

## **REPORT**

### ***Planning and Development***

**To:** Mayor Johnstone and Members of Council

**Date:** July 7, 2025

**From:** Jackie Teed, Director  
Planning and Development

**File:** #2575918  
RZ000215

**Item #:** 2025-209

**Subject: Rezoning, Development Permit, and Development Variance Permit Application: 317-319 Howes Street – Additional Information**

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#### **RECOMMENDATION**

*THAT staff work with the applicant to revise their proposal to seek retention of up to 18 trees along the south and east property lines, as outlined in the report titled “Rezoning, Development Permit, and Development Variance Permit Application: 317-319 Howes St – Additional Information” from the Director of Planning and Development on July 7, 2025, and to prepare a plan of development for the subject properties suitable for consideration of First and Second Readings.*

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#### **PURPOSE**

To update Council on the previously requested information regarding the Rezoning, Development Permit, and Development Variance Permit applications at 317-319 Howes Street and to request authorization to work with the applicant on a new proposal to retain additional trees on the site.

#### **EXECUTIVE SUMMARY**

On August 28, 2023, staff brought forward a preliminary [report to Council](#) on rezoning, Development Permit (DP), and Development Variance Permit (DVP) applications to permit a 26-unit townhouse development at 317-319 Howes Street. At that time, Council instructed staff to report back with additional information on tree retention, site access, and pedestrian public realm improvements. Staff have worked with the applicant and identified a townhouse development option which could continue to deliver 24 to 26 townhouse units, retain up to 18 trees on site, provide on-site tree replacement and

provide site access and public realm improvements. This report provides a high-level review of the implications of development of the site, under both the current zoning entitlements and the potential redevelopment scenario.

Tree Retention: Working with applicant in reviewing the site context, development conditions unique to this particular site, and the arborist reports provided to date, the possibility of proceeding with a modified townhouse development with the retention of up to 18 trees near the south and east property lines has been identified. This includes 12 juvenile but potentially high value trees which have grown to protected size.

Site Access and Public Realm Improvements: The Ministry of Transportation and Transit (Ministry) has provided preliminary feedback on the proposal and indicated that the proposed single driveway, restricted movement, right-in and right-out access at Howes Street would be required. Off-site improvements including a boulevard with street trees and widened sidewalk would also be required as part of this application. Staff could continue to explore additional off-site improvements through the application review process, such as upgrades to the nearby bus stop along the Highway 91A on ramp, should the application advance. Staff considers that in total, these would be an improvement over the existing conditions, or what could be achieved through redevelopment under existing entitlements for the site.

Housing: To accommodate tree retention as outlined in this report, the proposed 26 unit townhouse development may need to reduce the number of units provided by up to two units.

The table below provides a summary of tree retention and replacement outcomes and expected delivery of housing units.

Category	Potential Development Scenario	Development Under Existing Entitlement Scenario
<i>Tree Retention and Replacement Summary</i>	<ul style="list-style-type: none"><li>• Could result in up to 78 trees (18 retained + 60 replacement) on site.</li><li>• Authority for enhanced protection of off-site trees</li></ul>	<ul style="list-style-type: none"><li>• Could result in about 72 on-site trees (48 retained + 24 replacement) on site.</li><li>• Some retained trees would be in poor or declining condition.</li><li>• Tree retention under this scenario could vary based on the size and location of the building footprint, which is at the discretion of the property owner, subject to existing City regulations.</li></ul>
<i>Housing Units</i>	<ul style="list-style-type: none"><li>• 24 – 26 principal townhouse units</li></ul>	<ul style="list-style-type: none"><li>• 4 units (2 principal and 2 secondary units)</li></ul>

Based on the above, staff recommends that Council authorize staff to work with the applicant to further explore viability and refine their proposal to incorporate retention of up to an additional 18 trees near the south and east property lines and prepare a plan of development for the subject properties suitable for consideration of First and Second Readings.

