councillor Thornton-Joe consulted with members of the Chinese community, including Mr. Joe Leung, President of the Chinese Consolidated Benevolent Association (CCBA), Dr. David Lai and Mr. Jack W. Y. Lee, past president of the CCBA, and two possible names were suggested. At its March meeting, the CCBA Board discussed and approved "*Lee Mong Kow*" as the name to be put forward. Staff reviewed the information and discussed the CCBA proposal with members of the Chinese community who confirmed their desire to name the walkway "*Lee Mong Kow Way*". The CCBA has expressed interest in working with the City of Victoria and potentially contribute towards an appropriate recognition component on the walkway.

Mr. Jack Lee summarized that Lee Mong Kow was a man of great integrity who volunteered his services to the Chinese Community with great enthusiasm and without any reservations. He is well remembered for his contribution to the Chinese business community. Committee thanked Mr. Jack Lee and Mr. Joe Leung for presenting a comprehensive historical background of Lee Mong Kow's life and his contribution to the Chinese Community.

- ACTION:** Councillor Holland moved that it be recommended to Council that
1. The walkway between Centennial Square and Fisgard Street be named "*Lee Mong Kow Way*";
  2. Victoria City Council allocate up to \$250.00 towards signage or other forms of appropriate recognition; and

3. Victoria City Council direct City staff to continue to work with the Chinese Consolidated Benevolent Association to formalize the recognition component on the walkway.

CARRIED 04/635

### **CIBC RUN FOR THE CURE**

Committee received a memorandum dated September 03, 2004 from the Manager, Parks Division, regarding the *CIBC Run for The Cure's* request for permission from the City of Victoria to include Beacon Hill Park as a portion of the route for their annual run, which takes place on the City streets on October 03, 2004 from 9:00 a.m. to 11:30 a.m. This event, which raises funds for breast cancer awareness, support and research, has taken place in Beacon Hill Park since the early 1990's, with the start and finish on the all-weather fields. In 2003, the start and finish were relocated to Odgen Point with a portion of the route passing through Beacon Hill Park on Circle Drive and Dallas Road.

- ACTION:** Councillor Fleming moved that it be recommended to Council that
1. Victoria City Council approve the permit application for the CIBC Run for the Cure on October 03, 2004 and subsequent years, providing that, no concerns are identified and there are no significant changes;
  2. The applicant obtains a Special Event Permit and abides by all the rules and regulations; and
  3. This matter be forwarded for consideration at the September 16, 2004 Council Meeting.

CARRIED 04/634

### **TAKE BACK THE NIGHT EVENT – OCTOBER 01, 2004**

Committee received a memorandum dated September 02, 2004 from the Manager, Parks Division, regarding the Victoria Women's Sexual Assault Centre's request for permission for participants of the *Take Back the Night* event to walk through Beacon Hill Park on the evening of Friday, October 01, 2004, from 7:30 p.m. to 8:15 p.m. The event is held to empower women to take full participation in community and bring public awareness to the issue of violence against women. The event starts and finishes at St. Ann's Academy. There will not be any setup or activities in the park. The participants will walk on the non-vehicular paths and will only be in the park for approximately one-half hour. Council approval is required as participants may possibly reach 1,000.

- ACTION:** Councillor Coleman moved that it be recommended to Council that
1. Victoria City Council approve the permit application for the Take Back the Night Event on October 01, 2004 and subsequent years, providing that, no concerns are identified and there are no significant changes;
  2. The applicant obtains a Special Event permit and abides by all rules and regulations; and

3. This matter be forwarded for consideration at the September 16, 2004 Council Meeting.

CARRIED 04/633

Councillor Holland declared a non-pecuniary conflict of interest on the following matter and was excused from the meeting at 10:15 a.m.

## **PLANNING & DEVELOPMENT**

### **REZONING APPLICATION NO. 04-31 – 1306 JOHNSON STREET**

Committee received a memorandum dated September 09, 2004 from the Planning Division regarding an application to rezone the property at 1306 Johnson Street from the R-2 Zone (Two Family Dwelling) to a new zone to allow the construction of a duplex on a 548m<sup>2</sup> lot. In 1998, this property was successfully rezoned from the R1-B Zone to the R-2 Zone to permit this very same development. At that time, the property was placed in Development Permit Area #26 (Intensive Residential Development) and a Development Permit was issued which included a variance to relax the site area from 555m<sup>2</sup> to 548m<sup>2</sup>. This Development Permit has now lapsed. Since the 1998 rezoning, the City has received a legal opinion advising that, in the R-2 Zone, site area cannot be relaxed through a Development Permit or a Development Variance Permit process, it must be incorporated into the zoning. Therefore, a new Development Permit cannot be issued unless a site specific rezoning takes place to reduce the required site area.

