



## **MINUTES – VICTORIA CITY COUNCIL**

### **SPECIAL MEETING OF THURSDAY, SEPTEMBER 17, 2015, AT 7:30 P.M.**

**PLACE OF MEETING:**

Council Chambers, City Hall

**PRESENT:**

Mayor Helps in the Chair, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff, Thornton-Joe and Young

**STAFF PRESENT:**

P. Bruce, Fire Chief; B. Dellebuur, Acting Assistant Director of Transportation & Parking Services; J. Jenkyns, Deputy City Manager; K. Hamilton, Director of Citizen Engagement & Strategic Planning; C. Havelka, Recording Secretary; A. Meyer, Assistant Director of Development Services; C. Mycroft, Executive Assistant to the City Manager; T. Soulliere, Director of Facilities, Parks & Recreation; S. Thompson, Director of Finance; J. Tinney, Director of Sustainable Planning & Community Development; R. Woodland, Corporate Administrator.

### **APPROVAL OF AGENDA**

It was moved by Councillor Coleman, seconded by Councillor Isitt, that the agenda be approved as amended.

Carried Unanimously

### **MINUTES**

It was moved by Councillor Isitt, seconded by Councillor Loveday, that the Special Council meeting minutes of August 5, 2015, be approved.

Carried Unanimously

### **COMBINED DEVELOPMENT APPLICATION – CONTINUATION OF PUBLIC HEARING**

**2. 1002-1008, 1012 Pandora Avenue**

**1. Public Hearing - Zoning Regulation Bylaw, Amendment Bylaw (No. 1005)**

To rezone the land known as 1002-1008 and 1012 Pandora Avenue from the CA-1 Zone, Pandora Avenue Special Commercial District and the R-2 Zone, Two Family Dwelling District, to the CA-75 Zone, Pandora Vancouver Mixed Use District to permit a mixed use commercial and residential building.

<b>New Zone:</b>	CA-75 Zone, Pandora Vancouver Mixed Use District
<b>Legal Description:</b>	Lot 1, Suburban Lot 15, Victoria City, Plan 22437 Lot 2, Suburban Lot 15, Victoria City, Plan 22437 except Parcel A (DD C70855)
<b>Existing Zone:</b>	CA-1 Zone, Pandora Avenue Special Commercial District R-2 Zone, Two Family Dwelling District

*Mayor Helps opened the public hearing at 7:33 p.m.*

Alison Meyer (Assistant Director, Development Services): This is a rezoning application to rezone the application known as St. Andrews School to a new zone that allows ground floor commercial, with residential above, with four stories fronting Mason Street and six stories fronting Pandora Avenue. She described the current zoning on the site and advised there is a concurrent Development Permit application.

Dale Hughes (Foul Bay Road): Said downtown needs more people, retail presence and revitalization which this proposal will bring. The developer has shown consideration on how the project impacts the surrounding area and is providing affordable housing units which are needed downtown.

Della Mae Johnston (North Park Street): Is opposed to the proposal as it shades the Mason Street farm, contravenes the Official Community Plan (OCP) and does not fit the neighbourhood plan. An exception should be made to allow the entrance and exit to be on Pandora Avenue and there will be other parking issues as well.

Erika Hayrman (Fernwood Road): Said there is a lack of sustainable building practices and the large retail tenant is a concern. The neighbourhood has said this proposal doesn't work for them and a development with permanent affordable housing is needed.

Diane Chimich (Humboldt Street): Said the proposal outlines multiple aspects that makes downtown better and has met the needs of the OCP, and responded to community concerns. It is a green building that will provide parking and retail that will provide job opportunities.

Christine Comrie (Caledonia Avenue): Is opposed to the development due to the impact on the Mason Street farm which provides urban, sustainable produce for the community. There will be traffic impacts and there needs to be more innovation in this proposal.

