



MINUTES - VICTORIA CITY COUNCIL

September 8, 2022, 9:25 A.M.

COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE, VICTORIA BC

To be held immediately following the Committee of the Whole Meeting

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

STAFF PRESENT: J. Jenkyns - City Manager, S. Thompson - Deputy City Manager / Chief Financial Officer, C. Kingsley - City Clerk, C. Anderson - Deputy City Clerk, T. Zworski - City Solicitor, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, K. Hoese - Director of Sustainable Planning and Community Development, L. Van Den Dolder - Assistant City Solicitor, K. Moore - Head of Business and Community Relations, C. Mycroft - Manager of Executive Operations, A. Johnston - Planner, R. Batallas - Senior Planner, P. Bellefontaine - Director of Engineering & Public Works, C. Wain - Senior Planner, M. Maclean - Community Planner, P. Rantucci - Head of Strategic Real Estate, J. Biem - Assistant City Solicitor, D. Atkinson - Acting Fire Chief, S. Stoltz - Committee Secretary

B. APPROVAL OF AGENDA

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That the agenda be approved.

CARRIED UNANIMOUSLY

C. READING OF MINUTES

C.1 Minutes from the daytime meeting held August 4, 2022

Moved By Councillor Alto

Seconded By Councillor Potts

That the minutes from the daytime meeting held August 4, 2022 be adopted.

CARRIED UNANIMOUSLY

D. PROCLAMATIONS

D.1 "Lung Cancer Awareness Month" - November, 2022

Moved By Councillor Thornton-Joe

Seconded By Councillor Andrew

That the following proclamation be endorsed:

"Lung Cancer Awareness Month" - November, 2022

CARRIED UNANIMOUSLY

D.2 "Fire Prevention Week" - October 9th - October 15th , 2022

Moved By Councillor Andrew

Seconded By Councillor Dubow

That the following proclamation be endorsed:

"Fire Prevention Week" - October 9th - October 15th , 2022

CARRIED UNANIMOUSLY

D.3 "National Forest Week" - September 18th - September 24th, 2022

Moved By Councillor Alto

Seconded By Councillor Potts

That the following proclamation be endorsed:

"National Forest Week" - September 18th - September 24th, 2022

CARRIED UNANIMOUSLY

D.4 "Pregnancy and Infant Loss Awareness Month" - October, 2022

Moved By Councillor Potts

Seconded By Councillor Thornton-Joe

That the following proclamation be endorsed:

"Pregnancy and Infant Loss Awareness Month" - October, 2022

CARRIED UNANIMOUSLY

F. UNFINISHED BUSINESS

F.1 Rise and Report

F.1.a From the Closed Meeting held September 1, 2022

**Rise and Report: Royal Athletic Park decision to lease to Harbour
Cats**

That Council;

1. *Approve a licence agreement with the Harbour Cats baseball club for use of the Royal Athletic Park on a five year term with an option to renew the term for a further three years on the terms as outlined in this report, and direct the City Solicitor to prepare a legal agreement to the satisfaction of the Director of Parks, Recreation and Facilities, and in a form acceptable to the City Solicitor;*
2. *Rise and report on this decision at the discretion of the Mayor*

F.2 Letter from the Minister of Mental Health and Addictions and the Minister of Public Safety and Solicitor General

Moved By Councillor Andrew
Seconded By Councillor Dubow

That Council receive the letter dated August 22, 2022 from the Minister of Mental Health and Addictions and the Minister of Public Safety and Solicitor General regarding the allocation of police resources for patients apprehended under the Mental Health Act. for information.

Amendment:

Moved By Councillor Andrew
Seconded By Councillor Potts

That Council receive the letter dated August 22, 2022 from the Minister of Mental Health and Addictions and the Minister of Public Safety and Solicitor General regarding the allocation of police resources for patients apprehended under the Mental Health Act for information.

And ask for reconsideration and explain that this is a cost borne by the City of Victoria that is not of our own making.

