

## **NOTICE OF PUBLIC HEARING – MARCH 1, 2021**

**BYLAW 2373:**                **White Rock Zoning Bylaw, 2012, No. 2000, Amendment  
(CD65-14401 Sunset Drive) Bylaw, 2020, No. 2373**

**CIVIC ADDRESS:**    **14401 Sunset Drive**

**PURPOSE:** Bylaw 2373 proposes to rezone the property from 'RS-1 One Unit Residential Zone' to 'CD – Comprehensive Development' to permit the subdivision of the 24.99 m wide lot into two (2) 12.49 m wide lots to allow for the construction of two (2) new single family dwellings.

**WHITE ROCK**  
*My City by the Sea!*

**Documents:**

Author	Document	Item #
Director of Planning and Development Services	Land Use and Planning Committee corporate report dated February 2, 2021	R-1
Corporate Administration Department	Minutes – Various Extracts	R-2

**Written Submissions:**

Author	Date Received	Civic Address	Status	Item #
M. Carlson	February 11, 2021	Applicant	Support	C-1 (Note: Two items of correspondence and survey map)
S. Mueller	February 23, 2021	Resident	Opposed	C-2

THE CORPORATION OF THE  
**CITY OF WHITE ROCK**

15322 BUENA VISTA AVENUE, WHITE ROCK, B.C. V4B 1Y6

**NOTICE OF PUBLIC HEARING**  
**MONDAY, MARCH 1, 2021**

**NOTICE** is hereby given that the Council of the City of White Rock will hold an opportunity for public participation for a Public Hearing on **MONDAY, MARCH 1, 2021** at **6:00 P.M.** in accordance with the *Local Government Act*. All persons who deem their interest in property is affected by the proposed bylaw/application shall be afforded an opportunity to be heard **via a telephone-in process** or by forwarding written submissions reflecting matters contained in the proposed bylaw/application that is the subject of the Public Hearing. At the Public Hearing, Council will hear and receive submissions from the interested persons in regard to the bylaw/application listed below:

- 1) **BYLAW 2373:**                      **White Rock Zoning Bylaw, 2012, No. 2000, Amendment (CD65-14401 Sunset Drive) Bylaw, 2020, No. 2373**

**CIVIC ADDRESS:**    **14401 Sunset Drive (See Site Map Attached)**

**PURPOSE:** Bylaw 2373 proposes to rezone the property from 'RS-1 One Unit Residential Zone' to 'CD – Comprehensive Development' to permit the subdivision of the 24.99 m wide lot into two (2) 12.49 m wide lots to allow for the construction of two (2) new single family dwellings.

Further details regarding the subject of the Public Hearings/Public Meetings may be obtained from the City's Planning and Development Services Department at City Hall by contacting 604-541-2136 | [planning@whiterockcity.ca](mailto:planning@whiterockcity.ca).

Electronic Meeting: The Provincial Health Officer has issued orders related to gatherings and events in the province of BC. As such, Public Hearings will be held virtually and will also be live streamed on the City website. To participate in a Public Hearing, please review the options below.

**1. Submit written comments to Council:**

You can provide your submission (comments or concerns) by email to [clerksoffice@whiterockcity.ca](mailto:clerksoffice@whiterockcity.ca) or by mail to Mayor and Council, 15322 Buena Vista Avenue, White Rock, BC, V4B 1Y6. The deadline to receive submissions is by **12:00 p.m. on the date of the Public Hearing/Meeting, March 1, 2021.**

You may forward your submissions by:

- Mailing to White Rock City Hall, 15322 Buena Vista Avenue, White Rock, BC V4B 1Y6, or hand delivery by leaving it in the “City Hall Drop Box” to the left outside the front door; or
- Emailing the Mayor and Council at [clerksoffice@whiterockcity.ca](mailto:clerksoffice@whiterockcity.ca) with the applicable subject line:
  - **PH 2: BYLAW 2373, 14401 Sunset Drive**

**2. If you do not wish to speak or write in but would still like to convey that you are in support or that you are not in support of the Public Hearing/ Meeting item:**

You may phone 604-541-2127 to register your support / or that you are not in support of the Public Hearing/ Meeting item. If the call is not answered please leave a voicemail with the call-in information noted below (all four (4) bullet points must be noted).

When you call-in, please be prepared to provide the following information:

- The public hearing item
- Your first and last name
- Civic address
- Whether you are in support of or not in support of the item

**3. You may register to speak to a Public Hearing/ Meeting item via telephone:**

**Registration will be open from 12:00 p.m. to 4:30 p.m. on the date of the Public Hearing/ Meeting, March 1, 2021.** Registration will only be available during this time. Once you register, you will be sent an email with further instructions.

**Register to speak by emailing [clerksoffice@whiterockcity.ca](mailto:clerksoffice@whiterockcity.ca) or calling 604-541-2127.**

Please note the following instructions when you call in:

- You will be put on hold in a queue for the respective item, and you will be connected when it is your turn to speak. **If you hang up during this time, you will lose your place in the queue.** You may watch the Council meeting through the City's Live Stream while you are on hold.
- Your comments must be relevant to the application (bylaw and permit) being considered at the Public Hearing/ Meeting
- You will have 5 minutes to speak
- **While speaking turn off all audio of the meeting. Note:** There is a **1-minute delay** in the live stream so please listen to the cues given over the phone
- **Do not put your phone on speaker phone**
- Once you make your comments to Council, the call will end quickly so that the next speaker can join the meeting

**If you miss the noted registration period, please watch the live meeting at the following link: <https://www.whiterockcity.ca/894/Agendas-Minutes> as there will be an opportunity for you to call in for a limited period of time.**

**Please Note: Correspondence that is the subject of a Public Hearing, Public Meeting, or other public processes will be included, in its entirety, in the public information package and will form part of the public record.** Council shall not receive further submissions from the public or interested persons concerning the bylaws/applications after the Public Hearing has been concluded.

The meeting will be streamed live and archived through the City's web-streaming service.

The proposed bylaws / applications and associated reports can be viewed online on the agenda and minutes page of the City website, [www.whiterockcity.ca](http://www.whiterockcity.ca), under Council Agendas from February 15, 2021, until March 1, 2021. **If you are unable to access the information online, please contact the Corporate Administration department at 604-541-2212, between the hours of 8:30 a.m. and 4:30 p.m., or leave a voicemail and staff will ensure you have the information made available to you.**



THE CORPORATION OF THE  
**CITY OF WHITE ROCK**  
CORPORATE REPORT



**DATE:** February 8, 2021

**TO:** Land Use and Planning Committee

**FROM:** Carl Isaak, Director, Planning and Development Services

**SUBJECT:** Application for Zoning Amendment – 14401 Sunset Drive (ZON/SUB 20-001)

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**RECOMMENDATIONS**

THAT the Land Use and Planning Committee:

1. Recommend that Council give first and second readings to “*White Rock Zoning Bylaw, 2012, No. 2000, Amendment (CD65 – 14401 Sunset Drive) Bylaw, 2020, No. 2373;*”
  2. Recommend that Council direct staff to schedule the public hearing for “*White Rock Zoning Bylaw, 2012, No. 2000, Amendment (CD65 – 14401 Sunset Drive) Bylaw, 2020, No. 2373;*” and
  3. Recommend that Council direct staff to resolve the following issues prior to final adoption, if Bylaw No. 2373 is given third reading after the public hearing:
    - a) ensure that all engineering requirements and issues including servicing agreement completion and dedication of a 2.0 m x 2.0 m corner cut on the corner of Archibald Road and Sunset Drive are addressed to the satisfaction of the Director of Engineering and Municipal Operations; and
    - b) demolish the existing buildings and structures to the satisfaction of the Director of Planning and Development Services; and
    - c) process registration of a Section 219 restrictive covenant to prohibit secondary suites on each of the lots.
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**EXECUTIVE SUMMARY**

The City of White Rock has received an application to rezone the property at 14401 Sunset Drive from ‘RS-1 One Unit Residential Zone’ to ‘CD - Comprehensive Development’ to permit the subdivision of the 24.99 m wide lot into two (2) 12.49 m wide lots to allow for the construction of two new single family dwellings. The proposal is consistent with the objectives and policies of the Official Community Plan’s (OCP) Mature Neighbourhood land use designation which applies to the subject properties. OCP Objective 8.8 supports gentle infill to enable moderate residential growth in mature neighbourhoods. The proposed gentle infill will moderately increase housing availability in White Rock without significantly changing the character of the existing single-family neighbourhood and add housing options to the community through the introduction of smaller single-family detached homes. A copy of Draft Zoning Amendment Bylaw No. 2373



is included in this corporate report as Appendix A, location and ortho maps of the property are included in Appendix B, and the preliminary plan of subdivision is included as Appendix C.

### **PREVIOUS COUNCIL DIRECTION**

None.

### **INTRODUCTION/BACKGROUND**

*White Rock Official Community Plan 2017, No. 2220* (OCP) designates the subject property as ‘Mature Neighbourhood’, which is characterized by low-scale residential uses, such as single-family dwellings with secondary suites, duplexes, and triplexes. The objective of this land use policy area is to enable single-detached and gentle infill opportunities, support different housing options, and protect the character of existing mature single-family neighbourhoods. The subject property is zoned ‘RS-1 One Unit Residential Zone’. The intent of this zone is to accommodate one-unit residential buildings on lots of 464 m<sup>2</sup> (4,995 ft<sup>2</sup>) or larger. The proposed ‘CD – Comprehensive Development Zone’ would be a site-specific zone created to accommodate a one-unit residential building on lots with a minimum lot width of 12.49 m (40.9 ft) and lots 447 m<sup>2</sup> (4,816 ft<sup>2</sup>) or larger. This CD zone would be similar to the RS-4 One Unit (12.1 m Lot width) Residential Zone, as both the lot width and area would exceed the minimum requirements but would not meet the minimum lot depth for this zone. Uses permitted in the current RS-1 zoning and the proposed CD zoning are both consistent with the OCP land use designation.

### **ANALYSIS**

#### **Site Context**

The subject properties are located on the north side of Sunset Drive between Archibald Road and Magdalen Crescent. A single-family home currently resides on the irregularly shaped property, with an overall size of 895 m<sup>2</sup> and dimensions of 24.9 m wide by an average of 25.8 m deep. The property does not have lane access. The surrounding neighbourhood to the north, south, east and west is comprised largely of single-family dwellings. As shown in Figure 1, the immediate area is predominantly zoned RS-1 (shaded white). Two blocks east of the subject property on High Street, there are four residential lots zoned RS-4 which accommodates a narrower lot (12.1m) width, one property zoned for a duplex (RT-1), and several “small lot, hillside” properties zoned RS-3 (cross hatched grey), fronting onto High Street and Marine Drive. The irregular parcel fabric of properties in the neighbourhood, and the associated mix of zones, is reflective of the variability in the form and character of lower profile housing in the area to the east of the subject properties, while the immediate area and to the north and west the zoning is predominantly RS-1.

