F.1 Bylaws for 1913 and 1915 Fernwood Road: Rezoning Application No. 00626 and Development Permit with Variances Application No. 00073

Moved By Councillor Alto
Seconded By Councillor Andrew

That the following bylaw **be given first and second readings:**

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1241) No. 21-001

CARRIED UNANIMOUSLY

DRAFT

F.1 Bylaws for 1913 and 1915 Fernwood Road: Rezoning Application No. 00626 and Development Permit with Variances Application No. 00073

Moved By Councillor Alto
Seconded By Councillor Andrew

That the following bylaw **be given first, second and third readings:**

1. Housing Agreement (1913 and 1915 Fernwood) Bylaw (2021) No. 21-002

CARRIED UNANIMOUSLY

DRAFT

Council Report
For the Meeting of April 8, 2021

To:	Council	**Date:**	March 25, 2021
From:	Karen Hoese, Director, Sustainable Planning and Community Development		
Subject:	**Rezoning Application No. 00626 and Development Permit with Variances Application No. 00073 for 1913 and 1915 Fernwood Road**		

RECOMMENDATION

That Council give first and second reading of the Zoning Regulation Bylaw Amendment No. 21-001 (Amendment No. 1241) and give first, second and third readings to Housing Agreement (1913 and 1915 Fernwood Road) Bylaw No. 21-002.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update regarding the Rezoning Application for the property located at 1913 and 1915 Fernwood Road. The proposal is to convert an existing duplex into a multi-unit residential building consisting of approximately four ground-oriented dwelling units.

On February 27, 2020, Council passed the following resolution:

Rezoning Application No. 00626

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw amendment that would authorize the proposed development outlined in Rezoning Application No. 00626 for 1913 and 1915 Fernwood Road, that first and second reading of the Zoning Regulation Bylaw amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

a. *Preparation and execution of the appropriate legal agreements in order to secure the following:*
    i. *That future strata corporations could not pass bylaws that would prohibit or restrict the rental of units to non-owners, to the satisfaction of the Director of Sustainable Planning and Community Development; and*
    ii. *A Statutory Right-of-Way of 1.40m on Fernwood Road, to the satisfaction of the Director of Engineering and Public Works.*

Development Permit with Variances Application No. 00073

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00626, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00073 for 1913 and 1915 Fernwood Road, in accordance with:

1. *Plans date stamped October 31, 2019.*
2. *Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:*
    i. *reduce the required number of parking spaces from 5 to 4*
    ii. *reduce the continuous landscaping screen between a surface vehicle parking area and an adjacent lot primarily for residential uses from 1 m to 0.60m*
    iii. *reduce the side yard setback for an accessory building from 0.60m to 0.17m.*
3. *The Development Permit lapsing two years from the date of this resolution."*

COMMENTS

Public Hearing Conditions

With regard to the pre-conditions that Council set in relation to this application, the following legal agreements have been executed by the applicant:

- a Housing Agreement to ensure that future strata bylaws do not prohibit the rental of dwelling units
- a 1.40m statutory right-of-way (SRW) on Fernwood Avenue.

The recommendation provided for Council's consideration contains the appropriate language to advance this application to a Public Hearing.

Respectfully submitted,

Leanne Taylor
Senior Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.