## **BACKGROUND**

### **Previous Council Direction**

Staff brought forward a preliminary [report to Council](#) for this application on August 28, 2023. At that meeting, Council defeated the following motion with instructions to staff to return with further information on site access, the nearby bus stop, and the number of trees proposed for removal ([Council meeting minutes](#)):

***THAT** Council direct staff to work with the applicant to prepare a plan of development for the subject properties suitable for consideration of First and Second Readings, as outlined in the “Application Review Process” section of this report.*

### **Tree Protection Bylaw and Community Charter**

Under Section 50 of the *Community Charter*, the City must issue a permit to remove trees located within building footprint areas when accompanying a Building Permit for construction. The City must also issue a permit to remove trees where fill is required in order to achieve the use or density permitted under the applicable zoning bylaw, when accompanying a Fill Permit related to a building permit application. As a result, the *Tree Protection and Regulation Bylaw* generally cannot prevent tree removal when it is required in order to fill and/or develop a property consistent with current development entitlements of the Zoning Bylaw. Where removal occurs, the *Tree Protection and Regulation Bylaw* requires that replacement trees be provided on the same site. The bylaw only permits cash-in-lieu if an applicant’s arborist confirms that no further trees can be accommodated on site.

## **PROJECT DESCRIPTION**

The proposal consists of a rezoning, Development Permit (DP), and Development Variance Permit (DVP for a 26-unit townhouse development organized into four separate buildings. The DVP is proposed to allow tandem parking in the attached garages, vary the minimum access aisle width for bike parking, and to not require scooter parking, given attached garages are proposed.

Vehicular access is proposed from Howes Street, southeast of the Highway 91A interchange. Howes Street is identified as a Provincial Highway under Ministry jurisdiction. Additional information on the project proposal, as well as site characteristics and context, is provided in the previous [report to Council](#).

A rezoning application would amend the site's zoning from Queensborough Neighbourhood Residential Dwelling Districts (RQ-1) to Queensborough Townhouse Districts (RT-3A). The proposal is consistent with the site's Official Community Plan land use designation of Residential – Multiple Unit Buildings (RM). The project would be reviewed in light of the Ewen Avenue Multi-Family Development Permit Area (DPA) guidelines, as well as the Flood Hazard DPA guidelines.

### **APPLICANT RESPONSE AND REVISIONS**

Following Council's feedback in August 2023, staff requested that the applicant provide further detail on the potential for tree retention on the subject site. The applicant provided an updated site plan and arborist report with additional information regarding tree retention potential. The applicant proposes to fill the entire site from property line to property line which is generally required to meet flood construction level requirements in Queensborough, to avoid differential settlement and to avoid pooling of storm and ground water in low lying areas.

The arborist report notes: 1) fill requirements would make most tree retention difficult as the tree species on site are generally intolerant to the soil impacts and hydrological changes that arise from site filling; 2) that two on-site trees near the south property line could be protected from fill with the use of retaining walls; and 3) some trees are in poor or declining condition including 13 fruit trees and about 50% of the 47 cedars forming a hedgerow at the property lines.

Following site inspections and further internal interdepartmental review, it was noted that the south and east sides of the property have grades higher than the rest of the site. This is likely due to fill from the adjacent development at 935 Ewen Avenue spilling over when it was constructed twenty years ago. This unique condition may make tree retention in these areas more feasible as it may reduce the need to fill in these areas and it appears that a number of trees were planted on top of this fill and are already at a raised grade level. Along the east property line there are 12 juvenile trees planted on top of this fill have now grown to protected size. Along the south property line there may be up six additional trees which could be candidates for retention, including the two trees previously identified by the applicant arborist. These trees have been identified by City urban forestry staff as having retention value.

Based on this, staff discussed potential revisions to the development site plan with the applicant to locate proposed buildings in locations which could allow for retention. The applicant was receptive to the idea and, pending Council feedback, would complete work to verify viability and update site plans, geotechnical reports and arborist reports to explore retention further.

With the addition of 12 protected trees, there is now a total of 81 on-site protected trees. The applicant has estimated the potential for up to 60 on-site replacement trees. Detailed information regarding soil volume, tree species, and spacing, which are all important factors in ensuring replacement trees are able to grow and thrive in the long term, will be required from the applicant as part of the application review and the number of onsite trees retained may be revised.

All off-site trees, including those on the Ministry owned 321-323 Howes Street to the north of the subject site, and 935 Ewen Avenue to the south, would be retained and protected during construction.

