

**MINUTES OF THE COMMITTEE OF THE WHOLE MEETING**  
**HELD THURSDAY, OCTOBER 18, 2007, 9:00 a.m.**

**Committee Members Present:** Mayor Lowe in the Chair, Councillors Coleman, Fortin, Hughes, Madoff, Thornton-Joe and Young.

**On Leave:** Councillor Chandler.

**Absent:** Councillor Holland.

**Staff Present:** P. Ballantyne – City Manager; M. McCliggott – Assistant City Manager; R. Woodland -Corporate Administrator; C. Havelka - Recording Secretary.

**Staff Present for a Portion of the Meeting:** D. Day – Director of Planning & Development; B. Sikstrom – Senior Planner; N. Taylor – Senior Advisor, Intergovernmental and Strategic Initiatives; K. Josephson – Manager, Corporate Communications; S. Barber – Senior Heritage Planner; M. Mayhew – Executive Assistant; C. Carter – Bylaw Officer; T. Weckend – Bylaw Officer.

**1. MEETING CALLED TO ORDER BY THE CHAIR AT 9:02 a.m.**

**2. APPROVAL OF THE AGENDA**

The Chair outlined the following changes to the October 18, 2007, Committee of the Whole agenda:

- Item # 3A – Additional Report
- New Item # 10A – Legal – Litigation Update
- New Item # 10B – Legal – Litigation Settlement

Councillor Sharing or Inquiry:

1. Councillor Thornton-Joe – one sharing.
2. Councillor Coleman - two sharing.

**Action:** Councillor Hughes moved that the Agenda of the October 18, 2007 Committee of the Whole meeting be approved as amended.

CARRIED 07/544

**3. ADOPTION OF MINUTES**

**3.1 October 4, 2007 Committee of the Whole Minutes**

**Action:** Councillor Coleman moved that the minutes of the October 4, 2007 Committee of the Whole meeting be adopted.

CARRIED 07/543

#### 4. DELEGATION

##### 4.1 Victoria Tall Ships Society

Committee received correspondence dated September 6, 2007 and a presentation from Victoria Tall Ships Society members B. Cross, President and J. Corbett, Executive Director, with John Anderson, Ann Daniels and Jamie Webb also in attendance. The Society is preparing to host a Tall Ship Festival in the Inner Harbour June 26 – 29, 2008. This follows the success of the inaugural event in June 2005 in which the City of Victoria was an important partner. The event in 2005 drew over 100,000 people to the shores of Victoria and contributed over \$4.3 million to the region's net GDP. In 2008 the Society is looking to exceed these results.

Funding sources for this event are one-third from government grants, one-third from corporate support and the remainder in ticket sales. Society members requested grants similar to those the City of Victoria provided in 2005, which was \$50,000 financing and \$50,000 in kind. A Committee member inquired if the Society intends to request funding from other municipalities, which is the Society's intent.

A Committee member expressed support for the event in principle but the appropriate avenue for financing needs to be explored.

[www.tallshipsvictoria.ca](http://www.tallshipsvictoria.ca)

**Action:** Councillor Coleman moved that Council approve in principle Victoria Tall Ship Society's request for support from the City of Victoria for the 2008 event and refer the request for funding from the Victoria Tall Ships Society to staff and the Finance Committee for information and review.

CARRIED 07/542

*Councillor Fortin withdrew from Council Chambers at 9:16 a.m. as he is the Executive Director of the Burnside Gorge Community Association and has a direct pecuniary interest in the following item*

#### 5. DEVELOPMENT SERVICES

##### 5.1 Rezoning Application # 00158 for 395 Tyee Road

Committee received a report dated October 18, 2007 from Development Services with respect to Rezoning Application #00158 for 395 Tyee Road. This application is to transfer 5,895m<sup>2</sup> of floor area potential from Development Area D (DA-D) along Harbour Road to Development Area A (DA-A) along Tyee Road. Transferring floor area potential within "like" uses is permitted in this zone, however, this application proposes to not only transfer potential floor area between areas, but also to transform it from an industrial/commercial type of use to a residential type of use, so a rezoning is required.

