

THE CORPORATION OF THE
CITY OF WHITE ROCK
CORPORATE REPORT



DATE: October 16, 2023

TO: Mayor and Council

FROM: Anne Berry, Director, Planning and Development Services

SUBJECT: Initial Review of Rezoning Application – 14205 Malabar Avenue
(ZON/MIP/SUB 23-003)

RECOMMENDATION

THAT Council receive the corporate report dated October 16, 2023, from the Director of Planning and Development services, titled “Initial Review of Rezoning Application – 14205 Malabar Avenue (ZON/MIP/SUB 23-003)” and direct staff to advance the zoning amendment application at 14205 Malabar Avenue and proceed to the next stage in the application review process.

EXECUTIVE SUMMARY

The City has received an initial application for rezoning which, if approved, would enable the subdivision of the property at 14205 Malabar Avenue into two lots. In accordance with the amendments to the *Planning Procedures Bylaw, 2017, No. 2234* approved in September 2020, all rezoning applications are brought forward to the Land Use and Planning Committee (LUPC) for early input and direction on whether the application can proceed to the next step in the rezoning process or should be denied as it would not be supported by Council.

As of March 2023, Council dissolved the LUPC (made up of members of Council) as a committee and as such all such applications have been presented directly to Council since. Staff have recommended that the Applicant seek an early review of this proposal from Council, particularly regarding the impact of the development on protected trees, as well as any other matters that may affect the proposal.

PREVIOUS COUNCIL DIRECTION

Motion # & Meeting Date	Motion Details
September 14, 2020 2020-443	THAT Council gives first, second, and third reading to "City of White Rock Planning Procedures Bylaw, 2017, No. 2234, Amendment (Initial Information Reports for Zoning Amendments) Bylaw, 2020, No. 2357."
September 28, 2020 2020-473	THAT Council give final reading to "City Of White Rock Planning Procedures Bylaw, 2017, No. 2234, Amendment (Initial Information Reports For Zoning Amendments) Bylaw, 2020, No. 2357."

INTRODUCTION/BACKGROUND

The application proposes changing the property's zoning from the RS-1 One-Unit Residential Zone to the RS-4 One-Unit (12.1m Lot Width) Residential Zone. The rezoning, if approved, would permit the subdivision of the property and the construction of two new single-family dwellings.

Table 1.0 below includes the details on the applicable OCP land use designation and the Development Permit Area(s) that apply to the subject property, while Table 2.0 provides basic development statistics. In addition, a location and ortho map are included in Appendix A, a topographic survey with the proposed site plan in Appendix B, and an Arborist Report in Appendix C.

Table 1: Details on OCP land use designation and Development Permit Areas

OCP Land Use Designation	Mature Neighbourhood – allows single-family homes (including secondary suites), duplexes, and triplexes, with density and height allowed per the applicable provisions in the Zoning Bylaw.
Development Permit Areas (DPAs)	<ol style="list-style-type: none"> 1. Mature Neighbourhood DPA (Form and Character) <ul style="list-style-type: none"> • Guidelines listed under this DPA are intended to protect and enhance the quality of the natural and built environment and to enhance the character of White Rock’s history and setting. • The OCP establishes development permit area (DPA) guidelines applicable to infill projects within Mature Neighborhoods when such infill takes the form of duplexes, triplexes or “intensive residential development.” The latter refers to subdivisions that would result in lots having a frontage of less than 12.1 metres. In this case, if the rezoning were approved, the subdivision would result in lots having a frontage of approximately 12.10 metres and therefore, the DPA guidelines <u>would not</u> apply. 2. Environmental (Watercourse) Development Permit Area: The guidelines listed under this DPA are intended to protect and enhance riparian areas adjacent to streams and watercourses.

Table 2: Existing and Proposed development statistics

	Current Zoning	Proposed Zoning
Zone	RS-1	RS-4
Use	One-unit Residential	One-unit Residential
Lot Requirements		
Lot Area (min)	464.0 m ²	410.0 m²
Lot Width (min)	15.0 m	12.1 m
Lot Depth (min)	27.4 m	27.4 m

Lot Area (min)	464.0 m ²	410.0 m²
Height (max)	7.7 m / 25.26 ft	7.7 m / 25.26 ft
Density	0.5 times the lot area	
Off-Street Parking Spaces	2 (+1 for secondary suite)	
Setbacks (min)		
<i>Front</i>	7.5 m	7.5 m
<i>Interior Side</i>	1.5 m	1.35 m
<i>Rear</i>	7.5 m	7.5 m

An Arborist Report (Appendix C) prepared by Mike Fadum and Associates Ltd. (dated February 14, 2023) recommends that nine (9) on-site trees be retained, and one (1) on-site tree be removed. The tree proposed for removal is an English Oak situated on the northeast side of the subject property. The City’s Tree Preservation Official conducted a site review and noted that the tree is in good health and has recommended that it be retained. Upon further review of the application, it was determined by the planning staff that a no-build covenant and tree protection plan is the suggested way to proceed to restrict the allowable buildable area surrounding this tree’s protection zone. If Council were to advance this file to the next stage, the Applicant would be required to submit updated drawings to reflect this recommendation.

If rezoning is approved, the proposal would also be subject to a Minor Development Permit (DP) as the property falls within an Environmental (Watercourse) Development Permit Area. The purpose of this Development Permit Area is to protect and enhance riparian areas adjacent to streams and watercourses. This proposal is subject to fulfilling conditions listed under this DPA, found in section 23.5 in the OCP. The authority for this DP approval is delegated to the City Manager (Chief Administrative Officer) on the advice of the Directors of Planning and Development Services and Engineering and Municipal Operations.

FINANCIAL IMPLICATIONS

Application fees for OCP and/or zoning amendment applications that Council denies would, per the City's Planning Procedures Bylaw, be subject to a refund minus 10% of the original fees. This refund is intended to cover administrative costs. In addition, if a public information meeting has not yet been held, a refund of minus 20% for administrative costs refund would be processed.

Council's denial of any of the above-listed zoning amendment applications would therefore result in a loss of revenue; however, the time and resources otherwise dedicated to advancing the review of the applications would be allocated to other tasks.

LEGAL IMPLICATIONS

Per section 479 of the *Local Government Act*, a City's zoning bylaw may regulate the use of land and the density of the uses of land, among other regulations that apply to buildings.

Section 460 of the *Local Government Act* establishes that where a local government has adopted a zoning bylaw it must define procedures under which an owner of land may apply for an amendment to the bylaw and must consider every application for an amendment.

COMMUNICATION AND COMMUNITY ENGAGEMENT IMPLICATIONS

These projects would proceed to a public information meeting (PIM) if supported. Following the PIM and circulation of the application for interdepartmental comments, a bylaw would be

presented to Council for 1st and 2nd readings. These applications would be subject to a public hearing, in particular those applications that a proposed as property specific comprehensive development zones, enabling additional community engagement. Notice of the PIMs and public hearings would be circulated to owners and occupants of properties within 100 metres of the developments.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

The initial review of rezoning applications brings such applications before Council (until March 2023 this review was done by the Land Use and Planning Committee) prior to referral to internal city departments, and several external agencies (e.g., School District, RCMP, etc.).

CLIMATE CHANGE IMPLICATIONS

These implications will be determined at the complete application stage for each application.

IMPLICATIONS FOR TREE PRESERVATION AND TREE CANOPY ENHANCEMENT

A more detailed assessment of the level of impact on trees will be determined at the complete application stage. Staff will conduct a fulsome review of the Arborist Report and related documents at that time.

ALIGNMENT WITH STRATEGIC PRIORITIES

This rezoning application relates to the City’s “Housing and Land Use” objective to advocate for diversity in housing and practice balanced land-use planning.

OPTIONS / RISKS / ALTERNATIVES

Alternatives to the staff recommendations include:

1. Council may direct the application to proceed to the next stage in the process and give additional direction for the Applicant and staff;
2. Council may direct staff to obtain additional project-specific information before deciding whether to advance or deny the application;
3. Council may deny the application.

CONCLUSION

This corporate report presents a rezoning application for the property at 14025 Malabar Avenue, which if approved, would permit the property to be subdivided. If the application is advanced to the next stage in the process, the Applicant would be required to submit a complete application package with items as outlined in Schedule H to Planning Procedures Bylaw, 2017, No. 2234, and would then proceed to a public information meeting.

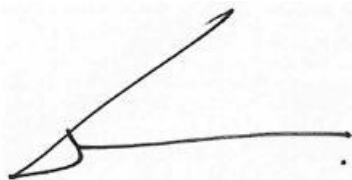
Respectfully submitted,



Anne Berry
Director, Planning and Development Services

Comments from the Chief Administrative Officer

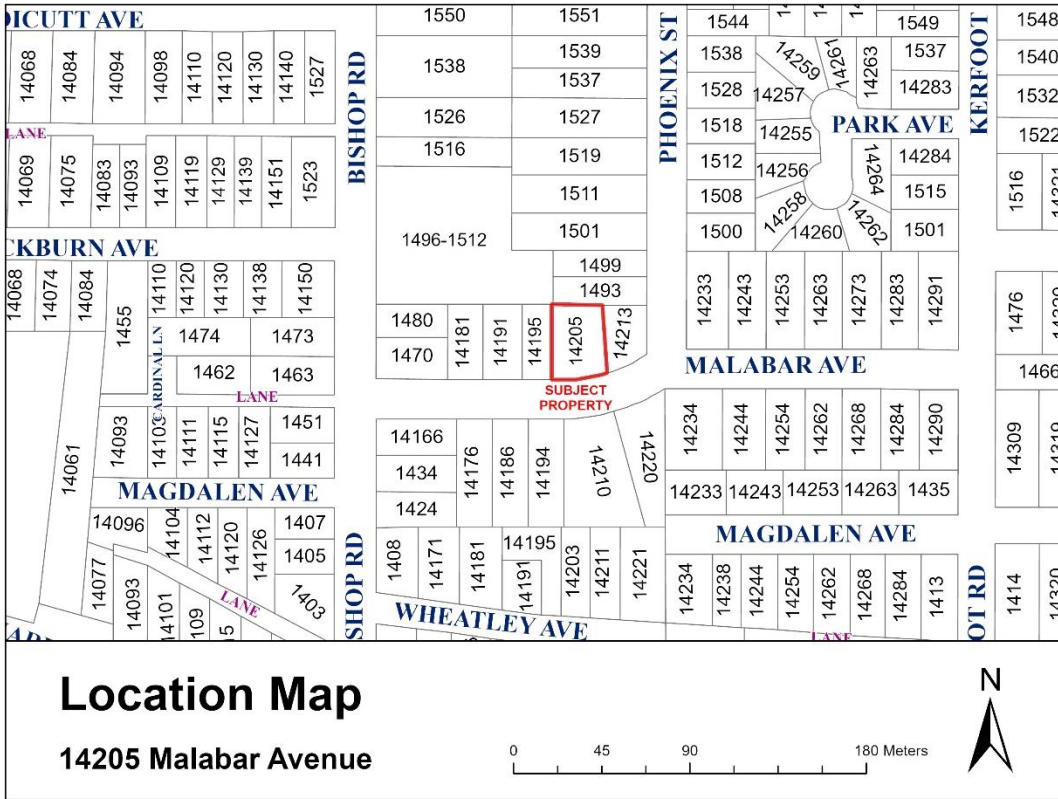
I concur with the recommendation of this corporate report.



Guillermo Ferrero
Chief Administrative Officer

- Appendix A: Location and Ortho Maps
- Appendix B: Topographic Survey with proposed site plan
- Appendix C: Arborist Report

Appendix A: Location and Ortho Maps



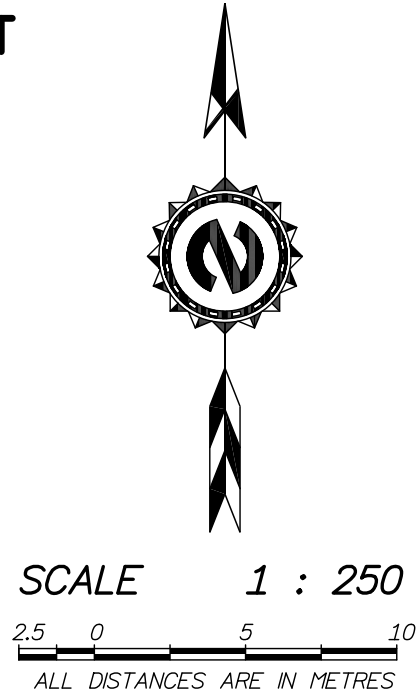
TOPOGRAPHIC SITE PLAN OF LOT 3 SECTION 9 TOWNSHIP 1 NEW WESTMINSTER DISTRICT PLAN BCP49225

CIVIC ADDRESS:

14205 Malabare Avenue, White Rock, BC
P.I.D. 028-675-797

LEGEND

- DENOTES STANDARD IRON POST FOUND
- ⊠ DENOTES CATCH BASIN - TOP ENTRY
- ⊙ PP DENOTES UTILITY POLE
- MH-S DENOTES SANITARY MANHOLE
- ⊙ DENOTES TREE AND CANOPY EXTENT
- × DENOTES GROUND ELEVATION
- (t.w) DENOTES TOP OF RETAINING WALL ELEVATION



Lot dimensions are derived from field survey.

Elevations are Geodetic (CVD28 GVRD-2005 - IN METERS)
Derived from Control Monument 88H3855 located at the
intersection of Blackburn Rd. and Bishop Rd.
Elevation = 74.633m

Invert elevations and offsets of services from property lines
are derived from municipal records and field survey.
Contractor to verify all service locations and inverts prior to
construction.

Spot elevations along curb are taken in gutter

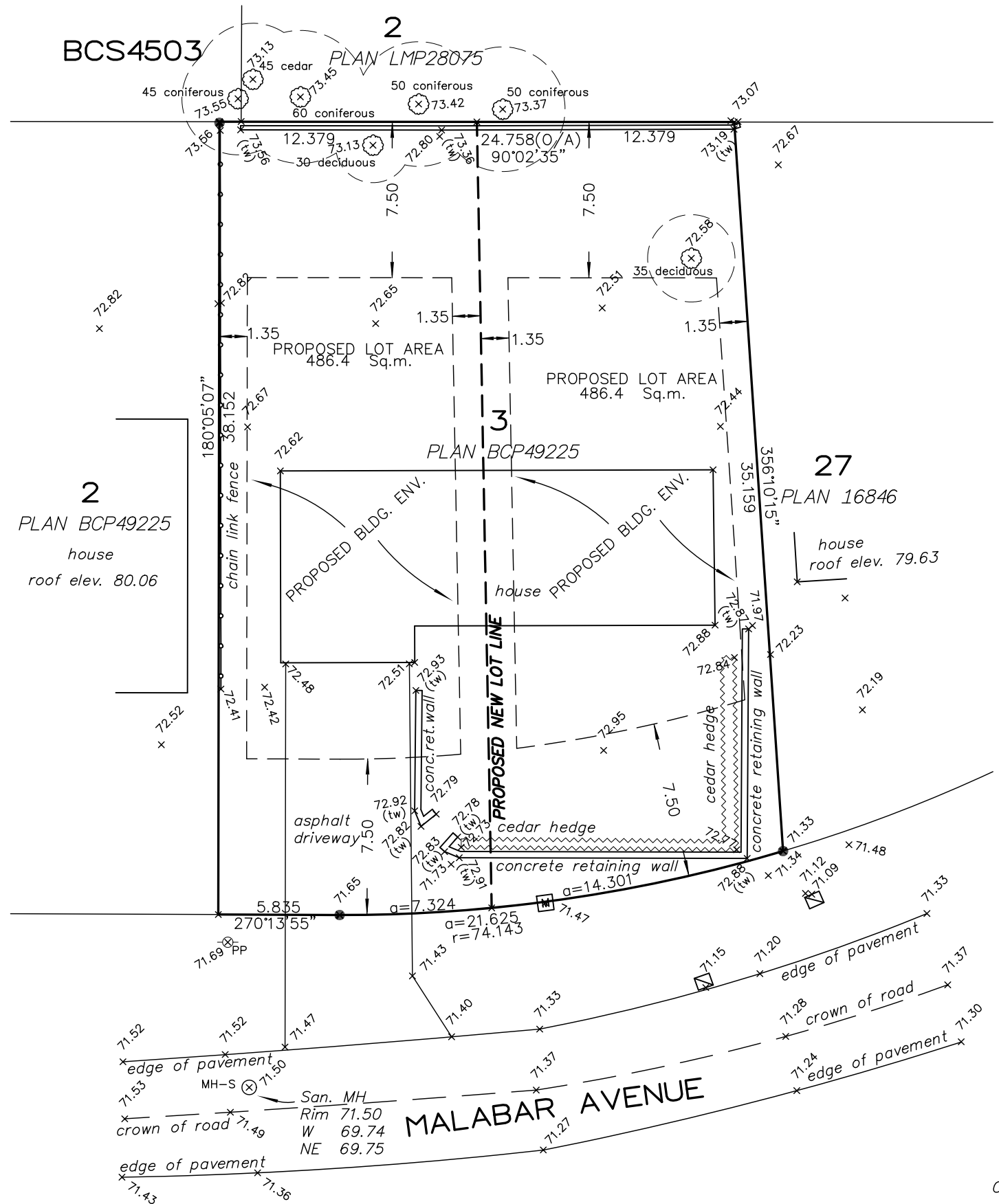
If this plan is used in digital form, Target Land Surveying
will only assume responsibility for information content
shown on original unaltered drawing.

Tree diameters are taken at 1.4m above grade and are
shown in cm. All trees 30cm and larger on project are
shown. Refer to Arborist report(if one) for tree details.
*Canopy extents shown are based on 6x the trunk
diameter shown.

This Plan was prepared for architectural design and permit
purposes, and is for the exclusive use of our client. The
signatory accepts no responsibility or liability for any
damages that may be suffered by a third party as a
result of reproduction, transmission or alteration to this
document without consent of the signatory.

CERTIFIED CORRECT
DATED THIS 22nd DAY OF September, 2022.

----- B.C.L.S.
M. Adam Fulkerson



TARGET
LAND SURVEYING
C120-20178 96th Ave.
Langley B.C.
604-583-6161

FILE: 8732-SITE

**Tree Evaluation Report for:
14205 – Malabar Avenue
White Rock, BC**

Prepared by:

**Mike Fadum and Associates Ltd.
#105, 8277-129 Street
Surrey, BC
Phone 778-593-0300
Fax 778-593-0302**



Date: January 5, 2023

1.0 INTRODUCTION

We attended the site on November 22, 2022 for the purpose of evaluating the tree resource and to make recommendations for removal and preservation for the development application proposed for 14205 – Malabar Avenue, White Rock, BC. The development plans include subdividing the one (1) lot into two (2). A plan showing the proposed building envelopes, topographical survey and lot lines was provided for our use and used as a resource for making recommendations pertaining to tree removal and retention.

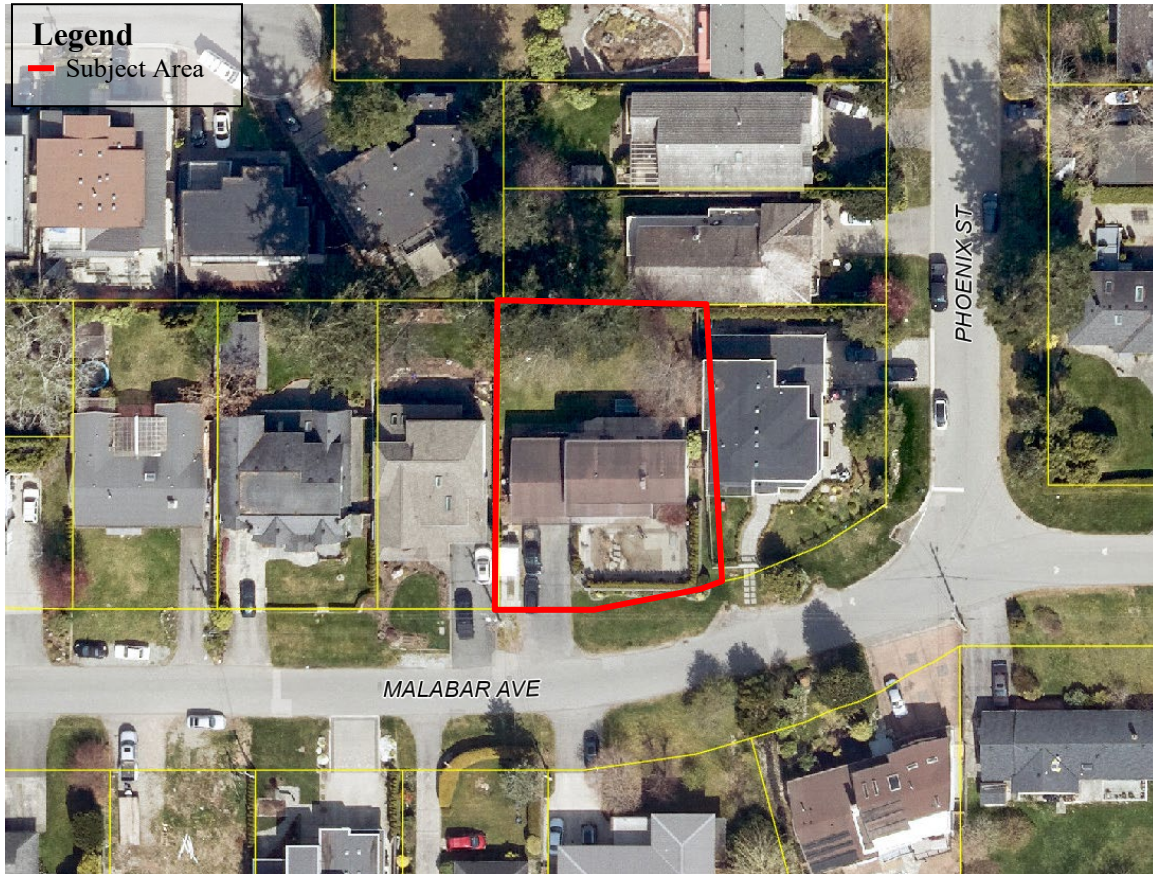


Figure 1. Aerial photograph of subject property (Wroms – April 2020).

2.0 FINDINGS

The site is accessed via the existing driveway at Malabar Avenue. The south half of the site includes the dwelling and garden areas including hardscaping. The north half of the site is open yard bordered with trees and includes an accessory building.

Table 1 provides individual tree data. Specific information includes tree type, diameter at breast height (DBH), structure and health rating (poor (P), moderate (M), good (G) or a combination of two), live crown ratio (LCR) and structural



observations. Health refers to the tree's overall health and vigor, while structure is a qualitative rating of a tree's shape and structure when compared to ideal trees of the same species and age class. Trees were evaluated for their preservation potential based on health, structure, location and species factors. Trees expected to be unsafe, conflicting with the proposed building plans, of poor health or of little long-term retentive value are recommended for removal and are shown on the attached Tree Preservation and Removal Plan.

3.0 TREE PROTECTION

Tree protection fencing is to be installed as per municipal standards prior to construction with no excavation, grade alterations or materials storage within the tree protection zone. The consulting Arborist should be contacted prior to and be onsite for any construction within the recommended no disturbance zone which is approximately 6x the tree diameter. Grade alterations and other construction works required to provide drainage are not to occur within the tree protection zone.

4.0 TREE PRESERVATION SUMMARY

Our plans have been provided to the design team and it is expected that all consultants and contractors adhere to the recommendations in this report and ensure there is no conflict with Tree Protection Zones. No ground disturbance or grade alterations are permitted within the Tree Protection Zones unless preapproved by the project arborist. Mechanical injuries caused to trees below or above ground cannot be repaired. All parties must be aware that long-term success in tree preservation efforts depends greatly on minimizing the impact caused during and post construction. Best efforts must be made to ensure that soils remain undisturbed within the tree protection zones. Ongoing monitoring and implementation of mitigating works, such as watering, mulching, etc., is essential for success.

5.0 LIMITATIONS

This Arboricultural field review report is based on site observations on the dates noted. Effort has been made to ensure that the opinions expressed are a reasonable and accurate representation of the condition of the trees reviewed. All trees or groups of trees have the potential to fail. No guarantees are offered or implied by Mike Fadum and Associates Ltd. or its employees that the trees are safe given all conditions. The inspection is limited to visual examination of accessible items without dissection, excavation, probing, coring or climbing. Trees can be managed, but they cannot be controlled. To live, work or play near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate all trees.



The findings and opinions expressed in this report are representative of the conditions found on the day of the review only. Any trees retained should be reviewed on a regular basis. The root crowns, and overall structure, of all of the trees to be retained must be reviewed immediately following land clearing, grade disturbance, significant weather events and prior to site usage changes.

Please contact the undersigned if you have any questions or concerns regarding this report.

Mike Fadum and Associates Ltd.



Tim Vandenberg

ISA Certified Arborist: PN-8565A

TRAQ

Attachment(s):

- 1) Table 1 – Inventory
- 2) Appendix A – Photos
- 3) Tree Preservation Summary
- 4) Tree Management Plans



Table 1- Tree Evaluation: 14205 – Malabar Avenue, White Rock, BC

Tree #	Type	DBH (cm)	Dripline (m)	LCR (%)	Condition (Structure, Health)	Comments	TPZ (m)	Recommendation
35	Western Redcedar (<i>Thuja plicata</i>)	58	4.5	98	M, G	Co-dominance forms at ~2.0m with inclusion – likely limb locked. Healthy foliage. Not surveyed at time of assessment, location approximate.	4.5	Retain
3969	Excelsa Redcedar (<i>Thuja plicata</i> 'Excelsa')	25	2.0	98	G, G	Healthy foliage. Not surveyed at time of assessment, location approximate.	2.0	Retain
3971	English Oak (<i>Quercus robur</i>)	54	7.4	NA	MG, G	Slightly phototropic.	6.0	Remove Expected to be significantly impacted by future house excavation. Canopy expected to conflict with future house.
3998	Red Alder (<i>Alnus rubra</i>)	45	8.7	NA	M, M	Highly phototropic. Exaggerated DBH due to heavy ivy infestation.	6.0	Retain
OS1	Douglas-Fir (<i>Pseudotsuga menziesii</i>)	~65	7.2	70	M, MG	Retaining wall on subject property likely limiting root growth to the south. Reaction wood at ~4.0m. Likely previously topped.	6.0	Retain
OS2	Douglas-Fir (<i>Pseudotsuga menziesii</i>)	~55	5.7	70	M, MG	Retaining wall on subject property likely limiting root growth to the south. Reaction wood at ~4.0m. Likely previously topped.	4.5	Retain
OS3	Douglas-Fir (<i>Pseudotsuga menziesii</i>)	~25	3.0	70	M, M	Suppressed. Retaining wall on subject property likely limiting root growth to the south. Not surveyed at time of assessment, location approximate.	2.5	Retain
OS4	Western Hemlock (<i>Tsuga heterophylla</i>)	~70	5.0	75	M, MG	Co-dominance forms at ~3.0m. Foliage appears healthy.	5.0	Retain
OS5	Douglas-Fir (<i>Pseudotsuga menziesii</i>)	~25	4.5	30	MP, M	Past topping cuts. Suppressed. Not surveyed at time of assessment, location approximate.	4.0	Retain

Table 1- Tree Evaluation: 14205 – Malabar Avenue, White Rock, BC

Tree #	Type	DBH (cm)	Dripline (m)	LCR (%)	Condition (Structure, Health)	Comments	TPZ (m)	Recommendation
OS6	Western Hemlock (<i>Tsuga heterophylla</i>)	~70	5.0	80	M, MG	Fusing with adjacent fence. Ivy infestation. Limited visual assessment due to canopy cover. Foliage appears healthy. Slightly phototropic.	5.0	Retain
ADDITIONAL RECOMMENDATIONS								
<ul style="list-style-type: none"> In order to prevent root damage, which may adversely affect the health and or stability of the retained trees, any ground disturbance or grade alteration within the recommended Tree Protection Zone provided in the table above shall be under the direction of the project arborist. Location is approximate for all non-surveyed trees. Permission from the registered owner(s)/city is required prior to the removal of all city, offsite, and shared trees regardless of their size. 								

Note: 'OS' refers to Offsite trees and due to restricted access their diameters are approximate. An assessment of offsite trees does not imply they are safe as the restricted access prevented a thorough review. Shared trees/hedges have been assessed as onsite trees in the summary. 'C' refers to trees on City property.



Figure 1. Subject site.



Figure 2. OS1 and 3971 from left to right.





Figure 3. 3998, OS4, OS3, OS2 and OS1 from left to right,



Figure 4. 3969 and 3998 from left to right.





Figure 5. Canopy of tree 35



Figure 6. Canopies of trees to the north appear relatively healthy.



Summary of Tree Preservation by Tree Species:

Tree Species	Existing	Remove	Retain
Alder and Cottonwood Trees			
Alder / Cottonwood	1	0	1
Deciduous Trees (excluding Alder and Cottonwood Trees)			
Oak, English	1	1	0
Coniferous Trees			
Douglas-Fir	4	0	4
Hemlock, Western	2	0	2
Redcedar, Excelsa	1	0	1
Redcedar, Western	1	0	1
Total	10	1	9
Total Replacement Trees Required		3	
Total Replacement Trees Proposed		3	
Total Replacement Tees in Deficit		0	
Total Retained and Replacement Trees		12	



