



## **Council Report**

### **For the Meeting of December 9, 2021**

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**To:** Council **Date:** November 25, 2021

**From:** Karen Hoese, Director, Sustainable Planning and Community Development

**Subject:** **Rezoning Application No. 00708 for 2920 Prior Street**

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### **RECOMMENDATION**

That Council give final reading to Zoning Regulation Bylaw, Amendment Bylaw (No. 1232) No. 20-086.

### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with an update regarding Rezoning Application No. 00708 for the property located at 2920 Prior Street. This application is to permit subdivision to allow the construction of a new small lot house, retaining the existing house and converting an accessory building to a garden suite.

After a Public Hearing on October 8, 2020, Council approved the associated Development Permit with Variance application for the garden suite, the Development Permit with Variance for the small lot house, and a Development Variance Permit for the existing house. As well, Council gave third reading of the Bylaw but withheld final approval pending receipt of executed covenants intended to address neighbour's concerns about the potential impact to views and shadow.

The applicant has reported that the covenants with the neighbours have been executed. It should be noted that as per the applicant's request, they have not been registered on title because the covenants refer to the new lots that will be created by the subdivision. Registration can be completed as a condition of the subdivision application.

It should also be noted that the City does not have a legal interest in the covenants and have not been involved in drafting them. As the City does not have an interest, it would be up to the parties involved to determine if they are discharged at some later date.

### **CONCLUSIONS**

The pre-conditions set by Council regarding executing the covenants have been met. While they have not been registered at this time, they have been executed by both parties, which generally meets the intent of the Council motion. Registration of the covenants would be a condition at Subdivision. Staff therefore recommend that Council proceed with final approval of the Zoning Regulation Bylaw Amendment.

Respectfully submitted,

Chelsea Medd  
Planner  
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: Minutes from the October 8, 2020 Council Meeting