

241212 COTW 50 Government - YouTube

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Transcript:

(00:01) uh good morning mayor Alto and members of council my name is Rob baitman senior planner with development services today I'll be presenting a rezoning and development permit with variant's application for 50 Government Street The Proposal is to rezone from the R32 Zone multiple dwelling District to a new site specific Zone to increase the density to 1.

(00:23) 94 to1 FSR and allow for a 4.5 story multiple dwelling building at this location there is a concurrent development permit with variances application pertaining to the proposed form character exterior design finishes and Landscaping and variances related to parking the property is located in the James Bay neighborhood and is currently a fourplex you can see the existing surrounding single family dwellings and duplexes in this aerial photo for further context this slide shows adjacent and nearby Heritage designated properties in the brown

(01:03) color these have Heritage value and are protected under bylaws here are photos of the existing for Plex on the subject property and this slide shows the adjacent properties the houses in the top photo are to the north of the site on Government Street the site is off the left hand side of the image and the houses in the bottom photo are to the South so the site is off the right hand side I'm first going to speak to the rezoning application and then I'll show you the plans and speak to the development permit the property is designated as

(01:53) Urban residential in the official community plan which envisions multi-unit residential including town houses and row houses low and midrise apartments with Heights that may generally range from 3 to six stories the ocp also indicates that total floor area ratios May generally range from 1.

(02:17) 2 to one uh floor space ratio uh but additional density may be considered in locations that support the growth management Concept in the ocp such as in proximity to Urban villages Town centers and Transit priority corridors where public benefit is provided consistent with the objectives of City policies up to a maximum of approximately 2 to1 FSR the proposed built form use and density that is a 4.

(02:43) 5 story multiple dwelling building at 1.94 FSR are generally consistent with this designation the proposal is located approximately 70 meters from a frequent Transit priority Corridor and approximately 300 meters from the James Bay large Urban Village it also includes rental housing and two units of affordable housing although the proposal is within the range of what is envisioned in the ocp it is at the high end of what is envisioned proposing this much floor space on this lot size which is quite a bit smaller than the minimum requirement

(03:16) in the current Zone uh and standard Zone creates challenges in the context of the surrounding lower scale buildings and buildings with Heritage designation it would likely be easier to design a development to meet the goals of the development permit area if they propose something smaller in scale a smaller scale multiple dwelling building would still be consistent with

division in the ocp as I go through the plans I'll summarize the main areas of concern with the response to the uh design guidelines these are related to usable outdoor

(03:50) space and trees the street relationship massing transitions to the surrounding single family dwellings and impacts on adjacent property The Proposal is to demolish the existing fourplex and construct a new building with 16 new rental residential dwelling units which is a net gain of 12 units these would primarily be comprised of studios and one-bedroom dwellings although the inclusionary Housing and Community amenity policy does not require any affordability because it is a rental project The Proposal includes two affordable units

(04:29) which would be secured by legal agreement for a term of 60 years the main entrance to the building is on the right side off of Government Street two parking stalls one accessible and one car share can be seen at the right side of this image the proposed 3.68 meter wide srw is located on men Street and would help fulfill official community plan objectives by providing more space for sidewalks and trees at this point in time the sidewalk would stay located where it is but in the future may be moved closer to the

(05:02) building to move it away from the vehicle travel Lanes this slide also illustrates the setbacks at the rear the building wall is setback 2.74 m to the building both side setbacks are only 1.37 M at the narrowest the surrounding existing buildings can also be seen in this image for context you can uh oh and this is the main floor plan you can see how the front of the building consists mainly of vehicle parking and bike storage and is located only about 1 and a half meters from the public srw the design guidelines encourage

(05:42) development to have a positive relationship to the street residential entries should be prominent and design features such as porches steps and alcoves should provide transitions from the public Realm of the street and sidewalk to the private realm there are concerns that the proposal would provide insufficient Street vitality pedestrian activity in visual interest the design guidelines uh indicate that open space should be provided that is usable and attractive only approximately 70 square met is open sight space that is greater

(06:15) than 1.37 met wide and located outside of the srw area this would have negative impacts on the urban forest and storm water runoff by reducing the amount of space for large Trees and Landscaping would also negative impact the usable outdoor Space by providing reduced space for people to be outside such as in Courtyards Gardens patios and other landscaped areas you can see the patios for two of the units on the left side of this image the other two units on this level do not have substantial outdoor space there is no common indoor or

(06:53) outdoor m space proposed on the site so this slide shows the second third floor plans to help mitigate the impacts of a lack of private outdoor space the applicants proposing enlarged external corridors for the second and third uh floor units which do not have balconies so you can see the uh these bump outs at the ends of the corridors in this Slide the applicants proposing to have private decks for the top floor units as can be seen on the fourth floor plan on the left and right side and this is the this is the half story

(07:33) located in the gabled roof this is the Government Street elevation exterior materials include standing seam metal roofing fiber cement shingles and horizontal siding metal guard rails with

perforated panels and horizontal uh tongue and groove wood siding you can see the main entrance at Center the bike storage is located to the left of it and the parking stalls are located to the right of it as a noted on the previous slide there are concerns the design of the ground floor would provide insufficient uh Street

(08:09) vitality and this is the rear elevation you can see that the two rear units on the ground floor have access to patios and the units on the top floor have balconies as I noted earlier this wall would be only 2.74 m to the rear property line and both side setbacks are uh only 1.37 M at the narrowest and this is the north side elevation an entrance to one of the dwelling units is that bottom right you can see the external staircases and walkways there are concerns that the external staircases would cause Overlook

(08:48) issues especially given the limited side and rear setbacks windows are limited on the side of elevations to help reduce overlook and this is the South Side elevation it's similar to the north side these elevations show the proposed development in the context of the adjacent existing buildings the design guidelines look for new development to provide a transition in its form and massing to surrounding lower density building forms many of which are Heritage designated or registered in this case uh and therefore they're un likely

(09:27) to be redeveloped as larger scale buildings in the future there are concerns that the proposed heighten setbacks would not provide a sufficient transition to these buildings here are the shadow studies Equinox is at the top summer in the middle and winter is at the bottom and here's the landscape plan landscaping materials include concrete Paving wood deck permeable pavers River Rock Stepping Stones lawn shrubs and metal Planters the tree at the top right is as well as the two trees at the bottom are on the neighbor's property and the tree

(10:04) uh at bottom right is in the public uh srw the three trees at left behind the building are proposed in response to the tree protection bylaw requirements variances related to parking would be required to facilitate this proposal this is supported due to the transportation demand management proposed except if Council chooses to move the application forward staff recommend that the proposal should be revised to accommodate the required van accessible parking stall uh the the proposed accessible stall is not large enough for Van

(10:43) currently and here are some renderings of the proposal so overall The Proposal is not considered consistent with the objectives and guidelines of the development permit area as shown on the previous slides The Proposal does not achieve a design with sufficient outdoor space in trees and does not have a positive Street relationship there are also concerns with the massing transition to the surrounding Heritage single family dwellings and with the impacts on adjacent properties so in summary we move forward in summary the

(11:15) application is for rezoning and for a development permit the urban place designation provides a vision to help assess the rezoning application it envisions a range of building types in this location from smaller three-story tow houses more around 1.2 FSR up to six story apartments more around 2 FSR while the proposal is within this range at almost 2 FSR it does not meet the objectives and guidelines of the development permit area the small lot size and small scale residential in Heritage context makes it challenging to

(11:46) design a proposal of this scale while meeting the goals of the development permit area it would likely be easier to design something to meet the design guidelines that is not at the maximum density envisioned in the urban place designation a smaller scale multiple dwelling building would also still be consistent with the vision in the ocp therefore it's recommended to council uh to decline the application thank you and I'd be happy to answer any questions thank you very much Mr bitman I will note that you have thoughtfully

