



Committee of the Whole Report For the Meeting of April 15, 2021

To: Committee of the Whole **Date:** April 1, 2021
From: Karen Hoesé, Director, Sustainable Planning and Community Development
Subject: **Correction to Zoning Regulation Bylaw pertaining to Rezoning Application No. 00726 for 1628 Edgeware Road**

RECOMMENDATION

1. That Council waive the requirement for a Public Hearing pursuant to section 464(2) of the *Local Government Act* for Zoning Regulation Bylaw, Amendment Bylaw (No. 1255) No. 21-050.
2. That the following bylaw be given first and second readings:
 - a. Zoning Regulation Bylaw, Amendment Bylaw (No. 1255) No. 21-050.

EXECUTIVE SUMMARY

The purpose of this report is to initiate a correction to the Zoning Regulation Bylaw. On March 11, 2021, Council adopted Zoning Regulation Bylaw, Amendment Bylaw (No. 1250) pertaining to the property located at 1628 Edgeware Road. (minutes attached).

The proposal that Council considered and approved was to rezone the property to a site-specific zone in order to allow a Rest Home – Class B. After the application was approved, staff discovered that the floor area regulation was inadvertently omitted from the bylaw.

No changes to the proposal or the adopted Development Permit with Variances (No. 00138) application are being made.

LEGISLATIVE AUTHORITY

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

In accordance with Section 464(2) of the *Local Government Act*, Council may waive the holding of a public hearing on a proposed zoning bylaw if an Official Community Plan is in effect for the subject

site and if the bylaw is consistent with the Official Community Plan. This is also provided for in Section 30 of the City's Land Use Procedures Bylaw. If Council decides to waive the Public Hearing then notice must be given in accordance with Section 467 of the *Local Government Act*.

BACKGROUND

The Rezoning Application was considered by Council at a Public Hearing held on March 11, 2021, where the following resolution was approved:

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

- *Zoning Regulation Bylaw, Amendment Bylaw (No. 1250) No. 21-027*

Carried

*That the following bylaw **be adopted:***

- *Zoning Regulation Bylaw, Amendment Bylaw (No. 1250) No. 21-027*

Carried

That Council authorize the issuance of Development Permit with Variance Application No. 00138 for 1628 Edgeware Road, in accordance with:

1. *Plans date stamped October 5, 2020.*
2. *Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:*
 - i. *reduce the front yard setback from 7.5m to 6.75m*
 - ii. *reduce the rear yard setback from 9.14m to 8.3m*
 - iii. *reduce the combined side yard setbacks from 4.5m to 3.04m*
 - iv. *increase the site coverage from 40% to 41.4%*
 - v. *reduce the required vehicle parking from 6 stalls to 1 stall.*
3. *Registration of legal agreements on the property's title to secure the operation of the rest home facility, to the satisfaction of the Director of Sustainable Planning and Community Development.*
4. *Final plans to be generally in accordance with plans date stamped October 5, 2020.*
5. *The Development Permit lapsing two years from the date of this resolution."*

Carried

A site-specific zone was created for the proposal to allow the additional use of Rest Home Class B, and to allow for an accessory building with toilet facilities. However, immediately after the Public Hearing, an oversight came to light and an update to the Zoning Regulation Bylaw is required to correct the error. The recently approved R1-50 Edgeware Road Rest Home District refers to the R1-B Zone, Single Family Dwelling District, for the specific requirements with respect to setbacks, site area, storeys, etc. The R1-B Zone has restrictions on floor area of the principal building that are not consistent with the proposal for 1628 Edgeware Road, and the rezoning bylaw should have

included site-specific floor area regulations to reflect the higher floor area associated with the proposal.

No changes are proposed to the approved plans or what was presented to the community and Council, and the proposed bylaw amendments in Zoning Regulation Bylaw, Amendment Bylaw (No.1255) No. 21-050 would ensure alignment between the proposal and the floor area requirements in the R1-50 Zone. If not corrected, this could lead to delays when the building permit application is made, so it is important that it is corrected quickly.

Data Table

The following abbreviated data table compares the proposal with the R1-50 Zone, Edgeware Road Rest Home District (which refers to the R1-B Zone, Single Family Dwelling District). An asterisk is used to identify where the proposal varies from the recently approved zone. These differences were also identified in the original reports to Committee of the Whole and Council; however, they were not captured in the Zoning Amendment Bylaw (No. 1250).

Zoning Criteria	Proposal	R1-50 Zone (R1-B)
1 st and 2 nd storey floor area (m ²) – maximum	349.04*	280.0
Combined floor area (m ²) – maximum	452.26*	300.0

Community Consultation

Because this is the rectification of an inadvertent error, and the proposal is consistent with what was presented to the community, and considered by Council, staff recommend that Council consider waiving the requirement for a Public Hearing. Notification would still be required in accordance with the *Local Government Act*, and staff would ensure the notice includes the necessary details to clearly explain that the bylaw amendment is correcting an error and there are no changes to the proposal being contemplated.

As the proposal is unchanged, this is not considered a new application and a new community meeting with the Oaklands Community Association Land Use Committee is not required. However, staff have contacted the Oaklands Community Association Land Use Committee and they are aware of the situation and support the correction of the bylaw.

CONCLUSION

This report seeks Council direction to correct an error that was made in the Zoning Regulation Bylaw for the property located at 1628 Edgeware Road by adding site specific maximum floor area regulations. No changes to the previously considered proposal are being contemplated; therefore, staff recommend that Council waive the requirement for a Public Hearing. Steps will be taken to ensure that notification regarding the bylaw correction are clear for the public, so it is understood that the proposal for the lands is unchanged. The draft Amendment Bylaw for your consideration is to ensure that the project is not held up at the building permit stage, and it is therefore important that this correction is made quickly.

Respectfully submitted,

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Senior Planner – Urban Design
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Council Minutes dated March 11, 2021
- Attachment B: Rezoning Amendment Bylaw (No. 1255) No. 21-050.