Clare Metzger (Quadra Street): Said she is concerned about increased traffic and thinks access on Pandora Avenue would be better. She supports the Mason Street farm, and the people living and working there should be listened to.

Leah MacKenzie (1012 Pandora Avenue, Financial Officer for the Catholic School): They selected the best developer to revitalize the community and they are pleased it is for rental housing and that it fits with the OCP and is lower in density than allowed. There are many amenities provided with this project and she feels that community concerns have been addressed. The land owners are concerned about this remaining a vacant site.

Keefer Pollard (Allenby Street): Said he was the last principle at the school and feels this is the best plan for the neighbourhood and it conforms to the OCP. He noted that this won't solve all the problems and meet everyone's expectations but he urged Council to support the plan.

Deanne Paulson (Humboldt Street): Outlined the issues she faced with drug and alcohol garbage when she worked at St. Andrews and this proposal checks off all the criteria for her and will revitalize the area.

Karen Deighton (View Street): Said she supports this proposal as the high density, mixed use development will provide rental housing, it meets the OCP and proposes amenities and access to many services so it should be approved.

Jason Jones (Grant Street): Said this proposal is not right for the community as they need the farm and the community garden. The big box store doesn't fit and the project needs to be redesigned.

Justine Douwos (Balmoral Road): Urged Council to vote against this proposal noting that a better plan for this site will come forward later.

Kathy Stinson (Pandora Avenue): Said she is the Executive Director of Cool Aid and she supports this proposal for the rental housing it will provide, and it will increase the vacancy rate for other types of housing. The proposal for 11 affordable housing units without a subsidy is significant and should be supported.

Daniel Ferguson (Mason Street): Said he is opposed to this development due to the traffic which will be too much for the neighbourhood streets. The mass and size of the development doesn't integrate into the neighbourhood and there are many other issues.

Joanne Cuffe (Balmoral Road): Noted the 11 units of affordable housing being proposed and provided numbers that suggest the units are not affordable for medium income residents of North Park. This proposal doesn't fit into this neighbourhood and she doesn't support it.

Michael Brown (owns property on Princess Street): Said he doesn't support the development as it is too monolithic and won't integrate with the community. He supports the Mason Street farm and also the significance of the St. Andrews School building which is heritage and shouldn't be knocked down.

Jennifer Whitfield (Tolmie Avenue): Said this is a vibrant neighbourhood and needs to be preserved. She said she is not against development but Council should listen to the recommendations of the North Park Neighbourhood Association (NPNA).

Michael Lewis (Tolmie Avenue): Said this is a thriving neighbourhood with quiet streets and a development should strengthen the neighbourhood, which this development does not. The units are not affordable and they don't need a big box store. He urged Council to reject the proposal.

Bobby Arbess (Balmoral Road): Said the housing units are not affordable for those in need of housing and more could be done to serve the needs of the neighbourhood. Height, massing, traffic and shading are issues that will have a negative impact on the community and the plan should be rejected.

Ken Johnson (President of Hallmark Heritage Society): Said this community has a mix of people with a high quality of life and neighbourhood vibrancy. The NPNA has requested changes to the project to meet the needs of the community and Council should listen to the people that live there.

***Councillor Loveday withdrew from the meeting at 8:50 p.m. and returned at 8:53 p.m.***

Julia Ford (Balmoral Road): Showed the petition which now has 1,200 signatures of people concerned about this development, noting the traffic issues, the size of the retail building and how it will impact the Mason Street farm. The consultation process for the project was poorly done and this proposal is contrary to the OCP.

Jaclyn Casler (Vic West): Has watched a lot of public hearings and by allowing a good process Council would allow development to make a positive impact in the community. Bosa has been at the process for many years trying to make a positive impact. She noted the owner of the Mason Street farm supports the project, but the operators do not. As well, the land is not zoned for a farm and they don't have a business licence.