The applicant has stated that this request is justified because of an inability to use the maximum floor area allowable in DA-D as a result of plans to retain the Princess Mary building and to locate the biomass facility in DA-D. Both buildings are large warehouse-style structures with tall floor to ceiling heights with limited opportunities for incorporating additional floor area above. This means that significantly less floor area can be achieved in these buildings than would be permitted using a different building scheme. Changes to circulation and parking plans are also cited as reasons for the inability to take full advantage of the maximum development potential of DA-D.

Staff have reviewed the proposed change in uses and the transfer within the southern portions of the Dockside project and can recommend them to foster the retention of a significant portion of the Princess Mary building and the siting of the biomass facility. It is recommended that the zone clearly set out those provisions and requirements.

The maximum density permitted on the site as a whole would not change from what is currently permitted, which is 2.06:1.

The applicant has consulted the Victoria West Community Association regarding this application. The Community Association has waived the requirement for an official community meeting. (Letter dated August 29, 2007 was attached to report).

Committee members inquired if staff was satisfied that this was a simple transfer with regards to industrial and residential land uses. Staff advised that a more detailed analysis would be needed to fully examine this question and the applicant would need to provide further information to respond to this issue. Staff advised that this transfer was supportable from a Planning point of view.

The applicant, C. Bloedorn, spoke to Committee with respect to the site planning and soil remediation necessary to make this development viable, noting that the amount being requested was the minimum they could transfer.

Committee requested that staff work with the applicant to respond to the above questions regarding the transfer of land use before the Public Hearing.

**Action:** Councillor Thornton-Joe moved:

1. That Council advance the application for consideration at a Public Hearing.
2. That the City's Solicitor be instructed to draft bylaw amendments allowing 5,895m<sup>2</sup> of floor area from an industrial and work/live use on DA-D to be transferred to a residential and live/work use to be located on DA-A, provided a biomass facility is built on DA-D and a significant portion of the Princess Mary building is retained.

CARRIED 07/541

## **5.2 Revitalization Tax Exemption Authority**

Committee received a report dated October 17, 2007 from Legislative and Regulatory Services with respect to Revitalization Tax Exemption Authority. This past winter Council considered a request to exempt the Dockside Green Biomass Facility from the payment of municipal property taxes through a partnering agreement. Dockside Green advised that the property tax exemption was required to make the development and use of this innovative “green” technology financially viable. While Council declined to pursue the requested property tax exemption through this mechanism Council agreed to support an application to the Province to exempt the Biomass Facility from all property taxes, subject to the City’s review of the business pro forma for the facility.

Since this matter was last before Council the Province enacted amendments to the Community Charter that expanded municipal powers to exempt property taxes for land and improvements that are part of a municipal revitalization scheme.

Dockside Green provided the Director of Finance its business pro forma for the Biomass Facility and it was concluded that the municipal property tax exemption provides a necessary incentive for the Biomass Facility. Dockside Green is also pursuing the Provincial government’s support for the exemption of payment of the remaining non-municipal portion of property taxes.

The revitalization tax exemption scheme provides an avenue for municipalities to implement incentives for more environmentally sustainable development. In the context of Dockside Green, such an exemption would support Council’s strategic plan objectives for:

- Sustaining and enhancing the environment through sound leadership and stewardship of natural resources; and
- New high quality development.

In addition, the district heating system supported by the Biomass Facility is a more energy efficient and sustainable form of building heating system.

Staff advised Committee that this report is to seek Council’s direction with respect to undertaking the work and reviewing how other applications can be managed in the future.

**Action:** Councillor Hughes moved that Council further consider the use of a revitalization tax exemption program in response to Dockside Green’s property tax exemption request for the Biomass Facility.

CARRIED 07/540

*Councillor Fortin returned to Council Chambers at 9:31 a.m.*

### **5.3 Heritage Alteration Permit Application # 00066 for 934A Foul Bay Road**

Committee received a report dated October 18, 2007 Development Services with respect to Heritage Alteration Permit #00066 for 934A Foul Bay Road. This application is to expand an existing exterior deck on the northwest corner of the heritage-designated house at 934A Foul Bay Road. Also proposed is a handicapped access lift adjacent to the proposed deck. A similar application

(without the lift) was considered by Council in December 2004 and was declined. A letter from the applicant dated September 4, 2007 explaining the rationale for the application is appended. Due to the existing non-conforming location of the existing house, variances are required for the rear and side yard setbacks. The proposal conforms with the City's *Standards and Guidelines for the Conservation of Historic Places in Canada* and staff recommends that the application be approved. Privacy issues appear to have been addressed through screening provided by both the existing vegetation and a change in grade between adjacent properties. Notification to the Fairfield Community Association Land Use Committee was sent on September 17, 2007. A Public Hearing will be required.

