

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



**DATE:** April 29, 2024

**TO:** Mayor and Council

**FROM:** Anne Berry, Director, Planning and Development Services

**SUBJECT:** Initial Review of 15156 and 15158 Roper Avenue (ZON00063)

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**RECOMMENDATION**

THAT Council direct staff to advance the zoning amendment application at 15156 and 15158 Roper Avenue and proceed to the next stage in the application review process.

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**EXECUTIVE SUMMARY**

On September 28, 2020, Council gave final reading to a bylaw, which amended the City of White Rock's Planning Procedures Bylaw, 2017, No. 2234, to enable an initial review of the zoning bylaw amendment ("rezoning") and official community plan amendments ("OCP amendment") applications. Upon receipt of an initial review report, Council can deny the application or direct staff to continue processing the file (without committing to the proposal's ultimate approval). An initial review is to provide Council with the opportunity to comment early on the project and to help avoid significant cost, and time expended by staff and an applicant preparing a rezoning application for the first reading that may not have support.

If Council deems that the application meets the intent of the OCP, city bylaws and policies, Council may provide comments and direct the application to the next stage in the application process. If Council deems that the application does not meet the intent of the OCP, city bylaws and policies, Council may identify their concerns and send the application back to staff or not support the application. If rejected, an applicant would be refunded a portion of their application fees and may consider making a subsequent application responsive to Council's concerns or continuing the current land use on the property. Alternatively, they may choose to develop within their current zoning provisions.

**INTRODUCTION/BACKGROUND**

The City has received zone amending (ZON00063) application for the properties located at 15156 and 15158 Roper Avenue (Appendix A). This application is to amend the CD-4(Comprehensive Development) zone to remove the requirement within the CD-4 zone that limits *retail service groups 1 use*, to be contained within a single strata unit which includes a *residential use*, so that the commercial units can be operated and owned independently from the residential units.

**History of Development**

The City received a zone amending application for 15160 Roper Avenue in 1997 to rezone the subject property from RM-2 (Medium Density Apartment Residential) zone to C-7 (Town Centre Commercial) zone to facilitate a mixed- used building. The C-7 (Town Centre Commercial) zone was a zone from Zoning Bylaw, 1969, No. 3954 that has been repealed. The proposed mixed-use building consisted of the following:

- Three-storey building;
- Ten (10) residential units;
- Two (2) live/work units facing onto Roper Avenue which would contain a commercial space in each unit on the ground floors and residential space on the upper two floors;
- Behind the live/work units there are five (5) residential single storey ground floor units;
- The second (2) and third (3) floors and additional five (5) residential units per floor; and
- Sixteen (16) parking spaces to be located underground and accessed from the laneway at the rear of the subject property.

The proposed C-7 zone was not supported by City staff as the C-7 zone would not limit the amount of commercial floor area in the future if the proposed development was not built. This would not be an appropriate transition between the commercial uses to the east and multi-family residential units to the west. City staff presented to Council that a limited amount of commercial floor area was appropriate and the tool to do this was the Comprehensive Zone. The CD-4 Comprehensive Development Zone that was crafted required that the commercial units be part of the residential units directly above them within one strata unit. In addition, to this requirement the registration of a Restrictive Covenant against the title of the property was a condition of approval by the City. This Restrictive Covenant (BM18352) was registered against the title of 15160 Roper Avenue before the building was built or strata titled. This covenant restricts the use of the land as follows:

*"1. THE DEVELOPER COVENANTS AND AGREES with the Municipality that:*

- (a) the said lands and any buildings or structures erected or placed on or to be erected or placed on the said lands shall not be used or built on except in accordance with this covenant;*
- (b) any buildings constructed or to be constructed on the said lands shall contain no more than 2 live/work strata lots;*
- (c) it shall not lease or permit the sublease of any portion of the live/work strata lot; any lease of the live/work strata lot granted by the Developer shall be of the whole of the live/work strata lot and shall include a clause which prohibits the subleasing of a portion of the live/work strata lot;"*

The restrictions within the covenant do not align with the CD-4 zone nor the building that was built on the property then strata titled. When the building was built it did not facilitate the live/work units envisioned in the covenant. The commercial space is not connected to the residential units and when the strata was done the units form four individual strata units.

