



COUNCIL REPORT

Executive Committee

Report No. PDS 004-2023

Date: January 10, 2023

File No: 3500-05 PRJ22-100

To: Mayor and Council
From: Daniella Smith, Planning Technician
Subject: Land Use Contract Discharge application (3694 Perth Street)

RECOMMENDATION

THAT Bylaw No. 3329-2023, "Land Use Contract No. 225, Discharge Bylaw, 2023", be given first and second readings at the next Regular Meeting of Council and be advanced to an upcoming Public Hearing.

REPORT CONCURRENCE	
General Manager	City Manager
The General Manager concurs with the recommendation of this report.	The City Manager concurs with the recommendation of this report.

PURPOSE

To discharge Land Use Contract No. 225 (District of Matsqui) to utilize the underlying Urban Residential Zone (RS3) to permit a secondary suite.

SUMMARY OF THE ISSUE

The applicant proposes to discharge Land Use Contract No. 225 (District of Matsqui) and utilize the underlying Urban Residential Zone (RS3) to permit a secondary suite. The application is consistent with the Urban 4 – detached land use designation in the Official Community Plan (OCP).

BACKGROUND

Owners: Yadwinder S Brar & Harjit K Brar

Legal Description: LOT 197 SECTION 28 TOWNSHIP 16 NEW WESTMINSTER DISTRICT
PLAN 59141

OCP Designation: Urban 4 – Detached

Existing Zoning:	Land Use Contract No. 225 (District of Matsqui) (with an underlying zoning of Urban Residential Zone (RS3))
Proposed Zoning:	Urban Residential Zone (RS3)
Site Area:	635 m ² (6835.08 ft ²)
Site Description:	The subject property is located in an established single detached residential neighbourhood at the corner of Harwood Crescent and Perth Street. The property contains a single detached dwelling.
Surrounding Uses:	N: Harwood Crescent with single detached residential (regulated by LUC No. 225 (District of Matsqui)) beyond; S: Single detached residential (regulated by LUC No. 225 (District of Matsqui)); E: Single detached residential (regulated by LUC No. 225 (District of Matsqui)) with Inverness Street beyond; W: Perth Street with single detached residential (regulated by LUC No. 225 (District of Matsqui)) beyond.

DISCUSSION

Context

1. The subject property is located at the corner of Perth Street and Harwood Crescent (Figure 1). The area immediately surrounding the subject property is an established single detached residential neighbourhood. The surrounding area includes amenities such as Balsam Park, Aspen Park, Discovery Trail, Abbotsford Exhibition Park, and Old Riverside Park (Figure 2). Nearby schools include Chief Dan George Middle School and Dr. Roberta Bondar Elementary School (Figure 2).

Official Community Plan (OCP)

2. The subject property is designated Urban 4 – Detached in the Official Community Plan (OCP) (Figure 3), the purpose of which is to enable low density single detached housing in neighbourhoods. Single detached dwellings, with some ground oriented duplexes for residential uses with accessory units are permitted in this land use designation. The proposed LUC Discharge will allow the applicant to utilize the underlying Urban Residential Zone (RS3) to permit a secondary suite (Figure 4). The proposal conforms to the Urban 4 – Detached designation.
3. The proposed development meets the intent of broader OCP objectives, as follows:
 - Support diverse housing types for a variety of household sizes, incomes, tenures, and preferences (2.1); and
 - Support mixed affordable housing options which can serve as mortgage helpers for owners while providing affordable options for renters or extended family members (2.2).

Zoning

4. At present, development for the subject site is regulated by Land Use Contract No. 225 (District of Matsqui), which was created in 1979. Land Use Contract No. 225 does not permit a secondary suite in a single detached dwelling. The applicant is proposing to discharge the Land Use Contract in order to utilize the underlying RS3 zoning which permits secondary suites as an accessory use.
5. On May 29th, 2014, *Bill 17: Miscellaneous Statutes Amendment Act, 2014*, was passed by the Province of British Columbia. This Bill requires that all LUCs be terminated by June 30, 2024. Therefore, all municipalities that have LUCs within their jurisdiction must have a zoning designation in place for each property regulated by an LUC by that time. This Bill also enables local governments to pursue early termination of LUCs. Discharging LUC No. 225 is consistent with the mandate of Bill 17.