Amendment to the amendment:

Moved By Councillor Potts
Seconded By Councillor Andrew

That Council receive the letter dated August 22, 2022 from the Minister of Mental Health and Addictions and the Minister of Public Safety and Solicitor General regarding the allocation of police resources for patients apprehended under the Mental Health Act for information.

And ask for reconsideration and explain that this is a cost borne by the City of Victoria that is not of our own making and linking this request to relevant sections of the report on reforming the Police Act.

CARRIED UNANIMOUSLY

Amendment to the amendment:

Moved By Councillor Young

Seconded By Councillor Thornton-Joe

That Council receive the letter dated August 22, 2022 from the Minister of Mental Health and Addictions and the Minister of Public Safety and Solicitor General regarding the allocation of police resources for patients apprehended under the Mental Health Act for information.

And ask for reconsideration and explain that this is a cost borne by the City of Victoria that is not of our own making and linking this request to relevant sections of the report on reforming the Police Act.

As an alternative, the letter suggest that the City be compensated for police/staff time devoted to maintaining order at hospital waiting rooms.

CARRIED UNANIMOUSLY

Amendment to the amendment:

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That Council receive the letter dated August 22, 2022 from the Minister of Mental Health and Addictions and the Minister of Public Safety and Solicitor General regarding the allocation of police resources for patients apprehended under the Mental Health Act for information.

And ask for reconsideration and explain that this is a cost borne by the City of Victoria that is not of our own making and linking this request to relevant sections of the report on reforming the Police Act.

As an alternative, the letter suggest that the City be compensated for police/staff time devoted to providing mental health support and maintaining order at hospital waiting rooms.

CARRIED UNANIMOUSLY

Amendment to the amendment:

Moved By Councillor Thornton-Joe

Seconded By Mayor Helps

That Council receive the letter dated August 22, 2022 from the Minister of Mental Health and Addictions and the Minister of Public Safety and Solicitor General regarding the allocation of police resources for patients apprehended under the Mental Health Act for information.

And ask for reconsideration and explain that this is a cost borne by the City of Victoria ~~that is not of our own making~~ and linking this request to relevant sections of the report on reforming the Police Act.

As an alternative, the letter suggest that the City be compensated for police/staff time devoted to providing mental health support and maintaining order at hospital waiting rooms.

CARRIED UNANIMOUSLY

On the amendment:

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Isitt
Seconded By Councillor Alto

That Council receive the letter dated August 22, 2022 from the Minister of Mental Health and Addictions and the Minister of Public Safety and Solicitor General regarding the allocation of police resources for patients apprehended under the Mental Health Act for information.

And ask for reconsideration and explain that this is a cost borne by the City of Victoria and linking this request to relevant sections of the report on reforming the Police Act **and encouraging the Province to consider analyzing and appropriately managing risks to allow for the timely deployment of alternative responders or special constables by the Province.**

As an alternative, the letter suggest that the City be compensated for police/staff time devoted to providing mental health support and maintaining order at hospital waiting rooms.

CARRIED UNANIMOUSLY

Amendment:

Moved By Mayor Helps
Seconded By Councillor Thornton-Joe

That Council receive the letter dated August 22, 2022 from the Minister of Mental Health and Addictions and the Minister of Public Safety and Solicitor General regarding the allocation of police resources for patients apprehended under the Mental Health Act for information.

And ask for reconsideration and explain that this is a cost borne by the City of Victoria and linking this request to relevant sections of the report on reforming the Police Act and encouraging the Province to consider analyzing and appropriately managing risks to allow for the timely deployment of alternative responders or special constables by the Province.

As an alternative, the letter suggest that the City be compensated for police/staff time devoted to providing mental health support and maintaining order at hospital waiting rooms.

And write to other councils in the region asking them that if their police departments or RCMP detachments are experiencing similar issues encouraging them to rearticulate our position to the province.

CARRIED UNANIMOUSLY

On the main motion as amended:

That Council receive the letter dated August 22, 2022 from the Minister of Mental Health and Addictions and the Minister of Public Safety and Solicitor General regarding the allocation of police resources for patients apprehended under the Mental Health Act for information.