Figure 1 below is cross sections of the building showing the relationship of the live/work units, being that the residential and commercial units are separated from each other and do not form one strata lot. Figure 2 is the front elevation of the building showing the commercial space on the ground floor and the residential units above. Each unit has its own individual and separate entrance from Roper Avenue.

Figure 1

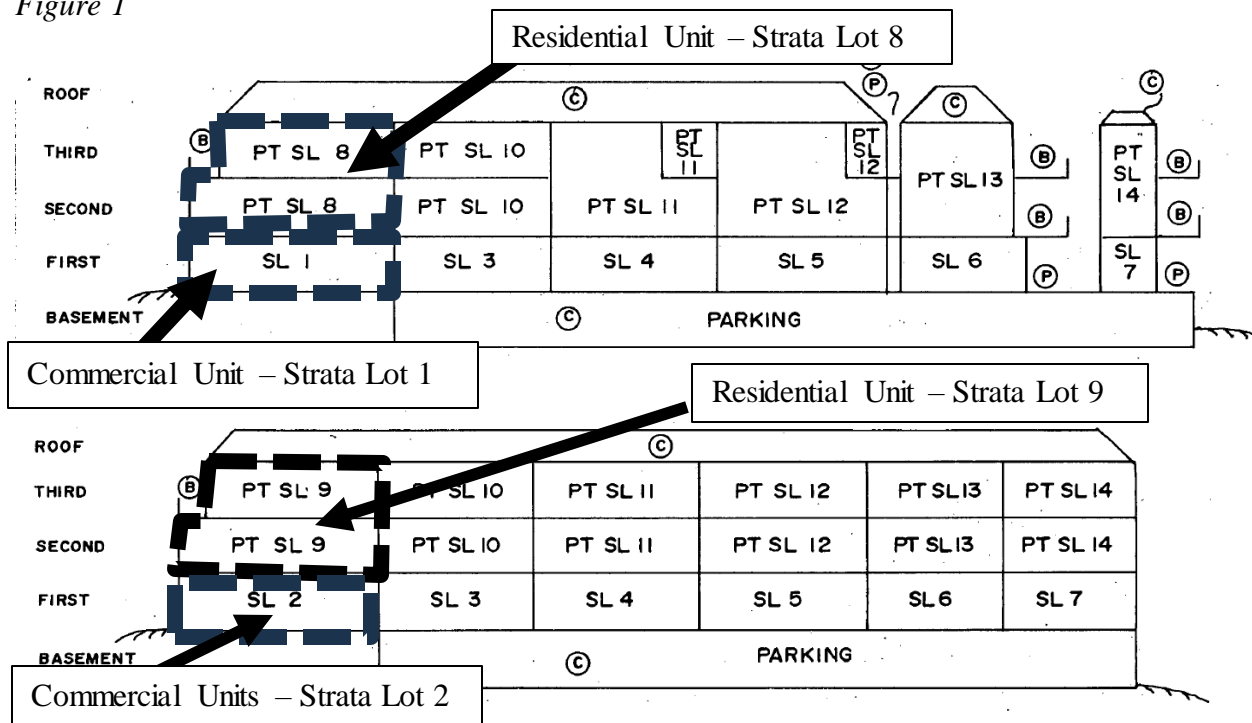
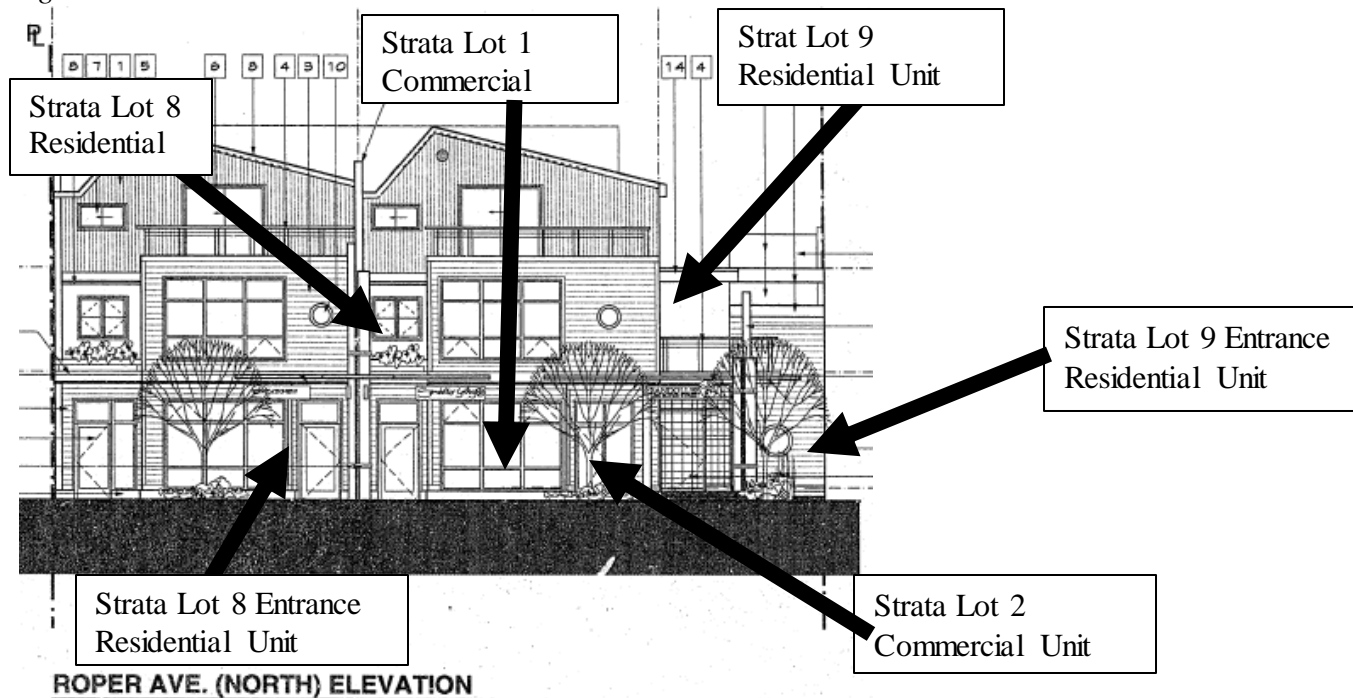