#### **ACTION:**

Councillor Madoff moved that it be recommended to Council that:

1. The application be forwarded for consideration at a public hearing and that the City Solicitor be instructed to prepare the necessary Zoning Bylaw amendment based on the R-2 Zone except:
  - Section 2.1.5. (3)(a)(i) to reduce the required site area from 555m<sup>2</sup> to 548m<sup>2</sup>
  - Section 2.1.5. (3)(a)(ii) to reduce the area required for each dwelling unit from 277.5m<sup>2</sup> to 274m<sup>2</sup>
  - Section 2.1.5. (3)(g) to increase the floor space ratio for the first and second storeys to 0.52:1
2. Approval of the following relaxations as part of the Development Permit concurrent with rezoning:
  - Section 2.1.5. (3) to permit a duplex to be two storeys with a basement
  - Section 2.1.5. (3)(k) to permit a front yard setback of 6 meters (4.1 with porch)
3. The application be forwarded to the Advisory Design Panel for review and report back to Committee of the Whole, before a public hearing is scheduled.

CARRIED 04/632

Councillor Holland returned to the meeting at 10:25 a.m.

### **DEVELOPMENT VARIANCE PERMIT NO. 04-33 – 2122A GOVERNMENT STREET**

Committee received a memorandum dated August 31, 2004 from the Senior Planner, Planning Division, with respect to an application for a Development Variance Permit to permit a relaxation of the overall parking requirement for the automotive and retail centre at 2122A Government Street from 59 stalls to 49 stalls to allow the expansion of the Club Phoenix Health Fitness and Tanning. At the August 26, 2004 Committee of the Whole meeting, Committee recommended that this application proceed subject to further information provided on potential landscaping improvements. The Manager of Club Phoenix, in conjunction with the owner of the property, has itemized potential changes to the landscaping. However, these improvements are on a voluntary basis and do not form part of the development variance permit approvals.

**ACTION:** Councillor Madoff moved that Victoria City Council accept the proposed landscaping improvements for information.

CARRIED 04/631

### **DEVELOPMENT VARIANCE PERMIT NO. 04-04 – 138 MICHIGAN STREET**

Committee received a memorandum dated September 08, 2004 from the Senior Planner, Planning Division with respect to an application for a Development Variance Permit to permit two front yard parking spaces for a house converted to a duplex on a narrow lot. The Zoning Bylaw requires the provision of two parking spaces behind the front line of the house. The conversion of the house was done without the benefit of a building permit. Approval of the front yard parking would enable the legalization of the duplex.

The proposed front yard parking is permeable 'grass grid' and is screened by landscaping. City staff have no objection to this proposal. The applicant has requested approval of two front yard parking spaces and, also, submitted signatures of a number of neighbours in support of the proposal. Committee discussed the issue of the two parking spaces behind the front line of the house as required by the Zoning Bylaw and recommended that the development meet all bylaw requirements with a variance in Schedule "C", Section 4 - relaxation to permit one parking space in the front yard instead of two parking spaces.

Council's decision is subject to Local Government Act notification requirements to owner and occupiers of the proposal property. A Council hearing is required for this application.

**ACTION:** Councillor Fortin moved that it be recommended to Council that Victoria City Council authorize the issuance of a Development Variance Permit in accordance with:

1. Amended Plans stamped "Development Variance Permit No. 04-04" dated September 16, 2004.
2. Development meeting all bylaw requirements with the following variances:

Schedule "C" Section 4	Relaxation to permit one parking space in the front yard
Schedule "C" Section 7.2(b)	Street setback for parking space relaxed from one meter to nil.

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

CARRIED 04/630

### **DEVELOPMENT PERMIT NO. 04-03 – 80 REGATTA LANDING**

Committee received a memorandum dated September 09, 2004 from the Head of Urban Design, Planning Division with respect to an application for a Development Permit to construct a 2-storey, 965m<sup>2</sup> commercial building, on a site joining Phase 1 and Phase 2 Railyards developments just east of Regatta Landing. The proposal was forwarded to Committee of the Whole at its meeting of April 01, 2004. Committee tabled the application pending receipt of the following:

1. A report from the Engineering and/or Parks Departments regarding the cross section of the Galloping Goose Trail; and
2. A response from the architect with respect to “greening” the roofscape design.

The applicant has by letter dated August 16, 2004 requested that the Development Permit application be reactivated. The letter includes the description of the process taken by the applicant and responses to Council’s requirements as outlined above. By letter of August 06, 2004, the applicant’s architect identified changes to the adjustment of the lot boundary, roof cladding and addition of mechanical louvres above the public washroom area. The applicant by letter dated September 09, 2004 indicated responses to recommendations made by the Advisory Design Panel at its meeting on March 24, 2004 regarding roof design, security and vulnerability of accessible wood elements.

Staff have reviewed the trail width and details of the Galloping Goose Trail and found that the issues have been satisfactorily resolved. Further, Committee of the Whole at its meeting of August 12, 2004 approved a motion to amend the Master Development Agreement for the Railyards development in regard to the timing and construction for the Stage 2 Waterfront Linear Park and Dual Trail (Galloping Goose Trail).