And ask for reconsideration and explain that this is a cost borne by the City of Victoria and linking this request to relevant sections of the report on reforming the Police Act and encouraging the Province to consider analyzing and appropriately managing risks to allow for the timely deployment of alternative responders or special constables by the Province.

As an alternative, the letter suggest that the City be compensated for police/staff time devoted to providing mental health support and maintaining order at hospital waiting rooms.

And write to other Councils in the region asking them that if their police departments or RCMP detachments are experiencing similar issues, encouraging them to emphasize our position to the Province.

CARRIED UNANIMOUSLY

G. REPORTS OF COMMITTEE

G.1 Committee of the Whole

G.1.a Report from the September 1, 2022 COTW Meeting

G.1.a.a Council Member Motion - Advocacy for Emergency Planning for Multi-Unit Housing

Moved By Councillor Isitt

Seconded By Councillor Alto

That Council request that the Mayor write, on behalf of Council, to the Solicitor General of British Columbia, copying the Premier and the Minister responsible for housing, supporting strata corporation participation in disaster planning, preparation and response.

CARRIED UNANIMOUSLY

G.1.b Report from the September 8, 2022 COTW Meeting

**G.1.b.a 1450 and 1452 Elford Street: Temporary Use Permit
with Variances Application No. 00024 (Fernwood)**

Moved By Councillor Potts
Seconded By Councillor Loveday

1. That Council waive the standard practice of holding an opportunity for public comment for this application but direct staff to continue other standard practices related to sign posting and public notification, including a request for written commentary to come back to Council for consideration prior to issuing the Temporary Use Permit.
2. And subject to the required notification and advertising, Council consider issuing the Temporary Use Permit as follows: "That Council authorize the issuance of Temporary Use Permit Application No. 00024 for 1450 and 1452 Elford Street, to permit the use as a seasonal cold weather shelter in accordance with:
 - a. Plans date stamped August 3, 2022.
 - b. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. reduce the vehicle parking down to two stalls.
 - c. The Temporary Use Permit lapsing three years from the date of this resolution."

CARRIED UNANIMOUSLY

H. BYLAWS

H.1 Bylaw for 3198 Quadra Street: Rezoning Application No. 00808

Moved By Councillor Potts
Seconded By Councillor Alto

That the following bylaw **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1287) No. 22-086

CARRIED UNANIMOUSLY

**H.2 Bylaw for 808-812 View Street, 1205-1225 Blanshard Street and 805 Yates
Street: Rezoning Application No. 00791 and Development Permit No.
000605**

Moved By Mayor Helps
Seconded By Councillor Andrew

That the following bylaw **be given first and second readings:**

1. Zoning Bylaw 2018, Amendment Bylaw (No. 14) No. 22-083

CARRIED UNANIMOUSLY

H.3 Bylaw for Road Closure: Jewish Cemetery Project

Moved By Councillor Loveday

Seconded By Councillor Dubow

1. That the following bylaw be given first, second and third readings:
 - i. Cedar Hill Road Closure and Dedication Removal Bylaw No. 22-081.

CARRIED UNANIMOUSLY

Moved By Councillor Dubow

Seconded By Councillor Loveday

2. Subject to Council giving introductory readings to Cedar Hill Road Closure and Dedication Removal Bylaw No. 22-081, that Council direct staff to deliver notice of its intention to the following operators or utilities or transmission or distribution facilities or works that Council considers will be affected by the closure: Telus, BC Hydro, Shaw, and Fortis.
3. Subject to Council giving introductory readings to Cedar Hill Road Closure and Dedication Removal Bylaw No. 22-081, that Council direct staff to provide:
 - i. notice to the public, by way of direct mail out, signage on the affected road right-of way, and publication in the Times Colonist, that the adoption of the road closure bylaw is scheduled for October 6, 2022; and
 - ii. an opportunity to persons who consider they are affected by the bylaw to make representations to Council prior to October 6, 2022.