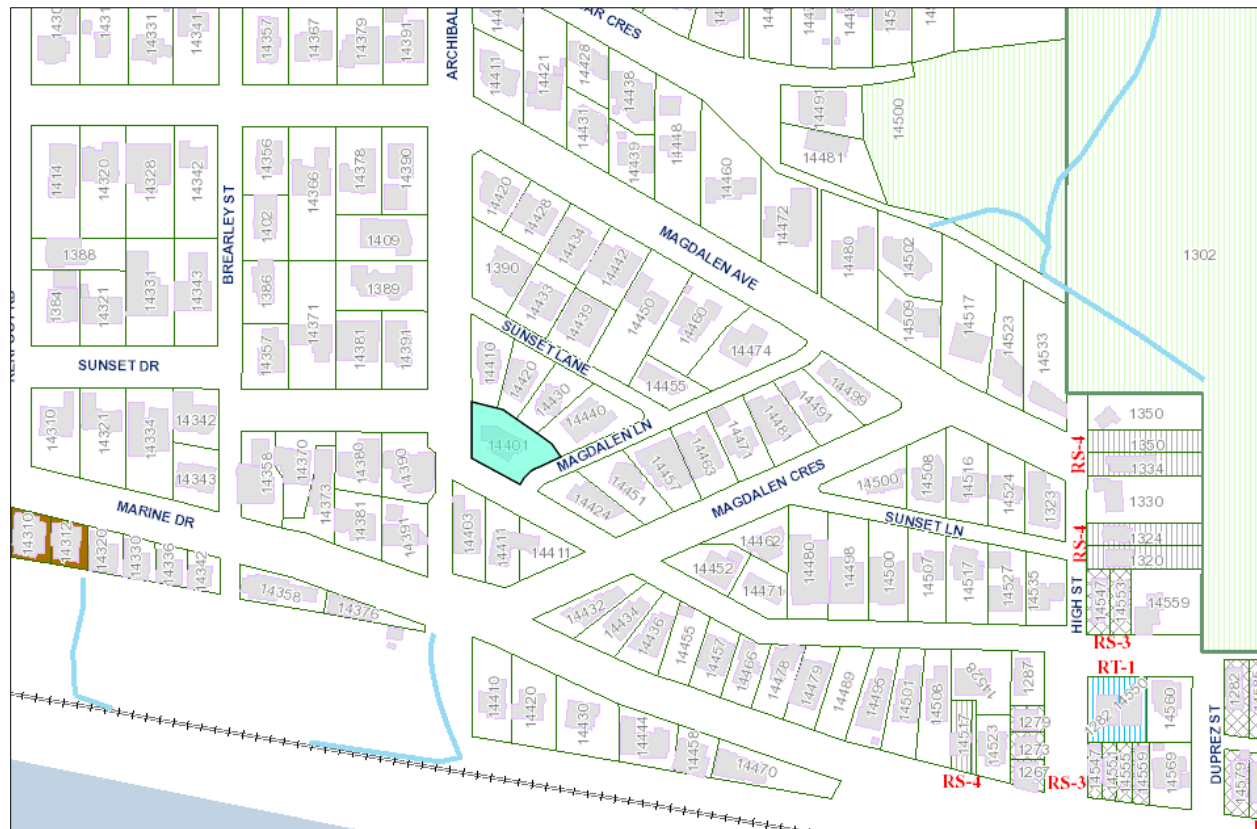
#### **Zoning Comparison**

The rezoning of the subject property from RS-1 to a site specific Comprehensive Development (CD) Zone will allow for the creation of two lots approximately 20m<sup>2</sup> less than the minimum lot area required in the RS-1 zone. Table 1 on the following page compares the requirements of the RS-1 Zone and the proposed CD Zone. The primary difference between the proposed CD Zone and the RS-1 Zone, and any of the other one-unit residential zones, relates to lot depth. Specifically, the depth of the west lot would be 27.02m and the east lot would have depth of 24.61m whereas the RS-1 Zone requires a minimum lot depth of 27.4m. The setbacks proposed in the CD Zone align with those of the RS-1 zone and both lot area and frontage align with that enabled by the infill zoning standards of the standard RS-4 zone; this latter point is noted as the configuration of the lots as contemplated in the site specific CD Zone largely respect what is established within the RS-4 Zone, save for the noted deviation tied to lot depth. Building height



in the proposed CD Zone (4.88 m) would be less than the maximum permitted height of the RS-1 Zone (7.7m). The maximum lot coverage of 35% is less than the RS-1 maximum of 45%.

**Figure 1: Zoning Map – 14401 Sunset Drive**



**Table 1: Comparison of Zoning Requirements**

	<b>RS-1 Zone</b>	<b>CD Zone</b>
<b>Minimum Lot Area</b>	464.0 m <sup>2</sup> / 4,994.6 ft <sup>2</sup>	445.0 m <sup>2</sup> / 4,789 ft <sup>2</sup>
<b>Minimum Lot Width</b>	15.0 m / 49.2 ft	12.49 m / 40.9 ft
<b>Minimum Lot Depth</b>	27.4 m / 89.9 ft	West Lot: 27.02m / 88.64 ft East Lot: 24.61 m / 80.74 ft
<b>Maximum Lot Coverage</b>	40% for lots with greater than 696 m <sup>2</sup> lot area	35%
<b>Maximum Residential Gross Floor Area</b>	0.5	0.5
<b>Maximum Building Height</b>	7.7 m / 25.26 ft	4.88 m / 16 ft
<b>Minimum Setbacks:</b>		
Front	7.5 m / 24.61 ft	7.5 m / 24.61 ft
Interior	1.5 m / 4.92 ft	1.5 m / 4.92 ft
Rear	7.5 m / 24.61 ft	7.5 m / 24.61 ft
<b>Off Street Parking</b>	2 per one unit residential; 1 additional for a secondary suite	2 per one unit residential
<i>* Exact dimensions to be determined at time of building design; dimensions may not exceed the indicated maximum and minimum requirements</i>		

Both the existing RS-1 zoning and proposed CD zoning allow for one single family dwelling per lot. Additional permitted “accessory” uses in both zones include a childcare centre, boarding use, bed and breakfast, or home occupation. An accessory registered secondary suite or short term rental would not be permitted in the CD zone.

Council’s approval of the proposed rezoning, and subsequent subdivision approval by the City’s Approving Officer would allow for a maximum of two (2) units (two principal homes), which is a

net increase of one (1) unit from what is currently permitted at the site under the RS-1 Zone. A rendering of the proposed homes on the properties is included below as Figure 2.

**Figure 2: Rendering of Proposed Two Homes in Context (viewed from south)**



Note: The proposed access for the east (right) lot has been revised to be on the east property line (off of Madgalen Crescent Lane), as shown in the site plan attached as Appendix C

### **Restrictive Covenant**

There is an existing covenant registered on the property. The covenant (H112799) states: “That no structure will be erected to exceed 16 (sixteen) feet in height at the apex of the roof taken vertically from the general contour of the land, from 25 (twenty-five) feet from the northerly boundary lot line to within 25 (twenty-five) feet of the southerly boundary lot line, and from the east boundary lot line and from within 12.5 (twelve and one-half) feet of the west boundary lot line, which shall be defined as the buildable area.” While the City is not a signatory to the covenant and its terms are not binding on the regulations established by the municipality, staff believe the standards to be established in the CD Zone conform with the height limits and general intent of the siting requirements of the covenant.

### **Required Parking**

Two (2) parking spaces are needed to service each principal residence. Under the existing RS-1 zoning a minimum three (3) spaces would be required if the lot were to have a principal dwelling and secondary suite. If the subdivision proceeds for an additional (second) lot, a minimum of four (4) spaces would be required. The recommendations in this report would, if approved, require the registration of a covenant on title which prohibits the establishment of a secondary suite.

### **Tree Management**

An arborist report prepared by Froggers Creek Tree Consultants Ltd. identifies one Japanese maple (1) tree on the property. This tree is a protected tree as defined by the *White Rock Tree Management Bylaw, 2008 No. 1831* and is proposed to be removed to accommodate the subdivision. Several mature shrubs are located on City property, which would also be removed as part of the proposal, subject to the receipt of compensation in the amount of \$6,000. The compensation would be used to replant trees on City property. As part of the rezoning and newly created CD zone, a minimum of one tree will be required to be planted on each lot to provide contribution to the overall tree canopy within the City.

### **Public Information Meeting and Public Feedback**

The applicant held a digital public information meeting (PIM) on October 15, 2020. Sixty-three (63) letters were delivered to White Rock property owners and occupants within 100 metres of the subject property. The meeting was also advertised in the October 9 and October 16 issues of the Peace Arch News. A total of ten (10) attendees were present during the PIM who noted the following concerns:

1. The blind corner at Archibald Road;
2. The driveway location in relation exiting onto a steep, narrow, busy road;
3. Parking and congestion; and
4. Secondary suites.

A total of six emails were received regarding the application, noting the following concerns:

1. Increased traffic;
2. The bottleneck of Sunset Drive serving all traffic moving south to Marine Drive from Archibald, Brearly, and Kerfoot;
3. Narrow road width and lack of sidewalks for pedestrians;
4. Decrease in property values due to smaller lot sizes;
5. Dangerous nature of the hedges along the property lines creating blind corners;
6. Encroachment on surrounding properties and lack of greenspace;
7. Application of the restrictive covenant governing the development of the lot.

As noted earlier, the project would result in one additional dwelling unit and the need for one net new parking space; secondary suites and short term rentals would not be permitted and this would be secured through a covenant registered on title of the property, in addition to the restrictions in the Zoning Bylaw. Staff do not believe the net increase of one dwelling unit will result in negative traffic impacts warranting improvements to the neighbouring road network. Further, the City's Engineering and Municipal Operations Department has commented on the design and the applicant has accordingly addressed matters pertaining to: the location of new driveways relative to intersections (i.e., the design now being compliant with the requirements of the City of White Rock Street and Traffic Bylaw, 2000, No. 1529); the need to remove hedges and vegetation near intersections to improve motorist and pedestrian visibility; and, the need for a dedication of land to support the construction of a sidewalk extending along the length of the property on Archibald Road and down Sunset Drive. These improvements will help to address public concerns regarding the potential for vehicle conflict, or bottlenecks, blind corners, and pedestrian safety.

The rezoning, if approved, would allow for the subdivision of the property into two, smaller lots. Each of the new lots would presumably be lower in value than a lot twice their size. Similarly, it

is assumed the homes on each of the lots would be lower in value (cost) when compared with a larger home built on the existing lot. Moderate variability in the size of lots within established neighbourhoods can help create interest through variability in the scale and design of single family dwellings.

The proposed CD-65 Zone has been scoped to limit the amount of land that can be covered with buildings and structures. Specifically, the new zone would limit lot coverage to a maximum of 35% of the area of the subject property; this would apply to each lot if a future subdivision is approved. The existing RS-1 Zone permits 40% lot coverage when lot area exceeds 696 square metres and 45% on lots being less than 696 square metres (which would apply to this lot under the current zoning). Introducing a lower lot coverage standard given an intention to subdivide the subject property into two lots being no greater than 443 square metres, demonstrates an effort to enable greater landscaping of the property through building constraint.

