

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 – 15695 Thrift Avenue (ZON 22-021)

RECOMMENDATION

THAT Council receive the corporate report dated October 16, 2023, from the Director of Planning & Development Services, titled “Initial Review of Rezoning Application – 15695 Thrift Avenue (ZON 22-021)” and direct staff to obtain additional project-specific information prior to deciding whether to advance or deny the Application including:

- a) The City obtaining a third-party level 3 advanced tree assessment of the shared trees.
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EXECUTIVE SUMMARY

The City has received an initial application for rezoning which, if approved, would enable the subdivision of the property at 15695 Thrift 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." <p style="text-align: right;">CARRIED</p>

September 28, 2020 2020-473	<p>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."</p> <p style="text-align: right;">CARRIED</p>
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INTRODUCTION/BACKGROUND

The City has received a revised Zoning Bylaw amendment application to change the zoning of the property at 15695 Thrift Avenue (see Appendix A - Location and Ortho Maps) from the “RS-1 One Unit Residential” Zone to the “RS-4 One Unit (12.1m Lot Width) Residential” Zone. If the application is approved, the minimum lot width requirements would be reduced and would enable the property to be split into two lots, each of which could then be developed with a single detached dwelling . Table 1.0 below provides a snapshot of the existing and proposed zoning.

Table 1: Existing and Proposed Zoning

	Current Zoning	Proposed Zoning	15695 Thrift Avenue Proposed Lot 1	15695 Thrift Avenue Proposed Lot 2
Zone	RS-1	RS-4	RS-4	RS-4
Use	One-unit Residential	One-Unit (12.1 m Lot Width) Residential		
Height (max.)	7.7 m	7.7 m	7.7m	7.7m
Lot Width	15.0 m (min.)	12.1 m (min.)	12.19 m	12.19 m
Lot Depth	27.4 m (min.)	27.4 m (min.)	40.58 m	40.58 m
Lot Area	464.0 m ² (min.)	410.0 m ² (min.)	495.1 m²	494.6 m²
Lot Coverage (max.)	45%	45%	45%	45%
Setbacks (min.)				
Front	7.5 m	7.5 m	7.5m	7.5m
Interior Side	1.5 m	1.35 m	1.35	1.35
Rear	7.5 m	7.5 m	7.5m	7.5m
Density (max.)	0.5 times the lot area			
Off-Street Parking Space Requirements (min.)	2 (+1 for secondary suite)			

Site Context

The subject property is located at the intersection of Thrift Avenue and Lee Street and currently has a single-family home situated on the lot. The surrounding neighbourhood is largely made up of older single-family homes located on RS-1 zoned lots and designated ‘Mature Neighbourhood’ in the Official Community Plan. An RT-1 zoned property on Goggs Avenue, which permits the construction of a duplex, is located northeast of the subject property. Immediately west of the subject property are two RS-4 zoned lots, 15673 and 15683 Thrift Avenue. The next section details the history of these two sites, in particular 15683 Thrift Avenue, as they play a pivotal role in the evaluation of this rezoning application.

Further west of the subject property, at the corner of Thrift Avenue and Finlay Street, is the only RI-2 zoned property in the City of White Rock. The ten (10) properties located at 1415 through 1495 Maple Street, and the property located at 15631 Thrift Avenue, are bound by Land Use Contract (LUC) 34. If LUC 34 were discharged, the six (6) properties located at 1425 through 1475 Maple Street would revert to their underlying RS-4 zoning. Figure 1.0 below illustrates the current zoning of the surrounding neighbourhood around the subject property.