CARRIED UNANIMOUSLY

H.4 Bylaw for Zoning Regulation of Self-Storage Facilities and Vehicle Storage

Moved By Mayor Helps

Seconded By Councillor Andrew

That the following bylaw **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1286) No. 22-082

CARRIED UNANIMOUSLY

H.5 Bylaw for 680 Montreal Street: Rezoning Application No. 00792

Moved By Councillor Loveday

Seconded By Councillor Alto

That the following bylaw **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1285) No. 22-077

CARRIED UNANIMOUSLY

H.6 Bylaws for 903, 911 & 1045 Yates Street, 910 View Street and 1205 & 1209 Quadra Street: Rezoning Application No. 00730, Associated Official Community Plan Amendment and Development Permit with Variances Application No. 00150 for 1045 Yates Street

The Senior Planner of Urban Design provided an update regarding the report for this item, highlighting updates included in the staff report.

Moved By Mayor Helps
Seconded By Councillor Potts

That the following bylaws **be given first reading:**

1. Zoning regulation Bylaw, Amendment Bylaw (No. 1279) No. 22-059
2. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 44) No. 22-058

Amendment:

Moved By Councillor Loveday
Seconded By Councillor Young

That the following bylaws **be given first reading:**

1. Zoning regulation Bylaw, Amendment Bylaw (No. 1279) No. 22-059
2. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 44) No. 22-058

And that Council directs staff to set the Public Hearing date for after the beginning of November.

FOR (5): Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Thornton-Joe, Councillor Young

OPPOSED (4): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Potts

CARRIED (5 TO 4)

On the main motion as amended:

That the following bylaws **be given first reading:**

1. Zoning regulation Bylaw, Amendment Bylaw (No. 1279) No. 22-059
2. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 44) No. 22-058

And that Council directs staff to set the Public Hearing date for after the beginning of November.

Moved by Councillor Alto
Seconded By Mayor Helps

That Councillor Isitt be allowed to speak a second time on the matter.

CARRIED UNANIMOUSLY

Motion to refer:

Moved By Councillor Isitt

Seconded By Councillor Young

That this matter be referred to a COTW meeting in November 2022.

FOR (2): Councillor Dubow, Councillor Isitt

OPPOSED (7): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

DEFEATED (2 TO 7)

On the main motion:

That the following bylaws **be given first reading:**

1. Zoning regulation Bylaw, Amendment Bylaw (No. 1279) No. 22-059
2. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 44) No. 22-058

And that Council directs staff to set the Public Hearing date for after the beginning of November.

FOR (6): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Potts

OPPOSED (3): Councillor Isitt, Councillor Thornton-Joe, Councillor Young

CARRIED (6 TO 3)

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the following bylaws **be given first, second and third readings:**

1. Housing Agreement (900 Block Yates and 1045 Yates) Bylaw (2022) No. 22-084
2. Housing Agreement (1045 Yates) Bylaw (2022) No. 22-085

CARRIED UNANIMOUSLY

Moved By Councillor Alto

Seconded By Councillor Loveday

That Council consider the OCP Amendment Bylaw in conjunction with the City of Victoria 2017-2021 Financial Plan, the Capital Regional District Liquid Waste Management Plan and the Capital Regional District Solid Waste Management

Plan pursuant to Section 477(3)(a) of the Local Government Act, and deem those plans to be consistent with the proposed OCP Amendment Bylaw.

FOR (6): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Potts

OPPOSED (3): Councillor Isitt, Councillor Thornton-Joe, Councillor Young

CARRIED (6 TO 3)

Moved By Councillor Alto

Seconded By Councillor Potts

That the following bylaws **be given second readings:**

1. Zoning regulation Bylaw, Amendment Bylaw (No. 1279) No. 22-059
2. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 44) No. 22-058

FOR (6): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Potts

OPPOSED (3): Councillor Isitt, Councillor Thornton-Joe, Councillor Young

CARRIED (6 TO 3)

Moved By Councillor Alto

Seconded By Councillor Potts

That Council refer the OCP Amendment Bylaw and Zoning Amendment Bylaw for consideration at a public hearing.