Secondary Suites Policy

6. As identified in Part 2 of the OCP, secondary suites are supported in single detached dwellings, subject to the following criteria:
 - Not be on a cul-de-sac bulb;
 - Not be in a bare land strata (except where road infrastructure meets City bylaw standards);
 - Have a minimum frontage of 12.0 m;
 - Have a minimum lot size of 400m²; and
 - Be located on a Collector or Local road.

The proposal is consistent with the above criteria, and would be permitted to establish a secondary suite under the RS3 Zone, if LUC No. 225 is discharged.

Affordable Housing Strategy

7. On May 25, 2020 the City adopted an updated Affordable Housing Strategy (AHS). This strategy contains two overarching policy topics; Housing Supply and Partnerships and Coordination. Under the category of Housing Supply, similar to the OCP objectives and policies, the AHS encourages the development of diverse housing options for all stages of life across the housing continuum. The applicant's proposal is consistent with this policy objective.

Tree Protection, Removal and Replacement

8. Tree removal and replacement was not reviewed in conjunction with the current development application. If the applicant wishes to remove trees, they will be required to obtain a Tree Cutting Permit and secure for replacements in accordance with the Tree Protection Bylaw.

Driveway and Parking Requirements

9. The proposed development will be required to comply with the Zoning Bylaw and the Development Bylaw when constructing a driveway. The Zoning Bylaw requires a minimum of two (2) parking spaces for a single family house and if a secondary suite is constructed an additional parking space is required. In accordance with the Zoning Bylaw, the minimum parking stall width is 2.7m and the minimum length is 5.5m. As per the Development Bylaw, 2011, the maximum driveway width is 6.0m and the minimum is 2.7m.

Site Development Considerations

10. A staff review of the works and services was not completed with this application. Any specific servicing related items will be addressed through a future Building Permit application.
11. Notwithstanding this, the developer is responsible to adhere to all other legislation, which may apply to the land, including:
 - a) complying with all applicable City bylaws, such as Official Community Plan, Development Bylaw, Tree Protection Bylaw, Building Bylaw, Sign Bylaw, Erosion and Sediment Control Bylaw, and Development Cost Charges Imposition Bylaw, administered by the City; and
 - b) obtaining all other necessary approvals and permits on such terms as they may be issued, including but not limited to a development permit, tree removal permit, subdivision approval, building permit, soil removal/deposit permit, Ministry of Health permit, Ministry of Transportation and Infrastructure approval and Ministry of Environment approval.

Communication Plan

If Bylaw No. 3329-2023, "Land Use Contract No. 225 Discharge Bylaw, 2023" is supported by Council, Bylaw No. 3329-2023 will proceed to an upcoming Regular Meeting of Council, where it will be considered for first and second readings. If first and second readings are given, the bylaws will be forwarded to an up-coming Public Hearing. Two advertisements for the Public Hearing will be published in the City Page of the local newspaper. The City will notify in writing the owners and occupiers of land within a 100 meter radius of the property and provide Council with copies of any feedback that is received.

The City received confirmation on November 14, 2022, that the applicant installed the required Development Notification Sign in accordance with the Development Application Procedures Bylaw, which requires the sign to be installed a minimum of 3 weeks in advance of Council's consideration of the application.

FINANCIAL PLAN IMPLICATION

No financial plan implications are anticipated. Any capital works implications arising from this application have been addressed through the rezoning process.

Komal Basatia

Komal Basatia
General Manager, Finance and Procurement Services
Signed 1/5/2023 9:01 AM

IMPACTS ON COUNCIL POLICIES, STRATEGIC PLAN AND/OR COUNCIL DIRECTION

The proposal meets the goals and objectives identified in the 2016 Official Community Plan, the Affordable Housing Strategy and Council's 2019-2022 Strategic Plan which identifies four cornerstones: vibrant economy, complete community, fiscal discipline and organizational alignment. The proposal is consistent with the four cornerstones of Council's Strategic Plan

SUBSTANTIATION OF RECOMMENDATION

Staff recommends supports the proposed Land Use Contract discharge of Land Use Contract No. 225 (District of Matsqui) to utilize the underlying Urban Residential Zone (RS3), which permits a secondary suite. The proposal is in keeping with the broad objectives of the OCP that encourages densification and the establishment of a variety of housing types within the urban area, and the guidelines of the Urban 4 - detached land use designation.

