

2019-013-RZ, 24156 104 Avenue**Second Reading for Zone Amending Bylaw No. 7814-2021****Recommendation:**

THAT *Zone Amending Bylaw No. 7814-2021* be given second reading and be forwarded to Public Hearing; and

THAT Staff be directed to work with the applicant to address any outstanding terms and conditions as set out in the Staff Report, and any other as identified by Council, prior to recommending Bylaw adoption.

**Report Purpose and
Summary Statement:**

To consider rezoning the subject property from the RS-3 zone to the RM-1 zone to facilitate the development of 21 townhouse units, and recommend that Council read the bylaw a second time and call a Public Hearing.

Previous Council Action:

Council granted first reading to Zone Amending Bylaw No. 7814-2021 on February 22, 2022.

Proposed Variances:

Variances are being requested to reduce the front lot line setback from 7.5 m to 4.25 m, and the interior lot line setbacks from 7.5 m to 6.05 m on the west side and to 6.14 m on the east side, and reduce the minimum drive aisle width from 7.3 m to 6.0 m.

Strategic Alignment:

Liveable Community

Communications:

A Development Information Meeting was held on April 2, 2024, and Public Notification will be sent out prior to the Public Hearing in accordance with the requirements of the City's Bylaws and the *Local Government Act*.

To: Mayor and Council

File number: 2019-013-RZ

2019-013-RZ, 24156 104 Avenue
Second Reading for Zone Amending Bylaw No. 7814-2021

BACKGROUND:

Property Owner: Sommet Investments Ltd.

Legal Description: Lot "K" Section 3 Township 12 New Westminster District Plan 20434

OCP Designation:
Existing: *Medium Density Residential* [No Change]
Proposed: *Medium Density Residential* [No Change]

Within Urban Area Boundary: Yes
Area Plan: Albion Area Plan
OCP Major Corridor: Yes

Zoning:
Existing: RS-3 (Single Detached Rural Residential)
Proposed: RM-1 (Low Density Townhouse Residential)

Surrounding Uses:

North:	Use:	School
	Zone:	P-1 (Park & School)
	Designation:	<i>Institutional</i>
South:	Use:	Multi-Unit Residential
	Zone:	RM-1 (Low Density Townhouse Residential)
	Designation:	<i>Medium Density Residential</i>
East:	Use:	Single Detached Residential
	Zone:	RS-3 (Single Detached Rural Residential)
	Designation:	<i>Medium Density Residential</i>
West:	Use:	Multi-Unit Residential
	Zone:	RM-1 (Low Density Townhouse Residential)
	Designation:	<i>Medium Density Residential</i>

Existing Use of Property: Single Detached Residential
Proposed Use of Property: Multi-Family Residential

Site Area:	0.397 ha (0.99 acres)
Site Area after dedications:	0.387 ha (0.96 acres)
Access:	104 Avenue
Servicing Requirement:	Urban Standard
Fraser Sewer Area:	Yes

PROJECT DESCRIPTION:

Site Context:

The subject property is located in the Albion neighbourhood on the south side of 104 Avenue, east of the intersection with 240 Street and is approximately 0.4 hectares (0.99 acres) in area (Attachments A and B). The surrounding neighbourhood is transitioning from larger, single detached properties to intensive single detached developments and townhouses. C  sq  nel   Elementary School is located directly across the street to the north, and Samuel Robertson Technical Secondary School is located approximately 500 m to the north-east. Albion Community Centre is located directly across the street to the north, and Albion Park is located approximately 500 m to the east. Commercial services are located to the south along 102 Avenue and Loughheed Highway.

The existing single detached dwelling and accessory structures on the property will be removed if the rezoning is approved. Slopes over 30% are meandering over the northern half of the property, influencing the buildable area as shown on the proposed development plans (Attachment E).

Proposal:

The applicant is proposing to rezone the subject property from RS-3 (Single Detached Rural Residential) to RM-1 (Low Density Townhouse Residential) to allow for the construction of 21 townhouse units with access from 104 Avenue (Attachment E). The development will consist of five blocks of three-storey, three-bedroom units. Vehicular access will be provided from 104 Avenue through a central drive aisle. All proposed units are designed with a one-car garage and a semi-covered stall in the front yard beside it. Tandem parking stalls are not proposed.

PLANNING ANALYSIS:

Discussion:

Pursuant to Section 464 of the *Local Government Act*, a Public Hearing must be held for the subject application to allow the public the opportunity to comment on the proposed bylaw and the development. The Bill 44 exemption that prohibits Public Hearings for residential developments that are consistent with the Official Community Plan (OCP), does not apply to rezoning applications that received first reading before November 30, 2023 (i.e., the date that Bill 44 came into effect). As Council granted first reading for the subject rezoning application on February 22, 2022, a Public Hearing is required. Public notification will proceed as per Council Policy No. 3.17 Public Hearing Process.

