

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 (<i>Form and Character</i>) <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 (<i>min</i>)	464.0 m ²	410.0 m²
Lot Width (<i>min</i>)	15.0 m	12.1 m
Lot Depth (<i>min</i>)	27.4 m	27.4 m

Lot Area (<i>min</i>)	464.0 m ²	410.0 m²
Height (<i>max</i>)	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 (<i>min</i>)		
<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.

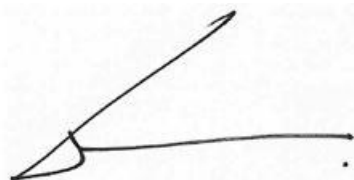
Respectfully submitted,



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