**Action:** Councillor Thornton-Joe moved that, pursuant to Heritage Designation Bylaw No. 208, City Council authorize the issuance of Heritage Alteration Permit #00066 in accordance with:

1. Plans dated September 5, 2007.
2. Development meeting all bylaw requirements, with the following exceptions:
  - a) Section 1.6.11(a) relax rear yard setback requirement for 30% of lot depth from 26.37 m to 2.29 m.
  - b) Section 1.6.14 (a) relax side yard requirement for 15% of lot width from 7 m to 3.65 m.

CARRIED 07/539

## 6. FINANCE

### 6.1 Corrections to Assessment Rolls

Committee received a report dated October 5, 2007 from Finance with respect to Corrections to Assessment Rolls. The City has received Supplementary Rolls #16 for 2006, and #4 and #5 for 2007 prepared under the provisions of the Assessment Act. Section 434 of the Local Government Act requires that "... *the Collector shall report the facts to Council which shall authorize the necessary adjustment.*"

**Analysis:**

The various agencies affected are as follows:

School	-Commercial	\$246,538.86
	-Residential	(17,862.31)
General Municipal		174,514.21
General Police		30,193.03
General Debt		106,356.67
Capital Regional District		37,514.92
Capital Regional Hospital District		13,178.93
BC Assessment Authority		6,575.73
Municipal Finance Authority		1.06
Regional Transit		21,256.59
Local Services		<u>4,169.91</u>
		<u>\$622,437.60</u>

The 2007 budgeted amount for taxes uncollectible is \$250,000.00. This amount has been spent; however, an allowance has been set up to cover the excess adjustments.

**Action:** Councillor Young moved that the adjustments to taxes based on the revised assessments as outlined in the report dated October 5, 2007, be approved.

CARRIED 07/538

## 7. LEGISLATIVE AND REGULATORY SERVICES

### 7.1 Over Height Fence – 340 Wilson Street

Committee received a report dated September 27, 2007 from Development Services with respect to an Over Height Fence at 340 Wilson Street. The City received a complaint in September 2006 regarding the height of a wooden fence that had recently been erected at the front of a property located at 340 Wilson Street. Upon viewing the fence it was found that it measured 1.83 meters (6 feet) in height which is in violation of the City *Fence Bylaw*.

Section 4(1 )(a) & (b) of the *Fence Bylaw* state that a fence located at the front of a property may only be 1.22 meters (4 feet) in height until it reaches the front fascia of the residence and then it can be raised to the 1.83 meter (6 feet) height.

Section 4(2) of the *Fence Bylaw* states that the owner of a property containing a fence that is higher than that permitted may apply to Council for a permit to construct a fence higher than allowed under subsection (1).

The Owner of the property outlined for Committee the reasons for constructing this fence. Safety concerns for young children with respect to discarded needles and traffic were discussed. Also noted was the Owner's intention to eventually replace the fence with a heritage fence. Staff confirmed that a four-foot fence with two feet of lattice on top was permitted.

A Committee member noted that heritage grants had been awarded to this house under previous owners.

A Committee member noted the issue of discarded needles and the selective enforcement of laws which created a difficult enforcement issue for the City.

Committee members outlined concerns with respect to setting a precedent if the six-foot fence is allowed to remain.

**Action:** Councillor Thornton-Joe moved that Council direct that a demolition order be made to have the fence cut down to 1.22 meters to conform to the *Fence Bylaw* by April 18, 2008.

CARRIED 07/537

## 8. ADMINISTRATIVE MATTERS

### 8.1 Disposition of Communications dated October 11, 2007

**Action:** Councillor Coleman moved that the Disposition of Communications dated October 11, 2007 from the Manager, Administration, be received for information and filed.

