

THE CORPORATION OF THE
CITY OF WHITE ROCK
CORPORATE REPORT



DATE: November 4, 2024

TO: Mayor and Council

FROM: Anne Berry, Director, Planning and Development Services

SUBJECT: Discharge of no secondary suites restrictive covenant – 14401 Sunset Drive (Lot 1 and Lot 2)

RECOMMENDATIONS

THAT Council:

1. Receive the November 4, 2024 Corporate report from the Director of Planning and Development Services titled “Discharge of no suites restrictive covenant – Lot 1 and Lot 2 at 14401 Sunset Drive”;
2. Give first, second and third reading to the City of White Rock “No Secondary Suite Restrictive Covenant Discharge Bylaw No. 2523, 2024” to discharge the Section 219 Covenant and related Priority Charge registered as Land Title Office Document Nos. CB490802 and CB490803 on Lot 1 and Lot 2, Section 10, Township 1, New Westminster District Plan EPP118242.
3. Following third reading, give final adoption to the City of White Rock “No Secondary Suite Restrictive Covenant Discharge Bylaw No. 2523, 2024”.

EXECUTIVE SUMMARY

The City has received a request to discharge one (1) Section 219 Covenant (Land Title Office Document No. CB490802) and Priority Charge (Land Title Office Document No. CB490803) from the legal titles of Lot 1 and Lot 2 (subject properties) currently addressed as 14401 Sunset Drive for both.

PREVIOUS COUNCIL DIRECTION

Motion # & Meeting Date	Motion Details
2021-057 February 8, 2021	THAT Council give first and second readings to “ <i>White Rock Zoning Bylaw, 2012, No. 2000, Amendment (CD65 – 14401 Sunset Drive) Bylaw, 2020, No. 2373</i> ” <p style="text-align: right;">CARRIED</p>

<p>2021-058 February 8, 2021</p>	<p>THAT Council:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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. <p style="text-align: right;">CARRIED</p>
<p>2021-123 March 8, 2021</p>	<p>THAT Council give third reading for “White Rock Zoning Bylaw, 2012, No. 2000, Amendment (CD-65 – 14401 Sunset Drive) Bylaw, 2020, No. 2373”.</p> <p style="text-align: right;">CARRIED</p>
<p>2021-124 March 8, 2021</p>	<p>THAT Council direct staff to resolve the following issues prior to final adoption:</p> <ol style="list-style-type: none"> 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. <p style="text-align: right;">CARRIED</p>
<p>2023-037 January 30, 2023</p>	<p>THAT Council give final reading for “White Rock Zoning Bylaw, 2012, No. 2000, Amendment (CD-65 – 14401 Sunset Drive) Bylaw, 2020, No. 2373”.</p> <p style="text-align: right;">CARRIED</p>

INTRODUCTION

A Section 219 Covenant was registered on title as a condition of a Zoning Amendment Application (Bylaw No. 2373) to facilitate a subdivision at 14401 Sunset Drive. The parent parcel, known as 14401 Sunset Avenue, has since been subdivided from the subject property. Figure 1 below shows the subject property and the surrounding site context.

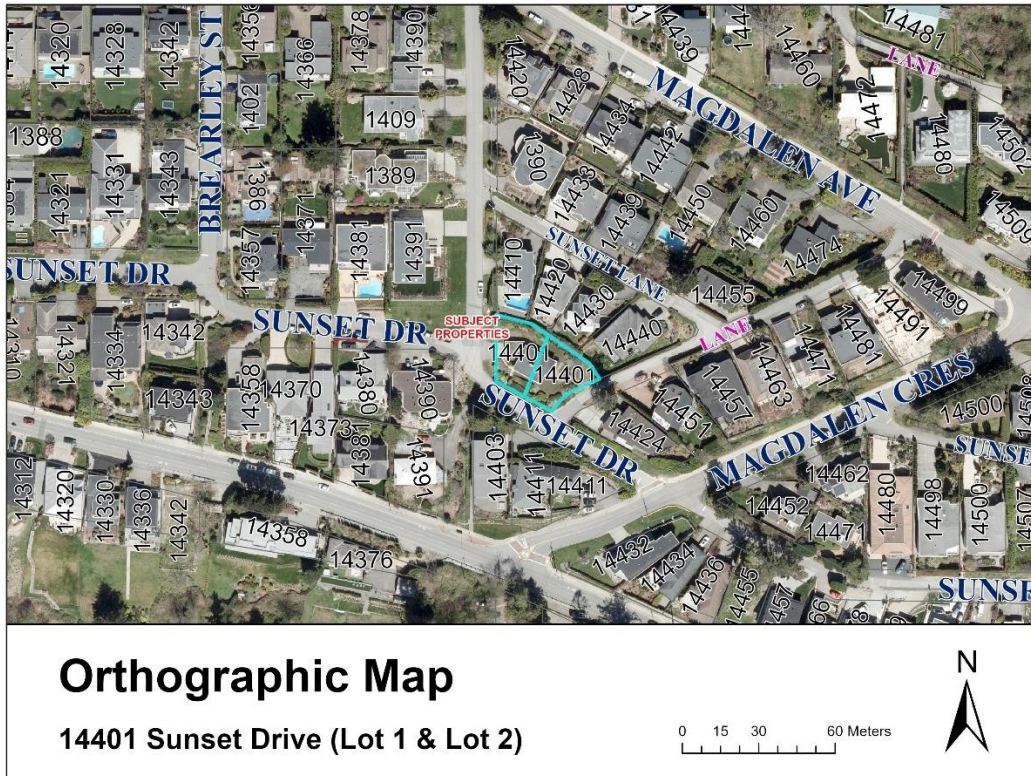


Figure 1: Subject Properties and surrounding site context

The property owners (the “Applicant”) for the subject properties have applied to request a discharge of Section 219 Covenant prohibiting secondary suites from the title following the update to the applied zone on their property as a result of the SSMUH legislation. This is explained further in the staff report.

A copy of draft “No Secondary Suite Restrictive Covenant Discharge Bylaw No. 2523, 2024” is included in this corporate report as Appendix A, location and ortho maps of the property are included in Appendix B, the registered Subdivision Plan and Statutory right of way Plan is included in Appendix C, and the applicant’s rationale letter is included in Appendix D.

ANALYSIS

Site Context

The subject properties are located on the north side of Sunset Drive between Archibald Road and Magdalen Crescent. The property does not have lane access. The surrounding neighbourhood to the north, south, east and west is comprised largely of single-family dwellings

History

- *January 30, 2023:* Council granted final reading and adoption of “White Rock Zoning Bylaw, 2012, No. 2000, Amendment (CD-65 – 14401 Sunset Drive) Bylaw, 2020, No. 2373”, to rezone the parent parcel, 14401 Sunset Drive, from the RS-1 One Unit Residential Zone (zone under the previous zoning bylaw) to a property-specific Comprehensive

Development Zone (CD -65). The rezoning was to facilitate a two-lot subdivision of the property to enable the construction of a single-family home on each lot.

A Public Hearing was held on March 1, 2021, and as a condition of final adoption, the property owners were required to enter into a Section 219 Covenant that restricted secondary suites and densities on the property. This condition was fulfilled with the registration of Section 219 Restrictive Covenant assigned Charge Number CA490802 with a priority agreement CB490803. The subdivision of the parent parcel received final approval on February 17, 2023.

- *June 26, 2024:* The City adopted a new Zoning Bylaw No. 2506 to permit a minimum of two to six dwelling units on lots formerly recognized as single-family or duplex lots, which are referred to as ‘restricted zones’ as referred to and required by the Small-Scale Multi-Unit Housing (SSMUH) legislation.

Out of nineteen (19) identified restricted zones, eight (8) Comprehensive Development (CD) zones, under the former Zoning Bylaw No. 2000, were eligible for SSMUH density. The subject property originally zoned CD-65 was identified as a restricted zone. To comply with SSMUH legislation requirements, the zone for this property was updated to the current RS-2 SSMUH Residential Zone.

Official Community Plan (OCP) and Zoning Bylaw

The subject property is designated ‘Mature Neighbourhood’ in the City’s Official Community Plan and is zoned RS-2 SSMUH Residential per the City’s Zoning Bylaw. As shown in Figure 2, the immediate area is predominantly zoned RS-1 SSMUH Residential (shaded white) or RS-2 SSMUH Residential Zones (shaded grey).

The principal uses permitted in the RS-2 SSMUH residential is either a one-unit residential use or a house-plex use. This zone lists several accessory uses, including a secondary suite, that is permitted in conjunction with a one-unit residential principal use, however only one accessory use is allowed; while for Housplex uses, the only permitted accessory use is an accessory dwelling unit. Appendix E the RS-2 SSMUH zone excerpt from the Zoning Bylaw.

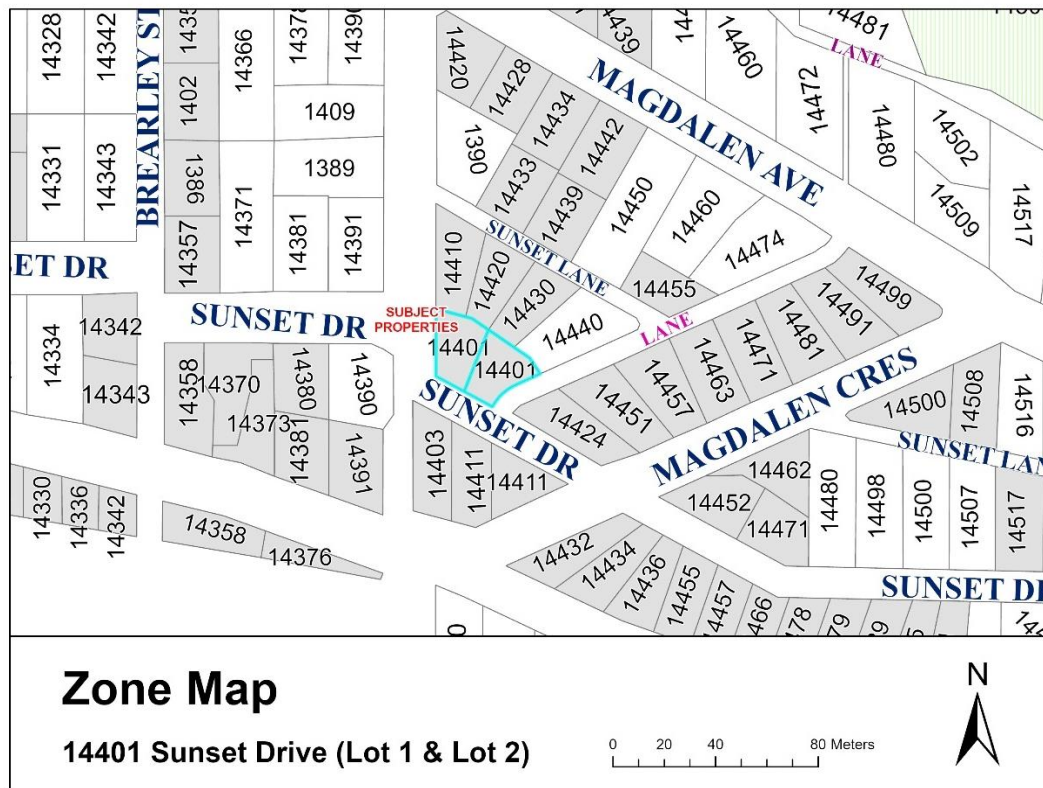


Figure 2: Zone Map

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 housing in the area.

Covenant Discharge Request

The applicant has requested a discharge of the no secondary suites restrictive covenant to permit the minimum density now eligible on their properties, following SSMUH legislation. This covenant is no longer relevant as it limits the development of a secondary suite under the property's current zoning. In order to discharge the restrictive covenant from Title, authorization from City Council is required.

Staff support the applicant's request as it is consistent with permitted accessory uses in the RS-2 SSMUH zone that apply to the subject property. Draft Discharge Bylaw No. 2523 is attached as Appendix A to this staff report.

Property Title

There are several existing interests registered on the title of the properties which are listed below. Some of these covenants and agreements were required as conditions for final subdivision approval.

1. **Section 219 Covenant No. H112799:** Registered to title on November 3, 1972, with priority agreements. The covenant prohibits the construction of a building that is taller than 16 feet (4.87m). The City is not a signatory to the covenant and its terms are not binding on the regulations established by the municipality. The standards established in the RS-2 SSMUH Zone conform with the height limits and general intent of the siting requirements of the covenant. This covenant is not affected by this application.

2. **Statutory Right of Way No. CB334177 & CB334178:** Registered to title on November 14, 2022. These rights of ways are intended for underground infrastructure for BC Hydro and TELUS Communications. These rights of ways are not affected by this application.
3. **Section 219 Covenant No. CB490802 & CB490803:** Registered to title on February 14, 2023, with priority agreement. The covenant prohibits the accessory secondary suite use on the properties. This covenant and priority charge is affected by this application.
4. **Statutory Right of Way Nos. CB490805 - CB490808:** Registered to title on February 24, 2023, with priority agreements. These rights of ways are intended to facilitate public right of passage through that portion of the Lands shown in the Statutory Right of Way Plan (see Appendix C). These rights of ways are not affected by this application.
5. **Section 219 Covenant No. CB490809 & CB490810:** Registered to title on February 24, 2023, with priority charges. This covenant prohibits the issuance of an Occupancy Permit until the owner dedicates the portion of Lands along Sunset Drive that has been identified in the Statutory Right of Way Plan (see Appendix C). This covenant and priority charge are not affected by this application.
6. **Section 219 Covenant No. CB490811 & CB490812:** Registered to title on February 24, 2023, with priority charges. This covenant prohibits the issuance of a Building Permit until the one existing house located on the two parcels has been demolished. This covenant and priority charge are not affected by this application.
7. **Highway Reservation and Section 219 Covenant Nos. CB490813-CB490816:** Registered to title on February 24, 2023, with priority charges. This covenant is to reserve a portion of land (approx. 3.10 m in size) as a highway. This covenant also includes an option to purchase article where the owner grants the City the option to purchase this reserved portion of land for a purchase subject to terms and conditions in the agreement. This covenant and option of purchase interest are not affected by this application.
8. **Statutory Right of Way No. CB1289598:** Registered to title on April 30, 2024. This right of way is related to FortisBC Energy. This right of way is not affected by this application.

FINANCIAL IMPLICATIONS

The City's Fees and Charges Bylaw (Schedule A – Planning and Development Services) does not have a category for covenant discharge application requests, as this type of application has historically been infrequent. However, due to the recent legislative changes, staff anticipate an increase in similar land-use related covenant discharge requests.

The applicant for this request was not required to pay an application fee for this discharge request as it is largely an administrative process resulting from SSMUH legislative changes.

Financial impacts to the City resulting from the legislative changes are anticipated in the long term as well.

LEGAL IMPLICATIONS

A Public Hearing is not required for this application. Staff sought advice from the City’s legal counsel who advised that a Public Hearing is not required as the Bylaw to allow additional density, i.e. the new zoning bylaw, has already been adopted.

There are several interests registered on the title of the subject properties. This discharge request is only to the covenant and priority charge related to the prohibition of no secondary suite use on the property. Staff note that there are properties in the City that have similar land use-related restrictions to which the City is a signatory. However, these types of covenants are still applicable and can be discharged at the City’s discretion. These discharge requests will be evaluated on a case-by-case basis.

COMMUNICATION AND COMMUNITY ENGAGEMENT IMPLICATIONS

A Public Hearing is not required for this application.

ALIGNMENT WITH STRATEGIC PRIORITIES

This covenant discharge request 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 / ALTERNATIVES

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

1. Reject “*No Secondary Suite Restrictive Covenant Discharge Bylaw No. 2523, 2024;*” or
2. Defer consideration of “*No Secondary Suite Restrictive Covenant Discharge Bylaw No. 2523, 2024*” and refer the application to staff to address any issues identified by Council.

CONCLUSION

The City has received a request to discharge a Section 219 Covenant (CA490802) with Priority Charge (CB490803) that prohibits the accessory secondary suite use from the legal titles of Lot 1 and Lot 2 (subject properties) currently addressed as 14401 Sunset Drive for both. This covenant is no longer relevant as it limits the development of a secondary suite under the property’s current RS-2 SSMUH Residential zoning. The purpose of this report is to seek City Council authorization to discharge this Section 219 Covenant. Staff recommend that Council give first three bylaw readings to Discharge Bylaw No. 2523.

Respectfully submitted,

Reviewed and Approved by,

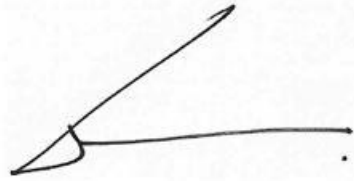


Neethu Syam
Planning Division Lead

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

Comments from the Chief Administrative Officer

I concur with the recommendations of this corporate report.

A handwritten signature in black ink, consisting of a series of connected loops and a long horizontal stroke extending to the right.

Guillermo Ferrero
Chief Administrative Officer

- Appendix A: Draft No Secondary Suite Restrictive Covenant Discharge Bylaw No. 2523, 2024
- Appendix B: Location and Ortho Maps
- Appendix C: Registered Subdivision Plan, Registered Statutory Right of Way Plan
- Appendix D: Applicant's request letter
- Appendix E: RS-2 SSMUH Residential Zone (excerpt from Zoning Bylaw No. 2506)