Official Community Plan:

The development site is located within the Albion Area Plan and is currently designated Medium Density Residential (Attachment C). This designation allows for a range of housing styles and densities, including smaller lot single detached housing, townhouse, and duplex dwelling units. The proposed rezoning to the RM-1 zone and townhouse development is consistent with the City's OCP and the Albion Area Plan.

Zoning Bylaw:

The application is to rezone the subject property from RS-3 to RM-1 to permit the proposed development. The development site exceeds the minimum lot area and dimension requirements for the RM-1 zone and is approximately 0.4 ha (0.99 ac) in area, 45 m in width and 86.8 m in depth before road dedication.

The development proposes a density of 0.75 Floor Space Ratio (FSR) making use of the Albion Area Density Bonus Amenity Contribution provision of *Zoning Bylaw No. 7600-2019*. The minimum lot size for the proposed zone subject to the Albion Area Density Bonus Contribution is 1,115 m². The Albion Area Density Bonus requires an amenity contribution of \$3,100.00 for each unit that is greater than the permitted 0.6 FSR of the RM-1 zone (i.e., the base density), up to the maximum of 0.75 FSR (i.e., the bonus density). The Albion density bonus amount for this development will be \$65,100.00

Common Open Area, Outdoor Amenity and Private Outdoor Area requirements of the Zoning Bylaw have all been met with each unit featuring a private outdoor area and a central common amenity area. The plans show that 41% of the development site (1,600 m²) will be landscaped with a permeable surface, which meets the Zoning Bylaw requirement.

A Development Variance Permit is required for reduced building setbacks on the front and both interior lot lines. The proposed variances are discussed below.

Off-Street Parking and Loading Bylaw:

The *Off-Street Parking and Loading Bylaw No. 4350-1990* requires two parking spaces per dwelling unit for the RM-1 zone. With 21 units proposed for this application, there is a requirement for 42 parking spaces, which has been met by the applicant. There is also a requirement for five visitor parking spaces to be provided for the development, which has also been met, resulting in a total of 47 parking spaces being provided. A minimum of one parking space per dwelling unit is also required to be provided with roughed-in infrastructure capable of providing Level 2 EV charging, which the applicant has met.

The applicant is seeking a variance for the required minimum aisle width, which is discussed later in this report.

Proposed Variances:

A Development Variance Permit application has been received for this project as set out in Table 1.

Table 1. Proposed Variances and Staff Comments

Minimum Principal Structure Setback Variance	
<p>Variances: <i>Zoning Bylaw No. 7600-2019, Part 6, Section 617.7 (3)</i></p> <ul style="list-style-type: none"> • To vary the front lot line setback to the principal structure from 7.50 m to 4.25 m. • To vary the interior lot line setbacks from all proposed townhouse buildings from: <ul style="list-style-type: none"> ○ 7.50 m to 6.05 m on the west side ○ 7.50 m to 6.14 on the east side. 	<p>Staff Comments: The Setback Variances are being supported by Staff for the following reasons:</p> <ul style="list-style-type: none"> • The reduced front lot line setback is a result of the road dedication and would improve the development's street interface with 104 Avenue and the neighbouring townhouses. • There are major elevation changes on the both the east and west sides of the development that eliminate any potential for overlooking and privacy issues.
Minimum Maneuvering Aisle Width Variance	
<p>Variance: <i>Off-Street Parking and Loading Bylaw No. 4350-1900, Part 4, Section 4.1 (a) (iii) (b)</i></p> <ul style="list-style-type: none"> • To vary the minimum maneuvering aisle width from 7.3m to 6.0m. 	<p>Staff Comments: The minimum maneuvering aisle width variance is being supported for the following reasons:</p> <ul style="list-style-type: none"> • A maneuvering aisle width of 6 m is adequate for the proposed development and Fire Department access. • There is adequate width for maneuvering as there is 7.3 m of width provided by the addition of permeable pavers that flank the asphalt drive aisle.

The requested variances are supported by Staff and will be the subject of a future Council report for consideration.

Community Amenity Contributions:

As per Council Policy 6.31 Community Amenity Contribution Program, Community Amenity Contributions (CACs) apply to all residential development. CACs contribute to the following amenities: Civic Facilities, Public Art, Acquisition of Civic Land, Park Construction and Maintenance, Affordable Housing, Heritage Conservation, and/or Ecological Conservation. The CAC rate for townhouses or other attached ground-oriented dwelling units, which came into effect on August 1, 2023, is \$7,400.00/ per unit. The applicant will be required to provide a voluntary CAC of \$155,400.00 or the rate that is applicable at the time of third reading.

Development Permits:

Multi-Family Development Permit:

Pursuant to Section 8.7 of the OCP, a Multi-Family Development Permit application is required to ensure that the current proposal enhances existing neighbourhoods with compatible housing

styles that meet diverse needs and minimize potential conflicts with neighbouring land uses. The Multi-Family Development Permit, with a detailed description of the proposed development's form and character, will be the subject of a future report for Council's consideration should the Zone Amending Bylaw receive third reading.

