

REPORT

Climate Action, Planning and Development

To: Mayor Johnstone and Members of Council

Date: June 12, 2023

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

File: REZ00220
DVP00697

Item #: 2023-398

Subject: Rezoning, Development Variance Permit and Development Permit: 114 and 118 Spruce Street – Comprehensive Report

RECOMMENDATION

THAT the application to rezone 114 and 118 Spruce Street be considered and no Public Hearing held, in accordance with the *Local Government Act*;

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

THAT Council provide notice that it will consider issuance of a Development Variance Permit (DVP00697) to vary the minimum permitted lot frontage for all ten proposed lots and vary the permitted height of the detached garages for Type B lots.

PURPOSE

To request that: 1) Council consider the application to rezone 114 and 118 Spruce Street and no Public Hearing held, in accordance with the Local Government Act; 2) notification be circulated in accordance with the Local Government Act; and 3) Council issue notice that it will consider issuance of Development Variance Permit (DVP00697) to reduce the minimum frontage requirements from 10% of the site perimeter to 9.1% for Type A lots and 8.7% for Type B lots; and increase the permitted height of the detached garages for Type B lots from 4.57 m (15 ft.) to 5.18 m (17 ft.).

EXECUTIVE SUMMARY

Rezoning, Development Variance Permit, and Development Permit applications have been received to permit the development of 10 single-detached houses on compact lots for the properties located at 114 and 118 Spruce Street. The development is proposed to

consist of houses that are two storeys in height, measured from the flood construction level of 3.53 m (11.58 ft). Variances would be required for frontage width of all lot types and height of the garages for Type B houses. The proposed site plan would require the dedication of two new lanes, one east/west lane which will provide access to a new north/south lane. Parking for each lot would be provided in an enclosed garage at the rear of the site.

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) land use designation for the subject property is Residential – Compact Lot and zoned Queensborough Neighborhood Residential Dwelling Districts (RQ-1). A summary of these and other related City policies and regulations is included in Attachment 3.

Local Government Act

The Local Government Act (LGA) requires that a parcel created by subdivision fronting onto a street must have a minimum frontage of 10% of the lot perimeter. The LGA also contains a provision for Local Governments to exempt a parcel from this requirement. This means that Council must consider variances to the 10% lot perimeter requirement, unless delegated to the City's Approving Officer. New Westminster has not yet delegated this power to the City's Approving Officer; therefore, this Development Variance Permit (DVP) cannot be delegated to staff and must be considered by Council.

In the near future, to create efficiencies in the planning process, staff intend to bring forward a report to further delegate DVPs to staff, including lot frontage variances, for Council consideration.

Variance Policy

The proposed variances are subject to the Policy Approach to Considering Requests for Variances which was endorsed by Council on January 28, 2008. This is a policy based approach to the consideration of variance applications. This approach involves a set of questions against which the variance is analyzed for the purposes of clarifying the benefits and necessity of the variance. The evaluation criteria are included in Attachment 6.

Site Characteristics and Context

Bounded by Howes Street and Spruce Street within the Queensborough neighbourhood, the site is made up of two lots, 114 and 118 Spruce Street, with an approximate combined area of 3,436 sq. m (36,985 sq. ft). To the west of the site across Howes Street is a new subdivision with 18 single-detached homes. The north, east and south of the site are single-detached houses on similarly sized lots, which are zoned RQ-1 and designed Residential – Compact Lot. The site is located one block from Ryall Park, a prominent community park in Queensborough that offers a range of amenities including tennis courts, spray parks, and playgrounds. More detail on the site characteristics and context is included in [Attachment 3](#).

PROJECT DESCRIPTION

The proposed development consists of 10 single-detached houses on compact lots; five houses are proposed to front onto Howes Street and five onto Spruce Street. A rezoning from the existing Queensborough Neighbourhood Residential Dwelling Districts (RQ-1) zone to Single Detached Dwelling Districts (Compact Lots) (RT-2D) zone would be required to permit this development. The houses would be two storeys in height measured from the flood construction level of 3.53 m (11.58 ft) and would consist of four bedrooms.

The proposed site plan would require the dedication of two new lanes, one east/west lane which will provide access to the new north/south lane. Parking for both lot types would be provided at the rear of the lot in an enclosed garage. The applicant is proposing two different lot configurations to provide more flexibility in the housing form.

