

Council Report No. PDS 070-2025

Date: June 10, 2025

File No. 3100-05 PRJ22-077

To: Mayor and Council
From: James Bryndza, Planner
Subject: Official Community Plan Amendment, Rezoning and Development Permits with Variances application (2111 and 2133 Whatcom Road)

RECOMMENDATION

1. That Bylaw No. 3639-2025, "Official Community Plan Bylaw, 2016, Amendment Bylaw No. 034" be read a first time;
2. That, Council acknowledges that the City has referred Bylaw No. 3639-2025, "Official Community Plan Bylaw, 2016, Amendment Bylaw No. 034" to local First Nations and to School District No. 34 (Abbotsford) Board of Education under sections 475 and 476 of the Local Government Act;
3. That Council, having considered the following in the order outlined, give second reading to Bylaw No. 3639-2025, "Official Community Plan Bylaw, 2016, Amendment Bylaw No. 034", having considered:
 - a. The City of Abbotsford's Financial Plan;
 - b. The City of Abbotsford's Wastewater System Master Plan;
 - c. The JAMES Wastewater Master Plan;
 - d. The Fraser Valley Regional District's Solid Waste Management Plan;
 - e. The matters under section 475(2) of the Local Government Act and is satisfied that the consultation undertaken to date, plus the consultation directed herein, meets the requirements of section 475 of the Local Government Act; and
 - f. The matters under section 476(2) of the Local Government Act and is satisfied that the consultation with School District No. 34 (Abbotsford) Board of Education undertaken to date, plus the additional consultation referenced above, meets the requirements of section 476 of the Local Government Act.
4. That pursuant to section 477(3)(c) of the Local Government Act, Bylaw No. 3639-2025, "Official Community Plan Bylaw, 2016, Amendment Bylaw No. 034", be advanced to an upcoming Public Hearing;
5. That should Bylaw No. 3639-2025, "Official Community Plan Bylaw, 2016, Amendment Bylaw No. 034" receive third reading at the upcoming Regular Council Meeting, Bylaw No. 3640-2025, "Abbotsford Zoning Bylaw, 2014, Amendment Bylaw No. 685", be considered for first, second and third readings; and
6. That prior to adoption of Bylaw No. 3640-2025, "Abbotsford Zoning Bylaw, 2014, Amendment Bylaw No. 685", the following conditions be satisfied:

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- a. adoption of Bylaw No. 3639-2025, "Official Community Plan Bylaw, 2016, Amendment Bylaw No. 034";
 - b. entering into a Development Agreement and/or providing cash-in-lieu to secure the required road dedication and utility upgrades and extensions, as detailed in the attached Works and Services Report;
 - c. providing 0.0 m to 1.5 m road widening dedication along the full frontage of the subject property along Whatcom Road to create a 27.0 m highway right-of-way, as highlighted in the Works and Services Report;
 - d. providing a \$61,250 Community Benefit Contribution (\$625 per net unit for cycling, transit and pedestrians, park improvements, and affordable housing);
 - e. consolidating the two subject properties into one property;
 - f. obtaining Ministry of Transportation and Transit approval of Bylaw No. 3640-2025, "Abbotsford Zoning Bylaw, 2014, Amendment Bylaw No. 685"; and
 - g. resolving all issues of funding for items not budgeted by the City.
 7. That should Bylaw No. 3640-2025, "Abbotsford Zoning Bylaw, 2014, Amendment Bylaw No. 685", receive third reading, Development Permit with Variance No. 2538 be Approved in Principle; and
 8. That prior to issuance of Development Permit with Variance No. 2538 the following conditions be satisfied:
 - a. adoption of Bylaw No. 3639-2025, "Official Community Plan Bylaw, 2016, Amendment Bylaw No. 034" and Bylaw No. 3640-2025, "Abbotsford Zoning Bylaw 2014, Amendment Bylaw No. 685";
 - b. providing a \$23,000 amenity contribution in support of the proposed parking variance;
 - c. providing a landscaping security based on an accepted cost estimate from a Landscape Architect, in accordance with the Development Application Procedures Bylaw;
 - d. providing a landscaping inspection fee equivalent to 2% of the accepted cost estimate to a maximum of \$2,500, in accordance with the Development Application and Service Fee Bylaw;
 - e. working with staff to identify opportunities to plant additional trees to improve screening between the subject site and the west adjoining property;
 - f. providing a cash-in-lieu of \$300 for each replacement tree that cannot be accommodated onsite through per the accepted landscape plan;
 - g. installation of tree protection fencing, as recommended in the attached Arborist Report;
 - h. providing \$42,062,36 as an environmental security, in accordance with the Development Application and Service Fee Bylaw;
 - i. providing \$2,103.18 as an environmental inspection fee (5% of the accepted cost estimate to a maximum of \$2,500), in accordance with the Development Application and Service Fee Bylaw;
 - j. providing confirmation of acceptance from a Geotechnical Engineer of the final lot grading, landscaping, tree-retention and removal, architectural and site plans and preliminary site servicing and to reaffirm that the site is safe for the use intended;
 - k. providing an Erosion and Sediment Control (ESC) plan, to the acceptance of the Director, Development Planning;
 - l. providing \$10,000 as an Erosion and Sediment Control security based on \$12,000 per hectare of land proposed to be developed or \$10,000, whichever is greater, in