Daniella Smith

Daniella Smith
Planning Technician
Signed 12/21/2022 1:08 PM

Blake Collins

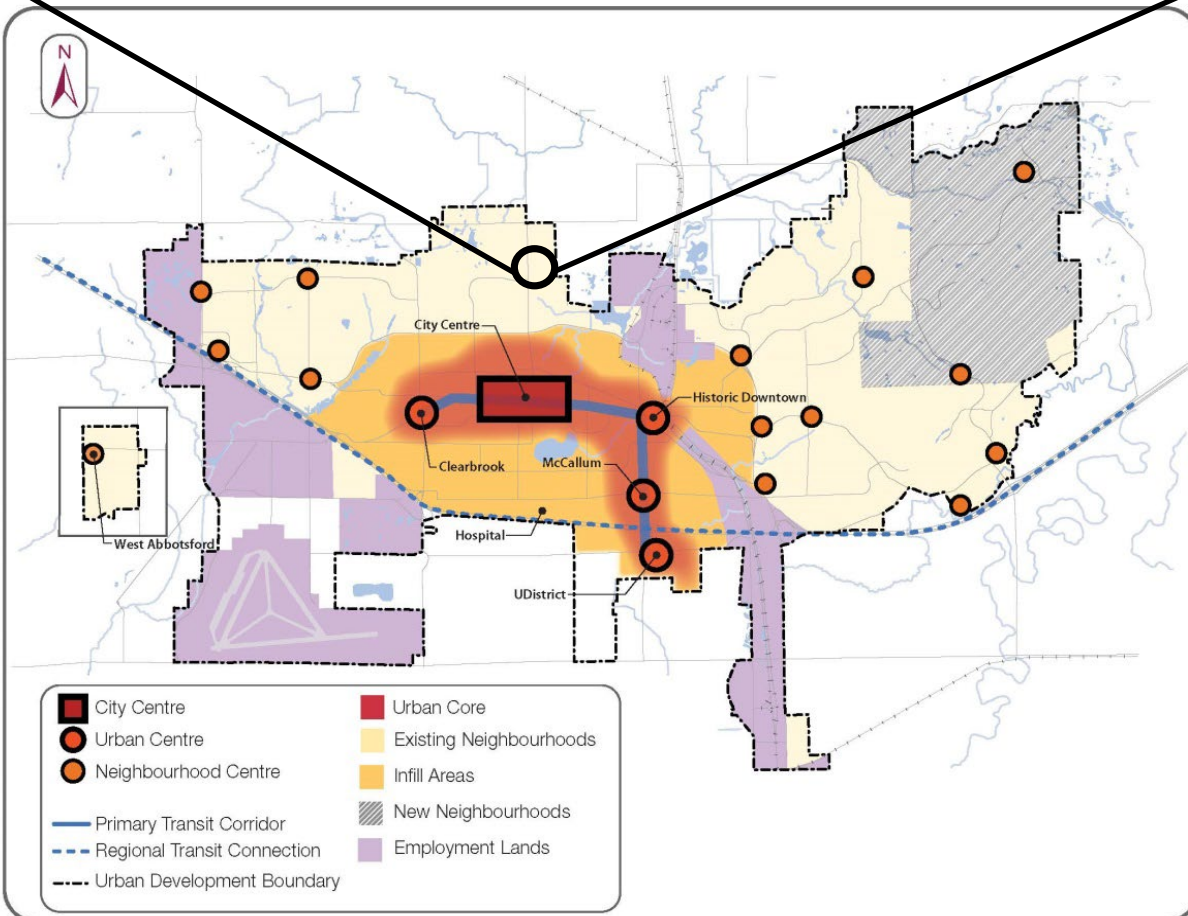
Blake Collins
Director, Development Planning
Signed 1/4/2023 10:36 PM