Natural Features Development Permit:

A Natural Features Development Permit is required due to the presence of slopes of greater than 15% on the property. The Natural Features Development Permit is required to encourage the siting of development and landscaping/construction techniques that will respect areas of geological concern and minimize erosion while recognizing the limitations imposed by difficult soil conditions and steep slopes. The Natural Features Development Permit, consideration of which has been delegated to the Director of Planning and Building, would be considered should the Zone Amending Bylaw receive third reading.

Advisory Design Panel:

The application was reviewed by the Advisory Design Panel (ADP) during its meeting on October 18, 2023. The ADP's resolution and comments and the applicant's response are provided in Attachment G. The applicant has satisfactorily addressed the ADP's comments.

Landscaping:

The applicant has provided a proposed landscape plan for review with the Multi-Family Development Permit (Attachment F). Per the landscape plan, 53 trees will be planted in the proposed development. The Zoning Bylaw requires the provision of 5 m² of Outdoor Amenity space per townhouse unit, and the applicant has provided 922 m² which exceeds the 105 m² required for 21 units. The common amenity space is located at the southeast corner and includes a children's play space, seating, and a grassy lawn area.

Tree Removal and Replacement:

A Tree Evaluation Report prepared by Mike Fadum and Associated Ltd, dated April 4, 2019, was submitted in conjunction with this application to assess the trees on the subject property. The Arborist surveyed a total of 39 trees on the subject property and two off-site trees on the neighbouring property to the east. According to the Arborist's recommendations, all the trees on the property must be removed because of the development on the site. Furthermore, it is recommended the two trees on the neighbouring property be removed with the permission of that owner. A Tree Permit will be required for the removal, protection, and/or compensation of trees. The permit application can be submitted at any time, but the Tree Permit will not be issued until the Rezoning and Development Permits have been approved. The 0.4 ha developable area of the subject property will require the planting, retention, or compensation of no less than 16 trees to meet the City's tree canopy targets. The applicant has provided the replanting of 53 trees in the landscape drawings for the Development Permit, and the refundable security for tree canopy replacement will be covered under the Natural Features Development Permit.

Development Information Meeting:

A Development Information Meeting hosted by the applicant was held at Albion Elementary School on April 2, 2024. One person attended the meeting. The notification requirements for the Development Information Meeting include a mail-out, newspaper advertisements, and notice on the development signs that provides the contact information for the developer and information on the development.

A summary of the main comments and discussions with the attendees at the Development Information Meeting was provided by the applicant with nothing to note. With only one attendee, the only discussion was around what was proposed, with no concerns given (Attachment H).

Conditions to be Met Prior to Adoption:

Staff have advised the applicant that the adoption of the Zone Amending Bylaw will not be recommended unless the following conditions, and any others that Council identifies, are met:

- a) Registration of the following:
 - i. Restrictive Covenant for the rezoning servicing agreement and receipt of the security deposit, as outlined in the Agreement. The following servicing upgrades will be required will be required through the Agreement:
 - Road dedication on 104 Avenue 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*;
 - ii. Restrictive Covenant for the geotechnical report; and
 - iii. Restrictive Covenant for stormwater management.
- b) 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.
- c) That a voluntary contribution, in the amount of \$155,400.00 (\$7,400.00/unit), 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.
- d) That payment of the Albion Area density bonus contribution, in the amount of \$65,100.00 (\$3,100.00/unit), or such rate applicable at third reading of this application, be provided.

EXTERNAL REFERRALS:**School District No. 42:**

Staff referred this application to School District No. 42 and received a response on April 30, 2024. The response noted the catchment schools and their capacities on January 10, 2024 (Attachment I).

CONCLUSION:

It is recommended that second reading be given to *Zone Amending Bylaw No. 7814-2021* and that application 2019-013-RZ be forwarded to Public Hearing.

"Nicolas Wilding"

Prepared by: Nicolas Wilding, Planner 1

Attachments:

- (A) Location Map
- (B) Aerial Photo
- (C) OCP Land Use Map
- (D) *Zone Amending Bylaw No. 7814-2021*
- (E) Architectural Drawings
- (F) Landscape Plan
- (G) Advisory Design Panel Comments and Applicant Response
- (H) Development Information Meeting Comments
- (I) School District 42 Comments

Report Approval Details

Document Title:	2019-013-RZ 24156 104 Ave Second Reading Report.docx
Attachments:	<ul style="list-style-type: none">- Attachment A - Location Map.pdf- Attachment B - Aerial Photo.pdf- Attachment C - OCP Land Use Map .pdf- Attachment D - Zone Amending Bylaw No. 7814-2021.pdf- Attachment E - Architectural Drawings.pdf- Attachment F - Landscape Drawings.pdf- Attachment G - ADP Response Letter.pdf- Attachment H - DIM Summary.pdf- Attachment I - School District 42 Referral Comments.pdf
Final Approval Date:	Mar 26, 2025

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

Hasib Nadvi, Deputy Director of Planning and Building

James Stiver, Director of Planning and Building

Carolyn Mushata, Director of Legislative Services and Corporate Officer

Scott Hartman, Chief Administrative Officer