Graeme Bousada (North Park Road): Spoke against the development as he has concerns about the size of the retail space and of the overall development. It's a struggle to find affordable rent and he appreciates the units can be rented.

Giles Addey (Grant Street): Said he doesn't understand why the entrance has to be on Mason Street, which is a quiet street, noting there are currently other accesses on Pandora Avenue. The high buildings will block the sun on the Mason Street farm and they don't need another, large retail store.

Lynn Martin (Southgate Street): Spoke to the people who are saying this development will clean up the area, but it doesn't need cleaning up. Gentrification of the area will only make people go elsewhere and supportive housing is the answer, so she encouraged Council to vote no.

Debra Skelton (Michigan Street): Noted that Council asked the Duet development to be re-massed in response to concerns from the community and she encouraged Council to seek other design options for this proposal.

David Schwartzman (resident): Spoke to keeping the urban spaces in downtown Victoria green and filling in vacant lots.

Linda Lombardy (Forbes Street): Said that the proposal offers no green space along the exterior which is a vast expanse of hard space and parking will be stressed to the max, and traffic calming will only create additional stress. A plan is needed that works for North Park to better reflect its standard of living.

***Council recessed at 9:19 p.m. and reconvened at 9:27 p.m.***

Robert Tacon (Cook Street): Said he is opposed to the proposal due to the inadequate parking, increased volumes of traffic and the density being proposed, which is too much. A better plan is needed and Council should listen to the NPNA.

Barbara Harrop (Dallas Road): Asked that this proposal not be approved due to the unique neighbourhood, noting that she has always felt safe in Franklin Park or on Mason Street and Council should vote against the proposal.

Martha Chick (Avebury Avenue): Said that it is important to expect the highest and best development for the health and prosperity of the neighbourhood. She is opposed to the development as it is now.

Doug Ashmore (Salisbury Way): Said that the neighbourhood needs something to move it forward but this proposal as it stands is not the answer. It is implied that the project will encourage the marginalized to move away but where would they go? There needs to be more consideration for this proposal.

David Adams (Board Member, Victoria Conservatory of Music): Said he supports this project and it will benefit the community as it complies with the OCP, noting that the massing concerns have been addressed and it is below the allowable height and density. The project is providing market and affordable housing units and will add value to the community.

Mackenzie Valentine (Woodburn Avenue): Said that there has been give and take on this development and the grocery store will bring more people to the area which will be a benefit. The person from Our Place supported the proposal and it will have a positive impact on the neighbourhood.

Patrick Corigan (Executive Director Pacific Opera, Balmoral Avenue): Spoke about creating artistic spaces for the benefit of the City and said the development enhances the neighbourhood and will create a more vibrant city and the rental units will attract more young people to the downtown core.

David Stephenson (Johnson Street): Said he supports this project noting that Bosa has accommodated the request for more green space and less of a footprint and it is in line with the OCP. Our Place and Cool Aid support the project and it will benefit the community.

Raya MacKenzie (Rockland Avenue): Said she supports the development and would be concerned if the lot continues to be vacant. She'd be happy to have another grocery store option nearby and small businesses will be operating on the first floor.

Carla Wormald (Kings Avenue): Said the current building is too old and a new one is needed. She is pleased to learn that 5% of the units will be affordable and it will be good for economic development in Victoria so she urged Council to support it.

Jay Fray (Arbutus Road): Said he supports the proposal and talked about how there are strong emotions for and against this project but the 2012 OCP received input from the community and voting against the proposal is against the OCP. There will be adequate sun for the farm and the developer has made changes to help the neighbourhood.

Heather Fergus (Board of Governors, Conservatory of Music): Said she supports this initiative as the development is important to the Conservatory and their students. The proposal is three years in the making and will strengthen Victoria so she hopes Council will support it.

Fran Hobbis (Hayden Court): Said this development will positively impact this area noting that it complies with the City's requirements, the developer has made compromises in response to neighbourhood concerns and it includes affordable housing. This is an opportunity to address some of the community challenges with a reputable developer. She urged Council to approve this proposal.