Finally, there is an existing covenant registered on title of the property. The covenant prohibits the construction of a building being taller than 16 feet (4.87m). While the City is not a signatory to this covenant, efforts have been made to respect this height limit. To this end, the CD-65 Zone includes a maximum height limit of 4.87 metres (15.97 feet), applicable to principal building, and a maximum height of 4.0 metres (12.12 feet) applicable to ancillary buildings and structures.

### **Planning Review**

The proposal is consistent with the objectives and policies of the OCP ‘Mature Neighbourhood’ land use designation. As the ‘Mature Neighbourhood’ is characterized by low-scale residential uses, such as single-family dwellings with secondary suites, duplexes, and triplexes, the proposed rezoning and subdivision application meets the intent of the OCP.

The proposed rezoning from RS-1 to CD to accommodate the proposed two-lot subdivision would create further single-detached and gentle infill opportunities, support different housing options, while maintaining the character of the existing mature single-family neighbourhood.

### **FINANCIAL IMPLICATIONS**

Approval of the subdivision following final approval of the rezoning would result in \$19,294.76 in municipal development cost charges as a result of the net increase of one (1) new single-family residential lot.

### **LEGAL IMPLICATIONS**

As noted in the background above, there is a restrictive covenant registered on title between the subject property and adjacent properties regarding the height of buildings on the subject property. The City is not a party to the covenant, and therefore its terms are not binding on the regulations established by the municipality. While the City is not bound by the terms of the covenant, staff believe the standards to be established in the CD Zone conform with the height limits and general intent of the siting requirements of the covenant.

### **COMMUNICATION AND COMMUNITY ENGAGEMENT IMPLICATIONS**

The applicant held a digital public information meeting (PIM) on October 15, 2020, and if Council provides first and second readings of the Zoning Amendment Bylaw, a Public Hearing would offer an opportunity for direct written and verbal comments to be provided to Council.

### **INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS**

The rezoning application was circulated to internal City departments and comments requiring a response / resolution by the proponent have been addressed.

### **CLIMATE CHANGE IMPLICATIONS**

The application will enable modest intensification in an existing neighbourhood, lessening the demand for outward sprawl otherwise necessary to accommodate growth in the region.

### **ALIGNMENT WITH STRATEGIC PRIORITIES**

An overall review of Single Family Home zones is currently in the 2021-2022 Council Strategic Priorities, scheduled for December 2021.

### **OPTIONS / RISKS / ALTERNATIVES**

The following options are available for Council's consideration:

1. Reject "*White Rock Zoning Bylaw, 2012, No. 2000, Amendment (CD65 – 14401 Sunset Drive) Bylaw, 2020, No. 2373;*" or
2. Defer consideration of "*White Rock Zoning Bylaw, 2012, No. 2000, Amendment (CD65 – 14401 Sunset Drive) Bylaw, 2020, No. 2373*" and refer the application to staff to address any issues identified by Council.

### **CONCLUSION**

The City of White Rock has received an application to rezone 14401 Sunset Drive from 'RS-1 One Unit Residential Zone' to 'CD - Comprehensive Development Zone' to allow the subdivision of the lot into two (2) new lots. The proposal is consistent with the objectives and policies of the 'Mature Family' OCP land use designation intended for the subject property, and the proposed infill, while reducing the maximum lot coverage from 45% to 35% for smaller building footprints than currently permitted. This would add to White Rock's housing stock without significantly changing the character of the existing single-family neighbourhood. Staff recommend Council give first and second readings and authorize staff to schedule a Public Hearing for this application.

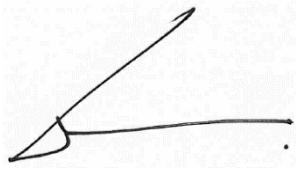
Respectfully submitted,



Carl Isaak, MCIP, RPP  
Director, Planning and Development Services

**Comments from the Chief Administrative Officer**

I concur with the recommendation of this corporate report.

A handwritten signature in black ink, consisting of a stylized 'G' followed by a horizontal line and a small dot.

Guillermo Ferrero  
Chief Administrative Officer

- Appendix A: Draft Zoning Amendment Bylaw No. 2373
- Appendix B: Location and Ortho Photo Maps
- Appendix C: Preliminary Subdivision Plan
- Appendix D: Public Information Meeting Attendance Sheet
- Appendix E: Arborist Report and Tree Replacement Plan

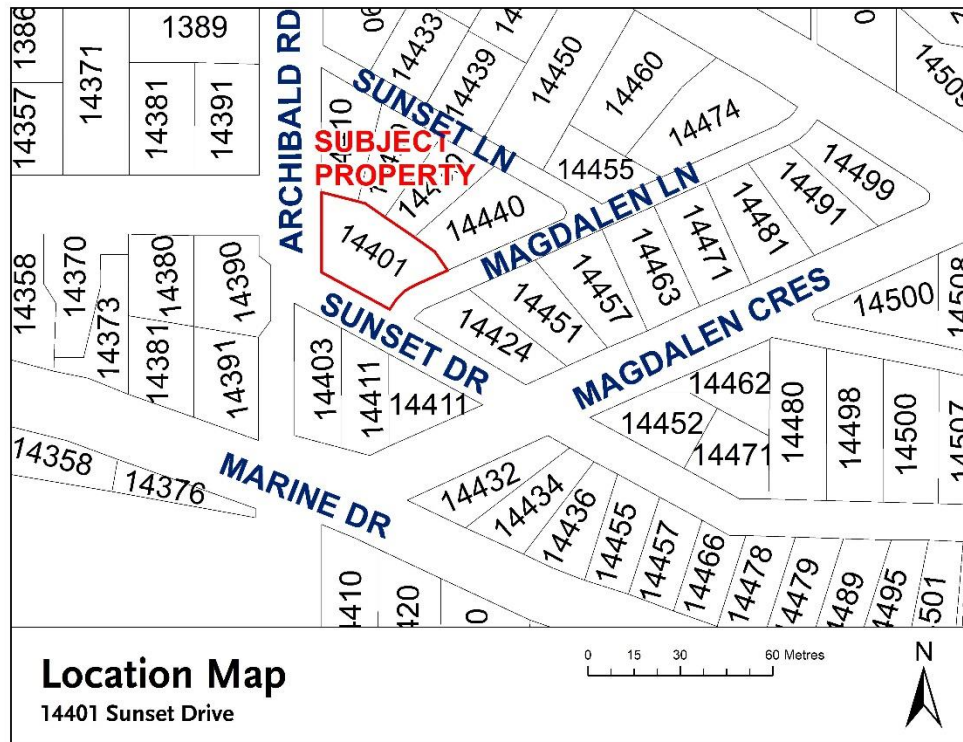
**APPENDIX A**  
**Draft Zoning Amendment Bylaw No. 2373**

(Attached Separately)



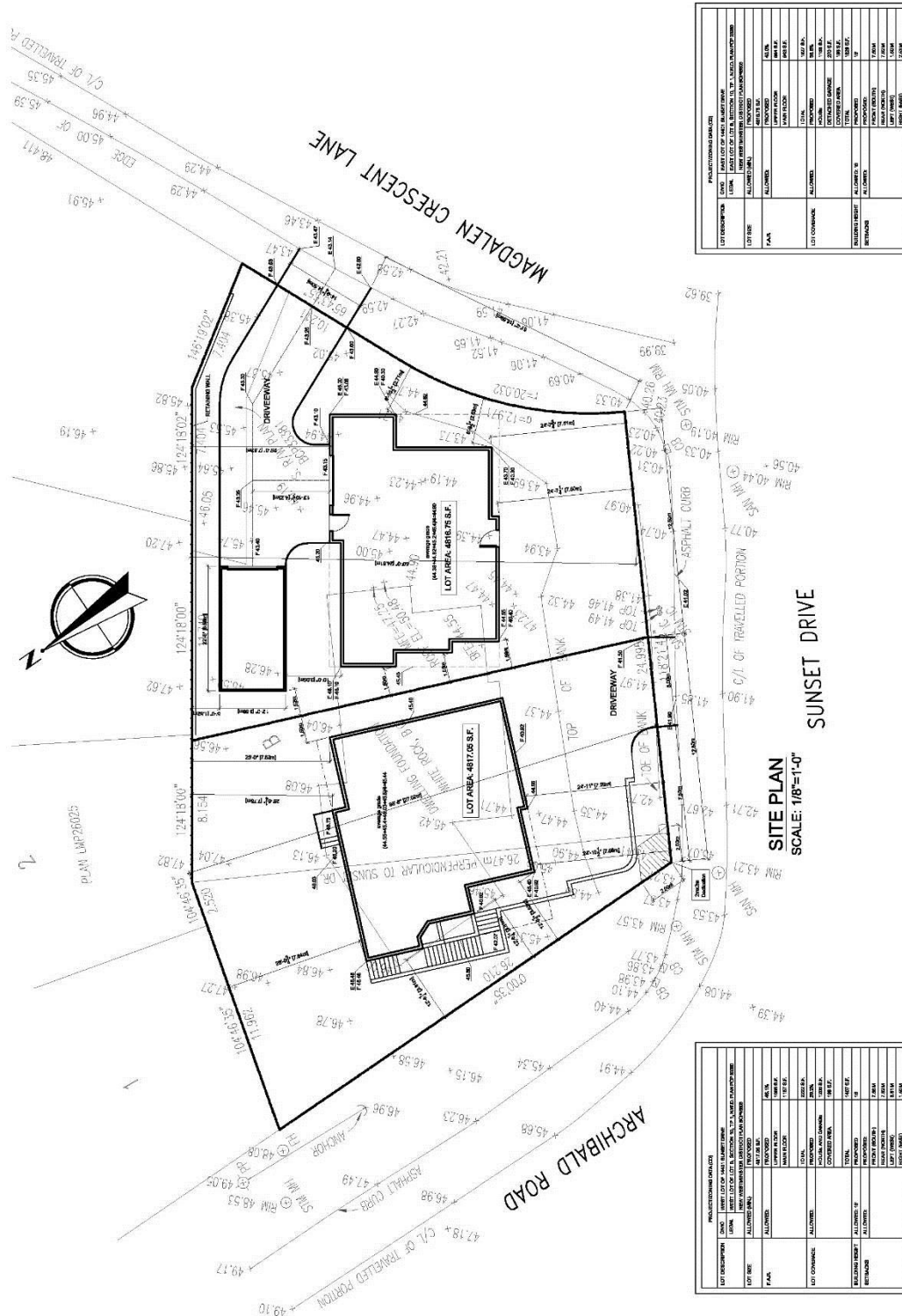
## APPENDIX B

## Location and Ortho Photo Maps



## APPENDIX C

### Preliminary Subdivision Plan



**APPENDIX D**

**Public Information Meeting Attendance Sheet**

(Attached Separately)

**APPENDIX E**  
**Public Feedback**

(Attached Separately)

**APPENDIX F**

**Arborist Report and Tree Replacement Plan**

(Attached Separately)

**The Corporation of the  
CITY OF WHITE ROCK  
BYLAW No. 2373**



A Bylaw to amend the  
"White Rock Zoning Bylaw, 2012, No. 2000" as amended

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The CITY COUNCIL of the Corporation of the City of White Rock in open meeting assembled ENACTS as follows:

1. THAT Schedule C of the *White Rock Zoning Bylaw, 2012, No. 2000* as amended is further amended by rezoning the following lands:

Lot B Section 10 Township 1 New Westminster District Plan BCP33380  
PID: 027-321-690  
(14401 Sunset Drive)

as shown on Schedule "1" attached hereto, from the 'RS-1 One Unit Residential Zone' to 'CD-65 Comprehensive Development Zone (14401 Sunset Drive).'