(12:17) provided an alternate recommendation I'm sure there will be questions on both so let us start with questions councilor Dell councilor loton councilor Kona okay councilor d councilor l my question um just to set up my question as we passed missing middle earlier couple years ago we did a drastic update to missing middle this is the kind of lot where missing middle was supposed to happen but this did not missing middle housing it's twice the size what did those discussions happen was this is this a lot where missing middle kind of

(12:50) fourplex sixplex Could Happen was that not in the interest of the proponent uh excuse me uh through the mayor uh so the missing middle program schedule P regulations and the zoning bylaw uh and also the the guidelines they don't apply here uh currently because uh the zone that this is in uh is not the appropriate Zone it's the R32 Zone uh and also it's in the urban place or Urban residential urban urban place designation and uh therefore they can't just build uh Missing middle as of right under this zoning um uh staff we did have

(13:28) discussions with the applicant about about potentially proposing something that's similar to missing middle uh however this is what the applicant chose to proceed with right just to be clear they could still build missing middle it just wouldn't conform and we'd have to change the zoning or change the setback so they could still technically build a missing middle style house here through the May that's correct they they just can't do undercurrent zoning but they could rezone to do something similar to missing middle right and that would be

(13:54) supported by the the current urban place designation potentially as well okay okay um another question thank you through the mayor I didn't look at the internal PL to the fourth floor a lot but it I mean it looks like the ski Shell Lake roof I'll call it so is that with the inside of that fourth floor with that very tall kind of pointed roof have like ceilings that are kind of but I'm not sure 12 or 16 foot ceilings is that how the design building permit is is outlined uh through the mayor uh the plan package

(14:24) does have some sections that we don't have them in the presentation here but they they are on the uh the ceilings would be sloped um so on the edges they would be quite a bit lower and then as you can see by the this uh the slope there of the roof then uh other parts of the rooms would be quite a bit taller okay that's it for now I'll listen to the other questions so thank you thank you councilor Lon um thanks and through you mayor I'm I'm just curious um there is an alternate motion provided which addresses the issues with the design

(14:59) design guidelines so how in depth was this discussed with the proponent and is there a reason why they didn't address these issues in the planning stages with staff uh through the mayor um the uh so so the report the concerns raised in the report uh if the application moved forward with the alternate recommendation uh those would be addressed uh by making changes to the

proposal uh as conditions in that alternate recommendation um all of those things have been discussed multiple times with the applicant uh starting

(15:36) from the very beginning of the application uh and the applicant chose to move forward with this proposal still despite those discussions um I it's difficult to guess what what the applicant would uh do so I don't want to put words in the mouth uh of the applicant I I guess I feel comfortable saying from past discussions that they were definitely reluctant to make those changes and so I'm not sure uh if that alternate motion was passed I'm not sure what the applicant would do um but they may not proceed with it uh

(16:10) because of those changes okay thanks for that um and and through you mayor could could I just get an explanation of should you know those are conditions so they would have to proceed with it if they wanted to go forward um what would it what would would that look like what would the material changes to this image be under the alternate motion uh through the mayor uh the um so the applicant would need to meet our regulations and policies uh there are multiple ways that the applicant could do that so that's also a

(16:51) difficult question to answer because uh depending on what their own goals are as well uh their solutions to meet those goals could end up with different designs um but some of the things that are listed in there are uh having more usable outdoor space so um potentially it could be a redesign or possibly a smaller building to have a a more space for usable outdoor space and trees uh there are also Comon or also parts of the conditions in the uh alternate recommendation to do with the street Frontage um so potentially some

(17:26) changes could be made to potentially uh uh have more sort of active front so more windows and doors maybe a unit on the ground floor uh maybe moving the frontage back a bit from the srw uh these are all me sort of um throwing out ideas that I don't know what the applicant would actually do for it um and then also uh transitioning to the other buildings so potentially it could be a lower building um and maybe impacts on the neighboring buildings things like the external staircases May maybe uh because those might have potential Overlook

(18:01) issues maybe there's a way to screen those um again I'm just giving examples uh but those are the some of the things that would change uh and then also I don't have the alternate Motion in front of me exactly I can pull it up but they also uh the tree protection bylaw needs to be addressed so that's something else and then also the uh van accessible parking stall I okay so just for my own Clarity there would be fairly substantial changes if the alternate motion was to go forward but the proponent would have the decision to

(18:31) to not do that and then the project wouldn't happen right do I am I understanding that correctly that's correct except it's a bit hard to say how substantial the changes would need to be um that the applicant would have to look at it and see contract there that they have to adhere to that's correct okay um how this is a multi-part question how does this application line up with the James Bay local area plan when was the James Bay local area plan last reviewed and um how would it compare to a local area plan that has been recently

(19:06) reviewed like for example Fernwood uh through the mayor I can start uh with answering that question and my colleagues may be able to add something um so the the James Bay local area plan

is from I believe the early 90s uh and the policies in that uh a lot of the policies are around are around not redeveloping these types of areas with substantial density um however the ocp uh does Envision having uh Redevelopment of infill density on this uh in this area uh for and sorry what was the second part of the question well just

(19:51) when was it reviewed and maybe what would like so early 90s that's a that's a long long time ago um but I just wanted to know what the vision would be in a local in a neighborhood local area plan that has recently been reviewed and renewed like for example Fernwood what would Fernwood say about this I don't have the the exact policies in front of me I believe they'd be more in line with the ocp uh which envisions more around roughly one FSR ground oriented multiple dwellings uh potentially in these areas okay okay um and then just um

(20:37) sorry oh sorry yes Miss go ahead uh thank you through you mayor I was just going to note that um the missing middle zoning is actually a really good reference um because that is something that applies to almost all the residential zones throughout the city uh regardless of whether a new neighborhood plan has been done or not uh yeah I understand that but that doesn't apply here though in this it may not apply to this particular Zone sorry through the mayor um but um it is what one would expect to see throughout the

(21:10) city so you know the zoning is one thing the ocp is another and the ocp would would anticipate that um throughout these residential areas in general so just if you're thinking about a reference th that is a really good reference when when um dealing with a a neighborhood perhaps like this that hasn't had their neighborhood plan um redone uh recently um but that is really what we're seeing in most residential areas okay thank you for that I just want to uh flip over to the affordability component here I've read

(21:44) in the report that 10% of the units are going to be affordable which to me it that sounds exactly like the affordable housing revitalization tax exemption bylaw are they used is the proponent using the RTE byw for this project uh through the mayor I yes I believe that's the intention that the applicant would apply uh they indicated that they would be applying for the RTE and therefore we wrote that motion uh to line up with the RTE okay and just for the Public's knowledge um oh maybe I'll start but if if through you mayor if staff could just

(22:23) um confirm this I just read an article yesterday that our average price price for a one-bedroom is \$2,091 this kind of affordable that they're proposing here for 10% of the units would be 30% of median income which in my figures is would be about 13 or \$1,400 does that line up about right I know you've got cmhc there's cmhc figures in the report but just for for clarity for the for the public if we could just get a sense of um like this isn't 10% below income this is actual real median income affordability and i' just like

(23:05) confirmation on that Mr bitman can you clarify that please uh through the mayor I don't have that information in front of me but perhaps uh we can see if we have uh colleagues from our housing team online do you know who that might be Mr bman ah Mr sard yes there you go Mr s did you hear the question yes yes thanks through the mayor um yeah so the revitalization uh tax exemption uh would be based on um what we're tying that is to the median Market rent um and so uh that uh that generally is somewhere in the neighborhood of uh kind of 30 30 to

(23:53) 40% uh below Market is probably a good kind of range to think about um um and the number gets posted sort of annually by cmhc and so we'd be aligning to 95% of that okay and I'm for for a one bedroom for example that would be you know approximately uh \$1,350 thank you that's what I'm looking for thanks very much okay um that's it for me may but I just want to let you know that when the time comes I'd like to to move the alternate motion okay other questions Council Gardner um actually when the time comes I'd like to

