

THE CORPORATION OF THE
CITY OF WHITE ROCK
CORPORATE REPORT



DATE: October 30, 2023

TO: Mayor and Council

FROM: Anne Berry, Director, Planning and Development Services

SUBJECT: Amendment (time extension) to Development Variance Permit 438 – 14989 Roper Avenue (23-020)

RECOMMENDATIONS

THAT Council:

1. Receive for information the report dated October 30, 2023, from the Director of Planning and Development Services, titled “Amendment (time extension) to Development Variance Permit 438 – 14989 Roper Avenue (23-020)” for consideration; and,
 2. Approve the time extension for Development Variance Permit 438 for up to two (2) years from the date of expiry for the proposal at 14989 Roper Avenue.
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EXECUTIVE SUMMARY

The Applicant is requesting an amendment to Development Variance Permit (DVP) 438 to extend the deadline for up to two (2) years from the date of expiry (May 12, 2023) to obtain a Building Permit and commence construction.

INTRODUCTION/BACKGROUND

The Applicant has requested a time extension for their Development Variance Permit (DVP 438) tied to their 2019 DVP application.

The 2019 application was a request to vary the minimum off-street parking requirement in the City’s Zoning Bylaw which, if approved, would allow for two new dwelling units within the existing 48-unit rental development at 14989 Roper Avenue (“Bayview Gardens”). When this four-building development was constructed (circa 1969) parking was required at a rate of one space per unit whereas the current applicable parking rate is 1.5 spaces per unit. The variance recognized an overall supply of 58 parking spaces whereas 75 spaces would be required if constructed under the current bylaw requirements. Three (3) new parking spaces were proposed with the introduction of the two new units to ensure the increase in density was accommodated with additional parking (See Figure 1 below). The current parking supply requirements of the zoning bylaw for the new units would be met and would increase the ratio of parking spaces per unit for the overall building. DVP 438 was approved by Council and executed on May 12, 2021 (see Appendix A). Appendix B contains the staff report that was presented to Council as part of the DVP consideration in 2021.