Ray Parks (Shadow Lane): Said this development adds to the neighbourhood and will bring people and business to the area. The City's OCP and bylaws invites people who do business to come here and the developer has followed the rules and he urged Council to do the right thing for the future of the neighbourhood.

Debbie Robertson (Dewdney Avenue) Asked Council to take into consideration that the NPNA is willing to have the site developed but the current design is unsuitable.

River Grace (North Park Street): Spoke against the proposed development and noted the climate change crisis and the importance of the Mason Street farm in terms of food security. The proposal will negatively impact the farm as will the increased traffic.

Christine Upright (Morrison Street): Spoke about health and how the proposed project will impact the community's health as proper consultation was not done and there are also social, environmental and physical health issues which could negatively impact the community.

Oliver Tennant (Cook Street): Said he is in favour of the proposal and noted that this will be a rental building and Victoria has the lowest rental vacancy rates in Canada. More housing is needed for downtown which will help young people who are the people who want to live downtown.

Daniel Saxton (Fieldmont Court): Said he hopes to live downtown in the future and would like to live in the proposed development. These units would help alleviate the issue of low vacancy in rental units.

Rolf Moosmann (Cook Street): Said he opposes this project because the lack of affordable housing and the inaccessibility of green space for the site. The large grocery store is a concern in terms of how many parking spots will be available. He asked if the City could amend the bylaw to allow the entrance to be from Pandora Avenue.

Jeremy Hespeler-Boulton (Quadra Street): Spoke against this project due to the height and mass of the development and the traffic problems it will create. The design and architecture of the structure should be a mark of civic pride and other cities should be looked at.

Linda Hughes (Pandora Avenue): Said she lives across the street from the proposal and with the improvements to the design it will be a benefit to the community. It could have had more storeys but Bosa choose not to. The parking proposed is needed and the retail store will either succeed or it won't.

Leslee Farrell (Belleville Street): Said the project meets the OCP and the developer had taken three years to create a project that will renew the neighbourhood. As a Board Member of the Conservatory of Music, they are equal residents in the community and this project is the housing innovation that they want to see.

***Councillor Loveday withdrew from the meeting at 10:39 p.m. and returned at 10:41 p.m.***

John Perry (Vista Heights): Said more people are needed downtown but the development needs to be sensitive and transition well into the neighbourhood of traditional housing stock. The Mason Street side of the development could have been townhouses which would have been better for the area.

Dianne Hodges-Whittaker (Pembroke Street): Spoke about the walkability of the area and questioned why the access can't be on Pandora Avenue as the extra traffic for the retail store will impact Mason Street which will become a service lane. The large retail store will impact small businesses and they don't need another grocery store.

Susan Kim (Richmond Road): Said she is opposed to the proposal as it currently stands and said the units being proposed aren't affordable. The developer needs to provide a proposal that addresses the concerns of all parties.

**Motion to Extend Past 11 p.m.**

It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, to extend the Council meeting past 11 p.m.

Carried Unanimously

**Council recessed at 11:00 p.m.**

**Council reconvened at 11:08 p.m.**

Charles Joerin (North Park Street)

*Mayor Helps noted that the speaker had addressed the Public Hearing on August 27.*

Mr. Joerin requested that he be permitted to speak as an individual as he spoke on August 27 on behalf of the North Park Neighbourhood Association.

Robert Woodland (Corporate Administrator): Mr. Joerin contacted Legislative Services on this matter and was advised that Council might consider an exception to the rule that a person may only speak once for up to five minutes at a public hearing.

**Motion:**

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council consider an exception to the rule, and permit Mr. Joerin to address Council.