(24:39) move the other one and I believe your your process that you've been following is you just consider declines first uh actually we consider the staff report first yes which is dein so that would be certainly the case here but I'll ask first before we go to any proposals if there are any other questions checking online I actually have a question Mr baitman uh if the alternate recommendation was proposed and adopted could this actually be built how substantial a reconstruction would this be would it be a wholly different

(25:16) application uh through the mayor um as I was saying ear earlier it's a a bit difficult to say how the applicant would respond to it I and um sorry I I don't fully understand what you mean by could it be built you mean like would it still meet the applicant's goals and can they financially make it work on their well less about that I don't think that's ultimately our responsibility but I'm just considering the depth of the changes that have been proposed in the alternate recommendation I wanted to get a sense

(25:49) from you if it was actually possible to construct something to meet all of those recommendations uh in this site uh yes yes so I I believe something on the site could be designed to respond to all of those recommendations and conditions uh however it may result in a smaller floor area uh but again we haven't done the design to determine that fully sure great thank you now I just wanted to know the feasibility of it all right any other questions not seeing any online uh so yes it is our tradition although certainly not

(26:22) required but it is has been our convention over the years to start with the staff recommendation if someone wishes to move such a thing and I believe councilor Gardner you do wish to move the staff recommendation I so move is there a second the staff recommendation councilor Carone is seconding councilor Gardner your comments on the staff recommendation thank you I appreciate the staff recommendation and um I will be supporting it and um I think it's very important to realize that the James Bay neighborhood plan is actually quite

(26:51) current doesn't use a current languages uh that that we have and uh it was um it may sound old but it's really quite current in what um is has been built in James Bay James Bay having been taken so much of the density over the extra density over the last uh decade or two and in fact over the last five decades and in the ocp that is currently in effect the James Bay neighborhood plan was supposed to be reviewed into a local area plan well ahead of many others and it was bounced um a few years ago and that should not be a reason the fact

(27:37) that it is not a local area plan for dismissing the old not the old the existing James Bay neighborhood plan it is very current and very good and I'd like to thank especially staff for what they've been doing with this in the last couple years and understanding it and I really want to thank also the James Bay residents and others from Beyond James Bay who saw that this development as

going forward in the two different iterations we've seen uh only this has been the only one at Council but we've seen the others through the press and

(28:08) media and it's very important that people realize that this one really showed what could happen to almost anywhere in the city if it were to go ahead and the lot is just too small to take what was being proposed so I'd like to again thank thank you staff for staying with this one I know it's uh sometimes tough and I thank all the residents who stayed with it and also to the James Bay neighborhood association for holding the open discussions which kept the local voices and alive and I realize it's been very tough especially for some of the

(28:52) residents who were singled out as being the type of people who should be limited in approaching City Council it is very tough to be dismissed but I thank you for staying together and I hope my fellow counselors today will accept the staff decline recommendation thank you thank you Council kerona thank you mayor and I uh what to say about this one so maybe the place to start is to note that over the last two years this Council has approved 6,886 units of Housing and I've been involved in supporting every single one of those units and in fact

(29:32) I've I've supported pretty much every housing application that's come to us with the exception of a couple that got kicked back to applicants and are still in stream this is the first time I'll be voting no and uh it takes a lot for me to vote no on housing a lot and uh we finally found an application that that that surpasses that threshold part of the issue here is that it doesn't comply with the ocp and I do think that all all things being equal we should be doing whatever we can to work within the ocp on rare occasions we disagree with our

(30:04) staff we overrule staff and we overrule the ocp because a unique project comes along that is at least to my mind subjectively valuable enough that it warrants an ocp amendment but I do think that those things ought to be rare and I think once we update the ocp they could become even rarer although they probably will still occur on occasion while it's not a popularity contest we decide on housing it is noteworthy that I have met I have not met a single person that supports this application and further as the James

(30:36) Bailey is on I've been a for the ride on this one throughout the complex and sometimes messy calic process and um the actions of the proponent are not necessarily material to the decisions that we make but the ability to work with staff and work with the neighbors through the Cal process is material to the decisions we made and I have not seen a good faith effort to work with staff or with the neighbors to make this a supportable ocp compliant proposal noting the fact that in fact this street in this area contemplates up to six

(31:09) stories so the height in and of itself could not necessarily might not necessarily be a problem but of course there are a bunch of other standards rules and regulations that have to be brought to bear including the setbacks the site coverage tree protection bylaw parking issues all those other factors are brought to bear I think once the new ocp comes into effect even the ocp as it exists right now could contemplate something of this density but it would probably require a lot assembly it would require some significant changes to site

(31:43) coverage to setbacks and the many other rules and regulations that have been discussed today and unfortunately to my mind the applicant hasn't come even close to meeting those



demands so uh I do lament turning down housing it's not something I've ever before this is the first time I will have voted no on housing so it's it's a unique scenario for me and like I said it takes quite a lot to get there uh if this isn't fact declined I would recommend the proponent wait for the update to the ocp and bring back something that is ocp compliant because

(32:13) something probably could be developed here but this is not the application thanks mayor thank you councilor Lon thanks to you mayor I just have a question I don't this is not an ocp amendment this is ocp compliant correct yeah through the mayor that is correct no ocp Amendment would be required sorry I was understanding that you're you were Mr bitman just to clarify you just said that there is no requirement for an ocp amendment for the current application correct oh that is correct okay sorry I just I just heard

(32:49) that okay thank you for that because that's a really important Point here um I understand uh staff's rationale to decline however the issues have been addressed in the alternate motion which also includes a a smaller floor area and has as has been noted um it might not even go forward based on what's going to be in that contract so I think it's it's prudent that we move forward with this project and my reason for that is the ability to incorporate real affordable ility into Market developments and it's a that is a

(33:31) top priority for our rental market market Builders who incorporate affordable units into their projects are moving the needle on the affordable rental stock in Victoria and I thank them for doing their part we need to see this happening in all new rental projects in Victoria and if I believe that this is the first application coming to us that is actually using the affordable housing um revitalization tax exemption bylaw and I want to point out that in our housing strategy we have targets every year and there is a focus

(34:07) on renters and we were to build 700 new median income homes to be approved by 2025 that was 117 a year and progress in 2023 was zero and we are only at 19% towards our t targets at the end of 23 so sure we've approved more than 6,000 housing units but in my opinion this is moot when we're falling behind so far on these crucial units and the and being able to incorporate affordability into Market is huge for us the only other way to do this is through non-market housing and it's so difficult in this market right

(34:57) now so um it's an it's an important part of what's Happening Here um the report also says that the property is designated as Urban residential in the official community plan which envisions multi-unit residential including tow houses row houses low and mid-rise apartments that Heights with Heights that might generally range from three to six stories um the alternate motion includes addressing the issues with the design guidelines by reducing the amount of floor space if needed to meet the design objectives providing more usable

(35:38) outdoor space for residents and reducing impacts on adjacent properties I also really want to push the point home here that staff's recommendation to decline is about non-compliance with the design guidelines yet conversely The Advisory design panel recommended that this application be approved as presented including comments such as it's a big building but most concerns have been mitigated and it's Innovative and extremely well thought out with great creativity additionally staff have also addressed the accessible parking

(36:18) requirement and plans to meet the tree minimum requirement which is also important under our Urban Forest master plan goals which is a city-wide canopy cover of 40% and the city's current overall canopy cover is 28% and only 27% in James Bay so it's important that this is addressed the transportation demand management measures are sufficient and particularly with this proximity to Transit and I want to see and support projects like this to keep young people in our community and to support this really critical piece of

(36:58) the housing ecosystem so I will not be supporting the motion on the floor I want to support the alternative motion because in my mind this is akin to a small apartment building and why should this not be allowed in a time when we are in a rental housing crisis this is planning for the future thank you councilor Hammond thank you mayor not only is This Too Tall too dense and too close to the adjacent properties but I can't believe this has come to our Council this is so far out of line that I feel there's no