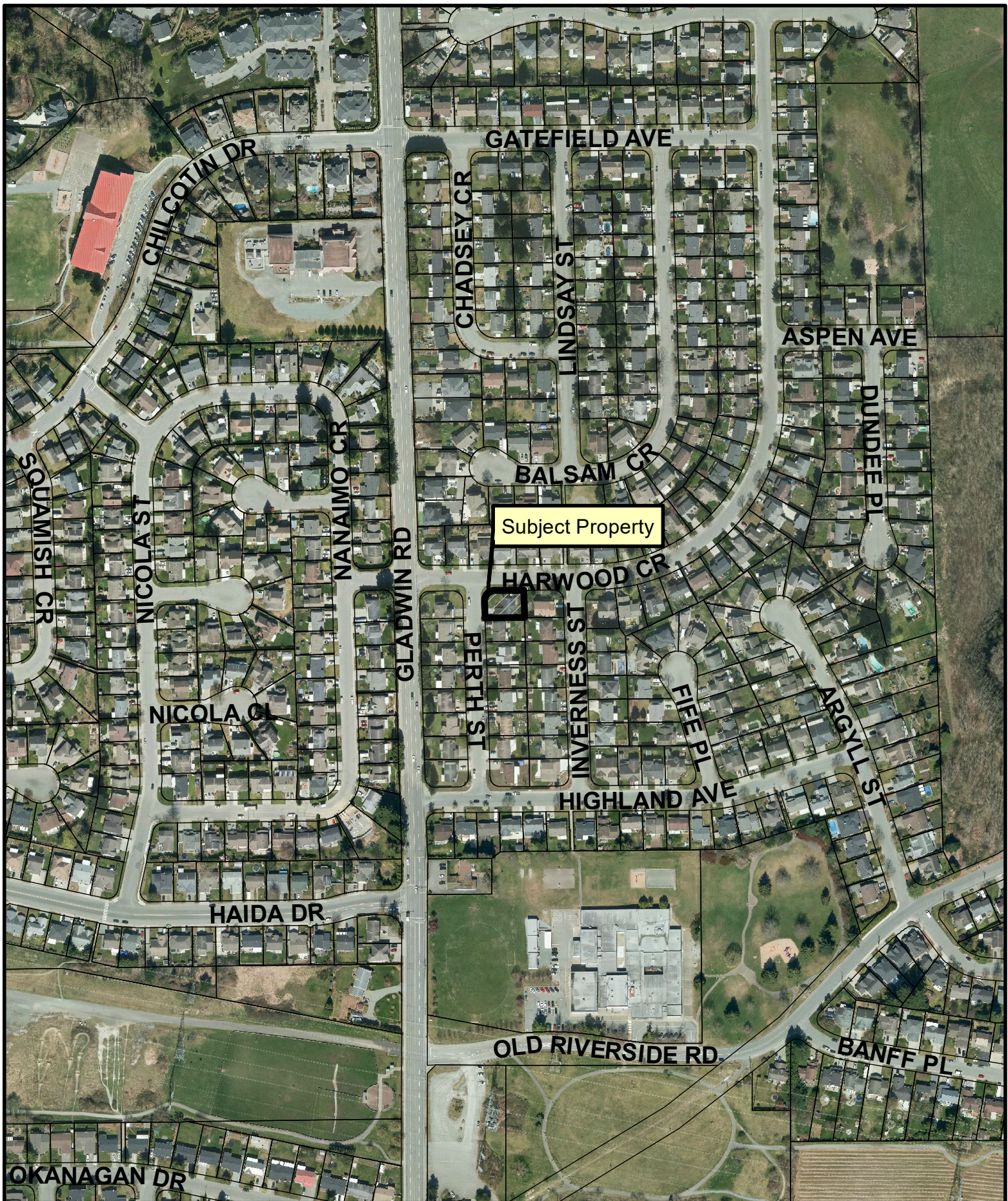
Mark Neill

Mark Neill
General Manager, Planning and Development Services
Signed 1/9/2023 12:30 PM

