

NO: R024

COUNCIL DATE: February 1, 2016

REGULAR COUNCIL

TO: Mayor & Council **DATE: February 1, 2016**

FROM: General Manager, Planning and Development **FILE: 6520-20 Kwomais Point Park 2**

SUBJECT: Kwomais Point Park Neighbourhood Area 2 – Extension of Period for Withholding Approval of Building Permits

RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information;
2. Authorize the extension of the period for withholding approval of the building permit application, received on January 8, 2016, to and including April 6, 2016, for a single family dwelling located at 1416 - 129A Street (Folder No. 16-013131-000-00-B7), which conflicts with a rezoning proposal for the Kwomais Point Park Neighbourhood Area 2 that is currently under consideration, for a further 60 days in accordance with Section 463 (formerly Section 929) of the *Local Government Act*; and
3. Authorize the extension of the period for withholding approval of the building permit application, received on January 11, 2016, to and including April 9, 2016, for a single family dwelling located at 1316 - 129A Street (Folder No. 16-013397-000-00-B7), which conflicts with a rezoning proposal for the Kwomais Point Park Neighbourhood Area 2, which is currently under consideration, for a further 60 days in accordance with Section 463 (formerly Section 929) of the *Local Government Act*.

DISCUSSION

At the Regular Council – Public Hearing Meeting on November 2, 2015, Council considered Corporate Report No. R217;2015, titled "Kwomais Point Park Neighbourhood Area 2 – Request for Zoning Changes" and endorsed a neighbourhood consultation process [RES.R15-1930] to determine the level of support for a proposed down-zoning of the subject neighbourhood, from Single Family Residential (RF) Zone to Comprehensive Development (CD) Zone, to limit the size and height of homes that are constructed in the neighbourhood. A survey of all property owners in the area is currently being undertaken for receiving indications of support or opposition to the proposed neighbourhood-wide rezoning to the CD zone. During this process, two building permit applications were received by the City that conflict with the proposed CD zone. On January 8, 2016, the City received a building permit application for a single family dwelling located at 1416 - 129A Street (Folder No. 16-013131-000-00-B7) and on January 11, 2016, the City received a

building permit application for a single family dwelling located at 1316 - 129A Street (Folder No. 16-013397-000-00-B7).

Section 463 (formerly Section 929) of the *Local Government Act*, authorizes the City to withhold the approval of building permits for a period of 30 days, beginning on the day the application for the permit was received, where there is a conflict between a development proposed in a building permit application and a plan (such as a rezoning) that is under consideration by the City. If a local government passes a second resolution, the building permit application may be withheld for a further 60 days while the rezoning bylaw is being considered by Council. Council resolution [RES.R15-1930] (Corporate Report No. R217;2015) activated the 30 day withholding period for the building permit applications for 1416 - 129A Street and 1316 - 129A Street.

As the planning process for the proposed down-zoning of the Kwomais Point Park Neighbourhood Area 2 is in progress, it is appropriate for Council to adopt a resolution to extend the period of withholding building permit application approvals that conflict with the proposed rezoning for a further 60 days for the building permit application for the single family dwelling located at 1416 - 129A Street and for the building permit application for the single family dwelling located at 1316 - 129A Street. The 60 day extension period for each of these building permit applications will allow enough time to complete the neighbourhood consultation process and prepare a report with recommendations for Council's consideration.

Legal Services Review

Legal Services has reviewed this report and its recommendations and has no concerns.

CONCLUSION

Based on the above discussion it is recommended that Council:

- Authorize the extension of the period for withholding approval of the building permit application, received on January 8, 2016, to and including April 6, 2016, for a single family dwelling located at 1416 - 129A Street (Folder No. 16-013131-000-00-B7), which conflicts with a rezoning proposal for the Kwomais Point Park Neighbourhood Area 2 that is currently under consideration, for a further 60 days in accordance with Section 463 (formerly Section 929) of the *Local Government Act*; and
- Authorize the extension of the period for withholding approval of the building permit application, received on January 11, 2016, to and including April 9, 2016, for a single family dwelling located at 1316 - 129A Street (Folder No. 16-013397-000-00-B7), which conflicts with a rezoning proposal for the Kwomais Point Park Neighbourhood Area 2, which is currently under consideration, for a further 60 days in accordance with Section 463 (formerly Section 929) of the *Local Government Act*;

Original signed by
Jean Lamontagne
General Manager,
Planning and Development

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