

DATE OF MEETING April 27, 2020

AUTHORED BY CALEB HORN, PLANNER, CURRENT PLANNING

SUBJECT COVENANT AMENDMENT APPLICATION NO. CA11 –  
6340 MCROBB AVENUE

## **OVERVIEW**

### **Purpose of Report**

To seek direction from Council regarding Covenant Amendment application No. CA11. |

### **Recommendation**

That:

1. Council rescind the following motions made on 2020-MAR-16:
  - a. Council direct Staff to proceed with a Public Hearing for Covenant Amendment Application No. CA11 at 6340 McRobb Avenue; and
  - b. Council direct Staff to amend covenants FB226410 and FB287633, should Council support the application following Public Hearing.
2. Council direct Staff to proceed without a Public Hearing and proceed with public notification prior to Council's consideration of Covenant Amendment Application No. CA11 at an upcoming Council meeting.
3. Council direct Staff to amend covenants FB226410 and FB287633, should Council support the application. |

## **BACKGROUND**

A Covenant Amendment application, CA11, was received from 6340 McRobb Holdings Ltd. The application proposes to amend Section 219 covenants registered on the property title at 6340 McRobb Avenue in order to allow a multi-family residential development. The applicant envisions constructing a six-storey, 66-unit multi-family residential building as part of Phase 1 for development of the site.

At the Council meeting on 2020-MAR-16, Council directed Staff to proceed with a Public Hearing for Covenant Amendment application No. CA11. In light of health advisories surrounding COVID-19 and Provincial guidelines on physical distancing, the Public Hearing scheduled for 2020-APR-02 was cancelled and Staff are seeking alternative direction from Council in order to allow this Covenant Amendment application to proceed.

## **DISCUSSION**

There is no statutory requirement to hold a Public Hearing for Covenant Amendment applications. Council's Covenant Amendment Process Policy 8-3360-02 states that Council may choose to direct applications be forwarded to a Public Hearing where the proposed covenant amendment pertains to land use, density, or community contributions. Council's practice has typically been to direct these types of Covenant Amendments to Public Hearing.

The proposed Covenant Amendment is supported by policies in the City's Official Community Plan, as summarized in the report to Council dated 2020-MAR-16. Staff recommend proceeding without a Public Hearing and bringing the proposed Covenant Amendment forward at an upcoming Council meeting for consideration of approval. Public notification prior to Council's consideration of the amendment would still occur pursuant to Covenant Amendment Process Policy 8-3360-02, and the public would be given an opportunity to provide comments prior to Council's consideration of the application.

## **OPTIONS**

1. That:

1. Council rescind the following motions made on 2020-MAR-16:
  - a. Council direct Staff to proceed with a Public Hearing for Covenant Amendment Application No. CA11 at 6340 McRobb Avenue; and
  - b. Council direct Staff to amend covenants FB226410 and FB287633, should Council support the application following Public Hearing.
2. Council direct Staff to proceed without a Public Hearing and proceed with public notification prior to Council's consideration of Covenant Amendment Application No. CA11 at an upcoming Council meeting.
3. Council direct Staff to amend covenants FB226410 and FB287633, should Council support the application.
  - Advantages: The application may proceed in a timely manner for Council decision. The public will be notified of the date of Council's consideration of the Covenant Amendment and given an opportunity to provide comments prior to Council's consideration.
  - Disadvantages: A Public Hearing will not be held.
  - Financial Implications: Some cost and resource savings in not facilitating a Public Hearing.

2. That Council reaffirm the following motions made on 2020-MAR-16:

1. Council direct Staff to proceed with a Public Hearing for Covenant Amendment Application No. CA11 at 6340 McRobb Avenue; and
2. Council direct Staff to amend covenants FB226410 and FB287633 should Council support the application following Public Hearing
  - Advantages: A Public Hearing could be held at later time.
  - Disadvantages: The application may be substantially delayed. Additionally, some members of the public may be unwilling or unable to attend an in-person Public Hearing at this time.
  - Financial Implications: None anticipated.

3. That Council provide alternative direction to Staff.

### **SUMMARY POINTS**

- A Covenant Amendment application has been received to amend Section 219 covenants registered on the property title at 6340 McRobb Avenue in order to allow a multi-family residential development.
- In light of health advisories surrounding COVID-19 and Provincial guidelines on physical distancing, the Public Hearing scheduled for 2020-APR-02 has been canceled and Staff are seeking alternative direction from Council in order to allow this Covenant Amendment application to proceed.
- There is no statutory requirement to hold a Public Hearing for Covenant Amendment applications.
- Staff recommend proceeding without a Public Hearing and instead proceeding with public notification to advise that approval of the proposed Covenant Amendment will be considered at an upcoming Council meeting.

**Submitted by:**

Lainya Rowett  
Manager, Current Planning

**Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services