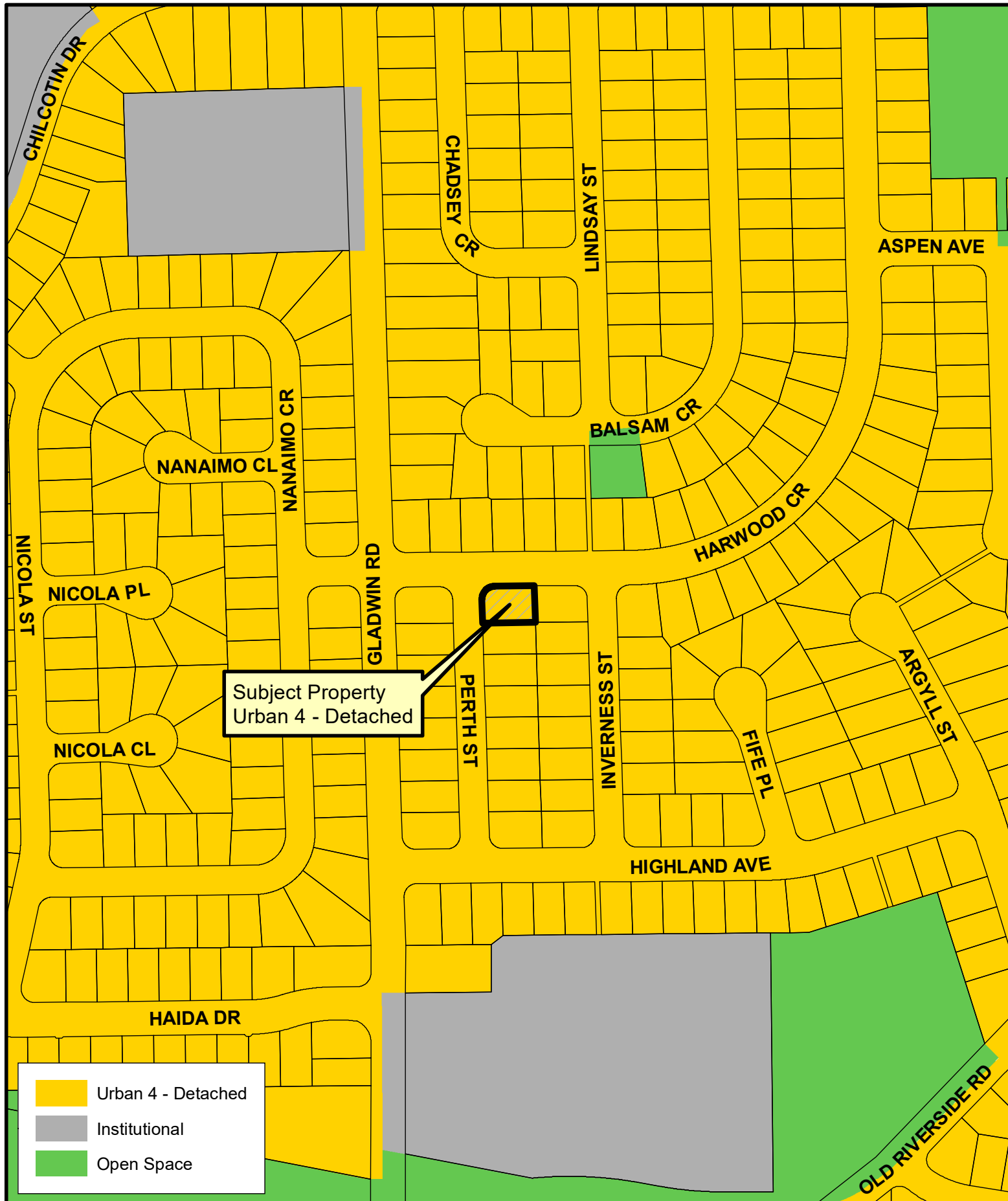
ATTACHMENTS:**PRJ22-100 Council Figures 0-4****Draft Bylaw No. 3329-2023 Land Use Contract No. 225 Discharge Bylaw, 2023**