- accordance with the Development Application Procedures Bylaw;
- m. providing a lot grading plan that includes design of protective measures (i.e., retaining walls) to meet the geotechnical recommendations of the geotechnical report for mitigating small-scale landslides, to the acceptance of the Director, Development Planning;
 - n. registering a Section 219 Covenant for environmental protection;
 - o. registering a Section 219 Covenant for private garbage and recycling collection;
 - p. registering a Section 219 Covenant for flood warning for the portion of the property that may be subject to flooding;
 - q. owners providing written acknowledgement of the terms and conditions of the permit;
 - r. providing of three sets of signed, sealed development permit plans and reports;
 - s. providing of three sets of signed, sealed landscaping plans; and
 - t. providing unsecured electronic copies of all final plans and reports.

REPORT CONCURRENCE	
<p>GENERAL MANAGER</p> <p>The General Manager concurs with the recommendation of this report.</p>	<p>CITY MANAGER</p> <p>The City Manager concurs with the recommendation of this report.</p>

PURPOSE

To consider amending the Official Community Plan (OCP) land use designation from Secondary Commercial to Urban 1 - Midrise and to rezone the subject properties from Urban Estate Residential Zone (RS1) to Mid Rise Apartment Zone (RMM). Concurrently, Council is requested to consider issuance of a Multifamily, Natural Environment and Steep Slope Development Permit with the following variances:

- a) Zoning Bylaw – to reduce the required off-street parking from 158 spaces to 157 spaces; and
- b) Streamside Protection Bylaw – to reduce the Streamside Protection and Enhancement Area (SPEA) by approximately 267 m².

SUMMARY OF THE ISSUE

The applicant is proposing to amend the Official Community Plan (OCP) land use designation of the subject properties from Secondary Commercial to Urban 1 - Midrise and to rezone the property from Urban Estate Residential Zone (RS1) to Mid Rise Apartment Zone (RMM) to facilitate the construction of a 100-unit six storey apartment building with a two-level underground parkade providing 157 parking spaces (see Figures 0 to 15 and Attachment A-J). The proposal also includes the issuance of a Development Permit for Multifamily, Natural Environment and Steep Slope with variances to reduce to required off-street parking from 158 spaces to 157 spaces and to reduce the Streamside Protection Bylaw's Streamside Protection and Enhancement Area (SPEA) by approximately 267 m².

Staff support the proposed OCP and rezoning amendments and the issuance of the Development Permit with Variances.