(37:41) reasonable basis for supporting this if it's to be defeated today I hope this applicant won't be coming back with something what I would call ridiculous light to all those residents particularly those from James Bay who spent so much time to let us know how crazy this proposal is I thank you and I'm thrilled to be listening to you as for the Bobble of two affordable units dangled over our heads I believe this is very clever however completely it completely ignores The Neighbors in uh and is not the way to get two

(38:14) affordable units so I will be voting a very strong no to this and therefore a very strong yes to reject thank you very much councilor Thompson and then councilor Kim thank you mayor um this is a this is a tough one this is for sure the toughest one we've seen to date I agree with my uh colleague who earlier pointed that out I have to say that I'm not deeply in love with the project and uh uh particularly earlier versions of it this is better than the earlier versions um and it is uh uh supported by the advisory design panel as present Ed

(38:59) uh and it is ocp compliant as staff have mentioned uh just wanted to briefly address the um some of the uh many letters and emails that we've received um thanks so much for writing in really appreciate hearing the the uh diverse views on this uh one there was some support out there for it um Mo uh there was more uh expressed opposition but as I always say about this it is not a popularity contest it is up to city council to make the decision we are not running referendums here um and I say that whether the majority of people uh

(39:40) support or oppose a proposed development um and just a reminder that that uh um whether the majority of what we hear from people uh is in support or opposition we are not hearing from the vast majority of residents of Victoria like probably 99% we're not hearing from so just let's let's all keep in perspective um uh what we are hearing and what we're not hearing um I I completely disagree with the comment that affordable housing is a bobble I think that's uh insulting to the people who who need affordable housing uh I think it's a um a very

(40:26) regrettable comment uh when it comes to this particular motion um I think it would be better to give direction to this applicant on how to move this thing forward I know that staff have worked really hard on doing that and I appreciate the the amount of effort that they put into it and I also appreciate the effort that the cic process uh and and the residents have put into uh um uh

telling the applicant here's here's some things that could be done better um however I think that the best way to do that is to is to uh uh go forward

(41:05) with the motion that provides that direction rather than just saying uh no um and I I would point out that uh we can make amendments to that alternative motion if it does Hit the Floor uh to make whatever additional changes are deemed to be required in addition to the ones that the staff have mentioned so I would prefer to see that direction given through the alternative motion and I'll oppose this motion thank you thank you councilor councilor Kim um thank you through the chair a question to staff um just explain it to me like I'm five

(41:45) there is nothing stopping the applicant from coming back should the motion to decline pass there's nothing to stop the applicant from coming back looking at the changes in the alternate motion as suggestions for things that they can look to right Mr bitman I think the question is partial that question is should this motion be adopted and it's declined is there a time limit before which the applicant can return with a different application I yeah well through the mayor yeah I believe what I heard that is correct

(42:22) there is no time limit as long as they're changing the application they can come back any time and they can change the application in any way shape or form they choose which includes maybe looking to the alternate motion for ideas uh that's correct that they can look to the report or staff or policies and regulations for ideas for how to improve the application okay thanks let's zoom out a little now what are some of the can you remind me of some of the other strategies levers uh plans to in build more affordability into the

(43:02) city that's a big question I'm not sure that's entirely material to what's before us but if there was someone who wanted to do a prey that would take less than a minute okay but uh Mr I'm not sure that's Mr baitman Mr Johnson thank you uh through the mayor uh I think maybe just generally speaking the city utilizes a number of different tools to try and encourage um the provision of affordable housing in new development so whether that's um starting with our official community plan which has um housing objectives uh

(43:43) that refer to um supporting or encouraging opportunities to create affordable uh housing of different forms across the city and so whenever we are working with applicants uh with residential development proposals for rezone that require rezoning then we're encouraging them to to look to the otcp and to see how they can advance ocp objectives with their project which would include providing affordable housing um we also have other policies like our inclusionary Housing and Community amenity policy which um the

(44:20) which um sort of Set uh goals for the provision of affordable housing on site in certain projects of certain scale um and then also require um you know cash contributions to our housing Reserve fund for other uh for other types of projects um with those funds going towards uh supporting affordable housing projects um there's the rental tax exemption uh bylaw there's um yeah I think those are just some examples of uh the numerous tools that we have at our disposal thank you um I can see how it seems like that question was in Germain but um I'm

(45:03) going to follow up to that answer with how many do is there a sense of how many affordable units exist now in James Bay is that information that we have on hand is that a Mr sard question I

only think of that as he has so often remarked on this particular file through the mayor I don't think we have any um specific uh breakdown in terms of the number of uh of affordable or non-market housing units in uh on serve a neighborhood by neighborhood purpose or basis sorry um that being said I think there we are aware of uh a number

(45:48) of projects uh a number of sites that are um operated by the Capal region housing corporation that are located within James Bay um and I'm also aware of uh some uh non-market affordable housing that is operated by Pacifica as well as um there's a some co-op housing that's uh that's also affordable housing so um you know there's generally in in many areas of the city I think James way is one of the areas in the city where we do have a um representation of of non-market housing alongside both rental and Strat of housing

(46:28) forms thank you um my next question uh about the application is in its previous iterations um did it include affordable or below Market uh units and if not um if it did then like what number was it before and if not then is there a sense of why we're we're seeing this now Mr bman through the mayor uh the original application did not include rental or affordable um and so those are added later during the application process I I don't know the know the full background for uh why that was added by the applicant but definitely staff we have

(47:06) had discussions with this applicant as we do with a lot of applicants uh we have a lot of policies as we're just talking about supporting rental and affordability and so it is something that we always uh seek with applicants so they could have been just responding to our policies and the staff um comments councilor thank you um this is a question for the uh the about the top um I I assume the tap is in place because there are four units that exist there on the lot at this moment um I I don't remember off the top of my

(47:44) head reading the materials but was there a WR of first refusal offered and was that being taken up by anyone Mr bman do you happen to know that uh through the mayor I can look that up uh my colleague our tenant assistance planner may also be on the line but I'll look it up here as well I not seeing H there you are hello hello mayor and council uh thank you for that question um there is a tenant assistance plan for this project and um wrer first refusal is being offered um on the uh for the two tenants that are currently

(48:25) that are being displaced by this project and um was there another part of that question there is yeah um so is is there a sense of if the right of first refusal was being extended if the the rental rate would actually be comparable to what they're paying now um or is it like a really exorbitant increase regardless Miss putnik um well right first refusal gets offered at the time when the project is finished so it's hard to tell whether a tenant would accept it at that point in time because it just depends on their circumstances

(49:07) and whether they're happy where they're located and whether they want to return back but right of first refusal um as for policy which would be 20% below Market would be offered to um the tenants exactly and so this is where what I'm getting at here is in theory could those affordable units be what is offered to those tenants pnck uh through the mayor um it would be it would be up to yes in theory it could be it' be up to the propon in which units get offered so one would be a 20% bll Mark and the other would be at the

(49:47) affordable level um that they could be the same one right like it would the opportunity of development right okay thank you um thank you so I I'm going to leave our wonderful staff alone now and just say I'm I remain undecided but truthfully this there's a bit of a loophole I'm kind of stumbling into now where arguably uh those affordable units which I am super jazzed about don't get me wrong could not actually result in anything net new affordable across the city or in James Bay so I I do have concerns and um admittedly I'm leaning

(50:25) towards uh voting in favor of not adopting this today because I believe that the applicant can and should come back with something that would actually legitimately provide more net affordable housing um I agree that it doesn't fit in with the character of the neighborhood but that to me is um the way I the way I'm positioned is not as high priority as affordable units nevertheless um I do also believe that we need to have affordable units that are lovely beautiful livable dignified and I don't know that the way