- ACTION:** Councillor Fortin moved that it be recommended to Council that Victoria City Council authorize the issuance of a Development Permit in accordance with:
1. Plans stamped Development Permit Application No. 04-03 dated August 04, 2004;
  2. Development meeting all bylaw requirements;
  3. Final plans to be in accordance with plans identified in the September 09, 2004 staff report, to the satisfaction of the Director of Planning and Development; and
  4. This matter be forwarded for consideration at the September 16, 2004 Council Meeting.

CARRIED 04/629

## **ADMINISTRATIVE MATTERS**

### **DISPOSITION OF COMMUNICATIONS**

Committee received Disposition of Communications dated September 13, 2004 from the Manager, Administration, reporting that certain communications received in the Legislative Services Division have been dealt with on the date and in the manner indicated.

**ACTION:** Councillor Coleman moved that the Disposition of Communications dated September 13, 2004 be received for information and filed.

CARRIED 04/628

### **PROCLAMATION**

**ACTION:** Councillor Savoie moved that it be recommended to Council that Victoria City Council proclaim the week of October 1 – 7, 2004 as “Breastfeeding Week” in the City of Victoria, British Columbia.

CARRIED 04/627

### **2004 UBCM CONFERENCE**

Committee received a memorandum dated September 14, 2004 from the Office of the City Manager with respect to the 2004 UBCM Conference that is being held in Kelowna, British Columbia on September 20-24, 2004. Councillor Dean Fortin has been asked to sit on the Crystal Methamphetamine Panel at the conference on September 21 and 22, 2004. This is in addition to the attendance of the conference by Mayor Lowe, Councillor Holland, Councillor Coleman, and Councillor Fleming. Additional expenses of \$326.00 for flight, room and meals will be incurred.

**ACTION:** Councillor Savoie moved that it be recommended to Council that

1. Victoria City Council approves the attendance of Councillor Dean Fortin to attend the 2004 UBCM Conference in Kelowna.
2. Victoria City Council approves the additional UBCM funding of \$326.00 to cover related expenses.
3. That this matter be forwarded for consideration at the September 16, 2004 Council meeting.

CARRIED 04/626

## **COUNCILLOR INFORMATION SHARING**

### **HERITAGE CANADA FOUNDATION**

Councillor Madoff informed Committee that she was elected as the Governor in British Columbia for the Heritage Canada Foundation. Councillor Madoff indicated that it would be advantageous for British Columbia to have a representative at the Federal level because of

the proposed Federal Initiative such as the tax credit program that will encourage the retention and restoration of heritage buildings.

Committee congratulated Councillor Madoff on her newly elected position as the Governor in British Columbia for the Heritage Canada Foundation.

04/625

### **BRITISH COLUMBIA FERRIES**

Councillor Fleming presented a motion passed by the Vancouver City Council with respect to the BC Ferries and requested that a similar motion be passed by the Victoria City Council.

**ACTION:** Councillor Coleman moved that it be recommended to Council that that Victoria City Council make the following motion:

*WHEREAS* BC Ferries has entered into a tendering process to build two and possibly three new Super C ferries at a cost of approximately \$500 million to be delivered in the fall of 2007.

*WHEREAS* BC Ferries had a pre-qualification process, which resulted in no Canadian shipyard making the shortlist.

*WHEREAS* BC shipyards have built every ferry, but two, currently used by BC Ferries to safely and efficiently transport passengers around this province.

*WHEREAS* new ferries being built in BC would give a huge economic boost to Greater Victoria, the rest of British Columbia and Canada, through the creation of at least two thousand direct jobs with an additional two thousand indirect jobs.

*THEREFORE BE IT RESOLVED THAT* BC Ferries stop their tendering process immediately and give the same opportunities to local shipyards that it has given to European shipyards and allow a competitive bid to be submitted for the new Super C ferries.

*BE IT FURTHER RESOLVED THAT* Victoria City Council request that the Federal Government apply the 25% customs duty to the foreign shipmaker.

**ACTION:** Councillor Fleming moved that this matter be forwarded for consideration at the September 16, 2004 Council Meeting.

CARRIED 04/624

**CLOSED MEETING - 11:00 A.M.**

**ACTION:** Councillor Hughes moved that Committee of the Whole convene a closed meeting that excludes the public under Section 11(6) of the Council Bylaw for the reason that the following agenda items deal with matters specified in Section 11 (3) and/or (4) of the Council Bylaw.

CARRIED 04/623

**APPOINTMENT**

**ENVIRONMENT & SHORELINE ADVISORY COMMITTEE**

**ACTION:** Councillor Savoie moved that it be recommended to Council that Blair Humphrey be appointed to the Environment & Shoreline Advisory Committee for the balance of the term, which expires on December 31, 2004.

CARRIED 04/622

**COUNCILLOR INQUIRIES**

Councillor Holland inquired about a letter to Council and the City Solicitor advised Committee on this matter.

04/621

**ADJOURNMENT OF CLOSED MEETING**

**ACTION:** Councillor Hughes moved that the Closed Meeting be adjourned.

CARRIED 04/620

The meeting adjourned at 11:10 a.m.

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Mayor Alan Lowe, Chair