2. THAT *White Rock Zoning Bylaw, 2012, No. 2000* as amended is further amended:

(1) by adding to the Table of Contents for 'Schedule B (Comprehensive Development Zones)', Section 7.65 CD-65 Comprehensive Development Zone';

(2) by adding the attached Schedule "2" to 'Schedule B (Comprehensive Development Zones)' Section 7.65 CD-65 Comprehensive Development Zone'.

3. This bylaw may be cited for all purposes as "*White Rock Zoning Bylaw, 2012, No. 2000, Amendment (CD-65 – 14401 Sunset Drive) Bylaw, 2020, No. 2373*".

Public Information Meeting held this	20 <sup>th</sup> day of	October , 2020
Read a first time this	day of	, 2020
Read a second time this	day of	, 2020
Considered at a Public Hearing this	day of	, 2020
Read a third time this	day of	, 2020
Adopted this	day of	, 2020

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Mayor

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Director of Corporate Administration





## 7.65 CD-65 COMPREHENSIVE DEVELOPMENT ZONE

### INTENT

The intent of this zone is to accommodate the subdivision of the subject properties in order to create two single family lots on smaller, irregularly shaped lots with a minimum lot size of 443 m<sup>2</sup> (4,766 ft<sup>2</sup>).

#### 1. Permitted Uses:

- 1) a one-unit residential use in conjunction with not more than one (1) of the following accessory uses:
  - (a) an *accessory child care centre* in accordance with the provisions of Section 5.1.
  - (b) an *accessory boarding use* in accordance with the provisions of Section 5.4.
  - (c) an *accessory bed and breakfast use* in accordance with the provisions of Section 5.7.
- 2) an accessory home occupation in conjunction with a one-unit residential use and in accordance with the provisions of Section 5.3;
- 3) a care facility in accordance with the provisions of Section 5.1.

#### 2. Lot Size:

- 1) The minimum lot width, lot depth and lot area in the CD-65 zone are as follows:

Lot width	12.49 m (40.9 ft)
Lot Depth	West Lot: 27m (88.6 ft) East Lot: 24m (78.8 ft)
Lot Area	443m <sup>2</sup> (4,766 ft <sup>2</sup> )

#### 3. Lot Coverage:

- (a) The maximum *lot coverage* in the CD-65 zone is 35%.

#### 4. Floor Area:

- 1) maximum residential gross floor area shall not exceed 0.47 times the *lot area*.
- 2) notwithstanding any other provision in this bylaw, only one basement storey is permitted.

#### 5. Building Height:

- 1) *principal buildings* shall not exceed a height of 4.87m (15.97ft) from *average natural grade*.
- 2) *ancillary buildings and structures* shall not exceed a height of 4.0m (13.12ft) from *average natural grade*.

6. Minimum Setback Requirements:

- 1) principal buildings and ancillary buildings and structures in the CD-65 zone shall be sited in accordance with the following minimum setback requirements:

<b>Setback</b>	<b>Principal Building</b>	<b>Ancillary Buildings and Structures</b>
Front lot line	7.5m (24.61ft)	Not permitted
Rear lot line	7.5m (24.61ft)	1.5m (4.92ft)
Interior side lot line	1.5m (4.92ft)	1.5m (4.92ft)
Exterior side lot line	3.8m (12.47ft)	3.8m (12.47ft)
Exterior side lot line (abutting a lane)	2.4m (7.87ft)	2.4m (7.87ft)

7. Ancillary Buildings and Structures:

Except as otherwise provided in Section 4.13 and in addition to the provisions of sub-sections 5. 2) and 6. 1) above, the following standards also apply:

- (a) there shall be not more than one ancillary building per lot.
- (b) ancillary buildings and structures shall not be located in any required front yard area.

8. Parking:

Accessory off-street parking shall be provided in accordance with the provisions of Section 4.14.

9. Trees:

A minimum of one tree is to be planted per lot.



December 2, 2020

Via E-Mail to [avonhausen@whiterockcity.ca](mailto:avonhausen@whiterockcity.ca) and Mail

**CITY OF WHITE ROCK**

Planning Department  
15322 Buena Vista Avenue  
White Rock, BC V4B 1Y6

Our File: 154395

White Rock Project: ZON 20-001

Attention: Ms. Athena Von Hausen, Area Planner

Dear Athena:

**RE: PROPOSED 2-LOT SUBDIVISION LOCATED AT 14401 SUNSET DRIVE, WHITE ROCK, BC**

We are pleased to provide you with the following information and comments regarding the Digital Public Information Meeting (PIM) that took place on Wednesday, October 15<sup>th</sup>, 2020, from 5:30 to 6:30 p.m. As per comments provided by yourself on October 28<sup>th</sup>, 2020, a total of ten (10) participants attended the PIM. The PIM consisted of a presentation of the project details and renderings followed by a question and answer period. We received a total of twenty-five (25) comments throughout the PIM proceedings, of these comments three (3) were received prior to the PIM, twenty (20) were received during the PIM and two (2) were received after the PIM. Please see the attached for all of the comments recieved.

The most significant concern expressed prior to, during and after the PIM pertains to the Restrictive Covenant registered on title which limits the height of any building to sixteen (16) feet from the average natural elevation. We believe these concerns have been addressed through designing each of the proposed buildings to be less than sixteen (16) feet in height from the average natural elevation, as required in the Restrictive Covenant.

Another concern brought forward during the PIM related to the proposed shared driveway location and the potential impacts on traffic and safety within the surrounding area. Residents expressed concerns specifically with regards to the proposed shared driveway leading onto the narrowing Sunset Drive and possibly causing additional traffic and safety concerns to the intersection. Residents advised that intersection of Sunset Drive with Archibald Road and Magdalen Crescent Lane is busy and unsafe as Sunset Drive narrows when intersecting with Archibald Road and Magdalen Crescent Lane. It was stated that the narrowing of Sunset Drive, in combination with the blind corners created by hedges on the parent parcel, and the lack of pedestrian infrastructure makes the area unsafe and traffic prone, thus, the addition of a shared driveway may exacerbate these issues. The City clarified that the shared driveway was requested by the City's Engineering Department and that they do not anticipate traffic or safety concerns associated with the development. However, after the PIM, the Engineering Department has asked for the proposed driveways to be separated for each of the new lots from Sunset Drive and Magdalen Lane respectively. They have also indicated the requirement of new sidewalks on Archibald Road and Sunset Drive. We believe that providing seperate driveways and sidewalks address these neighbourhoods' concerns.

Also related to traffic, residents were concerned with the possible implications that the proposed development may have on the local parking supply. Residents mentioned that the area already deals with parking issues and that the additional lots may add to the existing problem. To address these parking supply concerns, each of the proposed lots will include a double car garage with an additional parking space within the driveway portions



of each respective lot. Because the development proposes on-site parking, we believe the proposed development will not negatively impact the existing parking conditions.

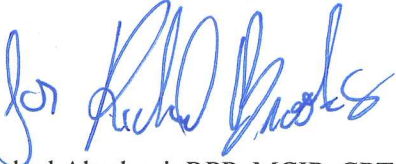
Lastly, residents expressed concern with the possibility of secondary suites being created as part of the proposed development. In order to address this concern, the owner/developer has designed the future homes in a manner that would make it difficult to create secondary suites in the future, and has also agreed to register a Restrictive Covenant on title to restrict this type of use. Furthermore, throughout the inspection process during house construction, the City inspectors will ensure that no additional electrical wiring is provided which could potentially be used to install additional appliances to be used for secondary suites in the future. As such, we believe a Restrictive Covenant registered on title which prohibits secondary suites, a condition of the rezoning, will address any secondary suite concerns.

We believe the information and recommendations listed above addresses the concerns raised at the PIM, and that demonstrates that the owner is more willing to work with both City and neighborhood residents to mitigate any impacts brought forth by the proposed development.

Please review the above and attached, and if you have any questions or if you require additional information, please do not hesitate to contact the undersigned.

Sincerely,

**H.Y. ENGINEERING LTD.**



Fahad Abrahani, RPP, MCIP, CPT  
Planner

**H.Y. ENGINEERING LTD.**



Daniel Hanhausen Legorreta  
Junior Planner

FXA/DHL/pl

Attachments

cc: Mr. Marlon Carlson

..\154395 PIM Comments

**Pre-PIM - Comment #1:**

Thank you for returning my telephone enquire and hearing my concerns about the proposed rezoning and subdivision of 14401 Sunset Drive from RS1 to CD. I assume that the purpose of the rezoning to CD is to allow the proposed lots to be smaller than the surrounding RS1 neighbourhood as the property does not appear to satisfy the subdivision standards under the current zoning.

I wish to emphasize that we do not object to the subdivision of this property but are very concerned that adding traffic to this short stretch of Sunset Drive is very dangerous. This is a very busy section of road that many people drive, cycle and walk here to access Marine Drive and the destinations along the waterfront and beach. Those of us who live along Marine drive frequently travel this route to get to and from our homes. Contemplating adding any driveways, even for a rebuilt single home, onto Sunset is very dangerous and will make a bad situation even worse.

I suggest that all driveways from this property be from Archibald and Magdalen lane, if the subdivision is to proceed. I also believe that a sidewalk needs to be built along the entire frontage of Sunset lane and it needs to be extended to Magdalen Crescent. This will at least separate the pedestrian and vehicle traffic and enhance safety. It would appear that a 1.5m sidewalk can be fit into the north side of Sunset Drive, in the area between the back of the existing curb and the property line. If there is not enough room, then I would support a the CD bylaw that makes provision for the additional road widening/dedication of Sunset Drive needed to make this work. It would also appear that it is possible to extend the sidewalk out to Magdalen Cres. It appears that there is some planting in the boulevard area between the back of curb and the flanking side yard of #14424. Removing the dangerous hedge on the boulevard here will improve sightlines and make this busy section of road safer. As the applicant is seeking to rezone the property, because they do not have the area to meet the RS1 subdivision requirements, i believe it is not to much to ask that they do these infrastructure improvements as compensation for the extra lot they will be able to yield. I trust that our comments will be included in your land use report to City Council and we do not need to contact the Mayor and Councillors directly with our comments. We would also appreciate if you could let us know when this application is scheduled to go to Council for consideration.

**Pre-PIM - Comment #2:**

I was dismayed to see a re-submission of the proposal to subdivide and build two substantial houses at 14401 Sunset Drive. Must the neighbours re-visit this unwanted change to our area again so soon?

On what grounds should this proposal be given variance on lot size?