*Councillor Young said he doesn't support the motion and described his experience at a CRD public hearing where people were permitted to speak for other people which was unfair. The rule should be one time per person.*

*Councillor Isitt said there is flexibility in procedures and it is reasonable that the NPNA representative can make remarks and can also do so as an individual.*

*Councillor Thornton-Joe said she is concerned that this might set a precedent and a representative could get someone else to speak for them.*

*Councillor Coleman said a discussion on a policy for community association representatives speaking at hearings would be helpful, and an exception can be made.*

*Mayor Helps said the community representative could speak for half of the time and then as an individual for the remaining time to abide to the speaking limit and procedural fairness.*

*Councillor Isitt asked if there is case law regarding a person permitted to speak one time only.*

Robert Woodland (Corporate Administrator): If new information is introduced at a public hearing that people have not had a chance to address then they should be given an opportunity to speak again to that new information. As for CALUC Chairs speaking at a public hearing, there is no specific policy to address the Chair speaking and then providing their personal remarks.

Defeated

**For:** **Councillors Coleman, Isitt, Loveday and Madoff**  
**Against:** **Mayor Helps, Councillors Alto, Lucas, Thornton-Joe and Young**

Dorothy Field (Gladstone Avenue): Said she is opposed to this proposal for all the reasons stated previously and she urged Council to support the NPNA in its initiatives for placemaking. Gentrification pushes people out of an area and real innovation is needed.

Linda Chen (Ontario Street): Said she supports the no vote for this development and she encouraged Council to listen to the NPNA.

Mary Adams (Collinson Street): Said the NPNA came to the consensus that four storeys maximum would be acceptable and though Bosa has been responsive there are six storeys on one side which is too much. There should be viewsapes through the buildings to make it safer. The large trucks that are proposed to use Mason Street are also a concern.

Penelope Thompson (Mason Street): Said others have said why she objects to this proposal and though Bosa has worked with them nothing has really changed.

John Lee (Balmoral Road): Said he opposes this project and that the people who live on Mason Street should be listened to and this is his backyard.

Stuart Munroe (Mason Street): Said he doesn't support the current plan for this site and he thinks there can be a more appropriate use for it.

Joanne Kalvaitis (Balmoral Road): Said this fortress type building is not appropriate, noting this is a transitional area and it could have been three or more structures. A smaller store would be more suitable and using Mason Street as a thoroughfare is not appropriate.

Aryie Cunliffe (Vancouver Street): Spoke about the future of active transportation and that Vancouver Street is a key spine for pedestrian and cycling traffic. This project should be shifted to be more in line with active transportation and the Mason Street farm produces urban food for local restaurants and that should also be supported.

Daniel Giesebrekt (Quadra Street): Said that people saying that cleaning up the neighbourhood will improve liveability is not how support is needed in the community. Putting in a large development is not how to achieve this and more collaboration is needed.

Nancy Macgregor (Moss Street): Said she is against this proposal and a large grocery store is not needed in the neighbourhood, with trailer trucks using Mason Street. The noise and disruption will impact the park and the shade from the six storey building is also a problem.

Damien Healy (Moss Street): Said that the noise from the increased traffic will create street issues as well as health issues. He spoke against the aesthetics of the building and said it should be reconsidered.

Margaret Colleen Hoppins (Grant Street): Said that the City and Bosa seem determined to use Mason Street but the City has the discretion to change the traffic plan because this area can't take that extra traffic and an entrance on Pandora Avenue should be made to work.

Caitlyn Gallupe (Mason Street): Said the City should vote no for this proposal and support small and local business, active transportation and food security. This project is not a fit for the neighbourhood.

Jeff Ellom (Graham Street): Said he is opposed to the development and it will push the poor people out of sight. The cost to rent a bachelor unit is not affordable and the building will shade the farm as well as impact the bike corridor.

Morgan Cook (Mason Street): Said this will impact the quality of life on Mason Street as it will shade her garden and the impact of the additional traffic is also a concern. She is opposed to this proposal and more affordable housing and greenspace is needed.

