

## Application 2022-439-RZ for 11235 243B Street Zone Amending Bylaw No. 7919-2023

### Recommendations:

THAT *Zone Amending Bylaw No. 7919-2023* be given second reading as amended, and be forwarded to Public Hearing; and

THAT staff be directed to work with the applicant to address the outstanding terms and conditions as set out in the September 24, 2024 report, and any other as identified by council, prior to recommending bylaw adoption.

<b>Report Purpose and Summary Statement:</b>	Application 2022-439-RZ proposes to rezone 11235 243B Street from the RS-2 (Single Detached Suburban Residential) zone to the RS-1b (Single Detached (Medium Density) Residential) zone utilizing the Albion Density Bonus to allow a future subdivision of three residential lots and Park-Conservation lands which will be dedicated to the City.
<b>Previous Council Action:</b>	First Reading granted April 25, 2023
<b>Proposed Variance:</b>	To reduce the Lot Width for Proposed Lot 3 & 4 from 12.0m to 11.2m.
<b>Strategic Alignment:</b>	Liveable Community and Climate Leadership & Environmental Stewardship
<b>Applicable Legislation/ Bylaw/Policy:</b>	TOA: No Housing Targets: Yes Area Plan - Albion Area

To: Mayor and Council

File number: [2022-439-RZ]

## Application 2022-439-RZ for 11235 243B Street Zone Amending Bylaw No. 7919-2023

### BACKGROUND:

Applicant:	Don Schmidt	
Legal Description:	Lot 1 Section 15 Township 12 New Westminster District Plan 77744	
OCP:	Existing:	<i>Low/Medium Density Residential</i>
	Proposed:	<i>Low/Medium Density Residential</i>
Within Urban Area Boundary:	Yes	
Area Plan:	Albion Area Plan	
OCP Major Corridor:	Yes – 112 Avenue	
Zoning:	Existing:	RS-2 (Single Detached Suburban Residential)
	Proposed:	RS-1b (Single Detached (Medium Density) Residential) utilizing the Albion Density Bonus to R-1 sized lots
Surrounding Uses:		
	North:	Use: Single Detached Residential Zone: RS-1b (Single Detached (Medium Density) Residential) utilizing the Albion Density Bonus to R-1 sized lots
	South:	Designation: <i>Low/Medium Density Residential</i> Use: City-Owned Dedicated Parkland Zone: RS-3 (Single Detached Rural Residential)
	East:	Designation: <i>Conservation</i> Use: Single Detached Residential Zone: RS-1b with Albion Density Bonus to R-1 size
	West:	Designation: <i>Low/Medium Density Residential</i> Use: Single Detached Residential/ City-Owned Dedicated Parkland Zone: RS-1b (Single Detached (Medium Density) Residential) utilizing the Albion Density Bonus to R-1 sized lots/ RS-2 (Single Detached Suburban Residential) Designation: <i>Low/Medium Density Residential/ Conservation</i>
Existing Use of Property:	Single Detached Residential	
Proposed Use of Property:	Single Detached Residential	
Site Area:	0.426 ha (1.05 acres)	
Access:	243B Street	
Servicing Requirement:	Urban Standard	
Flood Plain:	No	

## ANALYSIS:

### Discussion:

This application received first reading by Council on April 25, 2023 and therefore is exempt from Section 464(3) of the *Local Government Act* which prohibits Public Hearings for residential rezoning applications which are consistent with the City's Official Community Plan (OCP). Should Council grant second reading to this application, a Public Hearing is required.

*Zone Amending Bylaw No. 7919-2023* is being presented for second reading as amended due to an amendment to the referenced map identifying the land being rezoned. The map has been updated to only rezone the portion of the parcel that is for a residential use, the portion to be dedicated Park-Conservation has been removed.

### Project Description:

The property located at 11235 243B Street is an approximately 0.426 ha (1.05 ac) parcel within the Albion Area which is relatively flat on the northern portion of the lot and contains a steep ravine containing a creek on the southern portion (see Appendix A for Map). The property is partially surrounded by single-detached residential homes and is adjacent to City-owned Park-Conservation land to the west. There is also City-owned Park-Conservation land to the south across 112 Avenue, where the creek continues to flow south.

This application proposes rezoning the subject property to the RS-1b zone (see Appendix B for Bylaw) and utilizing the Albion Density Bonus to permit a three lot subdivision, comprising the residential R-1 zone sized lots (minimum 371 m<sup>2</sup> in lot area) and Park-Conservation land that includes the ravine and watercourse portion of the site transferred to the City as a fee simple lot (see Appendix C for Preliminary Subdivision Sketch Plan). The existing home will remain on the property on proposed Lot 2. The adjacent subdivisions have been developed under the same zoning with similar lot sizes.