Why should next door neighbours' space be compromised by a building closer to them than is stipulated in the bylaws?

Most especially, the proposed "shared" driveway of the new buildings opens onto a very narrow, heavily used road i.e., Sunset Drive, right next to its dangerous corner with Archibald Rd.

- Vehicles driving south down Archibald, which is very steep at this point, cannot see traffic coming up the hill from Sunset Drive.
- In icy weather it is difficult to negotiate that hill in a westward direction and it must be done so "at a run" from Magdalen Crescent. It is the only way of reaching many houses on the hillside in treacherous winter conditions.
- Vehicles meeting one another on Sunset Drive in this block must frequently pull aside to allow oncoming traffic through because of the narrowness of the road.
- This bottleneck serves all traffic moving south to Marine Drive from Archibald, Brearly and Kerfoot. It is a busy street.
- There are no sidewalks to protect the many pedestrians who use it on their way to and from the beach.

Rather than allowing densification on this corner, the city should consider widening the road to make it safer for everyone.



**Pre-PIM - Comment #3:**

We have learned that a development company has applied to rezone and subdivide property at 14401 Sunset Drive. You will be aware that a similar application was made and later withdrawn by the applicant following broad based opposition by homeowners in the area. The present application seeks authorization to construct two buildings, each having three levels, including garage, with a proposed height of 7.7 meters (greater than 25'3") In addition, can you please inform me how I may make arrangements to review and copy the full application that is on file with the Planning and Development Department, There is a restrictive covenant in place on the property at 14401 Sunset Drive. This covenant provides, in the relevant parts:

(2) That no structure will be erected to exceed 16 (sixteen) feet in height at the apex of the roof taken vertically from the General contour of the land, from 25 (Twenty-Five) Feet of the Northerly boundary lot line to within 25 (Twenty-Five) Feet of the Southerly boundary lot line, and from the East boundary lot line and from within 12 ½ (Twelve and One-Half) Feet of the West boundary lot line, which shall be defined as the Buildable area.

(3) The Grantee will not erect any building or other structure on the said lot (108) which shall have a flat roof with a pitch to the said flat roof of less than Three (3) inches in every Twenty (20) Feet.

The developer's proposal would be grossly in violation of the terms of the restrictive covenant, and if allowed would seriously impair the views from the houses located on Sunset Lane and consequently, the homeowners' property values.

I have attached to this letter a copy of the deed made the 27th of October 1972 containing the terms of the restrictive covenant. I am also providing for your assistance a copy of a letter which was sent to the Building Department by Michael Carter of the law firm of Cleveland Doan on behalf of the homeowners at 14410, 14420, 14430, and 14440 Sunset Lane. This letter clearly sets out the intention to seek injunctive relief against the City in the event that any approvals are made that violate the building restrictions in the restrictive covenant, and this is the position I take with respect to the present application. Aside from the proposed egregious violation of the terms of the restrictive covenant, there is no reason aside from the developers' financial interests, why the R1 zoning should be varied in the circumstances of this application. I intend to canvass the homeowners in the area and to provide you with a petition setting out the neighbourhood's opposition to this application.

While I understand that there may be a requirement for a formal process for the City to give consideration to this application, I would ask the City of White Rock to reject this application and to honour the homeowners rights granted through the terms of the restrictive covenant. The homeowners on Sunset Lane have already spent a considerable amount of money hiring legal professionals in relation to their opposition to the earlier application. Given the fact that the previous application was withdrawn before being rejected by the City, it is difficult to understand why this application should even be allowed to proceed. The redundant application would seem to me to be an abuse of process

**Post-PIM - Comment #1:**

On May 8th of this year, I wrote to the Planning and Development Department to register my objection to the proposed development of property at 14401 Sunset Drive. My objection was principally based on my belief that the height of the proposed buildings would violate the terms of the Restrictive Covenant on the property. On behalf of the Planning and Development Department, you replied, providing me with plans for the proposal, including elevations for the proposed buildings. From my review of these plans it appears that the proposed height of the buildings, taken at the average natural grade, does not violate the Restrictive Covenant. Therefore, at this time, while I do not support the application, neither do I oppose it. Specifically, I take no position. Please disregard my earlier communication expressing opposition. I have every confidence that the Planning and Development Department will come to an appropriate decision on this application taking into account all relevant factors. Having said that, should there be any future applications to amend or otherwise vary the plans for this development in any material form, I would like to be advised in order that I can ensure compliance with the terms of the Restrictive Covenant, and I reserve the right to object, should this occur.

## **Post-PIM - Comment #2:**

A zoning bylaw is a contract between its citizen and the city. It is integral to the purchase of a home. People have chosen to live in this R1-zoned neighborhood because of its green space, trees, and plants that are permitted in these larger lots. My neighbors and I have paid a premium price for the R1-zoned properties because we expect the R1 Zoning Bylaw to protect the environment as well as our investments in these properties. Unless there are urgent matters that absolutely mandate a change in the R1 Zoning Bylaw, it is difficult for me to accept changes to the bylaw. To change the bylaw at the expense of the entire neighborhood for one property owner does not seem rationale. Furthermore, I would like the Planning Department to consider the fact that this application is not very different from the application that was submitted 4 years ago. Since it was repealed last time, I believe that the same decision should be made as there have been no changes in the circumstances.

Every property in this neighborhood not only meets but exceeds the minimum provisions of the R1 Zoning Bylaw. The average lot size of this neighborhood closest to the proposed property is just below 8,000 sq ft. The lot sizes are consistent throughout the neighborhood. If one property begins to not meet the minimum provisions, there will be more properties in the future that will fail to meet the minimum requirement.

This development application fails to meet the R1 Zoning Bylaw on multiple fronts. The application proposes two properties that do not and cannot meet the minimum setbacks, the minimum lot sizes, or the minimum frontage as mandated by the R1 Zoning Bylaw. It encroaches on 4 neighboring properties. It neither conforms to the neighborhood standards nor respects the interests and rights of all the property owners. Furthermore, it jeopardizes the long term environmental, economic, and interests of the neighborhood. If this application passes, it will set an example for future develop who will be encouraged to follow suit and our green space will be gone.

Additionally, this application produces safety concerns. The property is located at the bottom of a very steep hill and is bordered on both sides by exceptionally narrow roads without sidewalks. There are three blind corners. There have been many instances where cars must reverse and move to the side to let another car pass through. Sunset Drive narrows to single-lane width in front of the property and Magdalen Crescent Lane is barely wide enough for one vehicle. Placing two driveways in this narrow lot, on either narrow road, exacerbates an already treacherous situation for both pedestrians and drives. This may cause future accidents in the future and be of high danger especially for younger kids and elderly people.

We would like to point out that this Development Application violates the covenants legally governing this property and imposes substantial legal costs on the Covenant holders. This is unwarranted and unjust as it is using the city as an instrument to violate or abrogate existing legally binding contract. I find it difficult to accept a reason for this Development Application to pass and we strongly oppose this subdivision.

Source	Type	Identity	Timestamp	Content
Attendee	Question	Anonymous (Unverified)	10/16/2020 12:57:26 AM	The proposed driveway for these new homes would exit onto a steep, narrow, fairly busy road, just a few metres from a blind corner i.e., Archibald Road. Residents of the new homes will have to reverse out onto Sunset Drive. Passing pedestrians have no sidewalk to protect them. Is this parlous state not a concern for the City?
Attendee	Question	Anonymous (Unverified)	10/16/2020 12:57:32 AM	The proposed driveway for these new homes would exit onto a steep, narrow, fairly busy road, just a few metres from a blind corner i.e., Archibald Road. Residents of the new homes will have to reverse out onto Sunset Drive. Passing pedestrians have no sidewalk to protect them. Is this parlous state not a concern for the City?
Attendee	Question	Anonymous (Unverified)	10/16/2020 12:57:50 AM	This looks really good to me
Attendee	Question	Anonymous (Unverified)	10/16/2020 12:58:34 AM	Will you be residing in one of the units
Attendee	Question	Anonymous (Unverified)	10/16/2020 12:58:52 AM	There were elevations in the ppt that we skipped. Can we take a quick look.
Attendee	Question	Anonymous (Unverified)	10/16/2020 12:59:18 AM	This looks really good to me
Attendee	Question	Anonymous (Unverified)	10/16/2020 12:59:30 AM	Will you be residing in one of the units
Attendee	Question	Anonymous (Unverified)	10/16/2020 12:59:59 AM	There were elevations in the ppt that we skipped. Can we take a quick look.
Attendee	Question	Anonymous (Unverified)	10/16/2020 1:00:36 AM	What will you do to ensure that having shared driveway with limited space will not increase parking congestion on this narrow lane
Attendee	Question	Anonymous (Unverified)	10/16/2020 1:01:23 AM	Are you cutting into the hill?
Attendee	Question	Anonymous (Unverified)	10/16/2020 1:01:43 AM	I sent a question.
Attendee	Question	Anonymous (Unverified)	10/16/2020 1:01:49 AM	What will you do to ensure that having shared driveway with limited space will not increase parking congestion on this narrow lane
Attendee	Question	Anonymous (Unverified)	10/16/2020 1:04:17 AM	Are you cutting into the hill?
Attendee	Question	Anonymous (Unverified)	10/16/2020 1:04:41 AM	It seems that if a car is parked in the parking space in front of the house, the car in the garage cannot get in or out.
Attendee	Question	Anonymous (Unverified)	10/16/2020 1:05:35 AM	I sent a question.
Attendee	Question	Anonymous (Unverified)	10/16/2020 1:06:12 AM	It seems that if a car is parked in the parking space in front of the house, the car in the garage cannot get in or out.
Attendee	Question	Anonymous (Unverified)	10/16/2020 1:07:07 AM	How can the neighborhood be assured there will not be suites in the future? There is no street parking available on any of the 3 roads surrounding the proposed new house. The proponent suggested parking is available in front of other people's houses on Sunset Drive!
Attendee	Question	Anonymous (Unverified)	10/16/2020 1:07:33 AM	How can the neighborhood be assured there will not be suites in the future? There is no street parking available on any of the 3 roads surrounding the proposed new house. The proponent suggested parking is available in front of other people's houses on Sunset Drive!
Attendee	Question	Anonymous (Unverified)	10/16/2020 1:16:01 AM	Can you ensure that they will not put in place any wiring that would allow for a stove?
Attendee	Question	Anonymous (Unverified)	10/16/2020 1:18:39 AM	Can you ensure that they will not put in place any wiring that would allow for a stove?

April 27, 2020

Dear Ms von Hausen:

I was dismayed to see a re-submission of the proposal to subdivide and build two substantial houses at 14401 Sunset Drive. Must the neighbours re-visit this unwanted change to our area again so soon?

On what grounds should this proposal be given variance on lot size?

Why should next door neighbours' space be compromised by a building closer to them than is stipulated in the bylaws?

Most especially, the proposed "shared" driveway of the new buildings opens onto a very narrow, heavily used road i.e., Sunset Drive, right next to its dangerous corner with Archibald Rd.