BACKGROUND

Applicant: Ven Architecture Inc. (Contact: Wayne Venables)
Owners: Citadel Whatcom GP Ltd. (Directors: Steven Bos)

For Director's information: please see Corporate Summary (Attachment J)

Legal Descriptions: Parcel "20" Except Portions Dedicated Road on Plans 71759 and BCP20755 District Lot 230 Group 2 New Westminster District Explanatory Plan 65032

Lot 7 Except Firstly: Part on Explanatory Plan 65032; Secondly: Portions in Plans 71533 and BCP17412 District Lot 230 Group 2 New Westminster District Plan 8863

Existing OCP Designation: Secondary Commercial

Proposed OCP Designation: Urban 1 – Midrise

Existing Zoning: Urban Estate Residential Zone (RS1)

Proposed Zoning: Mid Rise Apartment Zone (RMM)

Site Area: 1.96 ha (4.84 ac)

Site Description: The subject site slopes downward from its southwest corner to Whatcom Road. Most of the site is vegetated and there are two previously developed areas where homes existed on each of the two lots. The southeast corner of the site is within a Streamside Protection and Enhancement Area (SPEA).

Surrounding Uses:

- N: Whatcom Road and commercial services and multifamily residential beyond designated Secondary Commercial and Urban 1 – Midrise (zoned CGS and RML);
- S: Multifamily Residential designated Urban 2 – Ground Oriented (zoned RM30);
- E: Whatcom Road and commercial services beyond designated Secondary Commercial (zoned CGS); and
- W: Multifamily Residential designated Urban 2 – Ground Oriented (zoned RM30).

DISCUSSION

Context

1. The proposed development is situated along the west side of Whatcom Road. The surrounding neighbourhood comprises a combination of commercial and residential uses containing retail businesses, multifamily apartment buildings and townhouses and some single detached dwellings further north. The site is within close proximity to numerous

services and amenities such as Winfield Park, Delair Park and Castle Fun Park. Mountain Elementary School and ASIA Sumas (Abbotsford School of Integrated Arts) are located approximately 800 m to the west and one kilometer to the northeast, respectively. Various businesses and commercial services are within 400 m of the site and transit service is available within walking distance. The Whatcom Road / Highway 1 interchange is approximately 200 m to the south (see Figure 2).

Official Community Plan (OCP) / Historic Neighbourhood Plan

2. The subject properties are designated Secondary Commercial (Figure 3). This land use designation allows for small and medium format retail centres, generally one to two storeys with a density of 0.5 FSR to 1.0 FSR on existing or consolidated properties that are 1,000 m² or less.
3. The applicant is proposing an OCP amendment to change the land use designation from Secondary Commercial to Urban 1 – Midrise, which allows multi-storey residential buildings including low and mid-rises with integrated ground-oriented units. The permitted densities range between 1.0 and 2.0 FSR with a maximum height of 6 storeys. The proposed six storey apartment building is consistent with the proposed Urban 1 – Midrise land use designation with a proposed FSR of 1.98.

OCP Amendment Consultation (Public Information Meeting)

4. Section 475 of the Local Government Act (LGA) states that when an amendment to an Official Community Plan (OCP) is proposed, the local government must provide an opportunity it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. This is in addition to a Public Hearing.
5. To align with this LGA requirement, Section 3.1 (Notification and Consultation) of the Development Application Procedures Bylaw outlines that OCP amendment applications be presented for public review at a City hosted information meeting, prior to proceeding for Council consideration. In this regard, both an in-person Public Information Meeting (PIM) and an online consultation opportunity, using the City of Abbotsford's 'Let's Talk Abbotsford' community engagement platform, were available for the City to receive public input on the proposal.
6. In accordance with the Development Application Procedures Bylaw, newspaper advertisements were published, and notification was sent to residents within 250 m of the subject property and within 500 m of the subject property for properties within the ALR.
7. For the online consultation, residents were invited to review the proposed OCP amendment and associated project details online from February 19, 2025 to March 12, 2025 (3 weeks) and complete a survey to identify key community concerns related to the OCP amendment. The webpage recorded 481 visits, with 72 survey responses. The survey results identified that 87% of respondents do not support the proposed OCP amendment, 7.8% of respondents do support the proposed OCP amendment and 5.2% were undecided.
8. The in-person Public Information Meeting (PIM) took place on March 5, 2025, at Mountain Elementary School, located at 2299 Mountain Drive. Twenty-five people attended the PIM and eleven comment sheets were received. Of the eleven comment sheets, eight

respondents do not support the OCP amendment and three respondents do support the OCP amendment.

9. A summary of the online consultation is provided in Attachment D. The online and in-person feedback included the following concerns:

- increase of vehicle traffic and congestion;
- lack of available street parking;
- loss of privacy and loss of views
- crime in the area will increase;
- property values will decrease;
- negative impact to wildlife.
- danger from flooding, slope stability and tree loss;
- not enough infrastructure, services and schools in the area;
- need to increase the landscaping to improve screening;
- overall building height concerns, density and not in keeping with the neighbourhood and community; and
- the proposed building is too high, the applicant should consider removing floors or changing to a flat roof.

10. The online and in-person feedback included the following comments for support:

- the building looks good;
- higher density around freeway access and a Neighbourhood Center is a good idea;
- better than commercial; and
- lack of apartment units in area, affordability.

In response to the feedback gathered during the PIM process, the applicant has offered to work with staff to identify opportunities to plant additional trees to improve screening between the subject site and the west adjoining property prior to final approval of the Development Permit. In their original submission of architectural drawings, the applicant had anticipated privacy concerns with the adjacent west adjoining property and had purposefully oriented the building to minimize the visual interface between the two properties. In this same regard, the applicant also minimized the size and number of windows and increased the setback of the building beyond the minimum 6 m to provide additional improved privacy.

OCP Amendment Consultation (General)

11. Section 477(3) of the Local Government Act requires that after the first reading of an OCP amendment bylaw, “the local government must do the following in the indicated order:

- a. First, consider the proposed Official Community Plan in conjunction with
 - i. Its financial plan, and
 - ii. Any Waste Management Plan, under Part 3 (Municipal Waste Management) of the Environmental Management Act that is applicable in the municipality or regional district;
- b. Next, if the Official Community Plan applies to land in an Agricultural Land Reserve, refer the plan to the Provincial Agricultural Land Commission for comment; and
- c. Finally, hold a Public Hearing on the proposed Official Community Plan in

accordance with Division 3 (Public Hearings on Planning and Land Use Bylaws).

12. Accordingly, should Council grant first reading (and prior to granting second reading) for the proposed OCP amendment bylaw, a recommendation is included in this report to consider the amendment in conjunction with the City of Abbotsford's Financial Plan, Wastewater System Master Plan, JAMES Wastewater Master Plan, and the Fraser Valley Regional District's Solid Waste Management Plan.
13. This proposal does not amend the City's policies and targets related to solid waste and wastewater, and the development continues to meet the overall intent and direction of the City's masterplans.
14. As the lands are located outside the Agricultural Land Reserve, referral to the ALC is not required.
15. Section 475 of the Local Government Act further stipulates that Council should: "consider whether consultation is required with the following:
 - *The board of the regional district in which the area covered by the plan is located;*
 - *The board of the regional district that is adjacent to the area covered by the plan;*
 - *The council of any municipality that is adjacent to the area covered by the plan;*
 - *First Nations;*
 - *Boards of education, greater boards and improvement district boards; and*
 - *The provincial and federal governments and their agencies."*
16. The subject property is not abutting local governments or First Nations and remains consistent with the FVRD Regional Growth Strategy. Staff sent application referrals to the Fraser Valley Regional District, Abbotsford School District and First Nations.

Abbotsford School District

17. Abbotsford School District provided the chart below regarding catchment schools, capacity and enrolment, noting that the nearby middle and secondary school buildings are already over capacity. The School District uses on-site portable buildings when utilization exceeds capacity. At this time, there are no confirmed building improvements for these schools.

Catchment School	Operating Capacity	Enrolment	Utilization
Mountain Elementary	351	240	68%
William A. Fraser Middle	600	716	119%
Yale Secondary	1100	1188	108%

First Nations

18. In response to the First Nations referral, the People of the River Referral Office (PRRO) provided comments relating to cultural heritage, environmental protection and landscape plantings, further noting that the project area overlaps with an area of archaeological potential

(see Attachment E). The property owner met with the First Nations representatives to walk the site and discuss the proposal. City of Abbotsford staff also met with the same group to discuss the proposal. At this time no further action or review by the PRRO is anticipated.