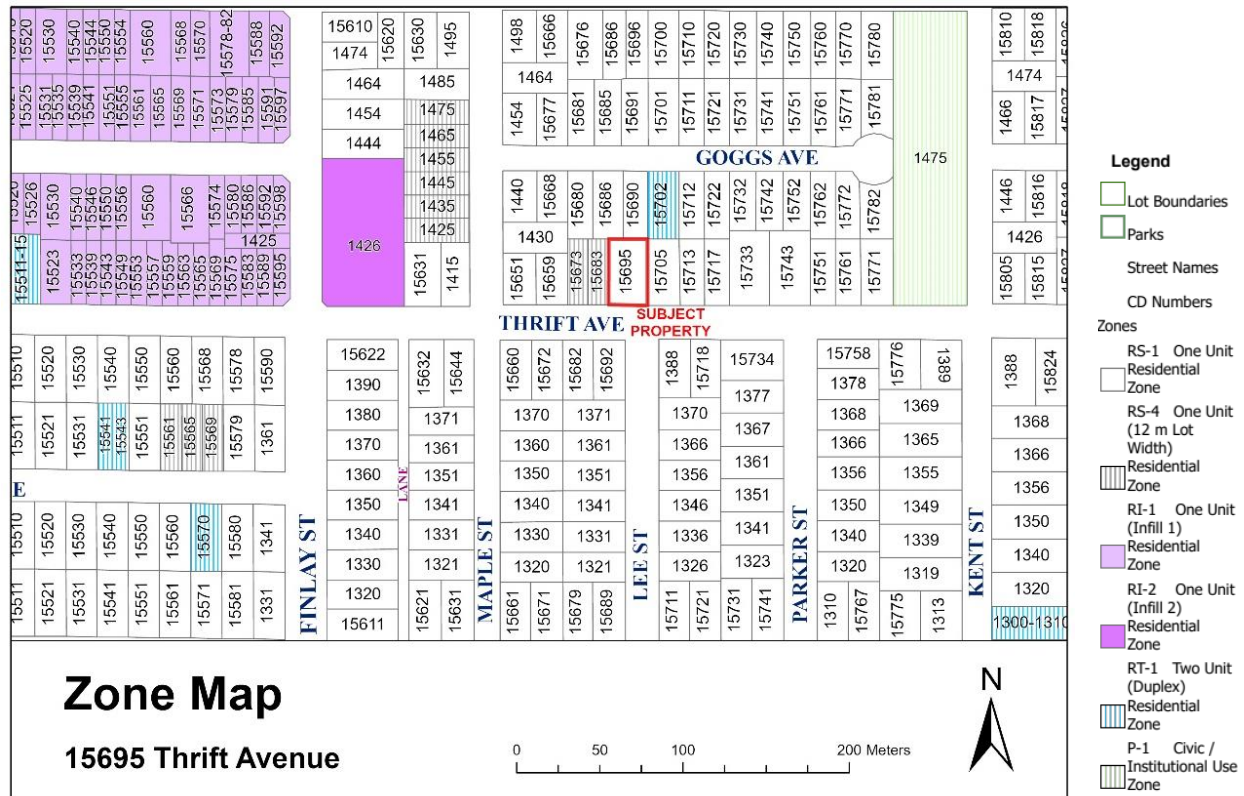


Figure 1: Zone Map showing existing zones around the subject property

15683 Thrift Avenue (2016 rezoning application)

In 2016, the City received a rezoning application for 15683 Thrift Avenue. The application was to rezone the property from an RS-1 to an RS-4 zone to enable a two-lot subdivision. The rezoning was approved in 2017. The staff report to Council noted that there were significant protected trees (seventeen (17) trees) on and around the property. Among the trees proposed to be removed, there were three (3) trees shared with the neighbouring property (15695 Thrift Avenue which is the subject of the current application) to the east (see Figure 2.0 and 3.0 below). At the time, City staff noted that these three trees in particular have significant retention value and a Tree Management Permit would be required to be supported by the original neighbour (15695 Thrift) for all proposed tree removals, to which it was not. This was because the three tree trunks solely resided on her lot.

Following the rezoning in 2017, the subdivision application was processed. The Preliminary Layout Approval (PLA) letter tied to the subdivision application for this project was issued shortly after. Up until 2021, applications for rezoning proposals with the intent to subdivide were not processed concurrently. In the case of this 2016 application, no third reading conditions were required to be fulfilled before final adoption as they were to be captured within the Preliminary Layout Approval (PLA) letter.

The PLA is a letter issued by the Approving Officer, which contains an approved list of the conditions that must be met prior to final subdivision approval. There is a one-year deadline for the completion of such conditions. Conditions of the PLA typically include, but are not limited to, an applicant providing: final adoption of the rezoning, executed Works and Servicing Agreement, payments of Development Cost Charges (DCCs), registration of covenants (if applicable) etc. Once the conditions are satisfied, the Approving Officer can grant final subdivision approval.

Between 2017 and 2020, two time-extensions were requested by the Applicant for this project. The City's *Planning Procedures Bylaw* does not limit the number of PLA extensions that can be requested; therefore, the time extension requests to fulfill the PLA conditions were approved by staff.

A condition in the PLA letter was the submission of a revised Arborist Report. The report was submitted in 2019 and reflected staff's comments on the retention of shared trees on the lot to the east (the subject of this application). To ensure these trees could be protected, staff included a condition in the 2020 PLA extension letter that a restrictive covenant i.e., Tree Protection Covenant, would be required to be registered on title. This covenant included an explanatory plan (see Figure 2.0 below) which identified the trees to be protected through future demolition and construction activities on the site. The covenant was executed and registered on title in May 2020, and the subdivision was approved shortly after, thus creating a new lot to the west i.e. 15673 Thrift Avenue.