The provided subdivision layout is strictly preliminary and could change after servicing details and analysis reports are reviewed.

### Planning Analysis:

#### Official Community Plan

The development site is located within the Albion Area Plan and is currently designated *Low/Medium Density Residential* (see Appendix D for OCP map). The Low/Medium Density Residential designation permits the proposed development under the RS-1b zone utilizing the Albion Area Density bonus to R-1 sized lots. Proposed Lot 2, which contains the original residential dwelling, does not require payment of the Albion Density Bonus for R-1 zone sizing; therefore, the Albion Density Bonus payment has been calculated based on the two new lots.

To meet the requirements of the Watercourse Protection Development Permit this application requires lands to be dedicated to the City for Park-Conservation purposes.

These lands are currently designated as *Low/Medium Density Residential* in the City's Official Community Plan (OCP). As per Section 401.2 of the Zoning Bylaw, a Park use, defined as a use providing land set

aside for public use, is permitted under in all Zones, including the existing RS-2 zoning to remain on the Park-Conservation lot; therefore, an amendment to the Zoning Bylaw and OCP is not required for this area. Given this, an OCP Amendment Application is not required to redesignate the *Low/Medium Density* area to Conservation. This new process only applies when there is net gain to the City in terms of land being designated to the City, protection of riparian areas, or addition to parklands which are of benefit to the community. This application includes a positive gain to the City through Park-Conservation dedication (Lot 1) of 2,661.2m<sup>2</sup> (62% of the total lot area) as shown on Appendix F – OCP Map with the Subdivision Overlay.

### **Zoning Bylaw**

The proposed subdivision plan includes three residential R-1 zoned sized lots which all exceed the minimum required lot area of 371m<sup>2</sup> and provide a building envelope having dimensions of 8 metres x 12 metres. These proposed R-1 zoned lots are required to be a minimum of 12.0m in width and 24.0m in depth. Proposed Lot 3 & 4 will require a Development Variance Permit for a reduced lot width from 12.0m to 11.2m.

### **Proposed Variances**

A Development Variance Permit application has been received for this project and involves the following relaxations:

***Maple Ridge Zoning Bylaw No. 7600-2019 (Part 6, Section 601.4.b – Minimum Lot Width):***

**To reduce the required minimum Lot Width of R-1 sized lots from 12.0m to 11.2m for Proposed Lot 3 and 4.**

The proposed variances are supported as the lots will be able to provide the required building envelope and interior lot line setbacks to meet the requirements of the Zoning Bylaw. The requested variances will be the subject of a future Council report.

### **Development Permits**

Pursuant to Section 8.9 of the OCP, a Watercourse Protection Development Permit is required for this application as a watercourse and a tributary to the watercourse flows within and/or adjacent to the property. The purpose of the Watercourse Protection Development Permit is to ensure the preservation, protection, restoration and enhancement of watercourse and riparian areas.

### **Parkland Requirement**

As there are only two additional residential lots proposed to be created, the application is not required to comply with the parkland requirements of Section 510 of the *Local Government Act*.

### **Advisory Design Panel**

This application is not required to go to the Advisory Design Panel as it is a Rezoning and Subdivision application.

### **Development Information Meeting**

A Development Information Meeting is not required for this application as it proposes fewer than five residential lots.

### **Conditions Precedent to Adoption:**

Staff have advised the applicant that adoption of the zoning amendment bylaw will not be recommended unless the following conditions, and any others that council identifies, are met:

- a) Registration of a Rezoning Servicing Agreement as a Restrictive Covenant and receipt of the deposit of a security, as outlined in the Agreement;
- b) Park-Conservation dedication as a fee simple lot transferred to the City as required and removal of all debris and garbage from park land;
- c) In addition to the Ministry of Environment Site Disclosure Statement, a disclosure statement must be submitted by a Professional Engineer advising whether there is any evidence of underground fuel storage tanks on the subject property. If so, a Stage 1 Site Investigation Report is required to ensure that the subject property is not a contaminated site;
- d) That a voluntary contribution, in the amount of \$18,400 (\$9,200 per new lot created), or such rate applicable at third reading of this application, be provided in keeping with the *Council Policy 6.31* with regard to Community Amenity Contributions; and
- e) That a Density Bonus payment, in the amount of \$6,200 (\$3,100 per lot requiring Albion Density Bonus for R-1 sizing), be provided.