- Vehicles driving south down Archibald, which is very steep at this point, cannot see traffic coming up the hill from Sunset Drive.
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- Vehicles meeting one another on Sunset Drive in this block must frequently pull aside to allow oncoming traffic through because of the narrowness of the road.
- This bottleneck serves all traffic moving south to Marine Drive from Archibald, Brearly and Kerfoot. It is a busy street.
- There are no sidewalks to protect the many pedestrians who use it on their way to and from the beach.

Rather than allowing densification on this corner, the city should consider widening the road to make it safer for everyone.

Respectfully submitted,

Mary Ponsford  
14371 Sunset Drive

Bryan An & Jenny Lee

14440 Sunset Lane

604-542-5768

Oct 13, 2020

To: Planning Department

City of White Rock

RE: Development Application

14401 Sunset Dr.

I am submitting this statement to state my strong opposition against the development application for 14401 Sunset Dr.

A zoning bylaw is a contract between its citizen and the city. It is integral to the purchase of a home. People have chosen to live in this R1-zoned neighborhood because of its green space, trees, and plants that are permitted in these larger lots. My neighbors and I have paid a premium price for the R1-zoned properties because we expect the R1 Zoning Bylaw to protect the environment as well as our investments in these properties. Unless there are urgent matters that absolutely mandate a change in the R1 Zoning Bylaw, it is difficult for me to accept changes to the bylaw. To change the bylaw at the expense of the entire neighborhood for one property owner does not seem rationale. **Furthermore, I would like the Planning Department to consider the fact that this application is not very different from the application that was submitted 4 years ago. Since it was repealed last time, I believe that the same decision should be made as there have been no changes in the circumstances.**

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**Additionally, this application produces safety concerns. The property is located at the bottom of a very steep hill and is bordered on both sides by exceptionally narrow roads without sidewalks. There are three blind corners.** There have been many instances where cars must reverse and move to the side to let another car pass through. Sunset Drive narrows to single-lane width in front of the property and Magdalen Crescent Lane is barely wide enough for one vehicle. Placing two driveways in this narrow lot, on either narrow road, exacerbates an already treacherous situation for both pedestrians and drives. This may cause future accidents in the future and be of high danger especially for younger kids and elderly people.

We would like to point out that this Development Application violates the covenants legally governing this property and imposes substantial legal costs on the Covenant holders. This is unwarranted and unjust as it is using the city as an instrument to violate or abrogate existing legally binding contract. I find it difficult to accept a reason for this Development Application to pass and we strongly oppose this subdivision.

Sincerely,

Bryan An & Jenny Lee



**From:** [Clarence Arychuk](#)  
**To:** [Athena von Hausen](#)  
**Cc:** [Bea Hadikin](#)  
**Subject:** 14401 Sunset Drive  
**Date:** Saturday, May 30, 2020 4:30:18 PM

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for returning my telephone enquire and hearing my concerns about the proposed rezoning and subdivision of 14401 Sunset Drive from RS1 to CD. I assume that the purpose of the rezoning to CD is to allow the proposed lots to be smaller than the surrounding RS1 neighbourhood as the property does not appear to satisfy the subdivision standards under the current zoning.

I wish to emphasize that we do not object to the subdivision of this property but are very concerned that adding traffic to this short stretch of Sunset Drive is very dangerous. This is a very busy section of road that many people drive, cycle and walk here to access Marine Drive and the destinations along the waterfront and beach. Those of us who live along Marine drive frequently travel this route to get to and from our homes. Contemplating adding any driveways, even for a rebuilt single home, onto Sunset is very dangerous and will make a bad situation even worse. I suggest that all driveways from this property be from Archibald and Magdalen lane, if the subdivision is to proceed. I also believe that a sidewalk needs to be built along the entire frontage of Sunset lane and it needs to be extended to Magdalen Crescent. This will at least separate the pedestrian and vehicle traffic and enhance safety. It would appear that a 1.5m sidewalk can be fit into the north side of Sunset Drive, in the area between the back of the existing curb and the property line. If there is not enough room, then I would support a the CD bylaw that makes provision for the additional road widening/dedication of Sunset Drive needed to make this work. It would also appear that it is possible to extend the sidewalk out to Magdalen Cres. It appears that there is some planting in the boulevard area between the back of curb and the flanking side yard of #14424. Removing the dangerous hedge on the boulevard here will improve sightlines and make this busy section of road safer. As the applicant is seeking to rezone the property, because they do not have the area to meet the RS1 subdivision requirements, i believe it is not to much to ask that they do these infrastructure improvements as compensation for the extra lot they will be able to yield.

I trust that our comments will be included in your land use report to City Council and we do not need to contact the Mayor and Councillors directly with our comments. We would also appreciate if you could let us know when this application is scheduled to go to Council for consideration.

Sincerely, Bea Hadikin and C. Arychuk  
14276 Marine Drive

Planning and Development Department  
City of White Rock  
Att'n Athena Von Hausen, Planner  
October 13, 2020

Dear Ms. Von Hausen

On May 8th of this year, I wrote to the Planning and Development Department to register my objection to the proposed development of property at 14401 Sunset Drive. My objection was principally based on my belief that the height of the proposed buildings would violate the terms of the Restrictive Covenant on the property.

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Having said that, should there be any future applications to amend or otherwise vary the plans for this development in any material form, I would like to be advised in order that I can ensure compliance with the terms of the Restrictive Covenant, and I reserve the right to object, should this occur.

Yours truly

Roger McMeans

**From:** [Keith Solinsky](#)  
**To:** [Athena von Hausen](#)  
**Subject:** proposal 20-001 14401 Sunset Drive  
**Date:** Monday, December 7, 2020 8:38:05 AM

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I wanted to express our opposition to allowing for 2 homes to be built on this location should the current site rules state the lot was and is for a single family home, on the current lot , not 2 homes or subdividable to 2 lots for 2 homes.

Keith Solinsky

## Help preserve our heritage!

Email White Rock City Hall: [avonhausen@whiterockcity.ca](mailto:avonhausen@whiterockcity.ca)

Regarding proposal 20-001 14401 Sunset Drive

Our West Beach is the most unique and spectacular area in the entire lower mainland. Beautiful architecturally designed homes on spacious lots coupled with spectacular ocean views are some of the reasons why. One has a sense of wild nature here. As events in the world change our neighborhood is becoming even more of a sought after and precious place to live.

Help me keep it that way.

The development proposal on 14401 Sunset Dr. is to crowd in 2 houses on undersized lots. What a blemish this would be! Not only that, if approved, others will be attempting to do the same thing. The end result...lowering of your property value and loss of community attractiveness.

The time to halt these actions is now. Email City Hall at the above address and let them know your feelings.

Pass this on to your neighbors.

Dave De Camillis



**Froggers Creek  
Tree Consultants Ltd.**

**7763 McGregor Avenue Burnaby BC, V5J4H4  
Telephone: 604-721-6002 glenn@froggerscreek.ca**

City of White Rock  
877 Keil Street  
White Rock, BC  
V4B 4V6

January 6, 2020

Re: 14401 Sunset Drive, White Rock BC

## **Revised Tree Preservation Report**

I have been asked to revise a Tree Report I provided 3 years ago for this property.

### **TREE PRESERVATION SUMMARY**

1	Number of Protected Trees onsite
0	Protected Trees for retention
0	City trees

### **INTRODUCTION**

I have been provided with a tree survey of the property and a proposed site plan. A new house is being proposed to be built on the property. All surveyed trees have been assessed and information recorded concerning their type, dbh<sup>1</sup>, crown radius, health and structural condition.

### **OBSERVATIONS**

#### Site Conditions:

I visited the site on December 14, 2015 and again on January 3, 2020 to assess the trees. 14401 Sunset Drive is a corner lot on a sloped property. There is 1 tree that qualifies as protected on the property. I have plotted out its approximate location on the attached drawing. There are hedges that appear to be shared or are completely on the properties to the north. Two of the hedges are larger trees. The eastern most hedge is smaller. Hedges are not protected according to City of White Rocks requirements.

## **TREE INVENTORY**

### **ON-SITE TREES**

#	Type	DBH	MPZ	Ht	CR	Health	Structural Condition
1	Japanese Maple	13/13/13cm	2.2m	4m	2m	Good	No apparent defects

DBH- trunk diameter, MPZ is Minimum Protection Zone, Ht is approximate height, CR Crown radius

### **DISCUSSION**

To help determine the protection area required for each tree I have calculated out their Minimum Protection Zones (MPZ). In an effort to retain more trees during development most municipalities in

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<sup>1</sup> DBH- diameter of trunk at chest height.



## Froggers Creek Tree Consultants Ltd.

the Lower Mainland have accepted a Minimum Protection Zone (MPZ) of 6 times the diameter of the trunk. A tree that requires excavation inside of the MPZ is usually not considered a good candidate for retention. The MPZ's are included in the inventory above and shown on the drawing, as a dashed circle) in the Appendix.

### Tree Retention

No onsite trees will be retained. The required grade changes make the retention of this tree not possible.

### Neighbouring trees

There are hedges along the rear property line of this property. These hedges appear to be on the neighbouring properties. The required grade changes will critically impact the trees. I am recommending the hedges be removed. The owner of the hedges will need to agree to their removal.

### City Trees

There are no trees on city property. There are numerous mugo pines, rhodos and other shrubs planted on City property. These will all need to be removed do to grade changes.

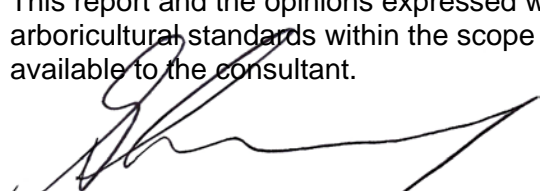
### Drawings

A Tree Plan drawing is attached. The drawing plots the one maple and the approximate locations of the hedges in relation to the proposed layout.

End Report.

### **Certification:**

This report and the opinions expressed within it have been prepared in good faith and to accepted arboricultural standards within the scope afforded by its terms of reference and the resources made available to the consultant.