FOR (6): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Potts

OPPOSED (3): Councillor Isitt, Councillor Thornton-Joe, Councillor Young

CARRIED (6 TO 3)

Moved By Councillor Alto

Seconded By Councillor Andrew

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the public hearing for Rezoning Application No. 00730, if it is approved, consider the following motion:

“That subject to receipt of a letter from the Ministry of Environment confirming that the landowner has met the requirements of Section 557(2) of the Local Government Act with respect to contaminated sites, that Council authorize the issuance of Development Permit with Variances Application No. 00150 for 1045 Yates Street in accordance with:

1. Plans date stamped August 4, 2022.
2. Development meeting all Zoning Regulation Bylaw requirements except for the following variances:

- i. Increase the maximum number of storeys from 20 to 21
- ii. Increase the maximum height from 60m to 68.51m
- iii. Increase the maximum height allowed for rooftop structure from 5.0m to 6.55m
- iv. Reduce the required setback on the first storey for Yates Street from 3.0m to 2.0m
- v. Reduce the required setback on the first storey for Cook Street from 3.0m to 2.0m
- vi. Reduce the required setback for portions of the building above 9m and up to 21m in height on the interior lot line from 4.5m to 4.45m
- vii. Reduce the required setback for portions of the building above 21m in height on the interior lot line from 16m to 6.10m
- viii. Increase the balcony and deck projections from 2.0m to 2.5m
- ix. Reduce the required number of residential vehicle parking stalls from 282 stalls to 273 stalls
- x. Reduce the required number of residential visitor vehicle parking stalls from 53 to 38 stalls
- xi. Reduce the required number of commercial parking stalls from 67 to 43
- xii. Reduce the required number of daycare parking stalls from 5 to 3
- xiii. Reduce the number of short-term bicycle stalls to be located further than 15m of a public entrance from 74 to 30.
3. Final plans to be generally in accordance with plans date stamped August 4, 2022.
4. That the Development Permit, if issued lapses two years from the date of this resolution.”

FOR (6): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Potts

OPPOSED (3): Councillor Isitt, Councillor Thornton-Joe, Councillor Young

CARRIED (6 TO 3)

E. PUBLIC AND STATUTORY HEARINGS

E.1 Missing Middle Housing Initiative: Zoning Regulation Bylaw and Official Community Plan Bylaw Amendments and Policy Updates

Continuation of the Public Hearing held on September 2, 2022.

Council is considering four bylaws:

1. *A bylaw to amend the Official Community Plan to support implementation of the Missing Middle Housing Initiative, including supporting three storeys within Traditional Residential areas and establishing a new development permit area (DPA 15F, Missing Middle Housing) to regulate the design of Missing Middle developments.*
2. *A bylaw to amend the Zoning Regulation Bylaw to permit houseplexes, corner townhouses, and heritage conserving infill housing forms*
3. *A bylaw to amend the Land Use Procedures Bylaw to delegate approval of Development Permit applications without variances to the Director of Sustainable Planning and Community Development.*

4. *A new Affordable Housing Standards Bylaw which would specify the qualifying incomes and maximum rent rates for below-market ownership and affordable rental housing.*

Council is also considering approval of an updated Tenant Assistance Policy to specify the tenant assistance provisions necessary to qualify for a partial development permit fee refund, as would be established by the Land Use Procedures Bylaw amendment.

Council recessed at 10:30 a.m. and reconvened at 10:35 a.m.

Mayor Helps acknowledged the passing of Her Majesty Queen Elizabeth the II and Council took part in a moment of silence.

E.1.a Consideration of Approval

Moved By Mayor Helps

Seconded By Councillor Alto

That the following bylaw **be given third reading:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1278) No. 22-045
2. Official Community Plan Bylaw, 2012, Amendment Bylaw (No. 42) No. 22-044

Council discussed:

- *The need for more housing that is suitable for young families and professionals, and how this benefits other demographics such as students as well by eventually freeing up existing housing supply*
- *The fact that while other ideas such as converting existing housing are also useful, most options are already being done and it still isn't meeting the targets set out by the City and the Province*
- *The fact that the need to compromise proves that a balance has been struck within the policy*
- *The need for change that is deliberate and slow, but faster than what has taken place over recent years*
- *The need to keep pace with the change that is continuously happening within the City*
- *Support for the fact that increasing the housing supply at any level will help address the issue*
- *The need to address the issues in other ways as well, such as increased pay for workers*
- *The need to continue the gentle densification of traditionally single-family neighbourhoods in the way of basement suites, garden suites, etc. and continue lowering barriers to this type of housing as well as supporting other forms of new developments*

Motion to postpone:

Moved By Mayor Helps

Seconded By Councillor Loveday

That consideration of the Bylaws be postponed until policy matters be discussed.