Type A (Lots 1 and 6)

The proposal includes two Type A lots. The principal house is proposed to be 175 sq. m. (1,885 sq. ft) with a site coverage of 35%. Single-storey flex space is proposed at the rear of the house, accessed via an enclosed corridor with the intention of providing private space for extended family or for a home office.

Type B (Lots 2-5, 7-10)

The proposal includes eight Type B lots. The principal house is proposed to be 157 sq. m. (1,691 sq. ft) with a site coverage of 27%. Single-storey flex space is proposed above the double garage, accessed from the backyard, with views to the lane and the main house. The RT-2D zone allows for space above a garage but secondary suites are not permitted. As such, a Section 219 Covenant will be registered over all lots to prohibit the conversion of flex space to separate dwelling units.

The applicant's drawings are included in [Attachment 2](#) and project statistics in [Attachment 3](#).

PUBLIC CONSULTATION

Applicant-led Consultation

The applicant-led consultation took place from November 29 to December 20, 2022. The applicant hosted an in-person open house on December 13, 2022 and created a project website with a comment feature to gather public feedback. Notification included placing two notices in the local newspaper, sending notices to properties located within 100 metres of the site, and emailing the Queensborough Residents Association.

Twenty three community members signed into the open house event, thirty seven survey responses were received (four at the open house event on thirty three from the online survey), as well as one phone call. Feedback was focused on: support for diversity of single-detached housing options in the community; support for the proposed variances; and, consideration of construction traffic. Attachment 4 includes a description of the consultation process and feedback received.

City-led Consultation

City-led consultation included a project website and online survey, published on Be Heard New West and open between April 5 and April 26. Residents within 100 metres of the project were notified of the survey, and an invitation to participate was posted in one issue of the New West Record. Feedback was focused on: roads and transportation infrastructure capacity in Queensborough; construction noise and disruption in the neighborhood; potential loss of wildlife habitat. Feedback from the city-led consultation is included in Attachment 5.

DISCUSSION

Trees and Assessment of Breeding Bird and Nesting Activity

The applicant has submitted an arborist report in support of a Tree Permit application. The report indicates that 19 trees and one hedge are present on-site, one hedge is on City land and four trees are located offsite; all trees and hedges are proposed to be removed to facilitate the development. The trees that would be lost on these properties are not considered high-value in terms of ecosystem benefits and are not ideal candidates for long-term retention due to their age, species traits and existing condition (mature, declining fruit trees for the most part). The project proposes 18 replacement trees which would not meet the replacement requirements in the bylaw, and the City would take cash in lieu for the shortfall which would be used to support the planting of City trees in the Queensborough community. The City arborist has indicated that the number and species of proposed on-site replacement trees are appropriate for this design.

Staff received community feedback pertaining to concerns around the potential loss of habitat due to tree removal on these sites. As such, staff requested that an assessment be undertaken by a qualified environmental professional to ensure no evidence of

nesting birds. A preliminary general environmental overview was conducted for the properties on April 25, 2023 as a due diligence to confirm breeding activity within the properties. The report found that no active or inactive nests, breeding bird behaviour and minimal bird activity were noted within or directly adjacent to the subject properties at the time the investigation was undertaken. Given this report was prepared as a due diligence review only, any future development expected to be planned during the provincially recognized songbird and raptor nesting window would require a formal bird nest survey be completed and memo prepared and submitted to the City to confirm no new nests or bird related activity is occurring within the site. This report can be found in Attachment 8.

Site Access and No Build Covenant

Vehicular access for the dwelling units would be from a new 6 m (19.7 ft) north/south lane that runs through the center of the development. A 3 m (9.8 ft) dedication would be taken to construct half the width of an east/west lane that will connect Howes and Spruce Street to the north/south lane. Due to the uncertainty of the redevelopment of the 110 Spruce Street property to the south, a no-build covenant and 3 m (9.8 ft) wide statutory right of way would be registered over Lot 1 to accommodate the construction of a temporary north half of the lane, thus achieving a 6 m (19.7 ft) wide lane in the interim (shown in Figure 1 below). The no-build covenant would be released once the southern half of the east/west lane has been constructed to the satisfaction of the Director of Engineering.

