

# **REPORT**

## ***Planning and Development***

**To:** Mayor Johnstone and Members of Council  
**Date:** May 27, 2024

**From:** Jackie Teed, Director,  
Planning and Development  
**File:** EDMS #2462639  
REZ00113  
DP000980

**Item #:** 2024-306

**Subject:** Zoning Amendment Bylaw for 1005 Ewen Avenue: Bylaw for First,  
Second and Third Readings

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### **RECOMMENDATION**

**THAT** Council abandon Zoning Amendment Bylaw No. 8103, 2019.

**THAT** Council consider Zoning Amendment Bylaw (1005 Ewen Avenue) No. 8452, 2024 for First, Second, and Third Readings.

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### **PURPOSE**

This report provides Council with information on the revised development proposal for 1005 Ewen Avenue, and requests that Council abandon Zoning Amendment Bylaw No. 8103, 2019 and consider Zoning Amendment Bylaw No. 8452, 2024 for First, Second, and Third Readings.

### **EXECUTIVE SUMMARY**

On April 29, 2019, Council gave three readings to Zoning Amendment Bylaw No. 8103, 2019, the intention of which was to facilitate a mixed-use development consisting of 23 townhouse and duplex units and one commercial building. This development proposed purchase of a portion of City-owned land at 1011 Ewen Avenue, to facilitate connection to Hampton Street.

The property has recently transacted to new ownership and the application has been revised to exclude the City land purchase; all vehicle circulation would now be accommodated on-site, with access from Ewen Avenue. The Zoning Amendment Bylaw

has been revised to reflect these changes. The form of development remains substantially similar to that considered by Council in 2019, and 23 townhouse and duplex units and one commercial building continue to be proposed.

Applicant-led public consultation was undertaken for this project in 2017. The proposal is considered to be consistent with City policy, Council Strategic Priorities, and the Official Community Plan. The statutory requirement for public notification has been met. As such, staff recommend that Council abandon the original rezoning bylaw and consider the new rezoning bylaw for three readings.

## **BACKGROUND**

### **Policy and Regulations**

The Official Community Plan (OCP) designates the subject site (ML) Mixed Use – Low Rise, the intent of which is to facilitate commercial or commercial and residential low density developments. The site is located within Development Permit Area (DPA) QA1 Queensborough Main Street. The project is generally consistent with the OCP land use designation and DPA guidelines. The project is not consistent with the existing Local Commercial Districts (C-1) zoning, and thus a rezoning to a site-specific CD zone is required. A summary of these and other City policies are included in Attachment 2.

### **Previous Council Decisions**

A rezoning bylaw for this site, Zoning Amendment Bylaw No. 8103, 2019, was given third reading by Council on April 29, 2019. At that time, the application proposed a mixed commercial and residential development consisting of 23 townhouse and duplex units and one commercial building, with access via Ewen Avenue and egress via Hampton Street. Purchase of a portion of the City-owned lot at 1011 Ewen Avenue was proposed to connect the site to Hampton Street, and completion of the sale was a condition of adoption. However, the sale was not completed and the development site was subsequently sold to a new ownership group.

This group has revised the application to exclude the City land purchase and Hampton Street connection. As such, a new rezoning bylaw has been prepared for Council's consideration, and it is recommended that Council abandon Zoning Amendment Bylaw No. 8103, 2019.

### **Site Characteristics and Context**

The vacant subject site is 5,120.4 sq. m. (55,115.5 sq. ft.) and is located in the Queensborough neighbourhood. It is bounded by the Highway 91A off-ramp to the north, Howes Street to the east, Ewen Avenue to the south, and the Queensborough Fire Hall (1011 Ewen Avenue) to the west. Ewen Avenue is a designated Great Street and part of the Frequent Transit Network. Howes Street and Ewen Avenue are part of the core cycling network per the Active Transportation Network Plan.



	2019 Proposal	Current Proposal	Difference
<b>Off-street parking</b>			
Resident	44	46	Increased by 2 resident parking spaces
Visitor	5	5	
Commercial	6	6	
<b>Bicycle parking</b>			
Long-term	46	46	Decreased by 3 short-term bicycle spaces
Short-term	14	11	
<b>Vehicle circulation</b>	Access via Ewen Avenue, egress via Hampton Street	Access and egress via Ewen Avenue	All vehicle circulation accommodated on-site

The proposed changes are largely a result of the revised site area, vehicle access and vehicle circulation scheme. As the site area has been reduced, the proposed FSR has increased given that FSR is a function of lot area. A minor increase in commercial floor area is proposed to improve viability.

Two additional off-street resident parking spaces are proposed, and off-street resident and visitor parking exceeds Zoning Bylaw requirements. While short-term bicycle parking has been reduced by three spaces, proposed long- and short-term bicycle parking exceeds Zoning Bylaw requirements.

## Transportation Considerations

### *On-Site Vehicle Circulation*

The proposed development would be accessed from Ewen Avenue and all vehicle circulation accommodated on-site via an internal drive aisle. The proposed drive aisle would be 6.1 m. (20.0 ft.) in width, which is equivalent to a standard City lane. Access would be restricted to right-in/right-out only, and a concrete median and appropriate signage installed on Ewen Avenue to prohibit illegal turning movements.

An emergency vehicle turnaround has been proposed between Buildings 5 and 6 and the proposal is compliant with BC Building Code fire access requirements. Solid waste pick-up would be accommodated on-site. A revised Traffic Impact Analysis (TIA) has been submitted in support of the revised circulation scheme.