Motion arising:

Moved By Councillor Loveday

Seconded By Councillor Thornton-Joe

That in the case of applications for sites with heritage value, but without heritage protections, staff be directed to work with applicants to first consider house conversion, or heritage infill, prior to considering a Missing Middle project that would require demolition.

CARRIED UNANIMOUSLY

Motion arising:

Moved By Councillor Loveday

Seconded By Councillor Isitt

That Council direct staff to conduct a review after 18 months rather than two years, including a new independent financial analysis and consideration of adding more affordability requirements.

Amendment:

Moved By Councillor Isitt

That council direct staff to conduct a review after ~~18~~ **6** months rather than two years, including a new independent financial analysis and consideration of adding more affordability requirements.

FAILED DUE TO NO SECONDER

Amendment:

Moved By Councillor Thornton-Joe

Seconded By Councillor Isitt

That council direct staff to **come back to Council with a short briefing after 6 months and** conduct a review after 18 months rather than two years, including a new independent financial analysis and consideration of adding more affordability requirements.

CARRIED UNANIMOUSLY

On the motion arising as amended:

That council direct staff to come back to Council with a short briefing after 6 months and conduct a review after 18 months rather than two years, including a new independent financial analysis and consideration of adding more affordability requirements.

CARRIED UNANIMOUSLY

Motion to lift the bylaw motion from the table:

Moved By Councillor Alto

Seconded By Councillor Loveday

CARRIED UNANIMOUSLY

Council discussed the following:

- *The fact that people used to be against development in the form of garden suites and carriage homes as well, and how that opposition quickly dissipated*
- *The fact that cities are continuously adapting and growing in new ways*

amendment:

Moved By Councillor Isitt

“That Schedule 1 of Bylaw No. 22-045 (Zoning Regulation Bylaw, Amendment Bylaw (No. 1278)), Section 3.2 (Height) be amended by changing the height specified in sub-section (a) to 8.5 m and the height specified in sub-section (b) to 9.5 m.”

FAILED DUE TO NO SECONDER

Committee recessed at 12:30 p.m. and reconvened at 1:30 p.m.

Amendment:

Moved By Councillor Isitt

For additional density pursuant to section 2.4.e, a monetary contribution equivalent to ~~\$107.64~~ \$430.56 per square metre of bonus density utilized for the development, adjusted pursuant to subsection b. with 70% of the contribution allocated to the Victoria Housing Reserve Fund and 30% of the contribution allocated to the Local Amenities Reserve Fund.

FAILED DUE TO NO SECONDER

Amendment:

Moved By Councillor Isitt

Seconded By Councillor Alto

For additional density pursuant to section 2.4.e, a monetary contribution equivalent to \$215.18 per square metre of bonus density utilized for the development, adjusted pursuant to subsection b. with 70% of the contribution allocated to the Victoria Housing Reserve Fund and 30% of the contribution allocated to the Local Amenities Reserve Fund.

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Isitt
Seconded By Councillor Young

That Schedule 1 of Bylaw No. 22-045 (Zoning Regulation Bylaw, Amendment Bylaw (No. 1278)), Section 3.2 (Height) be amended by changing the height specified in sub-section (a) to 8.5 m and the height specified in sub-section (b) to 9.5 m.

Council discussed the following:

- *The fact that the proposed decrease in height could lead to accessibility issues, and the need to protect accessibility*

Moved By Councillor Isitt
Seconded By Councillor Dubow

That Councillor Loveday be allowed to speak a second time on the subject.