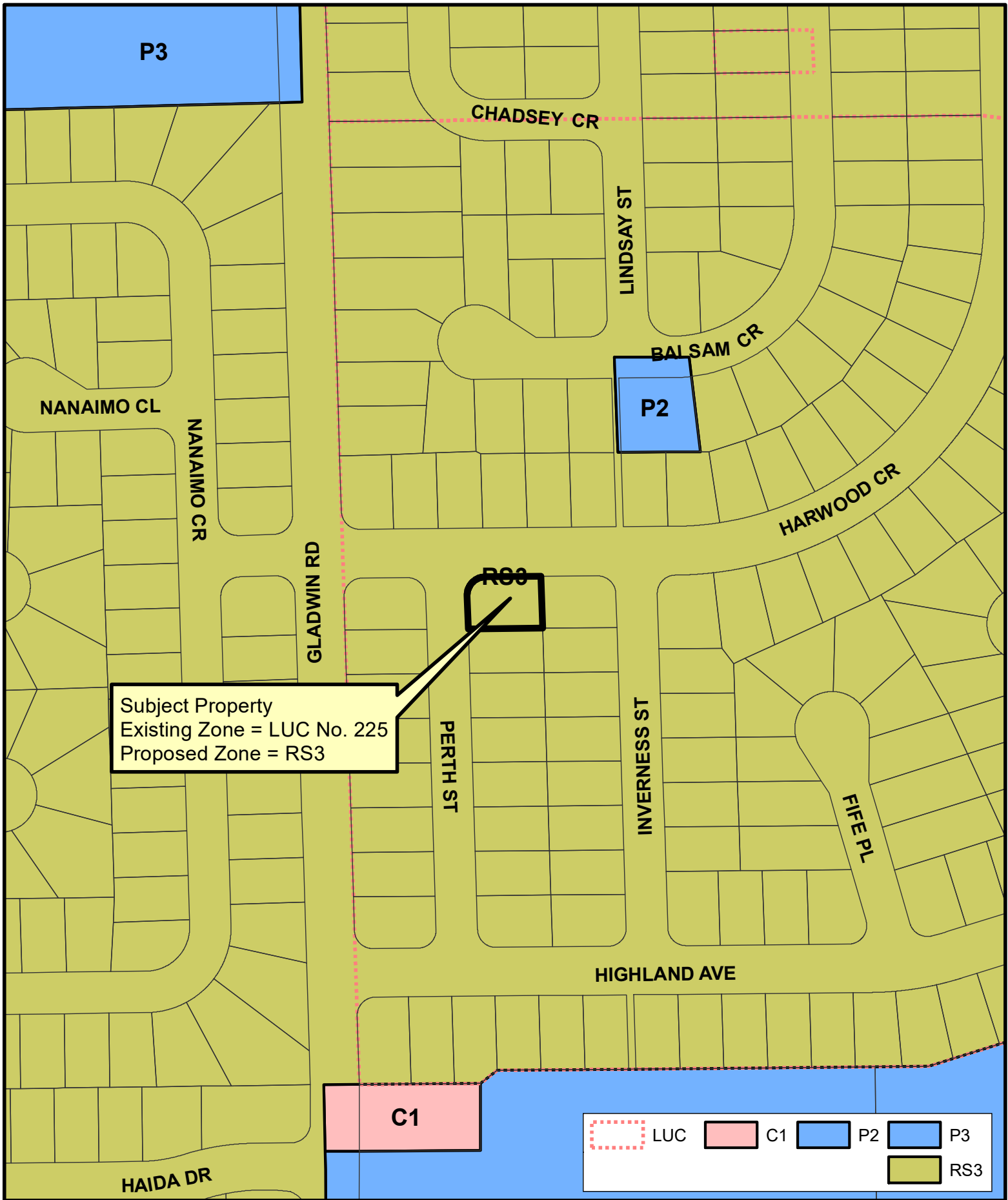
City Context Plan
File: PRJ22-100 Location: 3694 Perth Street











CITY OF ABBOTSFORD

LAND USE CONTRACT NO. 225 DISCHARGE BYLAW, 2023

Bylaw No. 3329-2023

PRJ22-100

WHEREAS Land Use Contract No. 225 (the “Land Use Contract”), authorized by Bylaw No.3329-2023 cited as Land Use Contract Bylaw No. 215 was lawfully entered into by the City;

AND WHEREAS the Land Use Contract was registered in the Land Title Office on January 9, 1979, under Filing Number R1724, and modified by filing number BL203242, BL323724, BL411335, BM57180, BM22515, BM136920, BM197213, BM202940, BM202941, BN63434, BN63435, BN105188, BN317753, BP6259, BP23613, BP23614, BP44998 and CA3986351;

AND WHEREAS the registered owners of the described property have applied to the City for permission to discharge the Land Use Contract.