The vehicle circulation scheme is considered supportable considering: 1) staff review of the revised TIA; 2) provision of an on-site emergency vehicle turnaround; and 3) off-site Ewen Avenue improvements intended to discourage illegal turns.

### *Howes Street Pedestrian and Cyclist Improvements*

Among other off-site improvements and consistent with City's Active Transportation Network Plan, the development would be required to construct a 4.0 m. (13.1 ft.) multi-use pathway (MUP) along the Howes Street frontage. This MUP would connect to the existing MUPs on the south side of Ewen Avenue and west side of Howes Street (south

of the intersection). The MUP would be protected from vehicle traffic by an adjacent boulevard, and would help improve pedestrian and cyclist comfort. The existing bus stop on Howes Street would also be upgraded with a transit shelter.

### *Off-Street Parking*

Proposed off-street vehicle and bicycle parking spaces were evaluated against the zoning requirements that were in effect at the time of the application in 2016. Per these rates, the development is required to provide 30 resident parking spaces, five visitor spaces, and seven commercial parking spaces. The project would exceed Zoning Bylaw requirements for the number of resident and visitor spaces, however a relaxation is proposed to the number of commercial spaces (reduced from seven to six). This is considered reasonable given the site's location on a Great Street with improved pedestrian and cyclist infrastructure, access to public transportation, and provision of additional short-term bicycle parking (six spaces required, 11 proposed).

### **Commercial Uses**

The Retail Strategy identifies Ewen Avenue between Gifford Street and Howes Street as a core Great Street area, and recommends only active uses at grade. As the subject site is within this core area, the proposed CD zone is aligned with the Strategy in that business and professional office uses would be limited to the second floor of the commercial building only. Staff note that some newer restricted ground floor units in other areas of the city have been challenged to find operators. Notwithstanding, the restriction is supported by staff given its alignment with the Retail Strategy and recent Council direction.

### **PUBLIC CONSULTATION**

Public consultation for this project was completed in 2017 and a Public Hearing held in 2019, following which Council gave third reading to the original rezoning bylaw. Consultation consisted of a public open house, presentation to the Queensborough Residents' Association, two presentations to the New Westminster Design Panel, and presentation to the Advisory Planning Commission. Prior to Council consideration of the project in 2019, the applicant addressed feedback received through this engagement.

As the form of development is strongly similar to the original proposal, no additional consultation was required. More information on the 2017 engagement activities can be found in Attachment 4.

### **REVIEW PROCESS**

The application is progressing through the City's development process. The following steps have been completed:

1. Preliminary report to the Land Use Planning Committee (LUPC) (July 4, 2016);
2. Presentation to the New Westminster Design Panel (February 28, 2017 and April 25, 2017);

3. Applicant-led open house and presentation to the Queensborough Residents' Association (March 14, 2017);
4. Presentation to the Advisory Planning Commission (July 17, 2017);
5. Report to LUPC recommending Council consideration of First and Second Readings for Zoning Amendment Bylaw No. 8103, 2019 (March 11, 2019);
6. Council consideration of First and Second Readings for Zoning Amendment Bylaw No. 8103, 2019 (April 8, 2019);
7. Public Hearing and Council consideration of Third Reading for Zoning Amendment Bylaw No. 8103, 2019 (April 29, 2019);
8. Sale of 1005 Ewen Avenue and applicant revisions (2022-2024);
9. Public notification that no Public Hearing held with respect to Zoning Amendment Bylaw No. 8452, 2024 (May 17-27, 2024);
10. Council consideration of First, Second and Third Readings of Zoning Amendment Bylaw No. 8452, 2024 **(WE ARE HERE)**;

Anticipated next steps:

11. Completion of adoption requirements;
12. Council consideration of adoption of the bylaws;
13. Issuance of the Development Permit by the Director of Planning and Development.

Per changes to the *Local Government Act* which took effect on November 30, 2023, under Section 464(3), municipalities are now prohibited from holding Public Hearings for projects that are consistent with the Official Community Plan, and in which the residential component of the project accounts for at least half of the proposed gross floor area. As this project satisfies these conditions, a Public Hearing must not be held.

### **FINAL ADOPTION REQUIREMENTS**

The following items would need to be addressed to the satisfaction of staff prior to adoption of the proposed rezoning bylaw:

- Registration of a Section 219 Restrictive Covenant (Off-street Parking); and,
- Preliminary civil drawing review and initiation of work with Engineering on a Works and Services Agreement (Attachment 5).

A Voluntary Amenity Contribution in the sum of \$23,000 has already been provided.

### **FINANCIAL IMPLICATIONS**

A Voluntary Amenity Contribution in the sum of \$23,000 has been provided. Development Cost Charges would be calculated and collected prior to Building Permit issuance. The project is also required to contribute a number of off-site infrastructure upgrades, (as described in Attachment 5), which would be funded by the developer. The full scope of upgrades would be determined prior to Building Permit issuance.

**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 Planning and Development (Building, Planning, Trees, and Heritage) Departments who provided comments throughout the development review process.

**OPTIONS**

The final options are available for Council's consideration:

1. That Council abandon Zoning Amendment Bylaw No. 8103, 2019.
2. That Council consider Zoning Amendment Bylaw (1005 Ewen Avenue) No. 8452, 2024 for First, Second and Third Readings.
3. That Council provide staff with alternative direction.

Staff recommends Options 1 and 2.

**ATTACHMENTS**

Attachment 1: Zoning Amendment Bylaw (1005 Ewen Avenue) No. 8452, 2024

Attachment 2: Background Information

Attachment 3: Applicant's Submission Materials

Attachment 4: Public Consultation Summary

Attachment 5: Engineering Servicing Memo

**APPROVALS**

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