A building permit for the new 15683 Thrift Avenue lot cannot be issued unless the plans comply with the terms of the tree protection covenant. To date, there have been several reports and inspections where these protected trees have been subject to damage; including copper nails around the base; drill holes filled with foreign substances where trees displayed strong indicators of herbicidal injury; compaction and excavation to the root zones from unauthorized heavy machinery to cut grass; spur climbed and topped (Douglas fir), excessive pruning removing 50% of the canopy (Oak), and most recently a fire at the base of these trees. Furthermore, the largest Douglas-fir tree (referred to as #517 in the current Arborist Report – Appendix C) has died and since been removed.

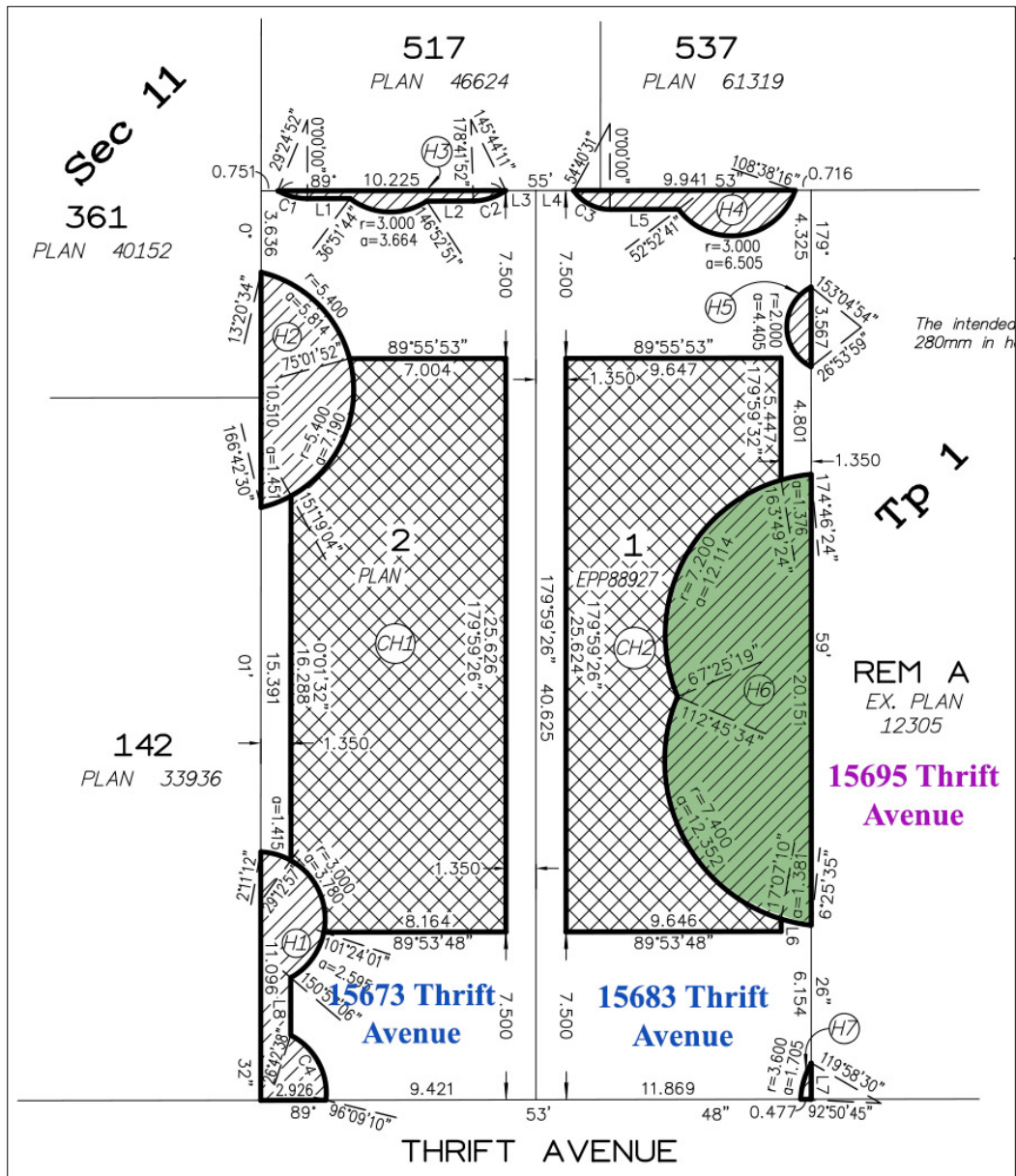


Figure 2: Subdivision Plan for 15683 Thrift Avenue

Tree Management & Protection – 15695 Thrift Avenue

As illustrated in Appendix B (Legal Survey) and Appendix C (Proposed Subdivision Plan), thirteen (13) trees are subject to *White Rock Tree Protection Bylaw, 2021, No. 2407*. This includes six (6) on-site trees, two (2) trees shared with the City and five (5) off-site trees. An Arborist Report prepared by Urban Grove Tree Care and Consulting Ltd. (dated February 14, 2023) recommends that five (5) on-site trees be removed to accommodate construction, which includes three (3) trees shared with the neighbour to the west (15683 Thrift Avenue); these three (3) trees are currently protected via a tree protection covenant as detailed earlier in the report.

Table 2.0 below identifies the trees proposed to be removed and those to be retained as detailed in the Applicant’s Arborist Report and Tree Protection and Replacement Plans (Appendix D). The Table further identifies the amount of securities that would be held against trees to be retained or removed. For those trees that would be removed, the security would be held against replacement trees and where replacement trees cannot be accommodated on-site, the City could

