

REPORT

Climate Action, Planning and Development

To: Mayor Johnstone and Members of
Council

Date: January 30, 2023

From: Jackie Teed
Acting Director, Climate Action,
Planning and Development

File: REZ00229

Item #: 2023-25

Subject: Rezoning Application for Detached Accessory Building: 228 Seventh
Street – Comprehensive Report

RECOMMENDATION

THAT Council consider “Zoning Amendment Bylaw (228 Seventh Street) No. 8373, 2023” and no Public Hearing held, in accordance with the *Local Government Act*; and,

THAT notification be circulated in accordance with the *Local Government Act*.

PURPOSE

To request that: 1) Council consider the application to rezone 228 Seventh Street and no Public Hearing held, in accordance with the *Local Government Act*; and, 2) notification be circulated in accordance with the *Local Government Act*.

EXECUTIVE SUMMARY

Westminster House Society currently operates a provincially and municipally licensed residential substance treatment and recovery centre at 228 Seventh Street. The program provides support and housing for women and girls recovering from substance use and chronic homelessness. A rezoning application has been received for this property, which would regularize the site’s principal use, and permit construction of a detached accessory building. This building would contain support spaces, including office and administrative areas, laundry, washroom facilities and food storage. An expansion of the number of clients served by the recovery house is not proposed; rather, the building would improve and expedite clients’ access to services and better

accommodate staff needs. The project is being funded through Reaching Home, a community-based program aimed at preventing and reducing homelessness.

Per the City's typical process, applicant-led and City-led public consultation has been undertaken for the project. Staff recommends that the application to rezone the property be considered, and no Public Hearing held, in accordance with the *Local Government Act*.

BACKGROUND

Policy and Regulations

The Official Community Plan (OCP) designation for the subject property is Residential – Ground Oriented Infill Housing (RGO). The proposed use is consistent with this designation. The property is zoned Single Detached Residential Districts (RS-1) zone, which does not permit the existing primary use of the site as a substance treatment and recovery centre. A summary of these and other related City policies and regulations is included in Attachment 4.

Existing Site Use

Westminster House Society currently operates a residential substance treatment and recovery centre at the subject site, which provides support and housing to nine women and girls recovering from substance use and chronic homelessness. The program is a provincially licensed community care facility, and holds an active municipal business license, first issued in 2010. Contextual information on the community need addressed by the recovery centre is provided in Attachment 4.

Site Characteristics and Context

The subject site is located in the Uptown neighbourhood in an area comprised primarily of single-detached dwellings and low-rise apartment buildings. The property is located on the west side of Seventh Street, near the intersection of Seventh Street at Third Avenue, and is occupied by a single detached dwelling built in 1941. The site is located close to the Sixth Street and Eighth Street Frequent Transit Network routes. Additional site context information, including a site context map, is provided in Attachment 4.

PROJECT DESCRIPTION

The project proposes a two-storey detached accessory building, sited at the rear of the property. This building would support the existing recovery centre by providing lobby and office space, food storage, and laundry and washroom facilities on the ground floor, and additional office, administrative space, and a non-commercial staff kitchen on the upper floor. Drawings indicate a Floor Space Ratio (FSR) of 0.26 and a total proposed floor area of 127.2 sq. m. (1,369.2 sq. ft.). No changes are proposed to the existing principal building, which is slightly undersized for the site.

Primary pedestrian access would be via the principal building, from Seventh Street, and secondary access from the lane. Vehicle access would be from the rear lane, with two parking spaces accommodated in a carport. The applicant's design rationale and drawings are included in Attachment 2 and project statistics in Attachment 4. Discussion and analysis of the proposal is included in Attachment 5.

Concurrent Building Permit Application

The applicant is required to demolish the existing garage, excavate, and pour the foundation for the new structure, before Council consideration of the rezoning application. Given that a detached accessory building is permitted under the site's existing zoning, the applicant has applied for a Building Permit to construct a smaller building than proposed here (Phase 1). Were the rezoning to be adopted by Council, this Phase 1 building would be modified to support the project proposed by this application (Phase 2). Should the rezoning not receive support, the Phase 1 building would be required to be used in a manner consistent with the site's existing zoning.

PUBLIC CONSULTATION

Applicant-led Consultation

Applicant-led consultation included an online survey, virtual open house, and project website. Residents within 100 metres of the project were notified of opportunities to submit feedback. A total of four community members attended the open house, in addition to representatives of Westminster House Society, the project team, and City staff. A total of seven survey responses were received. Attachment 6 includes a description of the consultation process and feedback received.