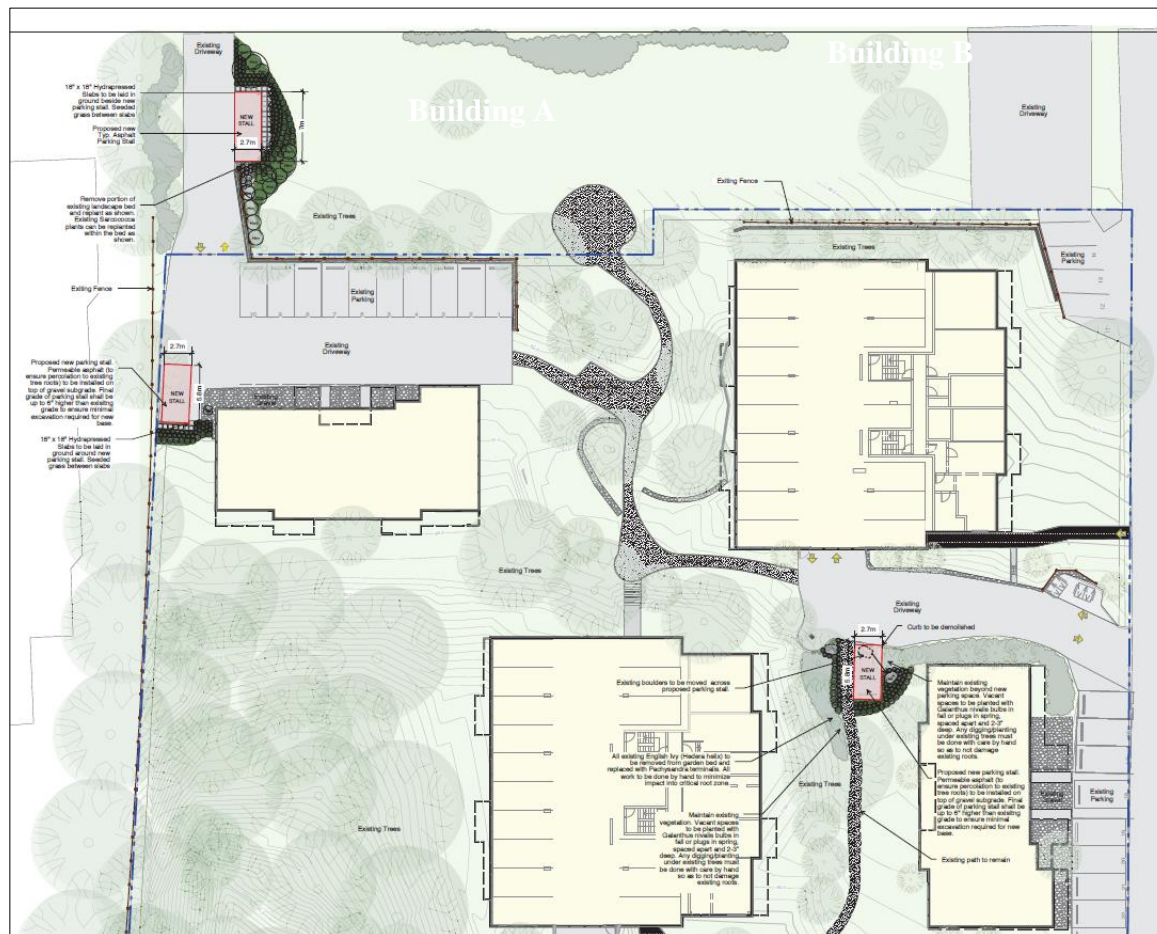


Figure 1: Landscape Site Plan (new parking spaces indicated in red; blue line indicates property boundary) of approved variance at 14989 Roper Avenue (19-023)

On September 29, 2021, the City received two Building Permit (BP) applications from the Applicant related to this proposal.

One of the conditions within DVP 438 notes that the permit lapses unless:

1. The holder of the permit obtains final approval for a BP within two (2) years; or
2. Council, prior to the date the DVP is scheduled to lapse, authorizes further time extension of the permit.

Between 2021 and 2023, the Planning and Development Services Department was short-staffed and underwent significant staff turnover which resulted in the development of a backlog of application reviews and permit issuances. The BP application review for this proposal began in March 2022. However, due to more recent technical position vacancies in the Planning and Development Services Department, in particular, the Building Division, the application reached the final review stage (prior to BP approval) following the lapse date of this permit. It was brought to staff's attention at that time that the related DVP 438 lapsed on May 12, 2023.

While the BP is now nearing the stage where it can be issued, building staff will be unable to issue the permit because of the lapsed DVP. Therefore, a DVP extension of up to an additional two years would allow the Applicant (current holder of the permit) additional time to work with staff toward building permit issuance and commencement of construction.

Per the City's Planning Procedures Bylaw, Council can authorize a time extension to approved development variance permits. Staff is in support of the time extension for DVP 438 as there is no change to the proposal to which this DVP is related.

LEGAL IMPLICATIONS

Given the minor nature of this variance request, this application is being reviewed under a modified process from the typical requirements of the Planning Procedure Bylaw No. 2334. The statutory requirements of the *Local Government Act* (LGA) will be met.

The Planning Procedure Bylaw sets out that a report will come forward to the Land Use and Planning Committee and Regular Council before notification is issued to the surrounding area that Council will hold a public meeting to hear from the community prior to consideration of the issuance of the permit.

Additionally, the Planning Procedure Bylaw requires that the Applicant install a Development Proposal Notification Sign and hold a public information meeting (PIM) before the application proceeds to the Land Use and Planning Committee. Refer to Item E from Schedule J of the Planning Procedure Bylaw, Schedule J excerpt attached as Appendix C.

In this instance, staff did not require the Applicant to host the PIM or install the development proposal sign due to the minor nature of the application. Further, the LUPC has been dissolved, and staff have prepared this report directly for regular council meeting. As this is an extension to a previously approved variance, staff also recommend that this application does not require a public meeting, which would otherwise be necessary under the requirements of the Planning Procedure Bylaw.

The LGA requires that notices be sent to residents affected by this application prior to Council considering the issuance of a development variance permit. To this end notices have already been issued, advertising that Council will consider the issuance of this DVP at the October 30, 2023 meeting.

COMMUNICATION AND COMMUNITY ENGAGEMENT IMPLICATIONS

Notification in accordance with the Planning Procedure Bylaw and the *Local Government Act* have been met.

OPTIONS / RISKS / ALTERNATIVES

The following alternatives are available for Council's consideration:

1. To direct staff to host a public meeting prior to consideration of the application.
2. To reject the recommendations as presented.
3. To defer pending further review and consideration.

CONCLUSION

Staff is in support of the time extension request for DVP 438 as there is no change to the intent of this proposal which this DVP is related to. The Applicant needs this time to complete some final requirements in order to obtain their building permit to commence construction. The City does have an obligation to consider an amendment to an approved development variance permit, although there is no obligation for Council to approve a time extension for the development variance permit.

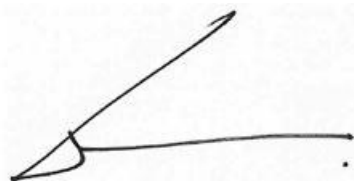
Respectfully submitted,



Anne Berry
Director, Planning and Development Services

Comments from the Chief Administrative Officer

I concur with the recommendations of this corporate report.



Guillermo Ferrero
Chief Administrative Officer

- Appendix A: Development Variance Permit 438 (executed on May 12, 2021)
- Appendix B: March 29, 2021 LUPC staff report – 14989 Roper Avenue, Development Variance Permit No. 438 (19-023)
- Appendix C: Schedule J Excerpt from the Planning Procedure Bylaw