For the Council Meeting of July 26 2018

Date: Tuesday, July 24, 2018 **From:** Mayor Helps

Subject: Reconsideration of Rezoning and Development Permit with Variances Application for 224 Superior Street

Background

On July 12th 2018, Council held a hearing for a rezoning, development permit with variances and heritage alteration permit for a heritage conversion and a small lot house at 224 Superior Street. Council voted 4-4 on this proposal and it failed on a tie.

Both the property owner and at least one councillor who voted against the project have indicated that they wish to have the proposal reconsidered. See Appendix A for letter from the property owner that addresses the concerns of councillors who voted against the project.

In response to an email from Councillor Thornton-Joe asking how the application could be reconsidered, Council received this advice from staff:

> The *Council Procedures Bylaw* permits a Council member to make a motion to reconsider a matter at the next Council Meeting. But as the rezoning application for 224 Superior was considered at the July 12 Council meeting and the next Council meeting was on July 19, that time frame has passed.
>
> However, under the *Community Charter*, the Mayor may reconsider the matter within the 30 days following the meeting, so it would require a motion from the Mayor to reconsider the application.

As a courtesy to the property owner and a councillor who may be wishing to reconsider the application, I will request that Council reconsider the application.

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.

Recommendation

1. That Council rescind its decision with regard to third reading of Zoning Regulation Bylaw, Amendment Bylaw (No. 1141) No. 18-019.

2. That Council direct staff to work with the applicant to secure the changes outlined in the applicant's letter (Appendix A) and return to Council with a revised proposal.

Respectfully Submitted,

Mayor Helps

APPENDIX A – Letter from Applicant

July 24, 2018
Dear Mayor Helps,
Re: 224 Superior Street

First of all, thank-you very much for your time today and for your help in moving our project forward. As I said at the meeting, Fernando and I are artists and know little or nothing about development or municipal politics, so your suggestions are gratefully appreciated.
We have been working on the project for 2 years and have worked with City staff in both the Heritage and Planning Departments throughout. During this 2 year period, both departments made a number of suggestions and requests, and we were happy to address any concerns that were expressed to us and all those changes have been accepted.

Subsequent to our Public Hearing on July 12, and the disappointing result at that meeting, I have been making revisions to the design, specifically in response to concerns that were expressed by some Council members. If it were possible for these changes to be presented again to Council, I feel confident that we could gain Council's support for the project.

Specifically:

1. In response to concerns that the house crowded the heritage house, we can easily consider the following options to reduce the size of the new house:
    a. Reduce the height of the roof
    b. Reduce the overhang of the eaves
    c. Reduce the size of the gable on the east side
    d. Reduce the width of the house
    e. Push back the second floor bay window
    f. Reduce the side of the lower roof.
2. We can eliminate the need for a variance by eliminating the second floor piano windows.
3. We are happy to sign a covenant that would require the strata to permit rentals.

I hope that our willingness to make changes addressing concerns expressed by Council will make it possible for you to bring our project forward at the Council meeting on Thursday.

Yours sincerely,

Don Halton
Fernando García