## **ANALYSIS**

Staff has completed a high-level review of the implications of development on the site, under both the current zoning entitlements and the potential redevelopment scenario, to better evaluate the issues of tree replacement, site access, and public realm improvements. These scenarios are summarized as:

- **Potential Redevelopment Scenario:** The proposal, includes a 26-unit townhouse development which has been organized into four separate buildings. The application proposes 35% site coverage for the principal townhouse buildings, plus 5% for balconies, and 0.80 FSR. This would include revised setbacks to create potential to retain up to 18 trees as discussed above and the potential for a reduction of up to two residential units.
- **Existing Zoning Entitlement:** The sites are currently zoned Queensborough Neighbourhood Residential Dwelling Districts (RQ-1), which allows for single detached dwellings with secondary suites on each site, with a maximum density of 0.50 Floor Space Ratio (FSR), 35% site coverage for the principal building, and 15% site coverage for detached and accessory structures (e.g. detached garages, sheds, balconies, porches) combined.

The following sections of this report will go into each issue and provide an analysis that compares the potential redevelopment scenario and the development of the site under existing entitlements.

## **Tree Canopy**

Tree retention on development sites in Queensborough is generally challenging due to geotechnical and floodplain requirements. As Queensborough is located within a floodplain, habitable space must be constructed above the flood construction level to minimize the potential for loss of life and property damage in the event of a dyke failure or extreme flood event. Raising the site elevation with imported fill is required so that living spaces in the residential units can be constructed above the flood construction level, as required by City bylaws. Filling sites is also required from a technical and safety perspective to avoid differential settlement and other issues that can frequently occur on the soils found in Queensborough. The impacts of fill on trees can be reduced by either tapering fill between habitable buildings and property lines, allowing retention of trees near site edges, or by constructing retaining walls around existing trees to protect them, however drainage of storm water can often be challenging and prohibitive in these cases.

Both scenarios would require the off-site trees on the adjacent Ministry-owned lands (321 and 323 Howes Street) to remain and be protected during construction and through the Tree Protection Bylaw, the City would collect a tree protection security for off-site trees whose canopy extent is within 4 metres of construction activities.

Category	Potential Development Scenario	Development Under Existing Entitlement Scenario
<i>Tree Retention</i>	<ul style="list-style-type: none"> <li>Proposes retention of up to 18 of the 81 trees (22.2%) along the east and south property lines.</li> <li>May result in loss of up to two residential units.</li> <li>City would collect additional security to ensure that off-site trees beyond 4 metres of construction are protected.</li> </ul>	<ul style="list-style-type: none"> <li>Estimated that approximately 48 of the 81 trees (59.3%) may be retained as they would not be within the permitted building footprint and driveway areas and fill could be tapered.</li> <li>Some retained trees are noted to be in poor or declining condition including 13 fruit trees and about 50% of the 47 cedars forming a hedgerow at the north property line.</li> </ul>
<i>Tree Replacement</i>	<ul style="list-style-type: none"> <li>The applicant has indicated they may be able to provide approximately 60 replacement trees on site.</li> <li>Additional information from the applicant would be required through the review process as part of their tree replacement plan that considers factors such as number of trees, tree location, tree size, soil volume, and tree spacing to ensure all replacement is viable and to optimize tree canopy outcomes.</li> <li>Any replacement trees would be protected by the <i>Tree Protection Bylaw and Regulation</i> once planted.</li> </ul>	<ul style="list-style-type: none"> <li>Staff estimate that 24 replacement trees could be accommodated on site.</li> <li>Any replacement trees would be protected by the <i>Tree Protection Bylaw and Regulation</i> once planted.</li> </ul>

<i>Summary Comments</i>	<ul style="list-style-type: none"> <li>• Could result in up to 78 trees on site (18 retained + 60 replacement).</li> <li>• Authority for enhanced protection of off-site trees</li> </ul>	<ul style="list-style-type: none"> <li>• Could result in about 72 on-site trees on site (48 retained + 24 replacement).</li> <li>• Some retained trees would be in poor or declining condition.</li> <li>• Tree retention under this scenario could vary based on the size and location of the building footprint, which is at the discretion of the property owner, subject to existing City regulations.</li> </ul>
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### Site Access

As the site is located within 800 metres (2,624.67 ft.) of a controlled access highway, referral to the Ministry is required for the rezoning application. There are currently two unrestricted driveway accesses into the subject site – one each for 317 and 319 Howes Street.