## **Inter-Departmental Implications:**

### **Engineering Department**

The Engineering Department has indicated that the following servicing upgrades will be required through the Rezoning Servicing Agreement:

- Road dedication as required to meet the design criteria of the *Subdivision and Development Bylaw No. 4800-1993*.
- Utility servicing as required to meet the design criteria of the *Subdivision and Development Bylaw No. 4800-1993*.
- Frontage upgrades to the applicable road standard.
  - A retaining wall along the ravine on 112 Avenue will be required to facilitate the road widening.
  - A horse trail must be incorporated into the design of 112 Avenue.

### **Environment Section**

A Watercourse Protection Development Permit (WPDP) is required for this application due to the watercourses and steep slopes on the property. An Environmental Assessment Report by Envirowest Consultants Inc. dated February 16, 2023 and a Habitat Balance Summary and Enhancement Plan by Envirowest Consultants Inc. dated July 5, 2024 have been provided by the applicant to address the requirements of the WPDP.

The development proposal includes the retention of the existing home which is located within the City's Streamside Protection Regulation (SPR) 15m setback from the top of bank of the watercourse. A habitat balance to offset the loss in habitat due to the footprint of the existing home is proposed to include additional riparian habitat northeast and northwest of the ravine and restoration work within the off-site Park-Conservation area, west of the property. Following the removal of non-native invasive plant species within the adjacent off-site Park-Conservation area, both the off-site Park-Conservation area and the residential lawn area located within the Streamside Protection and Enhancement Area (SPEA) setback will be restored with native trees, shrubs, and coarse woody debris.

The onsite SPEA area on the southern portion of the property will be improved through enhancement work including the removal of invasive species and the installation of native trees and shrubs. A post and rail fence will be installed along the outer margins of the SPEA setback. The retention and enhancement of environmental attributes on this property and on adjacent City owned Park-Conservation lands will improve wildlife use of the ravine and surrounding top of bank area by facilitating covered movement corridors and habitat, increasing habitat complexity with introduction of woody debris, selecting fruiting vegetation to provide food and nutrients, and nesting locations for local bird species.

An Arboricultural Inventory and Report and Tree Management Plan by Diamond Head Consulting dated April 5, 2024 has been submitted by the applicant. The Tree Management Plan included 24 trees greater than 20cm stem diameter (DBH) and/or City trees, and identified six trees for removal due to the location being in conflict with the proposed retaining wall. The developer is required to obtain a tree permit prior to the removal of any tree and provide replacement tree(s) for each tree removed as per the City's Tree Management Bylaw.

### **Parks Department**

The trail connection along 112 Avenue is to connect to both sides (east/west). The trail design will be reviewed by staff to address issues with gravel migration to sidewalk, comments from local cycling groups and to improve overall pedestrian connectivity in the area.

## External Stakeholders/Referrals:

### School District No. 42

A referral response from School District No. 42 dated September 10, 2024 stated the subject application would affect the student population at Blue Mountain Elementary and Garibaldi Secondary School which are at 100% utilization and 96% utilization respectively (see Appendix F).

## CONCLUSION:

It is recommended that second reading be given to *Zone Amending Bylaw No. 7913-2023* as amended and that application 2022-439-RZ be forwarded to the next Public Hearing.

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Prepared by: Erin Mark, Planning Technician

### Attachments:

- (A) Subject Property Map
- (B) *Zone Amending Bylaw No. 7919-2023*
- (C) Preliminary Subdivision Sketch Plan
- (D) Official Community Plan Map
- (E) School District No. 42 Referral Response
- (F) OCP Map with Subdivision Overlay

## Report Approval Details

Document Title:	2022-439-RZ, 11235 243B Street, RS-2 to RS-1b.docx
Attachments:	<ul style="list-style-type: none"><li>- App A - Subject Map (2022-439-RZ).pdf</li><li>- App B.1 - Zoning Bylaw (2022-239-RZ).pdf</li><li>- App B.2 - Zoning Bylaw Map (2022-439-RZ).pdf</li><li>- App C - Preliminary Subdivision Sketch Plan (2022-439-RZ).pdf</li><li>- App D - OCP Map (2022-439-RZ).pdf</li><li>- App E - School District 42 Referral Response (2022-439-RZ).pdf</li><li>- App F - OCP Map with Subdivision Overlay (2022-439-RZ).pdf</li></ul>
Final Approval Date:	Sep 19, 2024

This report and all of its attachments were approved and signed as outlined below:

Marlene Best, Acting Manager of Development and Environmental Services

James Stiver, Director of Building, Development and Planning

Scott Hartman, Chief Administrative Officer