Froggers Creek Tree Consultants Ltd.  
Glenn Murray – Board Certified Master Arborist  
I.S.A. Certification # PN-0795B  
Certified Tree Risk Assessor # 0049

Dated: January 6, 2020



### Hedges on Neighbouring property



### Mugo pines on City land







### Onsite Japanese Maple and mugo pines



### Undersized trees and shrubs on property

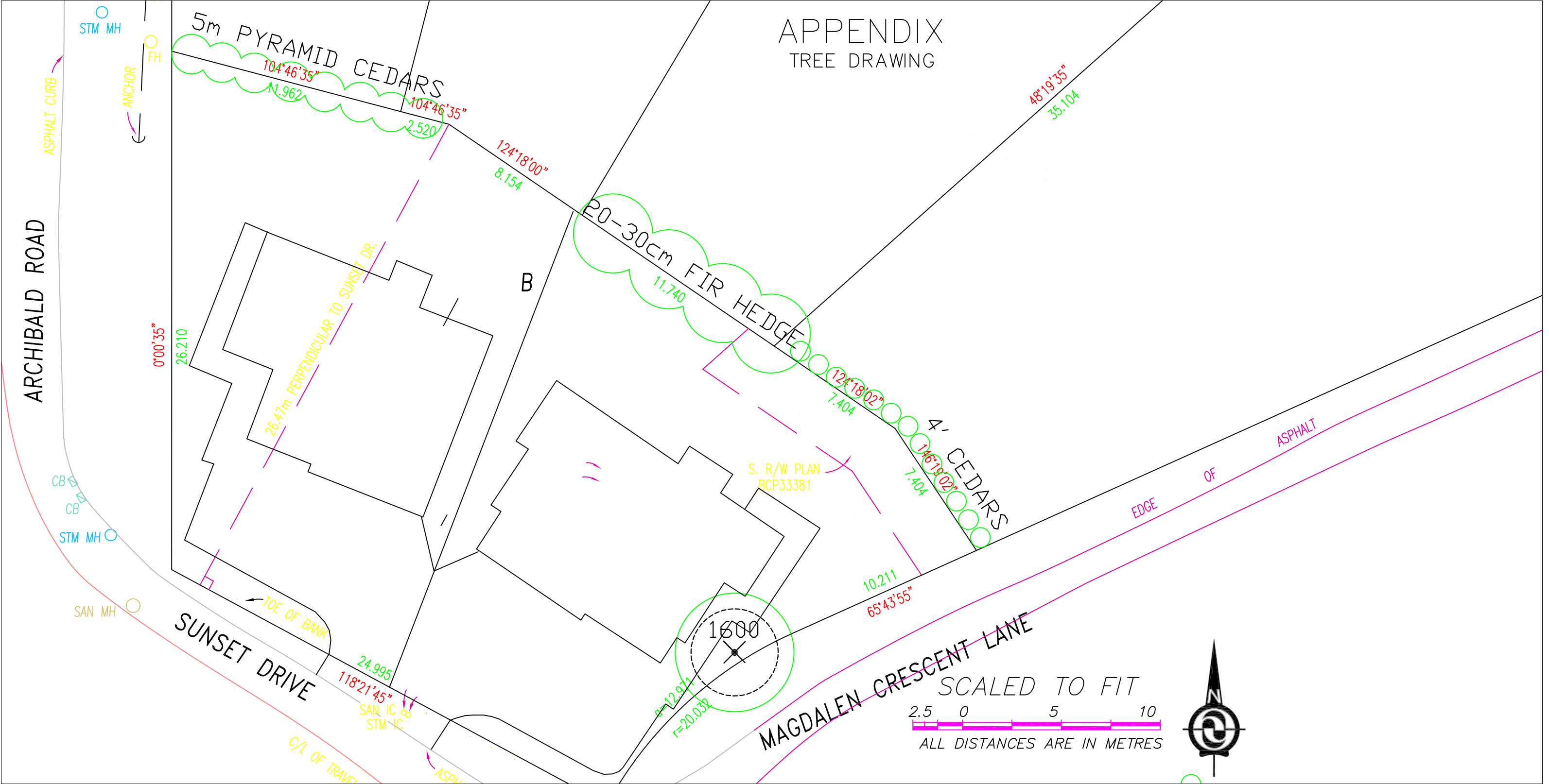






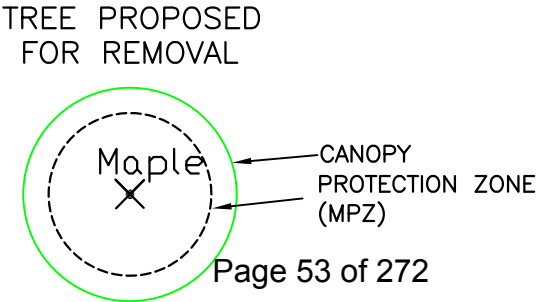
## **ASSUMPTIONS AND LIMITING CONDITIONS**

1. This report and the opinions expressed within it have been prepared in good faith and to accepted arboricultural standards within the scope afforded by its terms of reference and the resources made available to the consultant. The report provides no undertakings regarding the future condition or behavior of the trees reviewed within it. Tree hazard and condition assessments are not an exact science. Both qualities can and do change over time and should be reappraised periodically.
2. This assessment was limited to a visual tree evaluation only. No core samples were taken. No tissue samples have been cultured or analyzed by plant pathologists. No root or root crown excavations were undertaken. No aerial reconnaissance was attempted, beyond that made possible by binoculars.
3. Any legal description provided to the consultant/appraiser is assumed to be correct. No responsibility is assumed for matters legal in character. Any and all property is appraised or evaluated as though free and clear, under responsible ownership and competent management.
4. It is assumed that any property is not in violation of any applicable codes, ordinances, statutes, or other governmental regulations.
5. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the consultant/appraiser can neither guarantee nor be responsible for the information provided by others.
6. The consultant/appraiser shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule and contract of engagement.
7. Loss or alteration of any part of this report invalidates the entire report.
8. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior expressed written or verbal consent of the consultant/appraiser.
9. Neither all nor any part of the contents of this report, nor copy thereof, shall be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales or other media, without the prior expressed written or verbal consent of the consultant/appraiser—particularly as to value conclusions, identity of the consultant/appraiser, or any reference to any professional society or institute or to any initiated designation conferred upon the consultant/appraiser as stated in his qualification.



LEGEND

TREE INVENTORY				
#	Type	Action	DBH	MPZ
1	Japanese Maple	Remove	13/13/13cm	2.2m
DBH- trunk diameter, MPZ- protection zone				



- NOTES:
- 1. SITE LAYOUT INFORMATION AND TREE SURVEY DATA PER SUPPLIED DRAWING
  - 2. REFER TO ATTACHED TREE PROTECTION REPORT FOR INFORMATION CONCERNING TREE SPECIES, STEM DIAMETER, HEIGHT, CANOPY SPREAD AND CONDITION.
  - 3. ALL MEASUREMENTS ARE METRIC

Froggers Creek  
Tree Consultants Ltd

7763 McGregor Avenue Burnaby BC V5J 4H4  
Telephone: 604-721-6002 Fax: 604-437-0970

14401 Sunset Drive White Rock

TREE DRAWING

THE DRAWING PLOTS ALL TREES, PROPOSED FOR REMOVAL, THEIR CANOPIES AND PROTECTION ZONES IN RELATION TO PROPOSED LAYOUT

DRAWN BY: GM  
January 6, 2020

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**MINUTE EXTRACTS REGARDING BYLAW 2373: White Rock Zoning Bylaw, 2012, No. 2000, Amendment (CD65-14401 Sunset Drive) Bylaw, 2020, No. 2373 CIVIC ADDRESS: 14401 Sunset Drive**

**Land Use and Planning Committee  
February 8, 2021 (DRAFT)**

### **CORPORATE REPORTS**

#### **4.1 Application for Zoning Amendment – 14401 Sunset Drive (ZON/SUB 20-001)**

Corporate report dated February 8, 2021 from the Director of Planning and Development Services titled "Application for Zoning Amendment - 14401 Sunset Drive".

Councillor Kristjanson arrived at the meeting at 5:09 p.m.

The Manager of Planning provided a PowerPoint regarding the application including a planning analysis.

The following discussion points were noted:

- Revised access confirmed: East building access is off Magdalen Crescent Lane / West building is off Sunset Drive
- Noted restrictive covenant (RC) is limited as to how it would be applied to the lands (not a RC with the City)
- No encroachments: removal of the existing buildings is required

**Motion Number: LU/P-015** It was MOVED and SECONDED

THAT the Land Use and Planning Committee recommend that Council give first and second readings to "*White Rock Zoning Bylaw, 2012, No. 2000, Amendment (CD65 – 14401 Sunset Drive) Bylaw, 2020, No. 2373*".

**Motion CARRIED**

**Councillors Johanson and Kristjanson voted in the negative**

**Motion Number: LU/P-016** It was MOVED and SECONDED

THAT the Land Use and Planning Committee recommend Council direct staff to schedule the public hearing for "*White Rock Zoning Bylaw, 2012, No. 2000, Amendment (CD65-14401 Sunset Drive) Bylaw, 2020, No. 2373*".

**Motion CARRIED**

**Councillors Johanson and Kristjanson voted in the negative**

**Motion Number: LU/P-017** It was MOVED and SECONDED

THAT the Land Use and Planning Committee recommend Council direct staff to resolve the following issues prior to final adoption, if Bylaw No. 2373 is given third reading after the public hearing:

- a. ensure that all engineering requirements and issues including servicing agreement completion and dedication of a 2.0 m X 2.0 m corner cut on the corner of Archibald Road and Sunset Drive are addressed to the satisfaction of the Director of Engineering and Municipal Operations; and
- b. demolish the existing buildings and structures to the satisfaction of the Director of Planning and Development Services; and
- c. process registration of a Section 219 restrictive covenant to prohibit secondary suites on each of the lots.

**Motion CARRIED**

Regular Council meeting  
February 8, 2021 (DRAFT)

**8.1.b BYLAW 2373: WHITE ROCK ZONING BYLAW, 2012, NO. 2000, AMENDMENT (CD65-14401 SUNSET DRIVE) BYLAW, 2020, NO. 2373**

Bylaw 2373 - A bylaw to amend the Zoning Bylaw by adding to the Table of Contents for Schedule B (Comprehensive Development Zones CD-65) and by adding to Schedule "2" Schedule B (Comprehensive Development Zones CD-65), 14401 Sunset Drive. This item was introduced earlier at the February 8 Land Use and Planning Committee meeting. The bylaw was presented for consideration of first and second reading at this time.

**Motion Number: 2021-057**

THAT Council give first and second readings to "*White Rock Zoning Bylaw, 2012, No. 2000, Amendment (CD65 – 14401 Sunset Drive) Bylaw, 2020, No. 2373*"

**Motion CARRIED**

**Councillors Johanson and Kristjanson voted in the negative**

**Motion Number: 2021-058**

THAT Council:

1. Direct staff to schedule the public hearing for “*White Rock Zoning Bylaw, 2012, No. 2000, Amendment (CD65 – 14401 Sunset Drive) Bylaw, 2020, No. 2373*”; and
2. Direct staff to resolve the following issues prior to final adoption, if Bylaw No. 2373 is given third reading after the public hearing:
3. Recommend that Council direct staff to resolve the following issues prior to final adoption, if Bylaw No. 2373 is given third reading after the public hearing:
  - a. ensure that all engineering requirements and issues including servicing agreement completion and dedication of a 2.0 m x 2.0 m corner cut on the corner of Archibald Road and Sunset Drive are addressed to the satisfaction of the Director of Engineering and Municipal Operations; and
  - b. demolish the existing buildings and structures to the satisfaction of the Director of Planning and Development Services; and
  - c. process registration of a Section 219 restrictive covenant to prohibit secondary suites on each of the lots.

**Motion CARRIED**

Marlon and Linda Carlson  
14401 Sunset Drive  
White Rock, BC V4B 2V6

Feb 11, 2021

RE: 14401 Sunset Drive (ZON/SUB 20-001)

To the White Rock City Council:

On Feb 8 our project received first and second reading. During the discussions that evening several questions came up that were left unanswered. I'm sending this letter to offer clarity to the questions that were raised.