Tyler Roach (Works on Pandora Avenue): Said he is opposed to this proposal and the housing offered is not affordable and she finds the neighbourhood to be safe.

Paul Winstanley (Countryside Place): Spoke about the urban farm on Mason Street which makes Victoria a special place and produces food for the community. St. Andrews could be used for something different than this proposal.

Alexander Kovalchuk (Sutlej Street): Said the rent proposed is too high and it will keep students out of downtown. Mason Street farm embodies green values; this development is in conflict with the values of the community.

Matt Christie (Redfern Street): Said he supports those opposed to the development as this is not an affordable development and those living in the community are against the proposal. A different vision is needed for the future of the community.

Ellen Friesen (Our Place): Said she'd like to see the money put towards housing and not this proposal. She spoke about this being church land and that more should be done to support the people living in this area now.

Joy Robinson, (North Park Street): Said this plan is an infill project that boxes in the area with too narrow setbacks and looks like a fortress. A project that fits in the neighborhood is needed and the community's concerns should be accounted for.

Rose Prieto (Topaz Avenue): Said that this project won't make the neighbourhood safer but will further fragment it and marginalize people. A better plan is needed with smaller retail stores and one that doesn't impact Mason Street.

Mercedes Cepeda (Pandora Avenue): Said her concern is for jobs and large retailers take away more jobs than they create. Small businesses should be in this area and the developer and the City should work to create a development that works better, noting the average person could not afford to live in this building.

Crystal Dorval (Mason Street): Said the community is unique and many points were made why this development doesn't suit the community.

Robert Clarke (Grant Street): Spoke to the importance of Mason Street as a walking corridor and it shouldn't be used for access. The proposal is out of scale with the neighbourhood and proper consultation should have been done.

Chris Fretwell (Point Street): Said he would love to be able to afford housing in this area but this isn't the right project for the neighbourhood which he finds to be safe.

Erin Houldsworth (Balmoral Road): Said there is a better development out there for this neighbourhood and she feels the neighbourhood is safe and this development isn't needed to change that.

Andre Reegan (Metal Place): Said he is opposed to the development as it is too big for the area and it won't solve any problems that may be in the area.

*Councillor Isitt asked about the outcome of the direction to staff to resolve the traffic and noise issues on the west end of Mason Street and if Mason Street residents were included in the meetings.*

Brad Dellebuur (Acting Assistant Director of Transportation & Parking Services): Staff met with the applicant numerous times and discussed Mason Street, but he is not aware of meetings with the residents.

*Councillor Isitt asked about Vancouver Street and Pandora Avenue as people-priority corridors and why aren't they equivalent?*

Brad Dellebuur: When staff evaluates the potential for conflicts in greenways and cycling corridors, they will look at projected volumes and areas where conflict can be minimized.

*Councillor Isitt noted that the land owner applied for tax exemption a year ago due to the building being used for ministry programs and are these activities still ongoing?*

Leah MacKenzie (Pandora Avenue, Financial Officer for the Catholic School): They are currently using the site for outreach programs until a decision has been made on this application.

*Councillor Thornton-Joe noted the affordable housing standards are set by the Ministry of Housing and asked who will be choosing the applicants for that housing?*

Mark Kopinya (Blue Sky Properties, Applicant): They have talked to a number of agencies, such as Our Place, so that by the time the building is complete a number of groups will be in place to facilitate this, though they will still be the landlord.

*Councillor Thornton-Joe noted the comments about protecting the St. Andrews building and asked if it is designated or registered as heritage?*

***Councillor Isitt withdrew from the meeting at 12:50 a.m. and returned at 12:52 a.m.***

Alison Meyer: The building is not registered or on the heritage list so it has no formal protection. There were some discussion of retaining the building early in the planning stage but as it progressed the decision was made to not retain it.