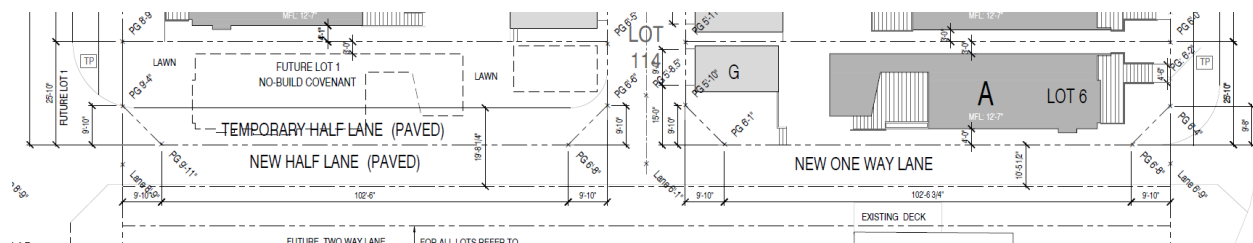


Figure 1 - Proposed East/West Lane

APPLICATION REVIEW PROCESS AND NEXT STEPS

Review Process

Should Council choose not to hold a Public Hearing, the development application review process would be as follows:

1. Preliminary report to Council (September 26, 2022);
2. Applicant-led consultation, including dissemination through the Queensborough Residents Association (November 29 to December 20, 2022);
3. City-led public consultation, including the creation of a Be Heard New West webpage and survey (April 5 to April 26, 2022);
4. Council consideration of the rezoning application and issuance of notice for Development Variance Permit; **(WE ARE HERE)**

5. Council consideration of First, Second and Third Readings of the Rezoning Bylaw following issuance of Notice of Public Hearing Not Held;
6. Completion of adoption requirements;
7. Council consideration of adoption of Zoning Bylaw Amendment; response to public notice provided and consideration of issuance of Development Variance Permit; and
8. Issuance of the Development Permit by the Director of Climate Action, Planning and Development.

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.

Staff has recommended that Council consider not holding a Public Hearing as the proposal is consistent with the City's principles for determining when a project does not require a Public Hearing, as follows:

- The application is largely consistent with City policy and/or Council Strategic Priorities, and/or exceeds City policy in support of Council Strategic Priorities;
- The application responds to public and staff feedback, even if significant, to the satisfaction of the Director of Climate Action, Planning and Development; and,
- The application is consistent with the OCP, per provincially legislated requirements.

Consultation

Should Council issue notice that it will consider issuance of Development Variance Permit DVP00697, notices would be sent to surrounding residents by the Legislative Services Department to provide an opportunity for written feedback.

FINAL ADOPTION REQUIREMENTS

The following items will need to be addressed to the satisfaction of staff prior to the adoption of the proposed Zoning Bylaw Amendment:

- Registration of legal agreements to secure no separate dwelling units and the construction of a 3.0 m (9.8 ft.) lane.
- Payment of Voluntary Amenity Contribution of \$10,000.

FINANCIAL CONSIDERATIONS

As a condition of adoption, this project would contribute a Voluntary Amenity Contribution in the sum of \$10,000. This amenity contribution is intended to help fund capital investments required to accommodate a growing population and economy.

INTERDEPARTMENTAL LIAISON

The City has a team-based approach for reviewing development applications. The project is being reviewed by staff from various departments, including Climate Action, Planning and Development; Engineering; Parks and Recreation; and Electrical Utility.

OPTIONS

The following options are available for Council's consideration:

1. That the application to rezone 114 and 118 Spruce Street 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 Council provide notice that it will consider issuance of a Development Variance Permit (DVP00697) to vary the minimum permitted lot frontage for all ten proposed lots" and vary the permitted height of the detached garages for Type B lots.
4. That Council provide staff with an alternative direction.

Staff recommends Options 1, 2, and 3.

ATTACHMENTS

Attachment 1: Zoning Amendment Bylaw (114 and 118 Spruce Street) No. 8387, 2023

Attachment 2: Applicant's Drawing Package

Attachment 3: Background Information

Attachment 4: Applicant-led Consultation Summary

Attachment 5: City-led Consultation Summary

Attachment 6: Policy Approach to Considering Requests for Variances

Attachment 7: Engineering Servicing Memo

Attachment 8: General Environmental Overview Report

APPROVALS

This report was prepared by:

Amanda Mackaay, Development Planner

This report was reviewed by:

Mike Watson, Acting Manager, Development Planning

Lynn Roxburgh, Acting Manager of Planning

This report was approved by:

Jackie Teed, Acting Director of Climate Action, Planning and Development

Lisa Leblanc, Acting Chief Administrative Officer