(51:05) that this current project is structured offers that either so uh I I look to see what the rest of my colleagues have to say before I land anywhere on this but I I do want to raise that concern about the net increase or rather non- increase potentially of affordable units in the city thank you mayor thank you very much I believe everyone except for councilor Coleman has spoken so councilor Coleman will go to you and then we have a couple of speakers who wish to speak again and then I am going to break us in five minutes regardless

(51:36) of where we are in this discussion as we've been sitting for more than an hour and a half councilor colan thank you your worship um I wonder if I could get staff to go back to the presentation uh the renderings on page 20 and then 22 please that's 20 and now 22 please that one um as I look at this I I quite like some of the design I don't think it fits on this site um and part of the reason is to look at the adjacency on the street three of the four adjacent buildings are Heritage designated and you would hope that as we

(52:25) build uh new facilities um in this case residential buildings they actually fit the context of the street and while I think that this doesn't offend um the ocp because it's compliant it does offend that fit that context on the street um I can see this application actually working in some other sites but I don't think it works here and it's unfortunate um because I think we do need more housing units but I'm very aware and partly from my sins I suppose I took five years of Latin in high school and University and

(53:07) one of the phrases that would have applied then is I I build a city would be ego uh urbam condo and I think these days we en entirely focus on condo um and not Urban we build residential units in the context of neighborhoods and I don't think that this one fits here um and I I say that with some regret because I I the cathedral style building that we see here the vaed ceiling on the top I think could work um but it's too dense for this site um and so the conundrum before us is do we go with the declining motion or do we take a look at

(53:52) the alternative motion and in fact thec applicant has made a decision as the applicant always does it used to be do you roll the dice and go to a public hearing or now it's do you take an option you think you've got something that works and we put it before Council um I am quite willing to support the declining motion very aware that uh the applicant will have to go back and work with

staff there are other options that have been uh suggested for this but I think the Heritage Precinct or the Heritage nature of that street

(54:27) would require a different application on the street Frontage I think it has to look different and sometimes we can find brand new architecture that fits on a street and sometimes we find brand new architecture doesn't fit on the street and I don't think it fits here I think this is the wrong application and I say that with some regret um but I think it's better to go back and I know there's a cost to doing this but there's it's better to go back and uh not focus on condo but Focus on Urban I think we need to focus on the way it fits to the

(55:00) whole area thank you thank you very much I have two counselors who wish to speak a second time but as I mentioned earlier uh we have been sitting a very long time which does not necessarily help our thinking capacity so I'm going to suggest that we take a 10-minute break now and return at uh 10:54 at which time we will go back to councilor Garder and Katona for a second time and then we will vote on this matter continue with this item we are U for those of you who are just joining us on item E2 the rezoning application and

(55:51) development permit with variances application for 5050 Government Street on the table is a motion to decline and everyone has had a chance to speak once we have two counselors who would like to speak again so we will go briefly to counselor gner and then councilor cerona and then I'm going to call the vote thank you can we go back to that slide I think which uh councilor Coleman called 22 okay if we look at it I'd like everyone to look on the right our right hand side look at those stair wheels and look how

(56:33) they're looking right down into that house right beside it just look at that uh it's offensive and uh again as actually councilor Coleman had said it's a wonderful design but not for there and uh the intrusion on the life of the people who live next door just North there of of that structure it's incredible now the stop sign itself does that near the property line between the two properties uh if you don't know the answer just say you don't know cuz too I believe that's across the street is it not Street yeah yeah I know it's across

(57:10) the street I just didn't know cuz the property line because I know those the the uh distance between those yeah okay that's a good one yeah thank you and you can see again the uh stairwells just looking right into the that home I they have no privacy they just won't and I think that's very important to realize that the development itself may look good even though it doesn't have really any amenity out space outside or inside but it just doesn't fit there and what has been said is uh about I think very important thing about the

(57:48) affordable housing and housing in James Bay James Bay does have crd housing several several hundred units I suspect I do not know the numbers that James Bay probably has more crd housing than any other 1.9 square kilometers of land within the city of Victoria it also has uh many Care Home type homes within uh James Bay and has been mentioned um it has Pacifica and has two at least two maybe more very large Coop structures or complexes and and on different streets and it also has mola housing and I again I can't remember if there was three or

(58:33) four mola housing structures so I think when we look at this kind of housing again I suspect that James Bay has more than any other 1.9 square kilometers in the city of Victoria city of Victoria

has rental the rental needle is moving but I really don't think it has to do with policy it has to do with across Canada and in different parts where senior change in our economy and things are changing and of course we don't have the correlation coefficient for any of the uh factors which may be affecting this

(59:06) change in pricing but we still do need no question affordable housing in general we really do I agree with that um as to the where should it Go the city of Victoria has 60% rental and 40% home ownership that's not the situation in James Bay James Bay is 70% rental 30% ownership and a lot of that ownership too is almost senior type housing also which means relatively I'm going to say a lot of it is relatively lowincome housing same with a lot of our existing uh highrises throughout James Bay they're low income

(59:49) but that of course is they are Market rental but low income because people that move to James Bay especially the elderly tend to stay for 10 to 30 years and we don't have the data I think it'd be interesting to see as to really what the affordability is in different parts of the city and we don't have that kind of data we don't break it down that way but there's no question that James Bay is really carrying and load and what it is losing very much so is the uh and that I fear we're losing is the Heritage not necessarily A Heritage

(1:00:23) house but the whole Heritage era James Bay is old and it means something it is part of the heritage of our city we don't want to erase the heritage in James Bay at least I don't um so that's really it and I agree that the um proponents have ruled the dice has been said and if it's declined it would be the same length of time that they that they could uh look at it and try to redesign and come back and then it would come back hopefully to this Council but again has been suggested by councilor kerana if it's within the ocp

(1:00:59) of the day when they come back then they may not be coming back to council it may be automatic through staff recommendation so again I will be voting to decline the recommend uh decline uh this application and support the recommendation of Staff thank you thank you very much I have councilor Carona and then I've also been asked by both counselors Thompson and Lon to make brief additional comments thanks mayor I will urge us please to make them brief go ahead councilor uh my apologies for saying this will require an ocp

(1:01:32) amendment I was mistaken in that so thank you for pointing it out that's my error I want to make it clear that my opposition to this proposal is based on what I perceive as the intransigence of the proponent to work with staff and having been along for the ride over the last two years it is my informed opinion that they've been given every opportunity to work with staff to develop something that would be supportable and have repeatedly declined those offers I think that the risk that we have as a very Pro Housing Council is

(1:02:01) that we get into these situations where some proponents believe that it doesn't really matter what staff says staff could say you need to do X Y and Z and they say nah I'm just going to go test the waters at Council got a pro Housing Council they'll just approve it and I don't have to make those changes I think that's actually a very big risk for the city I personally don't want to be in a situation like that I want proponents to be working with staff and create proposals that are supportive and in my estimation this proponent was given that

(1:02:29) opportunity there's no exua circumstance here this is not some once intime development where they just simply couldn't meet the rules and regulations they could have there is a pathway to do this on the site I think that if this were to be declined whether they want to do it now under the current ocp or under the future ocp there's absolutely nothing stopping them from going back to staff and saying we're going to produce something that does meet our rules and regulations I think it's wonderful to have more Purpose buil Rental in James

(1:02:56) Bay I think it's great that they want to do they want to use the revitalization tax exemption but I also want to start the RTE off on a good foot I think it would be very unfortunate if the very first RTE proposal we have is in an application that was recommended declin by staff I think that sets a bad precedent we want proponents to be working with the established rules and regulations especially as they try to advance some affordability I think I'll note finally that there are four current units on site that are actually pretty

(1:03:27) affordable right now so you could make the argument that having two affordable units in the future would actually be a net reduction in the total affordable units on that site there would be an addition of purpose built rental which would be great but I'm not sure it actually adds to our stock of affordable housing frankly um all that said if this is declined invite the proponent to come back and and bring something that's supportable this is not a dead end it just means you need to work with staff thanks mayor thank you councilor Lon