The Council of the City of Abbotsford, in open meeting assembled, enacts as follows:

1. CITATION

Bylaw No. 3329-2023 may be cited as “Land Use Contract No. 225 Discharge Bylaw, 2023”.

2. APPROVAL OF LAND USE CONTRACT DISCHARGE AGREEMENT

The Discharge Agreement set out in the attached Appendix “A”, to discharge Land Use Contract No. 225 registered against the lands as shown on Appendix “B” and located at 3694 Perth Street, is approved.

READ A FIRST TIME this	day of	, 2023
READ A SECOND TIME this	day of	, 2023
PUBLIC HEARING HELD this	day of	, 2023
READ A THIRD TIME this	day of	, 2023
ADOPTED this	day of	, 2023

CITY OF ABBOTSFORD

LAND USE CONTRACT NO. 225 DISCHARGE BYLAW, 2023

Bylaw No. 3329-2023

PRJ22-100

APPENDIX "A"

DISCHARGE AGREEMENT – LAND USE CONTRACT NO. 225

THIS AGREEMENT made this _____ day of _____, 2023

BETWEEN:

YADWINDER SINGH BRAR
HARJIT KAUR BRAR
2563 Lilac Crescent
Abbotsford, British Columbia
V2T 1P5

(the "Owners")

AND:

CITY OF ABBOTSFORD
32315 South Fraser Way
Abbotsford, British Columbia
V2T 1W7

(the "City")

WHEREAS:

- (A) The Owners are the legal and beneficial owners of a certain parcel of land more particularly known and civically described as:

3694 Perth Street (the "Lands");
- (B) The City is the registered owner of a certain charge known as Land Use Contract No. 225 pursuant to the *Local Government Act*;
- (C) The Owners wish to discharge Land Use Contract No. 225 registered under Filing Number R1724, modified by filing number BL203242, BL323724, BL411335, BM57180, BM22515, BM136920, BM197213, BM202940, BM202941, BN63434, BN63435, BN105188, BN317753, BP6259, BP23613, BP23614, BP44998 and CA3986351;
- (D) The City adopted Bylaw No.3329-2023 authorizing the discharge of Land Use Contract No. 225 registered against the Lands.

CITY OF ABBOTSFORD

LAND USE CONTRACT NO. 225 DISCHARGE BYLAW, 2023

Bylaw No. 3329-2023

PRJ22-100

NOW THEREFORE IN CONSIDERATION of the premises and the payment of the sum of ONE DOLLAR (\$1.00) of lawful money of Canada (receipt of which is acknowledged by the City) the parties agree each with the other as follows, that:

1. Pursuant to the *Local Government Act*, Land Use Contract No. 225, dated the 2nd day of January, 1979, shall be discharged in respect of the Lands; and
2. Such discharge of Land Use Contract No. 225 in respect of the Lands shall be registered in the New Westminster Land Title Office in accordance with the *Land Title Act*.

IN WITNESS WHEREOF the parties have set their hands or, in the case of a corporation, the corporate seal was affixed in the presence of its duly authorized officers on the date and year first above written.

CITY OF ABBOTSFORD, by its)
authorized signatory(ies):)
)
)
_____)
ROSS SIEMENS, MAYOR)
)
)
_____)
GABRYEL JOSEPH, CITY CLERK)
)
)

)
)
SIGNED, SEALED, AND)
DELIVERED in the presence of:) YADWINDER SINGH BRAR)
)
)
_____)
HARJIT KAUR BRAR)
Print Name:)

APPENDIX "B"