CARRIED UNANIMOUSLY

Moved By Councillor Isitt
Seconded By Councillor Dubow

That Councillor Andrew be allowed to speak a second time on the subject.

CARRIED UNANIMOUSLY

On the amendment:

FOR (7): Mayor Helps, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young
OPPOSED (2): Councillor Alto, Councillor Andrew

CARRIED (7 TO 2)

Council discussed the following:

- *Concerns regarding sustainability and the environment*

Motion to refer:

Moved By Councillor Isitt
Seconded By Councillor Dubow

That this matter be referred to staff to report back as soon as possible at the COTW with recommendations on options for strengthening affordability options.

Amendment:

Moved By Mayor Helps
Seconded By Councillor Isitt

Refer this matter to a Committee of the Whole meeting in the last quarter of 2022 to consider in the context of new provincial legislation with respect to increasing housing supply that has been signaled by the Province and other considerations of concern to the new Council.

Moved By Mayor Helps
Seconded By Councillor Alto

That Council postpone the referral motion until the speakers list is completed.

CARRIED UNANIMOUSLY

Council discussed the following:

- *Concerns regarding tenant displacement and affordability*

Moved By Councillor Andrew
Seconded By Councillor Thornton-Joe

That the motion to refer be lifted from the table.

CARRIED UNANIMOUSLY

On the amendment:

Refer this matter to a Committee of the Whole meeting in the last quarter of 2022 to consider in the context of new provincial legislation with respect to increasing housing supply that has been signaled by the Province and other considerations of concern to the new Council.

CARRIED UNANIMOUSLY

On the motion to refer as amended:

Refer this matter to a Committee of the Whole meeting in the last quarter of 2022 to consider in the context of new provincial legislation with

respect to increasing housing supply that has been signaled by the Province and other considerations of concern to the new Council.

FOR (5): Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Thornton-Joe, Councillor Young

OPPOSED (4): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Potts

CARRIED (5 TO 4)

Council recessed at 3:19 p.m. and reconvened at 3:26 p.m.

H. BYLAWS

H.7 Bylaws for Accessible Parking: Amendments to Land Use Procedures Bylaw and Victoria Subdivision and Development Servicing Bylaw

Moved By Councillor Andrew

Seconded By Councillor Thornton-Joe

That the agenda be amended to add item ***1.3. – Queen Elizabeth.***

CARRIED UNANIMOUSLY

Moved By Councillor Andrew

Seconded By Councillor Loveday

That the following bylaws **be adopted**:

1. Land Use Procedures Bylaw, Amendment Bylaw (No. 18) No. 22-072
2. Victoria Subdivision and Development Servicing Bylaw, Amendment Bylaw (No. 5) No. 22-078

CARRIED UNANIMOUSLY

H.8 Bylaw for Tax Exemption (Permissive) 2023-2025

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That the following bylaw **be adopted**:

1. Tax Exemption (permissive) Bylaw, 2023-2025 No. 22-079

CARRIED UNANIMOUSLY

H.9 Bylaw for 235 Russell Street and 247 Russell Street: Rezoning Application No. 00798 and Rezoning Application No. 00799

Moved By Councillor Potts

Seconded By Councillor Loveday

That the second reading of the following bylaw **be rescinded**:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1284), No. 22-076

CARRIED UNANIMOUSLY

I. NEW BUSINESS

I.1 940 Caledonia Avenue: Temporary Use Permit Application No. 00023

Councillor Thornton-Joe recused herself from the meeting as she is a member of the board for the Coalition to End Homelessness, which is involved in the application concerning this property.

Mayor Helps stated that she no longer has a conflict of interest with this item.

I.1.a Consideration of Approval

Moved By Councillor Isitt

Seconded By Councillor Dubow

That Council authorize the issuance of Temporary Use Permit Application No. 00023 for 940 Caledonia Avenue and 953 and 963 Green Street, in accordance with:

- a. Plans date stamped June 1, 2022.
- b. The Temporary Use Permit lapsing 3 years from the date of this resolution and that the City consult with the North Park Neighbourhood Association, BC Housing and the service provider before considering an extension of the License of Occupation beyond March 2023, and report to Council in an open meeting on the results of that consultation.

