



For the Council Meeting of June 28 2018

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**Date:** Monday June 25 2018

**From:** Mayor Helps

**Subject:** Reconsideration of Rezoning and Development Permit with Variances Application for 1417 May Street

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### **Background**

On June 14 2018, Council held a hearing for a rezoning and development permit with variances for a *passive haus* fourplex at 1417 May Street. After hearing from the applicant and three members of the public, as well as considering correspondence received, Council voted to turn down third reading of the zoning bylaw.

The property owner did not request reconsideration of this motion. However, I have been sincerely struggling with Council's decision on this matter and will outline in the sections below why I think Council should reconsider this decision.

As Mayor, I have the authority under section 131 of the Community Charter to require Council to reconsider and vote again on a matter. See Appendix A. I must simply require Council to reconsider and vote again as opposed to asking Council to first pass a motion to put the matter back on the table for discussion. At my request, Council must debate and vote on whether they want to up hold the decision from June 14<sup>th</sup> or rescind it.

Staff's advice is that if Council wishes to rescind the decision, the legislation's provisions around reconsideration being "subject to the same conditions that applied to the original decision" are construed on balance to mean that a reconsideration should be done with another public hearing held before a vote to consider the bylaw is taken. This has added transparency, eliminates the "new information" possibility, but most importantly is considered to be the intent behind that legislative requirement. I have contacted the applicant and asked if they would be willing to participate in a new public hearing and received an answer in the affirmative.

### **Rationale for Reconsideration**

#### Gentle Density

The Fairfield neighbourhood, in which this property is located, has been working on its neighbourhood plan for close to two years. When the draft plan came to Council, Council gave staff direction to work with the neighbourhood to define "gentle density". Although this definition and understanding-building is still a work in progress, there seems to be an emerging consensus that four units on a 10,000 square foot lot would be considered gentle density and a good way to add infill housing to the neighbourhood. This point was raised at the hearing, but I'm not sure that Council has adequately thought through how we will embrace gentle density as a community and what kind of signal turning down this application sends to the call for gentle density in Fairfield.

### Affordability

More concerning to me than the gentle density conversation was the way that affordability was treated at the hearing. One of the reasons given for turning down the proposal was that it was not affordable. There were calls from a couple of the people who spoke at the hearing for a duplex to be built on that lot rather than a fourplex. If a duplex is built that would result in two units that would sell for approximately \$1.3 million. If a fourplex is built that would result in four units that would sell for approximately \$700,000. By all means, \$700,000 is not affordable to many people working in Victoria, buying their first home. But four units at \$700,000 are more affordable and provide more housing than two units at \$1.3 million. Furthermore, with regard to affordability – with the house built to *passive haus* standards there is an energy cost savings of approximately \$100 per month / \$1200 per year, which gives that little bit extra money to service the mortgage.

### Climate Change and Victoria's 2050 Commitments

Earlier in the term – with the strong urging of the community and in line with the Paris Agreement – Council adopted two bold and ambitious goals with regard to climate change. We committed to Victoria being 100% powered by renewable energy in 2050. And we committed to reducing our Greenhouse Gas emissions (GHGs) 80% over 2007 levels by 2050. These were not just nice words on a page, these are our commitments.

Fully 50 percent of the GHGs in Victoria come from buildings. Between 2007 and 2016, the population of Victoria increased by 9.9 per cent. In that same period our GHGs decreased by 8.8%. If we continue on this trajectory, we are only set to reduce our GHGs by 32% by 2050. We will not meet our commitment of 80% reduction. Building projects that voluntarily build in sustainability features, and especially net zero energy buildings, that will help us meet our climate commitments by 2050 deserve special consideration. I don't think this consideration was given its due by Council at the hearing.

### **Recommendation**

1. That Council rescind its decision with regard to third reading of Zoning Regulation Bylaw, Amendment Bylaw (No. 1139) No. 18-013 and direct staff to convene a new public hearing that follows all the regular public hearing requirements (advertising, mailout, etc).

**Respectfully Submitted,**



Mayor Helps

## **APPENDIX A – Community Charter Excerpt**

### **Mayor may require council reconsideration of a matter**

**131** (1) Without limiting the authority of a council to reconsider a matter, the mayor may require the council to reconsider and vote again on a matter that was the subject of a vote.

(2) As restrictions on the authority under subsection (1),

(a) the mayor may only initiate a reconsideration under this section

(i) at the same council meeting as the vote took place, or

(ii) within the 30 days following that meeting, and

(b) a matter may not be reconsidered under this section if

(i) it has had the approval of the electors or the assent of the electors and was subsequently adopted by the council, or

(ii) there has already been a reconsideration under this section in relation to the matter.

(3) On a reconsideration under this section, the council

(a) must deal with the matter as soon as convenient, and

(b) on that reconsideration, has the same authority it had in its original consideration of the matter, subject to the same conditions that applied to the original consideration.

(4) If the original decision was the adoption of a bylaw or resolution and that decision is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed.