



December 2, 2020

Via E-Mail to avonhausen@whiterockcity.ca and Mail

CITY OF WHITE ROCK

Planning Department
15322 Buena Vista Avenue
White Rock, BC V4B 1Y6

Our File: 154395

White Rock Project: ZON 20-001

Attention: Ms. Athena Von Hausen, Area Planner

Dear Athena:

RE: PROPOSED 2-LOT SUBDIVISION LOCATED AT 14401 SUNSET DRIVE, WHITE ROCK, BC

We are pleased to provide you with the following information and comments regarding the Digital Public Information Meeting (PIM) that took place on Wednesday, October 15th, 2020, from 5:30 to 6:30 p.m. As per comments provided by yourself on October 28th, 2020, a total of ten (10) participants attended the PIM. The PIM consisted of a presentation of the project details and renderings followed by a question and answer period. We received a total of twenty-five (25) comments throughout the PIM proceedings, of these comments three (3) were received prior to the PIM, twenty (20) were received during the PIM and two (2) were received after the PIM. Please see the attached for all of the comments recieved.

The most significant concern expressed prior to, during and after the PIM pertains to the Restrictive Covenant registered on title which limits the height of any building to sixteen (16) feet from the average natural elevation. We believe these concerns have been addressed through designing each of the proposed buildings to be less than sixteen (16) feet in height from the average natural elevation, as required in the Restrictive Covenant.

Another concern brought forward during the PIM related to the proposed shared driveway location and the potential impacts on traffic and safety within the surrounding area. Residents expressed concerns specifically with regards to the proposed shared driveway leading onto the narrowing Sunset Drive and possibly causing additional traffic and safety concerns to the intersection. Residents advised that intersection of Sunset Drive with Archibald Road and Magdalen Crescent Lane is busy and unsafe as Sunset Drive narrows when intersecting with Archibald Road and Magdalen Crescent Lane. It was stated that the narrowing of Sunset Drive, in combination with the blind corners created by hedges on the parent parcel, and the lack of pedestrian infrastructure makes the area unsafe and traffic prone, thus, the addition of a shared driveway may exacerbate these issues. The City clarified that the shared driveway was requested by the City's Engineering Department and that they do not anticipate traffic or safety concerns associated with the development. However, after the PIM, the Engineering Department has asked for the proposed driveways to be separated for each of the new lots from Sunset Drive and Magdalen Lane respectively. They have also indicated the requirement of new sidewalks on Archibald Road and Sunset Drive. We believe that providing seperate driveways and sidewalks address these neighbourhoods' concerns.

Also related to traffic, residents were concerned with the possible implications that the proposed development may have on the local parking supply. Residents mentioned that the area already deals with parking issues and that the additional lots may add to the existing problem. To address these parking supply concerns, each of the proposed lots will include a double car garage with an additional parking space within the driveway portions



of each respective lot. Because the development proposes on-site parking, we believe the proposed development will not negatively impact the existing parking conditions.

Lastly, residents expressed concern with the possibility of secondary suites being created as part of the proposed development. In order to address this concern, the owner/developer has designed the future homes in a manner that would make it difficult to create secondary suites in the future, and has also agreed to register a Restrictive Covenant on title to restrict this type of use. Furthermore, throughout the inspection process during house construction, the City inspectors will ensure that no additional electrical wiring is provided which could potentially be used to install additional appliances to be used for secondary suites in the future. As such, we believe a Restrictive Covenant registered on title which prohibits secondary suites, a condition of the rezoning, will address any secondary suite concerns.

We believe the information and recommendations listed above addresses the concerns raised at the PIM, and that demonstrates that the owner is more willing to work with both City and neighborhood residents to mitigate any impacts brought forth by the proposed development.

Please review the above and attached, and if you have any questions or if you require additional information, please do not hesitate to contact the undersigned.

Sincerely,

H.Y. ENGINEERING LTD.

Fahad Abrahani, RPP, MCIP, CPT
Planner

H.Y. ENGINEERING LTD.

Daniel Hanhausen Legorreta
Junior Planner

FXA/DHL/pl

Attachments

cc: Mr. Marlon Carlson

..\154395 PIM Comments

Pre-PIM - Comment #1:

Thank you for returning my telephone enquire and hearing my concerns about the proposed rezoning and subdivision of 14401 Sunset Drive from RS1 to CD. I assume that the purpose of the rezoning to CD is to allow the proposed lots to be smaller than the surrounding RS1 neighbourhood as the property does not appear to satisfy the subdivision standards under the current zoning.

I wish to emphasize that we do not object to the subdivision of this property but are very concerned that adding traffic to this short stretch of Sunset Drive is very dangerous. This is a very busy section of road that many people drive, cycle and walk here to access Marine Drive and the destinations along the waterfront and beach. Those of us who live along Marine drive frequently travel this route to get to and from our homes. Contemplating adding any driveways, even for a rebuilt single home, onto Sunset is very dangerous and will make a bad situation even worse.

I suggest that all driveways from this property be from Archibald and Magdalen lane, if the subdivision is to proceed. I also believe that a sidewalk needs to be built along the entire frontage of Sunset lane and it needs to be extended to Magdalen Crescent. This will at least separate the pedestrian and vehicle traffic and enhance safety. It would appear that a 1.5m sidewalk can be fit into the north side of Sunset Drive, in the area between the back of the existing curb and the property line. If there is not enough room, then I would support a the CD bylaw that makes provision for the additional road widening/dedication of Sunset Drive needed to make this work. It would also appear that it is possible to extend the sidewalk out to Magdalen Cres. It appears that there is some planting in the boulevard area between the back of curb and the flanking side yard of #14424. Removing the dangerous hedge on the boulevard here will improve sightlines and make this busy section of road safer. As the applicant is seeking to rezone the property, because they do not have the area to meet the RS1 subdivision requirements, i believe it is not to much to ask that they do these infrastructure improvements as compensation for the extra lot they will be able to yield. I trust that our comments will be included in your land use report to City Council and we do not need to contact the Mayor and Councillors directly with our comments. We would also appreciate if you could let us know when this application is scheduled to go to Council for consideration.

Pre-PIM - Comment #2:

I was dismayed to see a re-submission of the proposal to subdivide and build two substantial houses at 14401 Sunset Drive. Must the neighbours re-visit this unwanted change to our area again so soon?

On what grounds should this proposal be given variance on lot size?

Why should next door neighbours' space be compromised by a building closer to them than is stipulated in the bylaws?

Most especially, the proposed "shared" driveway of the new buildings opens onto a very narrow, heavily used road i.e., Sunset Drive, right next to its dangerous corner with Archibald Rd.

- Vehicles driving south down Archibald, which is very steep at this point, cannot see traffic coming up the hill from Sunset Drive.
- In icy weather it is difficult to negotiate that hill in a westward direction and it must be done so "at a run" from Magdalen Crescent. It is the only way of reaching many houses on the hillside in treacherous winter conditions.
- Vehicles meeting one another on Sunset Drive in this block must frequently pull aside to allow oncoming traffic through because of the narrowness of the road.
- This bottleneck serves all traffic moving south to Marine Drive from Archibald, Brearly and Kerfoot. It is a busy street.
- There are no sidewalks to protect the many pedestrians who use it on their way to and from the beach.

Rather than allowing densification on this corner, the city should consider widening the road to make it safer for everyone.

Pre-PIM - Comment #3:

We have learned that a development company has applied to rezone and subdivide property at 14401 Sunset Drive. You will be aware that a similar application was made and later withdrawn by the applicant following broad based opposition by homeowners in the area. The present application seeks authorization to construct two buildings, each having three levels, including garage, with a proposed height of 7.7 meters (greater than 25'3") In addition, can you please inform me how I may make arrangements to review and copy the full application that is on file with the Planning and Development Department, There is a restrictive covenant in place on the property at 14401 Sunset Drive. This covenant provides, in the relevant parts:

(2) That no structure will be erected to exceed 16 (sixteen) feet in height at the apex of the roof taken vertically from the General contour of the land, from 25 (Twenty-Five) Feet of the Northerly boundary lot line to within 25 (Twenty-Five) Feet of the Southerly boundary lot line, and from the East boundary lot line and from within 12 ½ (Twelve and One-Half) Feet of the West boundary lot line, which shall be defined as the Buildable area.

(3) The Grantee will not erect any building or other structure on the said lot (108) which shall have a flat roof with a pitch to the said flat roof of less than Three (3) inches in every Twenty (20) Feet.

The developer's proposal would be grossly in violation of the terms of the restrictive covenant, and if allowed would seriously impair the views from the houses located on Sunset Lane and consequently, the homeowners' property values.

I have attached to this letter a copy of the deed made the 27th of October 1972 containing the terms of the restrictive covenant. I am also providing for your assistance a copy of a letter which was sent to the Building Department by Michael Carter of the law firm of Cleveland Doan on behalf of the homeowners at 14410, 14420, 14430, and 14440 Sunset Lane. This letter clearly sets out the intention to seek injunctive relief against the City in the event that any approvals are made that violate the building restrictions in the restrictive covenant, and this is the position I take with respect to the present application. Aside from the proposed egregious violation of the terms of the restrictive covenant, there is no reason aside from the developers' financial interests, why the R1 zoning should be varied in the circumstances of this application. I intend to canvass the homeowners in the area and to provide you with a petition setting out the neighbourhood's opposition to this application.

While I understand that there may be a requirement for a formal process for the City to give consideration to this application, I would ask the City of White Rock to reject this application and to honour the homeowners rights granted through the terms of the restrictive covenant. The homeowners on Sunset Lane have already spent a considerable amount of money hiring legal professionals in relation to their opposition to the earlier application. Given the fact that the previous application was withdrawn before being rejected by the City, it is difficult to understand why this application should even be allowed to proceed. The redundant application would seem to me to be an abuse of process

Post-PIM - Comment #1:

On May 8th of this year, I wrote to the Planning and Development Department to register my objection to the proposed development of property at 14401 Sunset Drive. My objection was principally based on my belief that the height of the proposed buildings would violate the terms of the Restrictive Covenant on the property. On behalf of the Planning and Development Department, you replied, providing me with plans for the proposal, including elevations for the proposed buildings. From my review of these plans it appears that the proposed height of the buildings, taken at the average natural grade, does not violate the Restrictive Covenant. Therefore, at this time, while I do not support the application, neither do I oppose it. Specifically, I take no position. Please disregard my earlier communication expressing opposition. I have every confidence that the Planning and Development Department will come to an appropriate decision on this application taking into account all relevant factors. Having said that, should there be any future applications to amend or otherwise vary the plans for this development in any material form, I would like to be advised in order that I can ensure compliance with the terms of the Restrictive Covenant, and I reserve the right to object, should this occur.

Post-PIM - Comment #2:

A zoning bylaw is a contract between its citizen and the city. It is integral to the purchase of a home. People have chosen to live in this R1-zoned neighborhood because of its green space, trees, and plants that are permitted in these larger lots. My neighbors and I have paid a premium price for the R1-zoned properties because we expect the R1 Zoning Bylaw to protect the environment as well as our investments in these properties. Unless there are urgent matters that absolutely mandate a change in the R1 Zoning Bylaw, it is difficult for me to accept changes to the bylaw. To change the bylaw at the expense of the entire neighborhood for one property owner does not seem rationale. Furthermore, I would like the Planning Department to consider the fact that this application is not very different from the application that was submitted 4 years ago. Since it was repealed last time, I believe that the same decision should be made as there have been no changes in the circumstances.

Every property in this neighborhood not only meets but exceeds the minimum provisions of the R1 Zoning Bylaw. The average lot size of this neighborhood closest to the proposed property is just below 8,000 sq ft. The lot sizes are consistent throughout the neighborhood. If one property begins to not meet the minimum provisions, there will be more properties in the future that will fail to meet the minimum requirement.

This development application fails to meet the R1 Zoning Bylaw on multiple fronts. The application proposes two properties that do not and cannot meet the minimum setbacks, the minimum lot sizes, or the minimum frontage as mandated by the R1 Zoning Bylaw. It encroaches on 4 neighboring properties. It neither conforms to the neighborhood standards nor respects the interests and rights of all the property owners. Furthermore, it jeopardizes the long term environmental, economic, and interests of the neighborhood. If this application passes, it will set an example for future develop who will be encouraged to follow suit and our green space will be gone.

Additionally, this application produces safety concerns. The property is located at the bottom of a very steep hill and is bordered on both sides by exceptionally narrow roads without sidewalks. There are three blind corners. There have been many instances where cars must reverse and move to the side to let another car pass through. Sunset Drive narrows to single-lane width in front of the property and Magdalen Crescent Lane is barely wide enough for one vehicle. Placing two driveways in this narrow lot, on either narrow road, exacerbates an already treacherous situation for both pedestrians and drives. This may cause future accidents in the future and be of high danger especially for younger kids and elderly people.

We would like to point out that this Development Application violates the covenants legally governing this property and imposes substantial legal costs on the Covenant holders. This is unwarranted and unjust as it is using the city as an instrument to violate or abrogate existing legally binding contract. I find it difficult to accept a reason for this Development Application to pass and we strongly oppose this subdivision.

Source	Type	Identity	Timestamp	Content
Attendee	Question	Anonymous (Unverified)	10/16/2020 12:57:26 AM	The proposed driveway for these new homes would exit onto a steep, narrow, fairly busy road, just a few metres from a blind corner i.e., Archibald Road. Residents of the new homes will have to reverse out onto Sunset Drive. Passing pedestrians have no sidewalk to protect them. Is this parlous state not a concern for the City?
Attendee	Question	Anonymous (Unverified)	10/16/2020 12:57:32 AM	The proposed driveway for these new homes would exit onto a steep, narrow, fairly busy road, just a few metres from a blind corner i.e., Archibald Road. Residents of the new homes will have to reverse out onto Sunset Drive. Passing pedestrians have no sidewalk to protect them. Is this parlous state not a concern for the City?
Attendee	Question	Anonymous (Unverified)	10/16/2020 12:57:50 AM	This looks really good to me
Attendee	Question	Anonymous (Unverified)	10/16/2020 12:58:34 AM	Will you be residing in one of the units
Attendee	Question	Anonymous (Unverified)	10/16/2020 12:58:52 AM	There were elevations in the ppt that we skipped. Can we take a quick look.
Attendee	Question	Anonymous (Unverified)	10/16/2020 12:59:18 AM	This looks really good to me
Attendee	Question	Anonymous (Unverified)	10/16/2020 12:59:30 AM	Will you be residing in one of the units
Attendee	Question	Anonymous (Unverified)	10/16/2020 12:59:59 AM	There were elevations in the ppt that we skipped. Can we take a quick look.
Attendee	Question	Anonymous (Unverified)	10/16/2020 1:00:36 AM	What will you do to ensure that having shared driveway with limited space will not increase parking congestion on this narrow lane
Attendee	Question	Anonymous (Unverified)	10/16/2020 1:01:23 AM	Are you cutting into the hill?
Attendee	Question	Anonymous (Unverified)	10/16/2020 1:01:43 AM	I sent a question.
Attendee	Question	Anonymous (Unverified)	10/16/2020 1:01:49 AM	What will you do to ensure that having shared driveway with limited space will not increase parking congestion on this narrow lane
Attendee	Question	Anonymous (Unverified)	10/16/2020 1:04:17 AM	Are you cutting into the hill?
Attendee	Question	Anonymous (Unverified)	10/16/2020 1:04:41 AM	It seems that if a car is parked in the parking space in front of the house, the car in the garage cannot get in or out.
Attendee	Question	Anonymous (Unverified)	10/16/2020 1:05:35 AM	I sent a question.
Attendee	Question	Anonymous (Unverified)	10/16/2020 1:06:12 AM	It seems that if a car is parked in the parking space in front of the house, the car in the garage cannot get in or out.
Attendee	Question	Anonymous (Unverified)	10/16/2020 1:07:07 AM	How can the neighborhood be assured there will not be suites in the future? There is no street parking available on any of the 3 roads surrounding the proposed new house. The proponent suggested parking is available in front of other people's houses on Sunset Drive!
Attendee	Question	Anonymous (Unverified)	10/16/2020 1:07:33 AM	How can the neighborhood be assured there will not be suites in the future? There is no street parking available on any of the 3 roads surrounding the proposed new house. The proponent suggested parking is available in front of other people's houses on Sunset Drive!
Attendee	Question	Anonymous (Unverified)	10/16/2020 1:16:01 AM	Can you ensure that they will not put in place any wiring that would allow for a stove?
Attendee	Question	Anonymous (Unverified)	10/16/2020 1:18:39 AM	Can you ensure that they will not put in place any wiring that would allow for a stove?