

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



**DATE:** July 29, 2024

**TO:** Mayor and Council

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

**SUBJECT:** Consideration of first three readings of White Rock Zoning Bylaw, 2024, No. 2506, Amendment (CD 70 – 15052 Buena Vista Avenue) Bylaw, 2024, No. 2508 – 15052 Buena Vista Avenue (ZON 21-023)

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**RECOMMENDATIONS**

THAT Council:

1. Receive for information the corporate report dated July 29, 2024, from the Director of Planning and Development Services, “Consideration of first three readings of White Rock Zoning Bylaw, 2024, No. 2506, Amendment (CD 70 – 15052 Buena Vista Avenue) Bylaw, 2024, No. 2508 – 15052 Buena Vista Avenue (ZON 21-023);”
  2. Recommend that Council give first second and third readings to “White Rock Zoning Bylaw, 2024, No. 2506, Amendment (CD 70 – 15052 Buena Vista Avenue) Bylaw, 2024, No. 2508;”
  3. Recommend that Council direct staff to resolve the following issues prior to final adoption of Bylaw 2508:
    - a) ensure that all engineering requirements and issues including servicing agreement completion and dedication of 4.5 metres of Buena Vista Avenue and 1.0 metre of Beachview Avenue are addressed to the satisfaction of the Director of Engineering and Municipal Operations;
    - b) demolish the existing buildings and structures to the satisfaction of the Director of Planning and Development Services; and,
    - c) submit a Geotechnical report which is to be peer-reviewed at the Applicant’s cost.
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**EXECUTIVE SUMMARY**

The City has received a combined Zoning Bylaw Amendment and Major Development Permit application to change the zoning of the property at 15052 Buena Vista Avenue from the “RS-3 (Small Lot, Hillside) SSMUH Residential” Zone to a property-specific Comprehensive Development (CD) zone to permit the east-west subdivision of the property and the construction of a small-scale residential dwelling on each lot.

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 property. OCP

Objective 8.8 supports gentle infill to enable moderate residential growth in mature neighbourhoods.

A copy of Draft Zoning Amendment Bylaw No. 2508 is included in this corporate report as Appendix A, location and ortho maps of the property are included in Appendix B, and the Applicant's drawing package is included as Appendix C.

The Major Development Permit application will be presented to Council at a later time.

### **PREVIOUS COUNCIL DIRECTION**

<b>Motion # &amp; Meeting Date</b>	<b>Motion Details</b>
2021-LU/P-084 September 20, 2021	THAT the Land Use and Planning Committee recommends that Council direct staff to advance the zoning amendment application at 15052 Buena Vista to the next stage in the application review process.  <b>CARRIED</b>

### **INTRODUCTION/BACKGROUND**

*White Rock Official Community Plan 2017, No. 2220* (OCP) designates the subject property as 'Mature Neighbourhood', 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.

On December 7, 2023, Bill 44-2023 *Housing Statutes (Residential Development) Amendment Act, 2023* came into effect. The Bill is aimed at increasing the availability, variability, accessibility, and affordability of housing across all municipalities in B.C. The first step was for local governments to update their Zoning Bylaw regulations to permit Small-Scale Multi-Unit Housing ("SSMUH") with a deadline to comply by June 30, 2024. The City adopted *Zoning Bylaw, 2024, No. 2506* on June 27<sup>th</sup> to align with SSMUH regulations. As noted in the May 27, 2024 corporate report "[Zoning Bylaw, 2024, No. 2506 - Updates to address Bill 44 – Small-Scale, Multi-Unit Housing \(SSMUH\)](#)" from the Director of Planning and Development Services, eighteen (18) in-stream development applications at various stages in the planning process have been impacted by the SSMUH legislation. This is one such zoning bylaw amendment application which, if approved, will permit the subdivision of the property into two lots.

At the time of application submission in November 2021, the subject property was zoned 'RS-3 One Unit (Small Lot, Hillside) Residential Zone'. The intent of this zone is to accommodate one-unit residential buildings on hillside lots of 278.7 m<sup>2</sup> (2,992.72 ft<sup>2</sup>) or larger. However, the new RS-3 (Small lot, Hillside) SSMUH zone that applies to the subject property intends to provide for the development of up to four dwelling units on a single parcel of land greater than 280m<sup>2</sup> and up to three (3) dwelling units on a single parcel of land less than 280m<sup>2</sup> within the urban containment boundary that is located outside of a 400m radius from a prescribed bus stop, in a variety of building forms.

The proposed 'CD – Comprehensive Development Zone' would be a site-specific zone created to accommodate the subdivision of the subject property at 15052 Buena Vista Avenue in order to create two small lots with a minimum lot width of 9.1 m (29.8 ft) and a post-road dedication lot area of 137.4 m<sup>2</sup> (1,479 ft<sup>2</sup>). Uses permitted in the current RS-3 SSMUH Residential 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 south side of Buena Vista Avenue between Martin Street and Foster Street. The property currently has frontage on both Buena Vista Avenue and Beachview Avenue (see Figure 1 below). A single-family home currently resides on the property, with an overall lot size of 326.7 m<sup>2</sup> and dimensions of 9.1 m wide by an average of 35.6 m deep.



**Figure 1: Subject property and surrounding site context**

The surrounding neighbourhood is comprised of a mix of single-family and multi-family dwellings. The properties adjacent to the subject property have a similar configuration to that proposed east-west lot split (see Appendix C–Drawing package). These adjacent properties were subdivided in the 1920s prior to the establishment of the City's zoning standards and would be considered legally non-conforming for their lot depth and area.

As shown in Figure 2 below, the immediate area is predominantly zoned RS-3 (Small Lot, Hillside). West of the subject property on Martin Street, there are three residential lots zoned RS-1 SSMUH which accommodates a narrower lot (12.1m) width, the 'Victoria Terrace' low-density multi-family residential development (RM-1 zone shown in orange), and several "small lot, hillside" properties zoned RS-3 SSMUH (cross-hatched grey), along the same block as the subject property and blocks directly to the east and south. The 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 west of the subject properties, while the



immediate area to the north is predominantly zoned to support medium density residential development (RM-2).

### Zoning Comparison

The rezoning of the subject property from RS-3 (Small Lot, Hillside) SSMUH Zone to a site-specific Comprehensive Development (CD) Zone will allow for the creation of two smaller lots approximately 137m<sup>2</sup> less in lot area via subdivision. The subdivision proposes to split the lot east-to-west resulting in two lots width of approximately 9.15 metres and depth of approximately 17.8 metres (pre-road dedication). Figure 2 below shows the zoning of the subject site and surrounding properties.

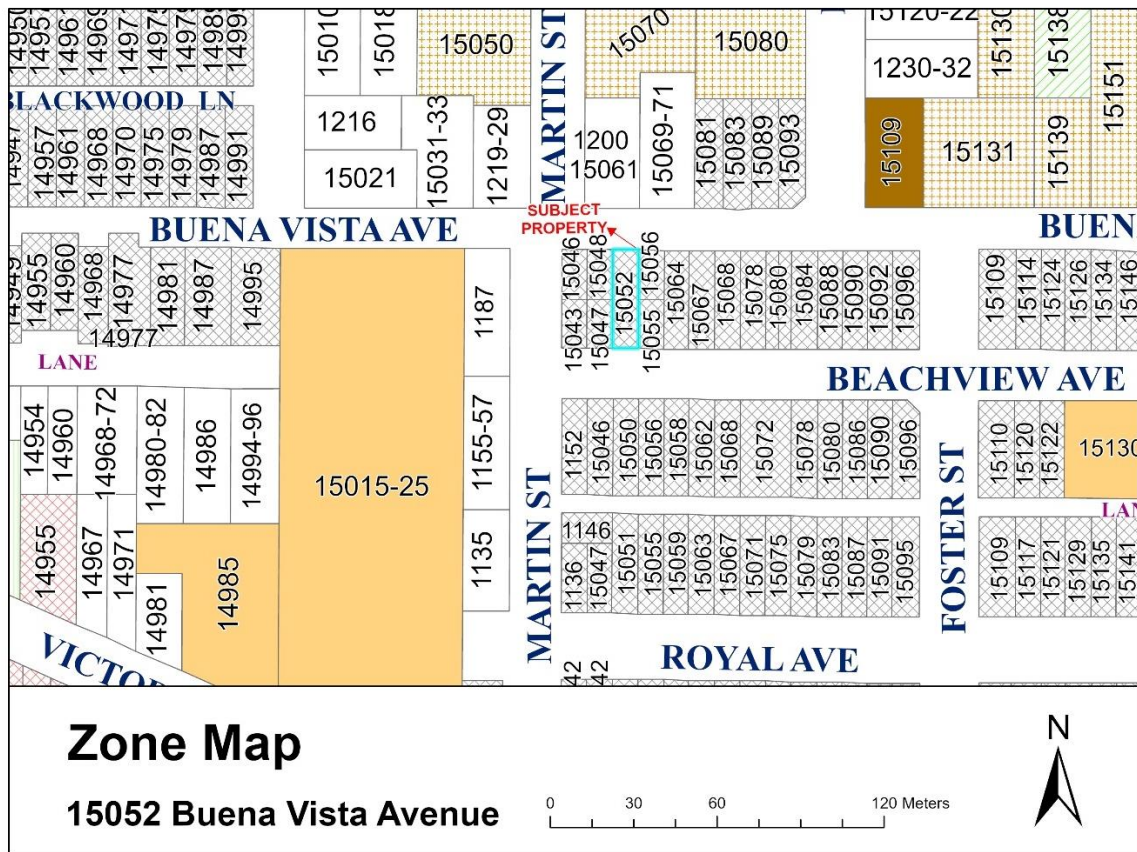


Figure 2: Zoning of subject site and surrounding properties

The building height in the proposed CD Zone is the same as the maximum permitted height of the RS-3 SSMUH Zone (7.7m). The maximum lot coverage of 61% is less than the RS-3 maximum of 50%. Table 1.0 below compares the requirements of the RS-3 SSMUH Zone and the proposed CD Zone.

Table 1: Existing and Proposed Zoning

	RS-3 (Small Lot Hillside) SSMUH Zone	CD Zone
Minimum Lot Area	280.0 m <sup>2</sup> / 918.64 ft <sup>2</sup>	137.41 m <sup>2</sup> / 1,479 ft <sup>2</sup>
Min. Lot Width	9.1 m / 29.8 ft	9.1 m / 29.8 ft
Min. Lot Depth	27.4 m / 89.9 ft	North Lot: 15.1m / 49.5 ft South Lot: 15.1 m / 49.5 ft

<b>Max. Lot Coverage</b>	50%	61%
<b>Max. Residential Gross Floor Area (RGFA)</b>	1.05* times the lot area for 2 dwelling units 1.15* times the lot area for 3- 4 dwelling units	North Lot: 0.7 times lot area** South Lot: 0.91 times lot area**
<b>Max. Density</b>	Lots up to 280 m <sup>2</sup> : Up to 3 units Lots greater than 280 m <sup>2</sup> and less than 4,050 m <sup>2</sup> : Up to 4 units	Up to 3 dwelling units
<b>Max. Building Height</b>	7.7 m / 25.26 ft	7.7 m / 25.26 ft
<b>Minimum Setbacks</b>		
Front***	3.0 m / 9.84 ft	3.0 m / 9.84 ft
Interior	1.2 m / 3.94 ft	West: 1.2 m / 3.94 ft East: 0.6 m / 1.97 ft
Rear***	3.0 m / 9.84 ft	1.2 m / 3.94 ft
<b>Off-Street Parking</b>	2 per dwelling unit; 1 additional for a secondary suite	2 per lot
*RGFA calculations include habitable basements per section 4.10.2 in the Zoning Bylaw **RGFA calculations do not include basements per section 4.10.1 in the Zoning Bylaw *** The front and rear yard setbacks shall in combination be not less than 9.0 m (29.52 ft)		

The primary difference between the proposed CD Zone and the RS-3 SSMUH Zone, and any of the other SSMUH residential zones, relates to lot depth. Specifically, the depth of the north and south lots would be 15.1m, whereas the RS-3 SSMUH Zone requires a minimum lot depth of 27.4m.

The City's Engineering and Operations department has requested a 4.5-metre road dedication on the Buena Vista Frontage and a 1.0-metre dedication from the Beachview frontage to enable the creation of improvements to the City's boulevard (e.g., additional on-street parking, sidewalks, street tree planting, etc.) to achieve the ultimate road right-of-way for both these streets, thereby contributing to a more "complete" street. To accommodate this request, the Applicant has proposed an overall reduction in the setbacks (combination of front and rear yard setbacks for a minimum of 9.0m; rear yard setback; interior side (east) yard setback) within the CD Zone to help establish a slightly larger building envelope within each lot.

In the RS-3 SSMUH zone, the permitted principal uses are either a one-unit residential use or a house-plex<sup>1</sup>. While maintaining the Province's SSMUH density entitlement for this site in addition to accommodating the Applicant's proposal for a single-family home on each lot, a specific definition for a two unit-residential use has been added to the CD zone as follows:

*means a residential use where the building or part thereof which contains two (2) dwelling units located one above the other and separated by a ceiling and floor extending from exterior wall to exterior wall, including detached dwelling units which are linked by a carport or garage that share a continuous permanent foundation and common roof area*

<sup>1</sup> Houseplex means a single residential structure, located on a free hold parcel of land, containing no less than two dwelling units, one of which can be an accessory registered secondary suite, but no more than six dwelling units each of which has direct access to the outside, but does not include an apartment, townhouse or a hotel. (Zoning Bylaw 2024, No. 2506)

*but does not include a one-unit residential use, accessory registered secondary suites, accessory dwelling units and house-plex.*

A provision has also been added to the CD Zone to permit a secondary suite as a permitted accessory use to a two-unit residential use to allow for the development potential of three dwelling units on the lot. Additionally, a provision has also been added to the CD Zone prohibiting accessory dwelling units and ancillary buildings, due to the lack of setback area to permit these uses and to also ensure that the activity levels associated with the subdivided lot remain largely aligned with those currently permitted in the immediate vicinity.

Council's approval of the proposed rezoning and subsequent subdivision approval by the City's Approving Officer would allow for a maximum of up to three (3) dwelling units, as this also aligns with the SSMUH density for lots 280 m<sup>2</sup> and less. This is a net increase of one (1) unit from what is currently permitted at the site under the previous RS-3 Zone. A rendering of the proposed development on the properties is included below in Figure 3 and 4 below.



**Figure 3: Aerial view looking southwest of proposed north lot with frontage on Buena Vista Ave**



**Figure 4: Aerial view looking northeast of proposed south lot with frontage on Beachview Ave**

SSMUH legislation impacts & Residential Gross Floor Area (RGFA) calculations

This proposal is one of 18 in-stream applications that have been impacted by SSMUH. Staff are working with these applicants to determine how best to advance their application on a case-by-case basis.

Within the City's new Zoning Bylaw 2024, all habitable rooms<sup>2</sup> within basements are counted towards Residential Gross Floor Area (RGFA) calculations. RGFA is defined as:

*the sum total of floor areas of each storey in a building containing a one-, two- or three-unit residential use, excluding a basement, cellar, crawl spaces, carport, garage, bay window, bow window or box window, elevator shafts, and areas occupied by stairs on the second storey of a building.*

***In SSMUH Residential zones, residential gross floor area means the sum total of floor areas of each storey in a building containing a one-unit residential use or house-plex, excluding a non-habitable basement, cellar, crawl spaces, carport, garage, bay window, bow window or box window, and elevator shafts.***

Given that this application was proposed based on the former zoning bylaw and the RS-3 zone, where basements were not included in the RGFA calculations. and that the Applicant has spent considerable time and effort to advance their application to this stage, staff is recommending that this development proceed per the former zoning bylaw requirements and not apply the 2024 RGFA calculation requirements to this project.

The proposal was based on the former zoning bylaw and the former RS-3 zone, where basements were not factored into the RGFA calculations. Given the substantial time and effort expended by the Applicant to advance their application to its current stage prior to the SSMUH regulations coming into force, staff recommends that this development adheres to the former zoning bylaw requirements for RGFA calculations, rather than the 2024 RGFA calculation requisites.

Further, Section 4.10.1 in the City's Zoning Bylaw 2024, No. 2506 states that:

*"Floor area ratio calculations in all CD zones for one-, two-, and three-unit residential uses shall include the sum total of floor areas of each storey in a building for residential use....."*

Bylaw 2508 also proposes a text amendment to this section to provide further clarification that this will only apply to CD zones for a one-, two-, or three-unit residential use that was established prior to the date of adoption of the new Zoning bylaw. If a similar development proposal were submitted in the future, RGFA calculations would be based on Section 4.10.2.  
Required Parking.

Based on the Applicant's current proposal, a minimum of two (2) parking spaces are needed to service each principal residence. Under the existing RS-3 (Small Lot, Hillside) SSMUH Zone, a minimum of three (3) spaces would be required if the lot were developed with both a principal dwelling and a secondary suite, or a houseplex with up to three (3) dwelling units. If the subdivision proceeds for an additional (second) lot, a minimum of two (2) spaces would be required per lot which can be accommodated on-site per the Applicant's proposal.

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<sup>2</sup> Habitable room means a room used for cooking, eating, sleeping or living and includes a kitchen, dining room, bedroom, living room, family room and den, but excludes a recreation room, bathroom, utility room, workroom, furnace room and storage room (Zoning Bylaw 2024, No. 2506)

## Public Information Meeting and Public Feedback

The Applicant held a public information meeting (PIM) on December 14, 2022. One hundred and seventy-eight (178) letters were delivered to White Rock property owners and occupants within 100 metres of the subject property. The meeting was also advertised in the November 30 and December 8, 2022 issues of the Peace Arch News. A total of thirteen (13) attendees were present during the PIM. A feedback form was made available at the meeting to allow interested stakeholders to formally voice their support or non-support for the proposal while also offering additional comments.

Prior to the PIM meeting, two email correspondences pertaining to the proposal were received, both not in support of the proposal. Additionally, one email was received following the PIM which included a letter and signed petition from neighbours surrounding the 15052 Buena Vista Avenue site not in favour of the proposed development (see Appendix D).

During the PIM, there was a mix of support and non-support expressed by participants. A total of twelve (12) feedback forms were received with five (5) of the respondents offering their support for the proposal, four (4) expressing non-support and three (3) providing undecided as a response (see Appendix D). A PIM Summary was provided by the Applicant in response to the comments and questions received (see Appendix E). For ease of reference, some of the concerns raised by the public and the Applicant's response are noted in Table 2.0 and further under this section below:

**Table 2: Public Feedback and Applicant's response to PIM concerns**

PIM Concerns	Applicant's response
Increase to total building height as it relates to the projection of the stairwell to access the roof deck	The proposal has been revised to substitute the roof deck access to fall within the maximum building height limit of 7.7m and is proposed to be equal to or lower than the handrails on a roof deck.
Eastside retaining wall	The concrete retaining wall along the southeast corner of the proposed South lot having frontage on Beachview Avenue will be kept to a minimum in height to the normal grade level. This will be supplemented with a glass railing, so it does not impede the neighbouring view.
Secondary suites	No secondary suites are proposed

Other concerns also noted an increase in overall density on the site and the lot being too small an area for such a development. Staff notes that the context surrounding these concerns has changed following the introduction of the new legislation allowing for Small-Scale Multi-Unit Housing (SSMUH) in traditionally single-family residential neighbourhoods came into effect on December 8, 2023. All residential lots 280m<sup>2</sup> or less are now permitted to have up to three (3) dwelling units per lot. Depending on building constraints and city requirements, the proposed CD zone will not allow for accessory dwelling units or ancillary buildings to be constructed on-site.

Staff have undertaken a comprehensive review of the issues presented by the public and the Applicant's response to those issues. With the recommended third reading conditions noted in



the staff report and conditions to be included as part of the Preliminary Layout Review letter tied to the subdivision application for this proposal, staff are supportive of the proposal. The draft Major Development Permit associated with this application will be presented to Council at a future date.

### **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 proposal meets the intent of the OCP. As part of Phase II of implementing the Bill 44 requirements, staff is working on updating the Mature Neighbourhood Infill DPA guidelines to include design guidelines for Small-Scale Multi-Unit Housing development within the city's established mature neighbourhood area. Staff aim to present this to Council in the Fall of 2024.

The proposed rezoning from RS-3 SSMUH to CD to accommodate the proposed two-lot subdivision would create further small-scale multi-unit infill opportunities and support different housing options while maintaining the character of the existing mature neighbourhood.

### **FINANCIAL IMPLICATIONS**

Approval of the subdivision following final approval of the rezoning would result in municipal Development Cost Charges as a result of the net increase of one (1) residential lot in addition to the net increase in number of units per lot.

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

The Applicant held a public information meeting (PIM) on December 14, 2022. As outlined above, notice of the applications and the PIM were provided to 178 owners/occupants of properties within 100 metres of the subject property. A total of three email responses were received before and after the PIM in addition to the 13 people who attended the PIM event. Further, 12 feedback forms were received with five (5) of those forms offering support for the project, four (4) opposing the project and three (3) undecided.

The *Local Government Act* removed the requirement for local governments to hold public hearings for zoning bylaw amendments that are consistent with the Official Community Plan (OCP). Bill 44 amended the Local Government Act further to prohibit public hearings "a zoning bylaw proposed for the sole purpose of complying with section 481.3 [*zoning bylaws and small-scale multi-family housing*]".

Prior to Council considering the proposed new zoning bylaw for first reading, the public notification was posted on the City of White Rock website and newspaper. A notice of Council consideration was prepared where the draft Zoning Bylaw will be considered for readings and was advertised on the July 18th and 25th editions respectively. Accordingly, a Public hearing will not be held for the zoning amending Bylaw (CD-70 – 15052 Buena Vista Avenue) 2024, No. 2508.

### **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.

## **IMPLICATIONS FOR TREE PRESERVATION AND TREE CANOPY ENHANCEMENT**

An Arborist Report was prepared by Woodridge Tree Consulting Arborists Ltd. on August 4, 2021, to inventory and assess the trees at 15052 Buena Vista Avenue (see Appendix F). The report identifies one off-site Bigleaf Maple tree that shows signs of a disease called Brittle Cinder fungus (*Kretzschmaria deusta*). This is likely a “volunteer” (self-seeded) tree that has grown in a raised temporary retaining wall garden bed. Given the proposed works, the tree will require removal when upgrading the civil works on site. The removal of this poor-quality tree is supported by City staff. Two replacement trees would be required, one on each lot.

For those trees that would be removed, security would be held against replacement trees. Due to the limited lot area and setbacks, no on-site replacement trees have been proposed. In such a circumstance, the City will take cash-in-lieu and use the funds for planting elsewhere as part of the City’s tree canopy enhancement plan. This will be required through the issuance of a Tree Management Permit (TMP) before the issuance of a Demolition Permit.

## **ALIGNMENT WITH STRATEGIC PRIORITIES**

This proposal is in alignment with Council’s strategic priority of *Housing & Land Use* where a key action item is to encourage missing “middle housing” through infill development in established neighbourhoods to provide more housing options for families.

## **OPTIONS / RISKS / ALTERNATIVES**

The following alternatives are available for Council’s consideration:

1. Reject “*White Rock Zoning Bylaw, 2024, No. 2506, Amendment (CD 70 – 15052 Buena Vista Avenue) Bylaw, 2024, No. 2508;*” or
2. Defer consideration of “*White Rock Zoning Bylaw, 2024, No. 2506, Amendment (CD 70 – 15052 Buena Vista Avenue) Bylaw, 2024, No. 2508*” 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 15052 Buena Vista Avenue from 'RS-3 (Small Lot, Hillside) SSMUH 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. This would add to White Rock's housing stock without significantly changing the overall character of the existing mature neighbourhood. Overall, staff supports the proposal subject to the recommended conditions noted.

Respectfully submitted,

Reviewed and Approved by,



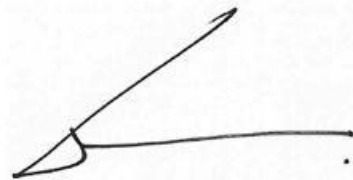
Neethu Syam  
Planning Division Lead



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

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

I concur with the recommendations of this corporate report.



Guillermo Ferrero  
Chief Administrative Officer

Appendix A: Draft Bylaw 2508 (CD-70 Zone)

Appendix B: Location and Ortho Maps

Appendix C: Applicant's Drawing Package and renderings

Appendix D: PIM-related correspondence, signed petition, and PIM Feedback Forms

Appendix E: Applicant's PIM Summary Response

Appendix F: Arborist Report