(1:03:58) uh thanks and through you mayor I just have a a quick question to start um if I may um what are the the the income qualifications for the affordable rental units and and what are the the regulations around that are there any restrictions of who can rent those units and how does that work and how is it enforced Mr Johnson do you have that at hand uh through the mayor uh um in terms of the income qualification for the um affordable units the requirement would be uh a median income for the household of 69,000 um and uh our typical practice is

(1:04:42) with rental projects and where affordable rental is proposed is to secure that through a housing agreement and the housing agreements um have uh Clauses that limit uh rental to or restrict rental to um owners or family members of uh an owner of the building so they they can't be rented to family or to the owners themselves and um and then also there's a requirement through the housing agreement that we can request a rent report um from the building owner uh to verify that the units are being rented at um the

(1:05:20) expected rent levels and and to qualified renters thank you very much for that and I just want to add a couple of extra comments based on other things I've heard around the table and I think it's important to point out that affordable housing we call it that and even in non-market housing we call it that but there are different categories of that that are incredibly different so there's very low income and I'm I don't have the numbers right off the top of my head but I think it's anything less than 25,000 a year low income maybe around 40,000 or

(1:05:55) something thing and then median income which I think we're learning here is is around the 69,000 you have to earn less than that so when we're talking about oh thank you counselor um when we're talking about crd housing co-ops Maka housing this isn't what we're talking about here in this project this project is about units that are renting at 30% of median income and I think we



really need to be clear about that and as I mentioned when I was speaking before we had zero of those units new units created in our targets

(1:06:31) none none um so I want people at this table to understand that I think there needs to be a better understanding of what affordable housing is by People based on the comments that I'm hearing here there is a pathway to do this uh in a in a better way and that's through the alternate motion staff have laid that out very carefully and affordable housing absolutely has to do with policy the RTE the revitalization tax exemption for affordable housing bylaw is an example of that this is a way to get Market Builders to incorporate

(1:07:13) affordability into their projects and it's something that is critically important and I personally would love for us to move forward with the alternate motion to show other developers and other builders in the city that that at least there's one member on Council that is going to support you when you actually make the effort to do this because I talk to builders about the revitalization tax exemption all the time and I ask them about it and they say oh it's not possible or oh I've told staff it should be you know in perpetuity and not just

(1:07:50) 10 years and it's absolutely wrong this does work it does work if the Builder wants it to work and I think that message needs to go out loud and clear to the market builders in this community thanks thank you uh councilor Thompson has indicated that his uh he does not need to ask a further question or make a further comment so is there anyone else who feels inclined I will briefly say that I do not support the motion to decline my earlier question to staff was very much predicated on the possibility of creating something that was feasible

(1:08:21) based on their Direction in the alternate motion the answer was yes and so I would would prefer that route that being said that's just my opinion and so in favor of the motion to decline all those in favor councilor cerona councilor Hammond councilor Gardner councilor Coleman I'm looking online councilor Thompson and Kim have not indicated in opposition to the motion to decline councilor Kim councilor Thompson myself councilor Dell and councilor loton so the motion to decline is defeated uh that being said I would

(1:09:02) expect then that someone would be interested in proposing the alternate motion and the absence of anyone leaping up all right councilor Lon is going to move would someone like to second that please without a second or it will fail councilor Dell is seconding thank you councilor Dell uh councilor and I will indicate to you that you have only a minute and 40 seconds to speak um thanks mayor I I think I've said everything pretty much that I need to say on this I I just want to reiterate that this is akin to a small

(1:09:43) apartment building and why should this not be allowed in a time when we are in a rental housing crisis and this motion is going to force the proponent to to reimagine this somewhat it's going to look different and I strongly believe it's planning for the future and this these are rental units that are going to keep young people in our community and to me that's one of the most important things we do at this table thanks councilor Dell as the secondary uh sure happy to kind of explain my logic and where I'm at on

(1:10:17) this um I I think like many of us struggle with this development uh I think it's actually a great development in the wrong spot um this kind type of project is really innovative it reminds me a

lot of what I see when I'm in other cities it's just unfortunately been being proposed in a really beautiful small Charming character Heritage neighborhood and so what do we do about that uh I'm not sure there's a lot I like about this project obviously provides a lot of affordable rental units rental units it's in a fantastic

(1:10:44) location where a lot of people want to live I mean one of the reasons James Bay is a dense location because it's probably the most beautiful neighborhood in Victoria it's surrounded by the ocean um it's it's got fantastic Services it's just just absolutely stunning neighborhood and so how do we kind of balance that um what what led me to supporting this alternative motion is under C there 2 C uh I just want to read them so this is going to result in a substantially different building because I don't support the building as it is going

(1:11:12) forward I think it just looks too big it's out of character uh there's not enough Green Space all of that so what staff are going to be working on is reducing the amount of floor space if needed to meet design objectives providing more usable outdoor space for residents important providing more Trees and Landscaping I think that has to be done I mean if we imagine this building 10 of them in a row you'd end up on on a street with zero trees zero outdoor space and essentially not a livable community and I don't think we should be

(1:11:39) building affordable housing in in non-livable communities so the Trees and Landscaping is important um I do think improving the massing to fit the residential buildings is what we've heard from the neighborhood and the adjacent properties like we need to be building affordable housing and Supportive Housing and and rentals that fit into the neighborhood where neighborhoods are happy to have them um and and and these projects are tough when neighborhoods reject them and they create more challenges for projects in

(1:12:04) the future so I think these six criteria here are going to help find a balance between where where the public is at where the neighborhood is at where council is at um I don't know if this developer can accomplish these things I really don't know but if he they can hit those six criteria I think you'll be in a better spot to kind of suit the most of everyone's objective so this this is a challenging decision for me absolutely but um we got elected here to help build more housing in Victoria that was definitely the number one mandate I

(1:12:34) got um from for me sitting at this table people out there are absolutely struggling and I think if the developer can find a better balance this which will be a win-win for the city so that's my rationale for supporting the uh alternative motion today thank you thank you councilor Kim thank you through the chair um I am reluctantly supporting this alternate motion um because I want Council to provide a gesture of good faith to the applicant that um we we don't like it that much but can you come in Back to the table and work with staff

(1:13:14) and um and there will be a chance to hit pause or deny something in the future so given that there are the sort of procedural safeguards in place I want to test the limits of what what we can see coming back to us so uh if the applicant is listening I would strongly encourage them to heed this warning to play ball thank you thank you anyone else council member if this is approved by this Council it does not come back to council does it I believe the uh terms of the alternate recommendation do not require it to return to this table C Mr B uh through

(1:14:04) the mayor that is correct it would go directly to uh council meeting as long as the applicant fulfills all of these conditions thank you I think this does send a strong message to applicants hit this city with whatever you want this Council will not turn you down I'm very very much against this uh this application I truly am and I think we're sending really strong messages that come to us whatever you want and now you even get a tax reduction this one is as has been said crazy thank you thank you anyone else councilor

(1:14:46) Thompson thank you mayor um I won't repeat all the comments of my colleagues um I'll just point out that councilor Dell read out a lot of the uh alternative motion requirements that would have to be satisfied and staff earlier addressed that too I think now is the time for for members of council who um supported the motion to decline to uh take a look at those amendments and decide if they need more uh and if they need more uh amendments and more conditions for this to go ahead Now's the Time to put those forward and we can hear from staff about

(1:15:22) those additional requirements uh the alternative is to um you know I guess voice opposition and blame or uh but I don't think that's very productive uh if we want to see um a better proposal let's talk about making it better right now thank you thank you very much anyone else Council Kono thanks I'm I'm glad that councilor Thompson mentioned that because I I did intend on amending it if this went forward I don't really want to get into the Weeds on the details of it because it's already 11:15 we have a monster

