



REPORT TO COUNCIL

To: **Mayor and Councillors**

Subject: Waiver of Public Hearing for Rezoning and
Development Permit Application RZ01-20/DP01-20

File #: 3900.00

Doc #:

From: Carl Johannsen, RPP, MCIP
Director of Development Services

Date: May 6, 2020

RECOMMENDATION:

1. THAT the report dated May 6, 2020 entitled Waiver of Public Hearing for Rezoning and Development Permit Application RZ01-20/DP01-20 be received for information; and
2. THAT the Public Hearing for Rezoning and Development Permit Application RZ01-20 (Bylaw 3125)/DP01-20 be waived, according to the *Local Government Act*.

PURPOSE:

The purpose of this report is to recommend to Council that the Public Hearing for the rezoning and development permit application RZ01-20/DP01-20 be waived. This application proposes to rezone eight properties at 5326-60 200th Street and 5321-61 200A Street to permit the construction of a 92-unit, 4 storey apartment building.

POLICY:

This report is being brought forward in the midst of the COVID-19 pandemic, where the Provincial Health Officer (PHO) has prohibited gatherings of more than 50 people and ordered physical distancing measures to limit virus spread. As a result City Hall is closed to the public and Council is holding meetings by video-conference only, as permitted under Ministerial Order 83 (MO83).

Based on current Council procedures and the need to maintain physical distancing, it is challenging to hold 'in-person' Public Hearings in Council Chambers. This in turn

could lengthen development application processes while new Public Hearing procedures are developed.

This situation could hinder efforts to create new and much-needed economic activity during the pandemic. Looking ahead to recovery, it will be important to ensure new construction projects are able to 'get shovels into the ground' in an accelerated manner. These projects will generate new jobs and economic spin-offs that benefit multiple sectors and assist in the immediate and long-term recovery of the local and regional economy.

Responding to this unusual situation, the Province has identified two approaches that local governments can use to process applications and hold Public Hearings that recognize physical distancing limitations:

1. waiving the Public Hearing for rezoning applications that are consistent with the Official Community Plan (OCP). Section 464 (2) of the *Local Government Act (LGA)* already authorizes a Council to do this under normal circumstances, and the Province has recently encouraged local governments to seriously consider this approach due to PHO orders that deter the public from physically attending Public Hearings; or
2. holding electronic Public Hearings, as per Ministerial Order 139 (MO139) that was issued to local governments on May 1, 2020. Intended to be in effect until PHO orders are relaxed and for other scenarios (i.e. OCP Amendment Bylaws, complex applications), MO139 adds to existing *LGA* legislation by authorizing Councils to hold Public Hearings through a video and/or tele-conference. This enables the public to provide direct oral input to Council by way of appearing before Council via video or tele-conference, in addition to written input, and does not require the public to be physically present in front of Council.

COMMENTS/ANALYSIS:

Noting that the *LGA* has permitted waiving of Public Hearings for years prior to the pandemic, that electronic Public Hearing procedures could take a month to implement and in the interest of supporting continued economic activity, staff have identified rezoning and development permit application RZ01-20/DP01-20 as a reasonable candidate for waiving the Public Hearing. The rationale for this includes:

1. proposed rezoning to RM3 'Multiple Residential High Density Zone' is consistent with the OCP 'High Density Residential' land use on the subject properties;
2. both the OCP land use and RM3 zone permit low-rise apartments. The OCP Update's future Land Use Concept identifies 4-6 storey apartments for this area;

3. the proposed 4 storey, 92 unit apartment building is similar to recently approved and constructed 4 to 5 storey apartment buildings located to the east and north;
4. the proposed rezoning application is under the maximum permitted density in the RM3 zone, and is consistent with the maximum height in the RM3 zone;
5. the application does not propose any parking space reductions;
6. the proposed variances for this application are considered minor and reflect current best practices in visitor parking provision and building setbacks;
7. the proposed rezoning is surrounded by properties that have recently redeveloped or are likely to redevelop to a similar density and height in the near future, and is separated from properties to the west by a major arterial street; and
8. waiving of the Public Hearing on May 11, 2020 will enable Council to consider 3rd Reading of Bylaw 3125 on May 25, 2020. This will facilitate a timely process for the applicant, who is motivated to complete permitting and begin construction.

Based on the above rationale, staff recommends that Council consider waiving the Public Hearing for this application. If Council waives the Public Hearing, LGA Section 467 requires that notice of the waiver of the Public Hearing be provided to the public in the same way as a notice of Public Hearing. This notice must state the rezoning's purpose, lands involved, and where and when the bylaw may be inspected.

BUDGET IMPLICATIONS:

None.

ALTERNATIVES:

1. Council waives the Public Hearing, but requests written input from the public prior to 3rd Reading of Bylaw 3125. Although this would not constitute formal public hearing input, upon receiving this input Council may a.) consider 3rd Reading of the Bylaw; b.) chose to provide additional direction to the applicant prior to 3rd Reading; or c.) direct staff to schedule a Public Hearing (see Alternative #2). Depending on input received, this alternative could result in a significant process delay of 4 to 6 weeks and is not recommended; or
2. Council proceeds with a Public Hearing. Unless PHO orders change this requires staff to develop an electronic Public Hearing process, update Council on May 25, 2020 regarding this proposed process, and then proceed to schedule the electronic Public Hearing on June 15, 2020. This will result in a significant process delay of 4 to 6 weeks from the time of 1st and 2nd reading to consideration of 3rd Reading. This alternative is not recommended.

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Respectfully Submitted,



Carl Johannsen, RPP, MCIP
Director of Development Services

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

I support the recommendation.



Francis Cheung, P. Eng.
Chief Administrative Officer