take cash-in-lieu for the support a local tree subsidy program; and support educational programs and the production of related materials that contribute to the enhancement of the City's tree canopy.

Table 2: Tree Management for 15695 Thrift Avenue application based on Arborist Report

Tree Ref.	Species	DBH (cm) [total]	Condition	Retain / Remove	Protection or Replacement Security	# of Replacements
1 (OS)	Western Red Cedar	46	Good	Retain	\$3000	NA
2 (OS)	Plum	29	Fair	Retain	\$3000	NA
3 (OS)	Western Red Cedar	45	Poor	Retain	\$3000	NA
4 (OS)	Douglas Fir	96	Good	Retain	\$10,000	NA
5 (OS)	Cypress	60	Good	Retain	\$4,500	NA
515*	Douglas Fir	85	Fair	Remove	\$10,000	6
517* (shared)	Douglas Fir	125	Poor	Removed <i>(as explained in the report)</i>	\$0	-
901*	Red Oak	59+ missing stem 65	Moderate	Remove	\$10,000	6
518**	Red Alder <i>(requires a nesting bird survey)</i>	94	Fair	Remove <i>(Wildlife Act may protect for 3 years)</i>	\$10,000	6
519	Douglas Fir	72	Fair	Retain	\$10,000	NA
520	Douglas Fir	50	Fair	Retain	\$3,000	NA
523/7642 (shared with City)	Cherry	135	Fair	Remove	\$10,000	6
524/4327 (shared with City)	Douglas Fir	109	Fair	Retain	10,000	NA
525	Douglas Fir	53	Poor	Remove	\$4,500	3
Total					91,000	27
*Tree protected under the restrictive covenant registered on title of 15683 Thrift Avenue						
**Tree protected under Federal Migratory Bird Convention Act and the Provincial Wildlife Act						

Figure 3.0 below illustrates the RS-4 building (zoning) envelope available to each of the proposed lots and the impact of protected trees on both the subject property and the abutting lots.