(1:15:55) agenda so I'd like to just move a highle amendment that maybe we can just leave with staff and that would be if staff could sorry you're looking at me waiting for me to say something yes okay where would you like it to go Council just at the bottom all the way at the bottom let's put it this way number seven for staff to work with oh boy interesting formatting for staff to work with the proponent to address the core issues raised by the neighbors as pertains to setbacks Overlook and other material factors before I seek a secondary for

(1:16:55) that I have question for staff um would you consider the content of that to already be included in any of the conditions previously stated in the alternate recommendation uh yeah through the mayor uh the from what what we have seen uh I think that there is overlap uh from what was raised in the letters that we received from Neighbors uh there is overlap with those concerns and also with our policies and design guidelines so the reason I asked that councilor is that I'm not sure this is necessary in so far as I think the

(1:17:34) earlier comments from staff have indicated that they have fairly carefully examined all of the concerns that have been raised and have reflected a need to address them in their many many conditions maybe I'll add the word further then for staff to further work with the promon I want to make it really clear here mayor that this is the will of council if this passes that we want to take seriously the I think pretty valid issues that have been raised by the community to mitigate the effect before you just before you continue to

(1:18:01) motivate I'll ask again of Staff uh do you understand what you need to do should this amendment be adopted what does this tell you to do uh yeah well through the May so my understanding is that um we would review I say letters that we' received from the neighborhood uh for comments that are made in there uh concerns they have and then work with the applicant to

see if there are ways that the applicant can address those comments that have been made and would finally would the uh outcome of those conversations be left with you to

(1:18:36) determine uh whether or not the standard has been met to meet this amendment I through the mayor it's a bit difficult uh to so staff won't have all of the information from the neighbors uh for what the neighbors are thinking the reasons for why they're raising these things things so I'd say that staff we uh can't speak for the Neighbors directly um so there I I think there is a limit to how much we can uh understand what the neighbors are saying Mr Johnson you leaning in is there anything you'd like to add yeah so uh we when the changes after

(1:19:24) the changes are made if this motion is passed and we move forward to a council meeting uh staff would likely have an update report that could summarize uh the results of uh the changes that were made we'll summarize what the changes were and give some background on that not sure if that helps I pose those questions because I'm always reluctant to direct staff to do something they can't do uh and so the standards and thresholds need to be clear but I believe Mr baitman your last comments uh do address that concern so I will accept

(1:19:54) this as a amendment is there a seconder for it uh I would love to second that please all right councilor Kim is seconding that councilor Kona your motivation I think I'm motivated already okay councilor Kim anything to add uh yeah I I think for me I just like to really reinforce what was said earlier that this is a clear indication to not just the applicant but also the neighbors and the residents who have raised very legitimate concerns with with what we have in front of us um I do no I'll ask my question after this

(1:20:35) so yeah okay that's it I'm in supp part of this amendment thanks if you have a question pertaining to the amendment it would be appropriate to ask it now or is your question about the main motion it it's about both um it's about the whole thing whether or not seven is in there or not uh basically my my question is can this come back back to Committee of the whole can we can we ask for that separate issue thank you so we'll deal with that we'll deal with that in a moment I will come back to you all right on the amendment only as is

(1:21:05) indicated councilor Thompson your hand is up do you wish to speak to the amendment I think to the main motion rather very good I'll come back to you then on the amendment councilor Coleman thank you on the amendment I would offer an amendment to the amendment that we reverse the uh two groups here I think it's the direction we want is for the proponent to work with staff staff have as far as I can see shown uh great uh past involvement in trying to work with the opponent and it seems that the application came forward despite all

(1:21:42) sorts of suggestions about improvements that could be made um so I I just think that we're putting staff in an awkward position by asking you continue to motivate is that a fair representation of your amend to the amendment yes is there a seconder for the amendment to the amendment I will second that just for conversation go ahead councilor Coleman thank you I it's unusual for us to give this direction but I think that staff have done admirable work in the past in trying to uh make this fit properly and I think that the blockage may be on the

(1:22:14) other side and just before I move on uh since I was the second I believe actually that if I understood your intent councilor Coleman uh it should actually say for staff to work with the

proponent uh because we cannot direct the proponent so in fact um wonderful clerical staff support staff if you could actually rephrase that to say uh for to direct staff for staff to uh further work with the proponent actually the original one I think covers exactly that's the original one which I think is exactly what you're describing are

(1:22:50) you not councilor Coleman because we don't have the capacity to direct the proponents but we do have the capacity to give direction of if it comes back to us I want to know that the proponent has worked with staff as opposed to staff have worked with the proponent but we have no authority to direct that or even to judge it or to evaluate IT staff will I realize it's more aspiration to us which is the subject of the next conversation uh staff will report out as Mr baitman has said on what they've done and what the results of that and the

(1:23:19) various details so I I just I'm actually going to rule this out of order because I don't think we have the authority to direct proponent so if we could remove that please and return to the original Amendment and then councilor Coleman you still have the floor okay on the amendment just grammatically probably comma after setbacks and Overlook sure separate I will always take a grammatical and spelling Corrections yes anyone else on the amendment all right all those in favor of the amendment is anyone opposed that is

(1:23:53) unanimous council you still have the floor that's it for me all right anybody else on the now amended motion councilor Kim I think you had indicated you wanted to say something further and then I'll go to councilor Gardner yeah a question can can uh an amendment be made that would ask for this to come back to committee before any further decisions going to council Mr bitman Johnson or Miss hus do you have any U is there any blockage statutorily procedurally for it to return to committee after you do the work that's

(1:24:27) been directed uh through the Merit I the the motion as I understand it could be modified so it does come back to Committee of the whole if uh if that is the desire and then perhaps the way to do that would be to introduce an amendment uh right at the very beginning of both these the reasoning and the um the variants to begin number one by saying um that staff prior [Music] to actually let's just do that differently let's take that out thank you sorry thinking out loud uh Council instruct staff to return to Committee of

(1:25:12) the whole prior to and then the rest of it stays the same does that make sense to you Mr bitman you understand the intent is that you'll do all of this work and then come back to us before proceeding with unfolding all of these pieces yeah through the mayor I understand the intent okay I'm just going to make sure that that makes sense prior to yes okay is there a seconder for that uh councilor Kim I believe you were actually moving that is that correct yeah but it was your wording so let's say you're moving that I'll second

(1:25:51) it uh I'd rather you see you moved it actually it's the my interpretation of the chair's responsibility is to fill in the gaps when others have not moved motions unless I'm particularly dedicated to something uh so that's been moved is there a second her for that councilor Gard is seconding that councilor Kim any comments yeah actually thank you to the seconder it was um their own words that really want made me want to make sure that this guard wh was indeed in place and also again a signal to the applicant that there must be good faith action and

(1:26:25) there there will be a step in accountability here um of it coming back to committee so um at the very least I want uh also the neighbors and the residents and residents of the city at large to know that um there's a balancing act here and uh this is I feel a way that we can at least keep seeing how the scales will tip as we move forward in this iterative process process um while taking into account their ongoing uh concerns as was included in the latest amendment to this motion thank you thank you councilor Gardner is a

(1:27:04) seconder nothing on the amendment you have three minutes and 54 seconds anything you want to add in this no okay so just on this amendment anything further on the bolded language councilor Thompson thank you mayor yeah this is an unusual structure and I I do support it I suggest the applicant take a very close look at this and maybe talk to people with uh uh significant experience in moving developments through councils maybe maybe talk to a lawyer the reason being that that the rejection of the decline um was razor

(1:27:40) thin I was very surprised to see what I thought were some last minute vote changes uh based on on discussions of the alternative and and what changes it could achieve um but be clear about this without improvements to this project is very likely to be rejected so I would urge the applicant not to be smug uh and to do most of the work here and not not for City staff to be doing it for you this is not a slam dunk wind if this uh amended motion proceeds it's more of a if you do a lot of work to make this better you might get support and if you