Survey feedback indicated that 71% of respondents support the project. Feedback was focused on: support for regularization of the present use; colour, materials, and scale of the detached accessory building; and, pedestrian use of the lane.

City-led Consultation

City-led consultation included a project website and online survey, published on Be Heard New West and open between January 3 and 24. Residents within 100 metres of the project were notified of the survey, and an invitation to participate was posted in two issues of the New West Record. A total of three survey responses were received between January 3 and 17, all of which voiced support for the project. These responses are included in Attachment 7.

Any feedback received between January 18 and 24 will be provided On Table at the January 30 Regular Council meeting.

Applicant Response and Revisions

The applicant has reviewed the consultation feedback and has provided the following response:

- The function of the lane and pedestrian safety will be improved through the provision of additional lighting, a statutory ROW for lane widening, and a centralized waste facility; and,
- The proposed form of development has been designed to minimize shading and allow offices and meeting rooms to be on the second floor. Having this second floor is intended to provide necessary privacy for both clients and the community.

Given the limited amount of feedback received, Staff considers the above responses reasonable. The applicant's response to feedback is included in Attachment 2.

APPLICATION REVIEW PROCESS AND NEXT STEPS

Review Process

Staff considers that the applicant has reasonably addressed public feedback. Should Council choose not to hold a Public Hearing, the development application review process would be as follows:

1. Preliminary report to Council;
2. Applicant-led consultation, including dissemination through the local Residents Association;
3. City-led public consultation, including the creation of a Be Heard New West webpage and survey;
4. Council consideration of the rezoning application and issuance of notice that no Public Hearing held; **(WE ARE HERE)**
5. Council consideration of First, Second, and Third Reading; and,
6. Council adoption of the Bylaw.

As the form of development is consistent with the OCP, and given the project's small scale, the application was not forwarded to the New Westminster Design Panel or the Advisory Planning Commission for review or comment.

Process When No Public Hearing Held

The *Local Government Act*, to expedite development applications, allows that no Public Hearing be held for Zoning Bylaw amendments, if the bylaw is consistent with the OCP. It is the City's practice that staff bring these applications to Council for determination of the process to be followed. Given that this proposal is consistent with the OCP, and minimal public feedback was received during the consultation period, staff recommend that no Public Hearing be held for this application.

Should Council wish to refer the application to a Public Hearing, the first active clauses in the resolution should be amended to read as follows (this is Option 3 in the Options section of the report):

THAT “Zoning Amendment Bylaw (228 Seventh Street) No. 8373, 2023” be considered and referred a Public Hearing.

The next steps in the process, if Council decides not to hold a Public Hearing, is to notify all residents within 100 metres of the subject site of Council's intent to rezone the property. Broad notification to the community would also be published in the New West Record for two consecutive weeks. Correspondence received would be forwarded to Council. When the application returns to Council for three readings, Council may determine, based on the communication, if they would like to proceed with giving the bylaw three readings or hold a Public Hearing on the issue.

FINAL ADOPTION REQUIREMENTS

There are no items that must be addressed prior to adoption of the Zoning Amendment Bylaw.

INTERDEPARTMENTAL LIAISON

The City has a project-based team approach for reviewing development applications. A Staff-led project team was assigned for reviewing this project consisting of staff from Engineering (Servicing and Transportation), Fire, Electrical, Parks and Recreation, and Climate Action, Planning and Development (Building, Planning, Trees, and Heritage) Departments who provided comments throughout the development review process.

OPTIONS

The following options are available for Council's consideration:

1. That “Zoning Amendment Bylaw (228 Seventh Street) No. 8373, 2023” be considered and no Public Hearing held, in accordance with the *Local Government Act*.
2. That notification be circulated in accordance with the *Local Government Act*.
3. That “Zoning Amendment Bylaw (228 Seventh Street) No. 8373, 2023” be considered and referred a Public Hearing.
4. That Council provide Staff with alternative feedback.

Staff recommends Options 1 and 2.

ATTACHMENTS

- Attachment 1: Zoning Amendment Bylaw (228 Seventh Street) No. 8373, 2023
- Attachment 2: Drawing Package, Applicant's Design Rationale and Response to Feedback
- Attachment 3: Rezoning Application for Detached Accessory Building: 228 Seventh Street – Preliminary Report (September 19, 2022)
- Attachment 4: Background Information
- Attachment 5: Project Discussion
- Attachment 6: Applicant-led Consultation Summary
- Attachment 7: City-led Consultation Summary
- Attachment 8: Engineering Servicing Memo

APPROVALS

This report was prepared by:
Wendee Lang, Development Planner

This report was reviewed by:
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This report was approved by:
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Lisa Spitale, Chief Administrative Officer