*Councillor Thornton-Joe noted that at the beginning of the hearing, staff indicated what Council can consider as part of their decision making. She requested clarity with respect to people who mentioned the size of the retail business. Can Council's decision be based on that?*

Alison Meyer: Types of uses permitted are broadly defined in this category. Council can't distinguish between types of retail businesses, but it can regulate the total area that can be used for a type of use such as retail.

*Councillor Alto asked what is the maximum allowable height under the current zoning?*

Alison Meyer: Said it is around 15 meters.

*Mayor Helps asked if fruit and nut trees could be planted on Mason Street?*

Thomas Soulliere (Director of Facilities, Parks & Recreation): As the road is being reconfigured, this can be considered as they go through that process.

*Mayor Helps asked the applicant if they have the numbers for the retail units in terms of size; what would that be comparable to?*

Mark Kopinya: The total retail is 50,000 square feet. They cannot say today who the large tenant will be.

*Mayor Helps asked how many smaller retail spaces they envision, noting Council can't ask about the type of business.*

Mark Kopinya: There will be 12,000 square feet on Vancouver Street, and they could make that into numerous, smaller sizes, such as 400 square feet.

*Mayor Helps asked about the garden spaces proposed for the tenants and asked if they will be on the rooftop?*

Mark Kopinya: The garden plots will be in the courtyard.

*Mayor Helps asked for the approximate square footage of the garden plots and if they'll get enough sun for plants to grow.*

Mark Kopinya: They plots will be approximately five feet by eight feet and there will be 40 plots. There will be shadow in the winter months but there will be enough sun for plants to grow during the growing season.

*Mayor Helps asked if these plots are for residents.*

Mark Kopinya: The garden plots will be for the residents.

*Mayor Helps noted that they've heard that units are market affordable and eleven are affordable based on the OCP but she's also heard the units will be rent to own.*

Daryl Simpson (Blue Sky): There will be an equity program where all tenants in rental apartments can have rental money approved to go towards ownership.

*Mayor Helps asked if the intention is to have the eleven affordable units rental in perpetuity.*

Daryl Simpson: They hope to keep all the rental units for at least ten years.

*Councillor Madoff asked about the highway access bylaw and if Council has the discretion to amend that bylaw in terms of the access points to this site.*

Brad Dellebuur: The bylaw provides for discretion on the part of the City Engineer. If Council would like to revise the highway access, they can direct that, but the way the bylaw is currently written, the discretion is only given to the Director of Engineering.

*Councillor Loveday asked about the garden plots that will be in the courtyard, but on the roof.*

Daryl Simpson: The garden plots will be on top of the rooftop podium of the retail structure.

*Councillor Loveday asked what would be the largest possible anchor tenant?*

Daryl Simpson: In the current configuration the main floor retail tenant could be 33,000 square feet.

*Councillor Loveday asked about a new zone that includes financial services and what would that be?*

Alison Meyer: That could be a bank or any other financial service.

*Councillor Coleman asked how many parking stalls are proposed.*

Daryl Simpson: There will be 158 commercial and 128 residential parking stalls.

*Councillor Thornton-Joe asked about the bylaw for restricting trucks on Mason Street between 11:00 pm and 7:00 am and would Council be able to reduce those hours in response to noise concerns?*

Brad Dellebuur: The hours are specified in the Covenant registered on title but it could be revised, with the applicant's agreement.

*Councillor Thornton-Joe asked about the height allowed and what is being requested.*

Alison Meyer: Four storeys is requested on Mason Street and six storeys on Pandora Avenue. The OCP anticipates buildings between three and twenty storeys, but the Downtown Core Area Plan is referenced for a maximum of ten storeys on Pandora Avenue and a maximum of five storeys on Mason Street.

*Mayor Helps asked about the garden plots and how high they would be off the ground.*

Mark Kopinya: The plots would be at third level.