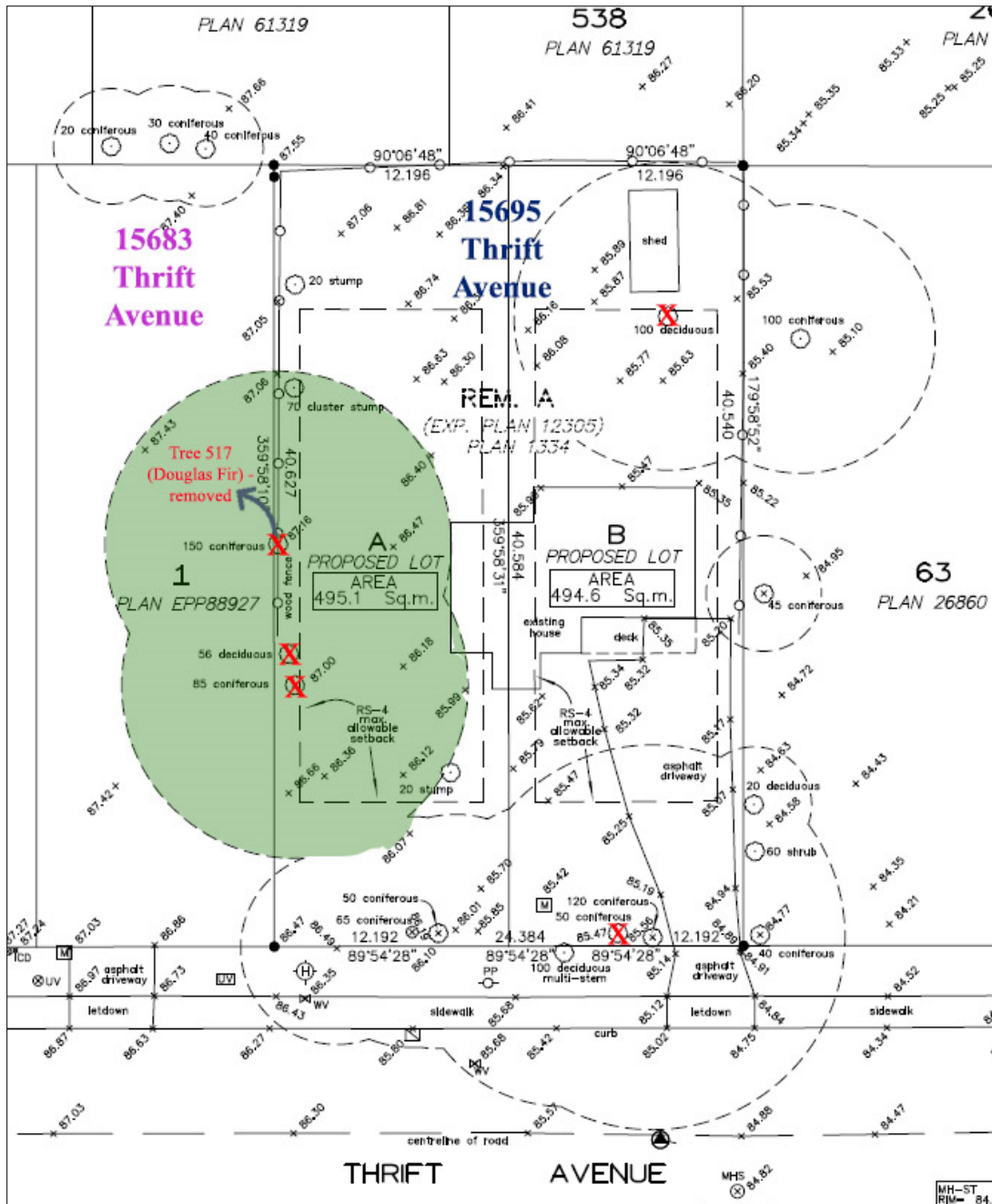


Figure 3: Proposed Subdivision Plan (15695 Thrift Avenue)

It is noted that trees No. 901 and 515 have tree protection zones that fall within the building envelope of the vacant lot immediately west of the subject property (i.e., 15683 Thrift Avenue). These trees are protected via a tree protection covenant, as a condition of the subdivision approval of that lot in 2021, and a building permit and a tree management permit (TMP) can only be issued if the proposal is compliant with the terms of the covenant. Staff notes that the Applicant of the subject site has submitted multiple TMP applications to remove these protected trees. However, these TMP applications have been denied as it was not compliant with the City's Tree Protection Bylaw. Staff recommend that the Council direct staff to obtain an independent third-party level 3 advanced tree risk assessment of these two trees to process the review of this initial application.

FINANCIAL IMPLICATIONS

Application fees for zoning amendment initial review 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 this zoning amendment application 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

This application 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 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

A detailed assessment will be done at the complete application stage if Council provides support for the application to proceed.

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 recommendation include:

1. Direct staff to advance the zoning amendment application at 15695 Thrift Avenue to the next stage in the application review process;
2. Council may direct the application to proceed to the next stage in the process and give additional direction on any additional focus or scrutiny during the review process; or
3. Council may deny the application.

CONCLUSION

This corporate report presents a rezoning application for the property at 15695 Thrift Avenue, which if approved, would permit the property to be subdivided. At this preliminary stage, the Applicant has indicated that the proposed subdivision would require the removal of five (5) protected trees. At this time, staff recommends that the City obtain a third-party assessment of the shared on-site trees protected by a restrictive covenant to assess the feasibility of the proposal on this site.

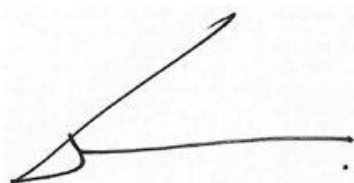
Respectfully submitted,



Anne Berry, MCIP, RPP
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: Legal Survey
- Appendix C: Proposed Subdivision Plan – 15695 Thrift Avenue
- Appendix D: Arborist Report and Plans