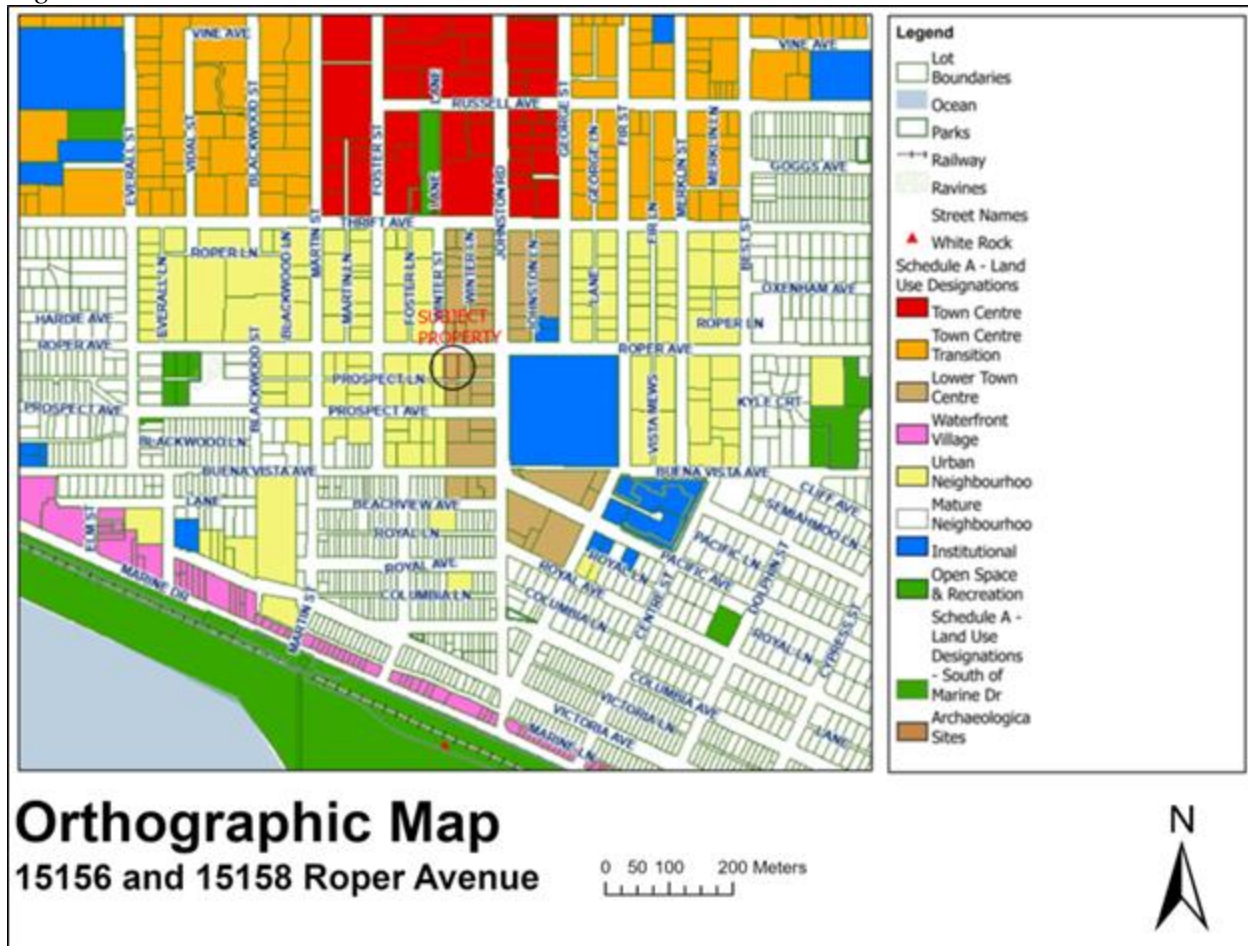
Figure 2



### OCP Land Use Designation

The OCP land use designation for the subject property is *Lower Town Centre* (see Figure 3 below).

Figure 3



The *Lower Town Centre* has a village-like character, and provides a physical and visual connection to the waterfront. While it is comprised of a diverse mix of uses, it is smaller in scale than the Town Centre.

The following objectives and policies of the *Lower Town Centre* support the proposed change to the CD-4 zone and the removal of the Restrictive Covenant:

*Objective 8.3 - To enable a mix of multi-unit residential and commercial uses, to strengthen the heart of the city and relationship to the waterfront while maintaining a village character. To reinforce the low-rise, pedestrian-scale of the area while providing for modest residential intensification to support local businesses and public transit.*

The existing building is a multi-use residential and commercial use and in a low-rise structure.

*Policy 8.3.1 Uses and Building Types – Allow multi-unit residential uses and mixed-uses (commercial/residential) in primarily mid-rise and low-rise buildings.*

The existing building is a multi-unit low-rise building comprised of ten (10) residential units and two (2) commercial units.

*Policy 8.3.2 Density and Height – Concentrate the highest heights and densities adjacent along Johnston Road between Thrift and Roper Avenues. Maximum allowable densities (FAR) are outlined in Figure 9 and maximum heights (in storeys) are illustrated in Figure 10. Buildings adjacent to Roper Avenue should step down to four storeys on the Roper Avenue frontage.*

The building complies with the density and height as detailed below:

	Permitted	Built
FAR	2.0	1.49
Height	4.0 storeys	3.0 storeys

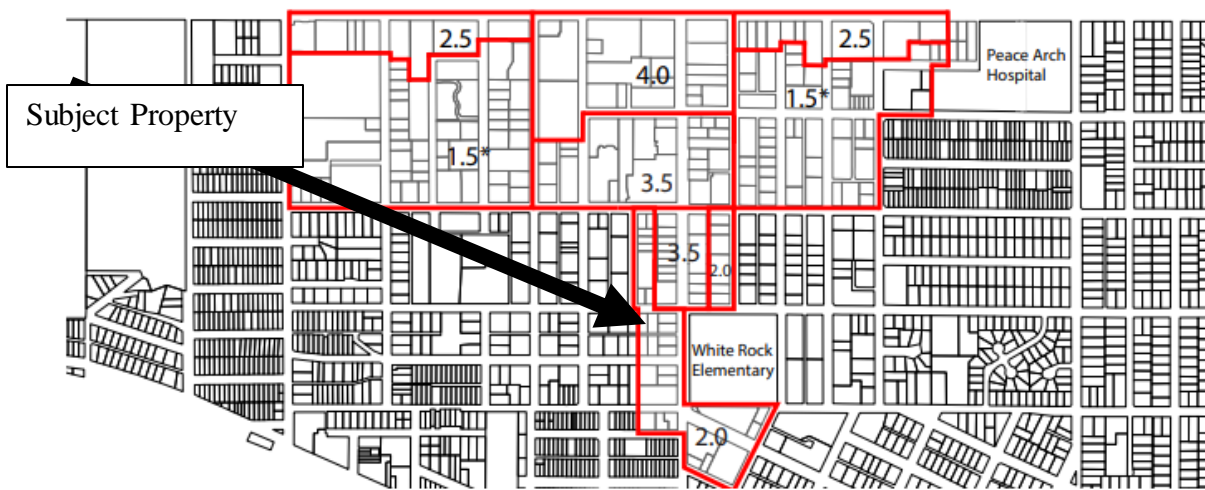


Figure 9 Maximum FAR in the Town Centre, Town Centre Transition, and Lower Town Centre Areas  
 (\* indicates density may be increased with inclusion of an affordable housing component)

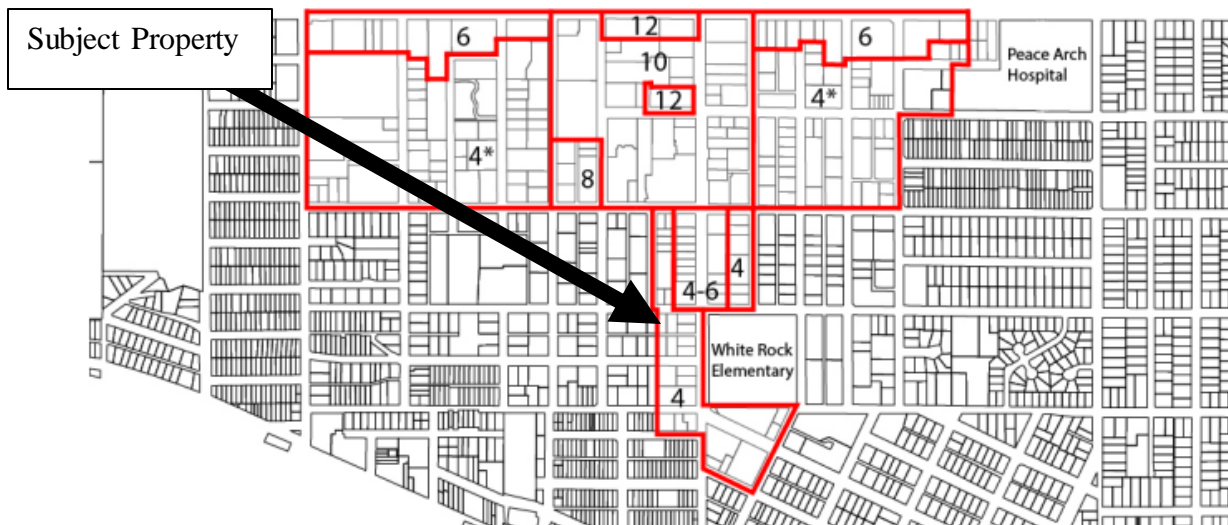


Figure 10 Maximum Building Heights in the Town Centre, Town Centre Transition, and Lower Town Centre Areas  
 (\* indicates where 6 storeys permitted with inclusion of affordable housing component)

*Policy 8.3.3 Retail Streets – Strengthen existing retail streets by requiring street-fronting commercial uses on Johnston Road, and on Pacific Avenue from Johnston Road to Fir Street.*

Does not apply to this property.

*Policy 8.3.4 Urban Design – Enhance the built and public realms through guidelines included in the Lower Town Centre Development Permit Area in Part D. Policy 8.3.5 Edges – Explore opportunities to create a welcoming edge along Johnston Road adjacent to White Rock Elementary School.*

The building was built before these Development Permit Guidelines were in place. The building design was reviewed the Advisory Design Panel at the time.

### **FINANCIAL IMPLICATIONS**

The *Planning Procedures Bylaw* states the following under *Schedule A Refundable Amounts*:

Application fees for Zoning amendments application that Council denies would be subject to a refund minus 10% of the original fees. This refund is intended to cover administrative costs.

### **LEGAL IMPLICATIONS**

If Council supports the discharge of the Restrictive Covenant (BM18325) Council must do so through a motion as the Restrictive Covenant was a condition of the development approval process.

If Council does not support the removal of the Restrictive Covenant (BM18325) then the terms and restrictions would remain.

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

If supported by Council, the 15156 and 15156 Roper Avenue zone amending application would proceed to the next step in the application process, after a complete application package is received, which is a Public Information Meeting (PIM) as outlined in the *Planning Procedures Bylaw Schedule G*.

Once the PIM is completed and circulation of the application for interdepartmental and external comments, a bylaw would be presented to Council for 1<sup>st</sup> and 2<sup>nd</sup> readings. A Public Hearing must not be held in accordance with Section 464(3) of the *Local Government Act* as the proposed zoning bylaw is:

- the proposed changes to the zoning bylaw are consistent with the official community plan;
- the sole purpose of the changes to the zoning bylaw is to permit residential development; and
- the residential component of this development accounts for at least half of the gross floor area of the building that form part of the development.

The City must give notice of the proposed amendment to the zoning bylaw in accordance with Section 467 of the *Local Government Act*.

### **INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS**

The early review of zoning bylaw amendment applications bring such applications before Council prior to referral to internal city departments, and several external agencies (e.g. School District, RCMP, Surrey etc.). Through the initial review of this application it has come to light that there may be inconsistencies between the internal renovations undertaken and the building permits issued for those renovations. If the application advances Building Permit applications

will be required to address any inconsistencies that there may be between the Building Permits issued and the renovations undertaken.

### **ALTERNATIVES**

The following alternative options are available for Council's consideration:

1. Council may direct staff to obtain additional project-specific information prior to deciding whether to advance or deny the Application;
2. Council may deny the Application; or
3. Council may direct the Application to proceed to the next stage in the process and give additional direction on any additional focus or scrutiny during the review process.

### **CONCLUSION**

Council adopted amendments to the *Planning Procedures Bylaw* which enable an early review of zoning bylaw amendment applications. This corporate report presents a zone amending application for properties located at 15156 and 15158 Roper Avenue, which if approved, would amend the CD-4 zone and discharge of Restrictive Covenant (BM18325) to permit Strata Lots 1 and 2 to be owned and operated as independent commercial lots from residential Strata Lots 8 and 9. If the application is advanced to the next stage in the process, the Applicant would be required to submit a complete zoning bylaw amendment application package as outline in the *Planning Procedures Bylaw*. The Application could then proceed to a Public Information Meeting (PIM).

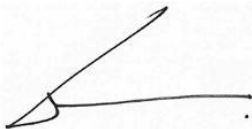
Respectfully submitted,



Anne Berry, MCIP, RPP  
Director, Planning and Development Services

### **Comments from the Chief Administrative Officer**

I concur with the recommendation of this corporate report.



Guillermo Ferrero  
Chief Administrative Officer