*Councillor Isitt asked how many storeys of the building extend above the courtyard and how much of the year would the courtyard be in shadow.*

Mark Kopinya: Showed a shadow study video and advised that the courtyard would receive sun about six hours a day at a minimum.

*Mayor Helps closed the public hearing at 1:15 a.m.*

**Motion to Postpone:**

It was moved by Councillor Alto, seconded by Councillor Coleman, postpone final decision of the application until October 1, 2015.

*Mayor Helps advised that this motion is proposed because if every Council member is permitted to speak for 15 minutes then the meeting could go on to 3:30 a.m.*

*Councillor Isitt raised a point of order as to whether a motion to postpone can be debated.*

*Mayor Helps asked the Corporate Administrator to provide advice on the motion to postpone and if it can be debated.*

Robert Woodland (Corporate Administrator): Advised that a motion to postpone is not debatable.

Defeated Unanimously

**Motion:**

It was moved by Councillor Isitt, seconded by Councillor Loveday, that the application be received and filed.

*Mayor Helps asked the Corporate Administrator to provide advice on this motion.*

Robert Woodland: This motion is in effect a motion to postpone indefinitely and means the matter will not be dealt with any further.



*Councillor Isitt said his intention is that the application should be declined.*

Robert Woodland: The motion that Council should consider at this time is to give 3<sup>rd</sup> reading to the Zoning Regulation Bylaw, Amendment Bylaw (No. 1005). This will enable debate and any subsequent motions.

Defeated unanimously

**Bylaw Approval**

It was moved by Councillor Young, seconded by Councillor Coleman, that the following bylaw **be given third reading:**

*Zoning Regulation Bylaw, Amendment Bylaw (No. 1005)*

**Council recessed at 1:22 a.m.**

**Council reconvened at 1:26 a.m.**

*Councillor Young said members of Council have advised they cannot remain for the debate and there is a concern that all Council be present for the vote.*

**Motion to Postpone:**

It was moved by Councillor Lucas, seconded by Councillor Madoff, that Council postpone final decision of the application until October 8, 2015.

*Councillor Isitt raised a point of order and read from Roberts Rules of Order that states a motion to postpone can be debated, in relation to the date or time to reconvene.*

*Mayor Helps asked the Corporate Administrator to provide advice on the motion to postpone.*

Robert Woodland: Advised that the Council Bylaw regulates points of order. Roberts Rules of Order are used when the Council Bylaw is not clear on a matter. Council Bylaw Section 26(5) states that a motion to postpone to a certain time is not amendable or debatable.

Carried

**For:** *Mayor Helps, Councillors Alto, Coleman, Lucas, Madoff and Thornton-Joe*

**Against:** *Councillors Isitt, Loveday and Young*

**CLOSED MEETING AT 1:32 A.M.**

It was moved by Councillor Loveday, seconded by Councillor Lucas, that Council convene a closed meeting that excludes the public under Section 12(6) of the Council Bylaw for the reason that the following agenda items deal with matters specified in Sections 12(3) and/or (4) of the Council Bylaw; namely:

**Section 12(4)(b) -** *The consideration of information received and held in confidence relating to negotiations between the City and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.*

Carried Unanimously

**RISE AND REPORT**

**1. Regular Closed Governance and Priorities Committee Report from the meeting of September 17, 2015**

**1. Intergovernmental Relations**

It was moved by Councillor Alto, seconded by Councillor Loveday, that Council rise and report on the following motion:

That Council direct the City Manager to meet with the appropriate Deputy Ministers or Assistant Deputy Ministers regarding the 1977 agreement including the importance of public ownership of the Bastion Square Courthouse.

Carried Unanimously

**ADJOURNMENT**

It was moved by Councillor Isitt, seconded by Councillor Loveday, that the Special Council meeting adjourn.

Time: 1:38 a.m.

Carried Unanimously

CERTIFIED CORRECT:

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CORPORATE ADMINISTRATOR

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MAYOR OF THE CITY OF VICTORIA