14401 Sunset Drive is my wife Linda's and my home where we live. We are only the second owners of the property. We purchased it from Art and Florence Wall in 2007. Mr. Wall was the Mayor of White Rock back in the early 1970's. He also setup the restrictive covenant that is registered on title, of which council has a copy.

The intent of the covenant is to protect the views of the immediate neighbors to the North of our property primarily by restricting the height of buildings on our property. With our proposed development fully adhering to the requirements of the covenant, the height calculations of the proposed homes work out to be that the west home would be approximately 6" lower than the existing home and the east home would be approximately 27" lower than our existing home.

We have discussed our proposal openly with our neighbors, shown that our proposal adheres to the requirements of the covenant and protects their views, and stated our ongoing commitment to those requirements. We have a good relationship with our neighbors and they are not opposed to our proposal.

Please keep in mind that this covenant was done approximately 50 years ago and some of points in it are moot or changed. For example, there is a part in the covenant pertaining to the slope of the roof, however today's building code requirements exceed that requirement. There also used to be an additional and separate covenant that pertained to the eastern part of the property, but that covenant was removed prior to our ownership when another property was developed.

The homes in our proposal also comply with the setback requirements of the covenant, which also complies with the setback requirements for RS-1 zoning. We did have a prior application back in 2016 in which the homes that were proposed did adhere to the covenant height but not on the setbacks. That proposal was not well received by our neighborhood and we decided to suspend it. It is noteworthy to point out that both of the homes in this current proposal would fit within the current existing building envelope of our property.

I trust that this letter offers further clarity to the questions that we raised on Feb 8th. Thank you.

Marlon Carlson

**From:** [Debbie Johnstone](#)  
**To:** [Debbie Johnstone](#)  
**Subject:** FW: 14401 Sunset Drive (ZON/SUB 20-001)  
**Date:** February 17, 2021 9:43:06 AM  
**Attachments:** [2020 02 27 Survey \(20-001\) 14401 Sunset Drive.pdf](#)

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**From:** Marlon Carlson <[marlon.carlson@me.com](mailto:marlon.carlson@me.com)>  
**Sent:** February 16, 2021 5:03 PM  
**To:** Greg Newman <[GNewman@whiterockcity.ca](mailto:GNewman@whiterockcity.ca)>  
**Subject:** Re: 14401 Sunset Drive (ZON/SUB 20-001)

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Hi Mr. Newman,

Yes I can confirm that this is the basis for the differences and the elevations were calculated by our designer Tiger Wu. This information was shared at the virtual PIM.

Marlon Carlson

On Feb 16, 2021, at 4:33 PM, Greg Newman <[GNewman@whiterockcity.ca](mailto:GNewman@whiterockcity.ca)> wrote:

Mr. Carlson,

Thank you for this feedback. It looks as though the height differentials referenced in your letter come from the attached survey and the drawings prepared by your designers. Could you confirm that this is the basis for the differences so that staff can communicate such to Council. We think the point you raise is a good one and want to ensure Council has the information used to generate the numbers (see my summary below) from the survey and attached drawings.

- East – 49.78m ROOF TOP (difference of 0.7m or 27.6 inches)
- West – 50.32m ROOF TOP (difference of 0.16m or 6.3 inches)

Thank you,

Greg

---

Greg Newman, MCIP, RPP  
**Manager of Planning, City of White Rock**  
15322 Buena Vista Avenue, White Rock, BC V4B 1Y6  
Tel: 604.541.2142 | [www.whiterockcity.ca](http://www.whiterockcity.ca)  
<image001.jpg>

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**From:** Marlon Carlson <[marlon.carlson@me.com](mailto:marlon.carlson@me.com)>

**Sent:** February 11, 2021 11:22 AM

**To:** Clerk's Office <[ClerksOffice@whiterockcity.ca](mailto:ClerksOffice@whiterockcity.ca)>

**Cc:** Greg Newman <[GNewman@whiterockcity.ca](mailto:GNewman@whiterockcity.ca)>

**Subject:** 14401 Sunset Drive (ZON/SUB 20-001)

*CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.*

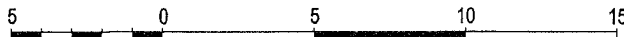
Please pass the attached letter to the White Rock City Council. Also please add this letter to the agenda package for March 1. Let me know if you need anything else. Thank you.

Marlon Carlson

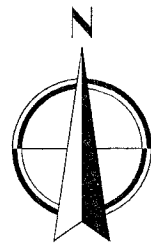
<2020 02 27 Survey (20-001) 14401 Sunset Drive.pdf><2020 02 27 Architectural EAST (20-001) 14401 Sunset Drive.pdf><2020 02 27 Architectural WEST (20-001) 14401 Sunset Drive.pdf>



BC LAND SURVEYORS TOPOGRAPHIC PLAN OF LOTS A AND B, SECTION 10, TOWNSHIP 1, NEW WESTMINSTER DISTRICT, PLAN BCP33380

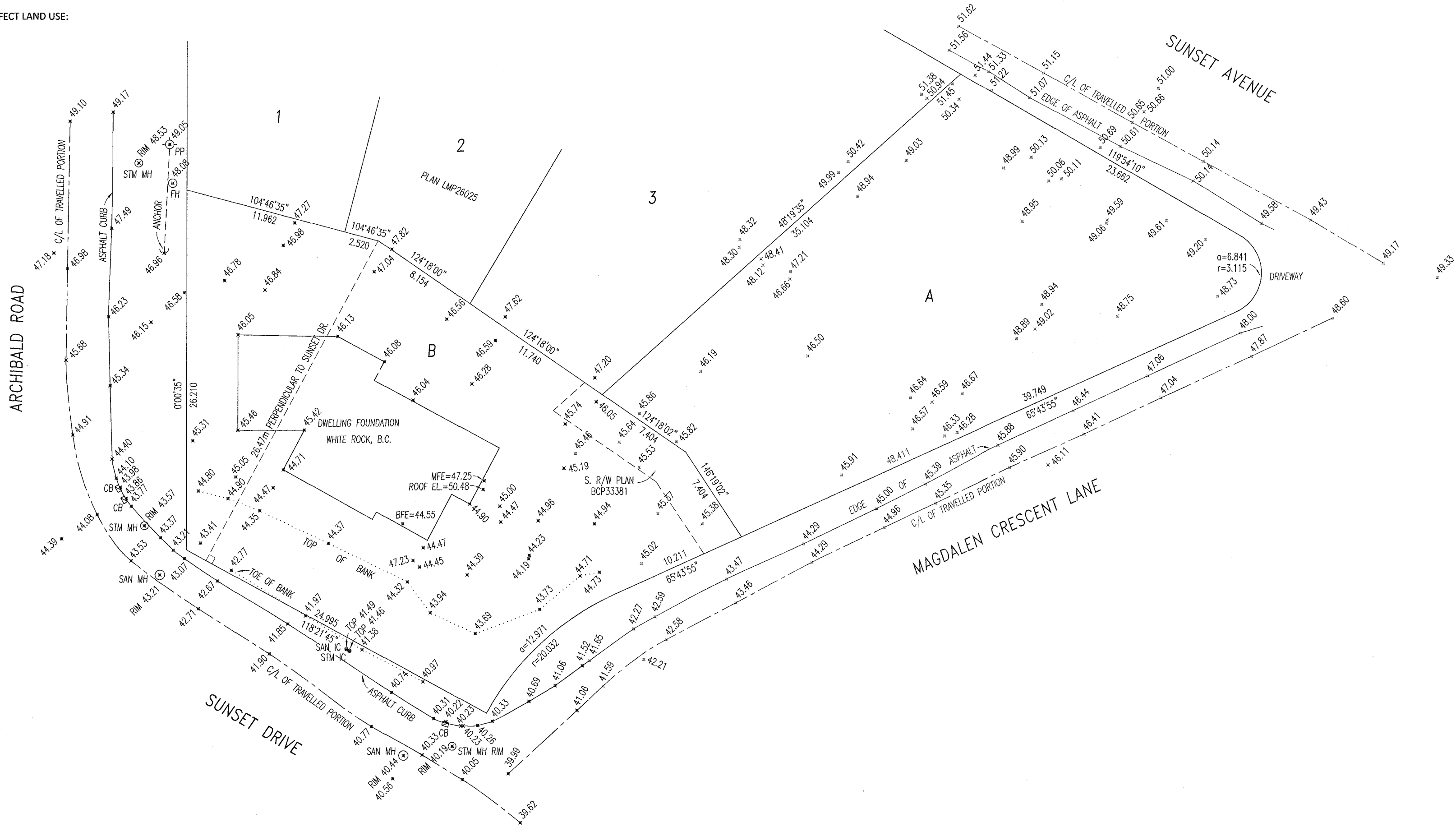


The intended plot size of this plan is 560mm in width  
432mm in height (C Size)  
when plotted at a scale of 1:250



GROUND ELEVATIONS SHOWN ON THIS PLAN  
ARE DEEMED TO BE NATURAL GRADE.

CHARGES AGAINST TITLE WHICH MAY AFFECT LAND USE:  
DOCUMENT NO. H112799 (SEE H112798)  
DOCUMENT NO. J40673 (SEE J40672)



- LEGEND
- WV " WATER VALVE
  - CB " CATCH BASIN
  - WM " WATER METER
  - STM MH " STORM MANHOLE
  - SAN MH " SANITARY MANHOLE
  - LS " LAMP STANDARD
  - FH " FIRE HYDRANT
  - PP/LS " POWER POLE/LAMP STANDARD

THIS PLAN DOES NOT CONSTITUTE  
A RESURVEY OF THE LEGAL BOUNDARIES  
OF THE TITLED LOT OR LOTS, IT IS  
COMPILED FROM FIELD TIES AND  
LAND TITLE OFFICE RECORDS.

NOTE - GROUND ELEVATIONS ON  
THIS PLAN ARE NOT TO BE USED FOR  
CONSTRUCTION BENCHMARK PURPOSES.  
A BENCHMARK MAY BE OBTAINED  
FROM THIS OFFICE.

ELEVATIONS ON THIS PLAN ARE DERIVED FROM  
OLD CONTROL MONUMENT 88H3899  
LOCATED AT ARCHIBALD & MAGDALEN  
ELEVATION = 70.794m.

*C. Rowbotham*  
CERTIFIED CORRECT B.C.L.S.  
Dated this 25<sup>th</sup> day of August, 2015  
THIS DOCUMENT IS NOT VALID UNLESS  
ORIGINALLY SIGNED AND SEALED.

**From:** [Susan Mueller](#)  
**To:** [Clerk's Office](#)  
**Cc:** [Susan Mueller](#)  
**Subject:** Bylaw 2373. 14401 Sunset Drive  
**Date:** February 20, 2021 11:26:42 AM

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I wish to comment on this application as a resident of this area. The lots here are of the same approximate size and so allow larger homes with a fair degree of separation to be possible. Allowing two homes to be build on one lot would deviate from this and detract from the reason people choose to live and invest here. I fear if this is passed that a negative precedent will be sent

Susan Mueller