FOR (7): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts

OPPOSED (1): Councillor Young

CARRIED (7 TO 1)

Councillor Thornton-Joe rejoined the meeting at 3:41 p.m.

H.9 Bylaw for 235 Russell Street and 247 Russell Street: Rezoning Application No. 00798 and Rezoning Application No. 00799

Moved By Councillor Thornton-Joe

Seconded By Councillor Potts

That Council:

Amend Zoning Regulation Bylaw, Amendment Bylaw (No. 1284), No. 22-076 by replacing schedule 1 - Map with revised schedule 1 - Map attached to the staff report dated September 6, 2022 from the Director of Sustainable Planning and Community Development.

CARRIED UNANIMOUSLY

Moved By Councillor Thornton-Joe

Seconded By Councillor Potts

That the following bylaw **be given second reading as amended:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1284), No. 22-076

CARRIED UNANIMOUSLY

I.2 Short Term Rental Business Licence Appeal for 105-1234 Wharf Street

Council received a report dated August 30, 2022 from the City Clerk regarding documents from the Appellants and the City's Licence Inspector for Council's consideration under the Short-term Business Licence Appeal Process Policy for a short-term rental unit located at 105-1234 Wharf Street.

Mayor Helps provided a background on the Short Term Rental Business License Appeal process.

The City Clerk introduced the appeal and the recommended motion.

Council deliberated the appeal based on the evidence provided by the appellant and information provided by the License Inspector.

Council discussed the following:

- *The desire to uphold the spirit of the bylaw, which is to support long-term rentals where possible in the context of the current housing shortage*

Motion to refer:

Moved By Councillor Andrew

That this be referred back to the Licence inspector and the appellant to respond to the question "is this application within a permitted zoning for short term rental"

FAILED DUE TO NO SECONDER

Moved By Mayor Helps

Seconded By Councillor Andrew

That Council receive this report for information and uphold the License Inspector's denial of a business license for the short-term rental unit at 105-1234 Wharf Street.

FOR (6): Mayor Helps, Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts

OPPOSED (3): Councillor Alto, Councillor Thornton-Joe, Councillor Young

CARRIED (6 TO 3)

I.3 Queen Elizabeth

Moved By Councillor Andrew
Seconded By Councillor Alto

The City of Victoria send a letter of condolence to King Charles III and family on the passing of Queen Elizabeth II

CARRIED UNANIMOUSLY

J. CLOSED MEETING

Moved By Councillor Andrew
Seconded By Councillor Thornton-Joe

MOTION TO CLOSE THE SEPTEMBER 8, 2022 COUNCIL MEETING TO THE PUBLIC
That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

Section 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and

Section 90(1)(n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2);

CARRIED UNANIMOUSLY

The Daytime Council meeting was closed to the public at 4:08 p.m.

K. APPROVAL OF CLOSED AGENDA

Moved By Councillor Alto
Seconded By Councillor Thornton-Joe

That the closed agenda be approved.

CARRIED UNANIMOUSLY

L. READING OF CLOSED MINUTES

L.1 Minutes from the closed meeting held August 4, 2022

Moved By Councillor Thornton-Joe
Seconded By Councillor Alto

That the minutes from the closed meeting held August 4, 2022 be adopted.

CARRIED UNANIMOUSLY

O. NEW BUSINESS

O.1. Legal Advice - Community Charter Section 90(1)(i)

Council discussed a legal matter. The discussion was recorded and kept confidential.

***O.2. Legal Advice - Community Charter Section 90(1)(i)**

Council discussed a legal matter. The discussion was recorded and kept confidential.

***O.3. Consideration of Closed Meeting Provision - Community Charter Section 90(1)(n)**

Council discussed a Consideration of Closed matter. The discussion was recorded and kept confidential.

Q. ADJOURNMENT

Moved By Councillor Andrew

Seconded By Councillor Alto

That the Closed Council Meeting be adjourned at 4:47 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR