

THE CORPORATION OF THE
CITY OF WHITE ROCK
CORPORATE REPORT



DATE: September 9, 2024

TO: Mayor and Council

FROM: Anne Berry, Director, Planning and Development Services

SUBJECT: Consideration of first, second and third readings of White Rock Zoning Bylaw, 2024, No. 2506, Amendment No. 4, 2024, No. 2518 (15156 and 15158 Roper Avenue)

RECOMMENDATIONS

THAT Council:

1. Receive for information this corporate report dated September 9, 2024, from the Director of Planning and Development Services, titled “Consideration of first, second and third readings of *White Rock Zoning Bylaw, 2024, No. 2506, Amendment No. 4, 2024, No. 2518 (15156 and 15158 Roper Avenue)*;”
 2. Give first second and third readings “*White Rock Zoning Bylaw, 2024, No. 2506, Amendment No. 4, 2024, No. 2518 (15156 and 15158 Roper Avenue)*;”
 3. Waive the Public Hearing requirement in accordance with Section 464(2) and 467 of the *Local Government Act* for “*White Rock Zoning Bylaw, 2024, No. 2506, Amendment No. 4, 2024, No. 2518 [15156 and 15158 Roper Avenue]*;”
 4. Authorize staff to instruct the Applicant’s lawyer to prepare the required discharge documents to discharge Restrictive Covenant (BM18352) and authorize the discharge of the covenant after Bylaw 2518 is adopted; and
 5. Direct staff to resolve the following issues prior to final adoption of Bylaw 2518;
 - a) That the Applicant must submit a complete building permit application for all work that has been undertaken on the subject properties to date and obtain final approval of the work; and
 - b) The Applicant will provide a written analysis, prepared by a Code consultant or Architect, identifying the integrity of all fire separations between residents and commercial units to the satisfaction of the Chief Building Official.
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EXECUTIVE SUMMARY

The City has received a zoning bylaw amendment application (ZON00063) for the properties located at 15156 and 15158 Roper Avenue. 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. In addition, the Applicant seeks to discharge Restrictive Covenant (BM18352) that also has the same restriction contained in the CD-4 zone.

PREVIOUS COUNCIL DIRECTION

| Motion # & Meeting Date | Motion Details |
|--|--|
| Motion Number: 2024-151 Regular Council April 29, 2024 | 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. CARRIED |

BACKGROUND

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, which 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 Development 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 formed 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 that follows, 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

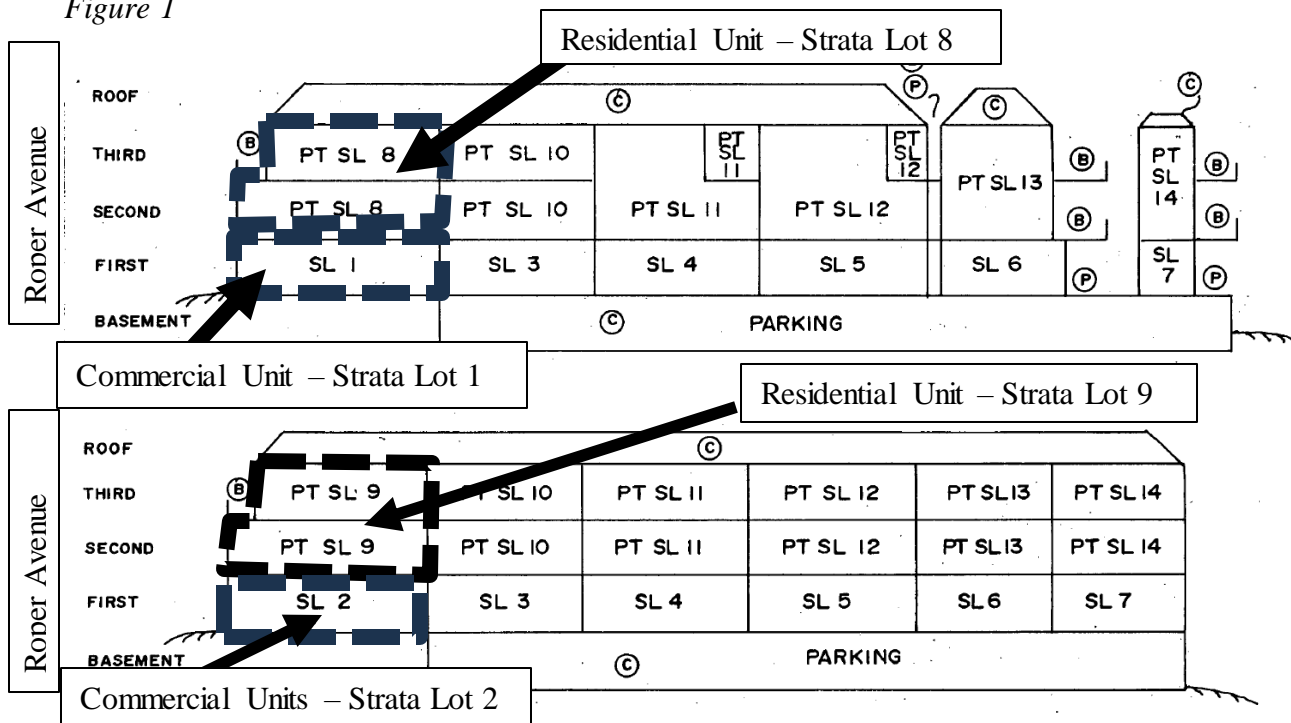
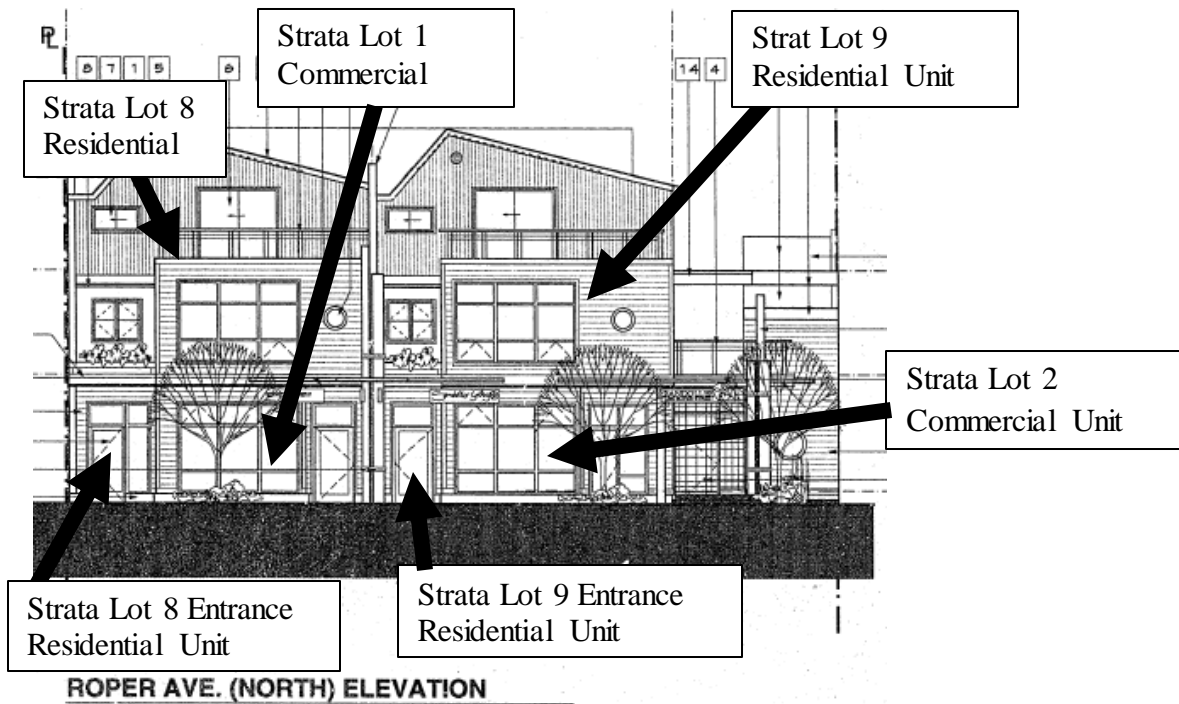


Figure 2

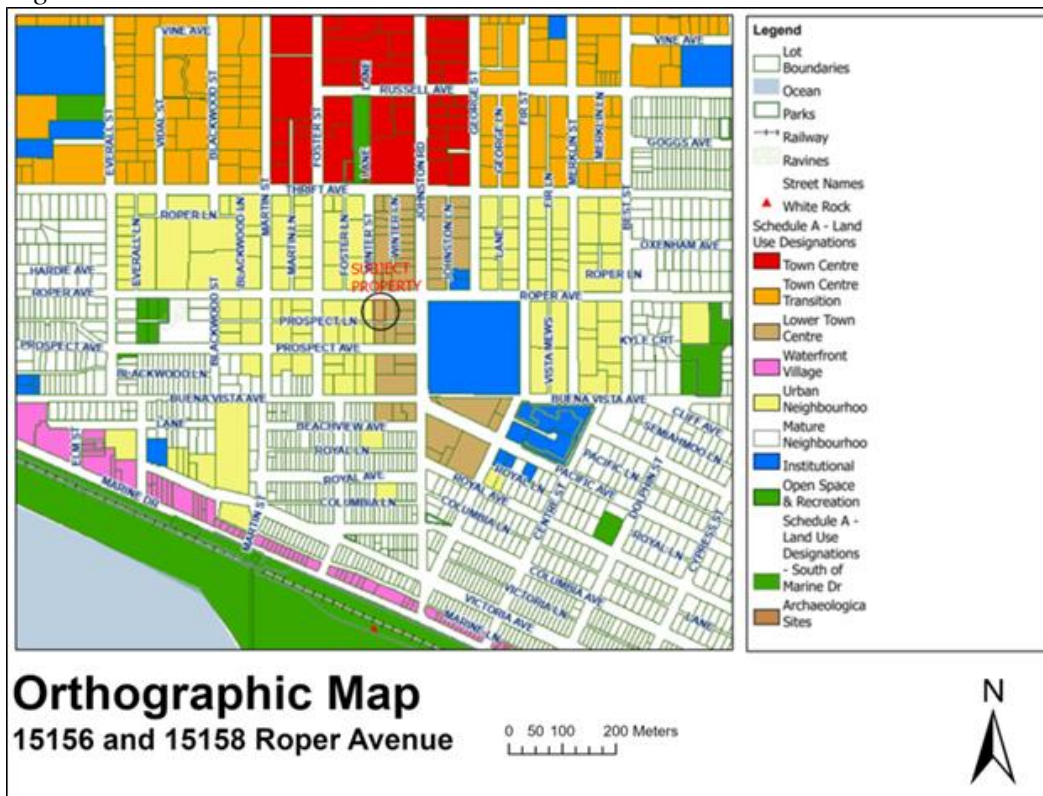


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OCP Land Use Designation

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.

Public Information Meeting and Public Feedback

The Applicant held a public information meeting (PIM) on August 8, 2024. In accordance with the Planning Procedures Bylaw letters were delivered to White Rock property owners and occupants within 100 metres of the subject property. The meeting was also advertised in the July 25, 2024 and August 1, 2024 issues of the Peace Arch News. A total of two (2) people attended the PIM. There were feedback forms available at the PIM as a formal means for attendees to express their support or non-support with respect to the application. From the two (2) attendees there were no written comments provided.

COMMUNICATION AND COMMUNITY ENGAGEMENT IMPLICATIONS

The Applicant held a public information meeting (PIM) on August 8, 2024. As outlined above, notice of the applications and the PIM were provided to 389 owners/occupants of properties within 100 metres of the subject property. There were two (2) people who attended the PIM and did not provide any written comments.

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). Council can waive the requirement of the Public Hearing in accordance with the *Local Government Act Sections 464(2) and 467*.

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 August 26 and September 5, 2024 editions respectively. Accordingly, a Public hearing will not be held for the zoning amending Bylaw No. 2518 [15156 and 15158 Roper Avenue], unless Council directs otherwise.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

The rezoning application and the request to remove Restrictive Covenant (BM18352) has been circulated to internal city departments. The Building division has advised that the plans submitted with the rezoning application do not match the building permit records. The Building division has noted that that building permits will be required for all changes that were undertaken without a valid building permit. In addition, the Applicant will need to provide a written analysis, prepared by a Code consultant or Architect, identifying the integrity of all fire separations between residents and commercial units to the satisfaction of the Chief Building Official. These conditions should be a condition of third reading of Bylaw 2518.

IMPLICATIONS FOR TREE PRESERVATION AND TREE CANOPY ENHANCEMENT

There will be no change to the existing trees on the subject property.

ALIGNMENT WITH STRATEGIC PRIORITIES

There is no specific strategic priority with respect to this application. The proposed changes will allow a restriction to a residential use to be removed to facilitate a greater flexibility for the use which would support the Council's strategic priority of *Housing & Land Use*.

ALTERNATIVES

The following alternatives are available for Council's consideration:

1. Reject "*White Rock Zoning Bylaw, 2024, No. 2506, Amendment No. 4, 2024, No. 2518 [15156 and 15158 Roper Avenue];*" or
2. Defer consideration of "*White Rock Zoning Bylaw, 2024, No. 2506, Amendment No. 4, 2024, No. 2518 [15156 and 15158 Roper Avenue]*" and refer the application to staff to address any issues identified by Council.

CONCLUSION

The City of White Rock received a zone amending application (ZON00063) to amend the CD-4 zone and the removal of Restrictive Covenant (BM18352) for the properties located at 15156 and 15158 Roper Avenue to remove the restriction 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. The proposed change is consistent with the objectives and policies of the *Lower Town Centre* OCP land use designation for the subject properties. The proposal is supported by staff as it is in keeping with the policies of the OCP, subject to the conditions contained in the recommendation.

Respectfully submitted,

Reviewed by,



Wendy Cooper, M.Sc., MCIP, RPP
Planner

Neethu Syam
Planning Division Lead

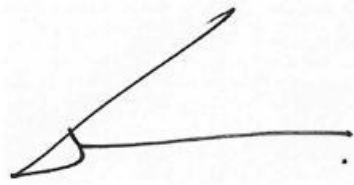
Approved by,



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

Comments from the Chief Administrative Officer

I concur with the recommendations of this corporate report.

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

Guillermo Ferrero
Chief Administrative Officer

Appendix A: Draft Bylaw No. 2518
Appendix B: Location and Ortho Maps