(1:28:16) don't then it's very likely to fail so don't know if I can be clearer in my message to the applicant about the like hood of getting uh past the next stage of this thank you thank you Mr bitman just a technical question uh the second part of this package is the development permit with variances uh that begins with the requirement for a notice to be given before anything happens does this need to be in that place as well or is it sufficient to have it simply with the uh first portion that describes the reasoning do you need it here as well

(1:28:56) just want to make sure that we don't miss anything uh yeah the I I don't believe any changes are needed here okay thank you just wanted to clarify uh so the amendment has been placed appropriately and staff have indicated they understand its intent and its practical application anyone else on the amendment seeing none all those in favor of the amendment is anyone opposed to the amendment that is unanimous I we are now on the amended motion anyone finally on the amended motion councilor Gardner go ahead is it time for another amendment

(1:29:34) may I yes absolutely thank you so uh after can you flip up the screen just a little bit after five is okay after six can we add another one no up rumor rumor six 2 six item two six I would like to add something I'm sure you'll help me mayor with the word and that is uh ensuring that if external staircases are being considered that no external that stair that no external staircase face the properties that that are boundary to the 50 Government Street to the north south or west face adjacent properties okay I think would be adjacent properties thank

(1:30:22) you um Mr baitman is that possible through the mayor uh the applicant will need to make some design changes uh to address all of these items uh so I think it really depends how the applicant approaches it um potentially it could be a different design with no external staircases uh but yeah that I don't know what the the solution would be here that they would come up with I was

asking more theoretically if you have an external staircase is it possible for it not to face any adjacent property two buildings yes my understanding is that the

(1:31:04) external staircase would be on the street side okay the front of the building so it's possible all right if I so that is that is possible therefore so is there a seconder for that wait just one second is there a second for that okay councilor Garder is seconding go ahead councilor Garder I'd like to remind us that this is kind of like two buildings so there are there could be other options besides the street because if there's two buildings they can face each other MH yep thank you councilor kerona anything on this no okay anyone

(1:31:33) else on this amendment checking online no oh yes go ahead councilor D I'll just note that I'm going to oppose this because I think it's already captured in um I think number five and and number six which is reducing the impacts on adjacent properties um more so I live in a house from 1911 and my neighbor's house in 1911 and we look right into each other's houses when I do my dishes I see Barb and I wave to her and unfortunately we live in a city and so there is some impacts of houses connect to each other and that's been happening

(1:32:03) for a hundred years and I think I think I'd rather leave it a little bit more high level with subsection five and six to see if that gives it rather than when this which we're going to we're going to layer so many requirements on here it might just stop the whole project which I don't think is the intent of where we're at right now but I think this one could do that so I will oppose this but happy to go with the direction of the majority obviously thank you very much on the amendment anyone else go ahead councilor car yeah I think that if staff

(1:32:31) working with the proponent find that it's not feasible to do this then I assume they would bring that back to us when it comes back to commune the whole so I don't see it as overly risky but I think it's an attempt because this is really gets to the core of the issues with all the neighbors so I think it's it's worthwhile to make an effort to see if it's possible if it's not then we can go from there thank you anyone else on the amendment councilor Gardner waving at someone through your window is or even from your outside is very different than

(1:33:00) hearing people coming going up a stair well a few feet from your home especially your bedroom windows you may have open to get uh um you know control the temperature and your in your bedroom and so I think it's very important that the external you know staircases if there are any do not face um the adjoining properties thank you thank you councilor Kim on the amendment thank you through the chair um I wanted to offer an alternative perspective here which is that I happen to live in uh a unit that has a staircase right by and

(1:33:35) um I don't find the noise cumbersome in fact I actually kind of find it kind of reassuring to know that there are people populating the building next to me and um it gives the sense of uh Community safety through um animation and activation of the space around my home um nevertheless I will support um this amendment because again I do think it goes back to sending a message to this applicant that they need to take seriously some of these concerns that we're hearing thanks thank you counselor anyone else on the

(1:34:11) amendment a question Mr baitman uh in this section section c the phrase that concludes it before you go into the subsections it says to the satisfaction of the director of planning and

development including does that mean that all now seven of those subsections must be met or must be met to the satisfaction of the director or if the director or staff cannot feasibly include them that they're not going to hold up at returning to council uh yeah through the mayor the um the this section is worded uh that the the plans would be revised to meet the

(1:34:53) objective and guidelines associated with the development permit area and then these items are listed out to be uh specifically making sure these ones are included uh since the motion uh has been amended to come back to Committee of the whole uh the the hope would be that the applicant would make all of the changes uh and then it would come back Committee of the whole saying that all of these changes have be made uh but if the applic applicant revises the proposal and does not meet all of these uh and the applicant would like to come

(1:35:26) back to Committee of the whole then a staff would bring that back and have a report for Council to explain how well the motion has been met so a default of any one of these doesn't prevent it from returning to council at committee uh yes correct thank you on the amendment all those in favor anyone opposed councilor Dell and myself are opposed councilor Kim are you opposed opposed uh no but councilor Thompson is councilor Thompson I'm sorry you are opposed so just to be clear opposed as councilor Thompson myself councilor Dell

(1:36:05) and councilor Lon but that Amendment does pass all right now we're back in a multiply amended motion anybody else not seeing any other hands any final comments on the motion is multiply amended councilor Hammond I can see thank you mayor I can see the improvements in trying to well get something that is reasonable uh except I just want to be pretty clear on my vote that I just think this thing should have been rejected the majority of council felt otherwise and that's democracy um but I just don't believe that that I don't want to give I really

(1:36:52) don't want to give um a lot of credence to something that would be such a negative impact on that on that neighborhood and that we have heard loud and clear and I do believe that people should have some say in what goes on in the neighborhood and not automatically be called nimes because they don't want it in their neighborhood is that we're a beautiful city we've got all kinds of differences in our city and as a result of that I'll just vote no on this and look forward to it coming to a much better result thank you very much anyone

(1:37:23) else final comments councilor Thompson thank you mayor um just uh on the off chance that the applicant is only listening to our final comments on the on the amended motion and not to uh comments on the Amendments I did want to point out that they should go back and listen to my comments and the comments of others uh on some of those amendments particularly the part about this being a razor thin decision not a reason to be celebrating a slam dunk or be smug and be really careful and do a lot of work to make this project better or it's

(1:37:58) probably not going to go ahead thank you thank you very much anybody else councilor Carona yeah just very briefly mayor I think we've made the the application less bad I continue to oppose it because I do think it should have been declined but uh if this goes ahead and it comes back to committee the whole I will absolutely keep an open mind with whatever the proponent and and staff come up with thanks mayor thank you very much anybody else councilor Gardner you have a minute and 46 seconds thank you I will be opposing this



(1:38:29) overall motion I to believe it should have been declined and I don't buy the argument that 99% of the people in the city of Victoria didn't oppose this developments affect people who live right there who live on the street and the adjoining streets and affects them greatly and I cannot discount what happens to people within their neighborhood within on their street I I just can't so I will be voting against the uh motion thank you thank you very much anyone else ccor Thompson you still have your hand up is that residual no it's a it's

(1:39:08) a new hand I'm just raising it because my comments were mischaracterized I would I would urge people to uh go back and actually listen to my real comments thank you thank you very much anyone else I will briefly say that I will support this abended motion I think that very much um of land use and the context of a desperate need for housing of all types is the art of the possible and I appreciate that staff have given us a fairly honourous and detailed but Pathway to a possible outcome so I look forward to this returning to council and would

(1:39:46) as my colleagues have said urge the applicant to carefully consider what's been said and to do their best to make this possible all those in favor has anyone opposed councilor cerona is opposed councilor Hammond is opposed councilor Gardner is opposed councilor Coleman is opposed checking online all right that is 5 to four in favor of the amended motion that deals with that matter and then