<b>Category</b>	<b>Potential Development Scenario</b>	<b>Development Under Existing Entitlement Scenario</b>
<i>Site Access</i>	<ul style="list-style-type: none"> <li>• The Ministry's preliminary feedback has indicated that only one right-in and right-out site access from Howes Street will be permitted for the townhouse rezoning, located as far south as possible from intersection to address safety considerations.</li> </ul>	<ul style="list-style-type: none"> <li>• Both access driveways would remain.</li> <li>• The left turn bay into 317 Howes Street would also remain unless changes in the road configuration were approved by the Ministry of Highways and initiated and funded by either the City or the ministry.</li> </ul>
<i>Summary Comments</i>	<ul style="list-style-type: none"> <li>• Improvement to site access and street safety conditions</li> </ul>	<ul style="list-style-type: none"> <li>• No change in conditions</li> </ul>

### Public Realm and Transit Improvements

There is currently a sidewalk with no boulevard or street trees along the site frontage. At the August 28, 2023 Council meeting, Council asked if upgrades to the bus stop near the site along the Highway 91A on ramp could be achieved.

<b>Category</b>	<b>Potential Development Scenario</b>	<b>Development Under Existing Entitlement Scenario</b>
<i>Sidewalk / Boulevard</i>	<ul style="list-style-type: none"> <li>Preliminary comments from the Engineering Department indicate that a sidewalk and boulevard with street trees of 2 m. (6.56 ft.) each would be required along the Howes Street frontage as part of the off-site improvements through the rezoning application.</li> </ul>	<ul style="list-style-type: none"> <li>Not likely be achieved if the properties were developed under existing zoning entitlements, unless initiated and funded by the City.</li> </ul>
<i>Bus Stop</i>	<ul style="list-style-type: none"> <li>Through the rezoning application, staff would be better positioned to explore improvement opportunities to the bus stop with the applicant, the Ministry, and TransLink.</li> </ul>	<ul style="list-style-type: none"> <li>Not likely be achieved if the properties were developed under existing zoning entitlements, unless initiated and funded by the City and/or TransLink.</li> </ul>
<i>Summary Comments</i>	<ul style="list-style-type: none"> <li>Greater public realm and transit improvement opportunities achievable.</li> </ul>	<ul style="list-style-type: none"> <li>Fewer improvements achievable without City or TransLink funding.</li> </ul>

### **APPLICATION REVIEW PROCESS AND NEXT STEPS**

Should Council direct staff to proceed with reviewing the application, staff would initiate review of the application based on the following application review steps:

1. Preliminary Report to Council (August 28, 2023) (WE ARE HERE);
2. Interdepartmental staff review towards a suitable plan of development (ongoing);
3. Applicant-led public consultation, including dissemination of information through the Queensborough Residents Association;
4. Comprehensive Report to Council and Council Consideration of Public Hearing Not Held;
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. Approvals or approvals in principle by relevant external agencies (i.e. Ministry of Transportation and Infrastructure);
8. Council consideration of adoption of Zoning Amendment Bylaw and consideration of Development Variance Permit;
9. Issuance of the Development Permit by the Director of Climate Action, Planning and Development.



**INTERDEPARTMENTAL LIAISON**

The City has a project-based team approach for reviewing development applications, which facilitates interdepartmental review, providing comments to the applicant throughout the development review process. This project-based team includes staff from the Planning and Development, Engineering, Electrical, Parks and Recreation, and Fire Departments.

**FINANCIAL IMPLICATIONS**

Per the *Tree Protection and Regulation Bylaw*, the City would collect \$772.50 per replacement tree that is not feasible to fit on site. The City also collects a \$3,862.50 security per retained protected tree. The securities would be returned once the replacement trees have been planted in accordance with the tree replacement plan, and once it has been confirmed that retained trees have not been damaged during construction. Should Council direct staff to advance the rezoning application, additional financial considerations would be evaluated as part of the application review process and any relevant details will be included in the First, Second, and Third Readings Report to Council.

**OPTIONS**

The following options are offered for Council's consideration:

- 1) That staff work with the applicant to revise their proposal to seek retention of up to 18 trees along the south and east property lines, as outlined in the report titled "Rezoning, Development Permit, and Development Variance Permit Application: 317-319 Howes St – Additional Information" from the Director of Planning and Development on July 7, 2025, and to prepare a plan of development for the subject properties suitable for consideration of First and Second Readings.
- 2) That the application be rejected.

Staff recommend Option 1.

**APPROVALS**

This report was prepared by:  
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This report was reviewed by:  
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