CARRIED 07/536

### 8.2 Proclamation – “Restorative Justice Week” November 18<sup>th</sup> – 25<sup>th</sup>, 2007

**Action:** Councillor Hughes moved that the week of November 18<sup>th</sup> – 25<sup>th</sup>, 2007 be proclaimed as “*Restorative Justice Week*”, in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED 07/535

## 9. COUNCILLOR SHARING AND INQUIRIES

### 9.1 Councillor Thornton-Joe – Holiday Reminders

Councillor Thornton-Joe reminded Committee that several holidays are forthcoming, with Halloween fireworks already being heard. With our new Fireworks Bylaw, fireworks cannot be let off or sold without special permission from the Fire Chief.

The Remembrance Day holiday falls on a Sunday which means the Monday is a statutory holiday. There will be no charge at City Parking meters or parkades on that holiday.

The fast approaching winter holiday season means decorations will soon be put up with new elements of decoration, including a Christmas hanging basket theme.

### 9.2 Councillor Coleman – United Way and Butler Book Prize

Councillor Coleman noted for Committee the totals achieved through the City of Victoria United Way campaign, which already exceeds the goal and reminded everyone to turn in their forms.

Councillor Coleman attended the Butler Book Prize presentation with Councillor Madoff on October 17, 2007 where the City of Victoria was given copies of all five finalist books, which will be available in the Legislative Services office. Councillor Madoff noted that Bolen’s Books announced that they will provide \$5000 for best children’s book.

The Mayor presented to Committee the 'Green Apple Canada 2007' award that was presented to the City of Victoria as the National Winner for Urban Smart Transportation. The City's rating was "B" and next year they hope to improve that rating.

**10. CLOSED MEETING at 9:56 a.m.**

**Committee Members Present:** Mayor Lowe in the Chair, Councillors Coleman, Fortin, Hughes, Madoff, Thornton-Joe and Young.

**On Leave:** Councillor Chandler.

**Absent:** Councillor Holland.

**Staff Present:** P. Ballantyne – City Manager; M. McCliggott – Assistant City Manager; R. Woodland – Corporate Administrator; C. Havelka - Recording Secretary.

**Staff Present for a Portion of the Meeting:** D. Day – Director of Planning & Development; N. Taylor – Senior Advisor, Intergovernmental and Strategic Initiatives; P. Sparanese – Director of Engineering; M. Mayhew – Executive Assistant; K. Josephson – Manager, Corporate Communications; B. Jordan – Staples McDannold Stewart.

**Action:** Councillor Fortin 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 07/534

**10.1 Minutes of the Special Closed Committee of the Whole Meeting held October 2, 2007**

**Action:** Councillor Hughes moved that the Minutes from the Special Closed Committee of the Whole Meeting held October 2, 2007 be adopted.

CARRIED 07/533

*Councillor Young withdrew from Council Chambers at 10:00 a.m. due to his employer's association with the lawyer for the following item which creates a non-pecuniary conflict of interest*

**10.2 Legal – Litigation Settlement**

Committee received correspondence dated October 17, 2007 from the City's Solicitor regarding a litigation settlement.

This discussion and motion were recorded and kept confidential.

(Closed Resolution 07/532)

*Councillor Young returned to Council Chambers at 10:19 a.m.*

*Councillor Hughes withdrew from Council Chambers at 10:19 a.m.*

*Mayor Lowe withdrew from Council Chambers at 10:19 a.m.  
Councillor Coleman assumed the Chair*

*Councillor Hughes and Mayor Lowe returned to Council Chambers at 10:21 a.m.  
Mayor Lowe assumed the Chair*

### **10.3 Land – Litigation Update**

Committee received an update from the Director of Legislative and Regulatory Services with respect to a litigation.

### **10.4 Land**

The City Manager advised Committee that the Land issue would be discussed once the Vancouver Island Health Authority released their report on this subject next week.

## **11. WORKSHOP**

### **Workshop on the Mayor's Task Force on Homelessness, Mental Health and Addiction**

Committee received information from the City Manager with respect to the Mayor's Task Force on Homelessness, Mental Health and Addiction.

*Mayor Lowe withdrew from Councillor Chambers at 10:54 a.m.  
Councillor Coleman assumed the Chair*

This discussion was recorded and kept confidential.

## **12. ADJOURNMENT**

**Action:** Councillor Hughes moved that the Committee of the Whole meeting of October 18, 2007 be adjourned at 12:08 p.m.

CARRIED 07/531

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Mayor Lowe, Chair