Fraser Valley Regional District

19. Staff from the Fraser Valley Regional District responded that the proposed OCP amendment is consistent with the Regional Growth Strategy (RGS). The proposed change is supportive of the RGS Goal 4.0 Community Building, specifically policy areas 4.1 Concentrate growth in urban centres and 4.4 Ensure housing choice and affordability.
20. Policy area 4.1 addresses, in part, the importance of integrating land use with transit services and supports transit-oriented development. The subject site is adjacent to an existing transit route and in the future will be within walking distance to a potential regional transit exchange at a redesigned Whatcom freeway interchange. The proposal will also see continued densification of the City's urban core.
21. Policy area 4.4 addresses the need to increase the availability of a range of housing forms and affordability levels in the region. The following comments have been received from the FVRD Environmental Services Department with respect to the FVRD Solid Waste Management Plan:
 - Sufficient space should be provided to accommodate three streams of waste collection – Garbage, recycling and organics (compost). The document provided only mentions two streams.
 - Ensure that there is enough room for waste collection vehicles to go in and out of the complex.
 - During Demolition/Construction:
 - Minimize the creation of waste by separating materials by type so that they can be reused or recycled. Work with waste haulers that will keep materials separated and bring them to appropriate facilities
22. Based on the above analysis and referral responses, staff recommend that no further consultation be undertaken.
23. Staff recommend support for the proposed OCP amendment from Secondary Commercial to Urban 1 – Midrise as the proposed development is in keeping with the broad objectives and policies of the Urban Structure of the OCP by:
 - i. Focused Residential Growth – Focus an overall 75% of new residential growth (approximately 45,000 new residents) in centres and existing neighbourhoods, with the most intensification in the Urban Core;
 - ii. Housing Diversity – Support diverse housing types for a variety of household sizes, incomes, tenures, and preferences; and
 - iii. Residential Intensification – Focus residential intensification around the Urban and Neighbourhood Centers.

Affordable Housing Strategy

24. 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 encourage 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.

Zoning

25. The subject properties are currently zoned Urban Estate Residential Zone (RS1) (see Figure 4). If the proposed OCP amendment is approved, the applicant proposes to rezone the site to Mid Rise Apartment Zone (RMM) to facilitate the construction of a 100-unit apartment development in a six storey building with two levels of underground parking and an overall Floor Space Ratio (FSR) of 1.98.
26. The intent of the RMM Zone is to accommodate midrise developments up to six storeys in height, including residential buildings for congregate care, for lands designated Urban 1-Midrise in the City's OCP. The RMM Zone permits apartment uses with a maximum height of up to six storeys at a density of 1.0-2.0 FSR. The RMM Zone aligns with the Urban 1 – Midrise land use designation in the OCP.

Multifamily Form and Character Development Permit

27. The proposed development is subject to the Multifamily Form and Character Development Permit guidelines contained within the OCP. The objectives of these guidelines are to encourage the construction of well-designed, attractive and livable residential developments. As variances are proposed, the Multifamily Form and Character DP with Variance is being presented concurrently for Council's consideration.
28. The applicant has submitted architectural and landscape plans, illustrating the proposed 100 apartment units within one six storey building with a two level parkade. Details of the unit types and sizes are as follows:
- 11 – One Bedroom with an average size of 58 m² (623 ft²);
 - 37 – One Bedroom + Den with an average size of 61 m² (658 ft²);
 - 10 – Two Bedrooms with an average size of 90 m² (964 ft²); and
 - 42 – Two Bedroom + Den with an average size of 89 m² (960 ft²).
29. The proposal meets the Multifamily Development Permit Guidelines as outlined below (see Figures 7-15):
- M11 Private Amenity Spaces – the proposal includes ample outdoor amenity areas with outdoor seating and programmable space. Individual units are also provided with patios or balconies;
 - MF13 Parking Location and Design/MF15 Underground Parking – the required off-street parking is mainly provided in a two-level underground parkade and the exposed portion of the parkade is screened with landscaping;
 - MF16 Storage, Garbage and Recycling – the garbage collections bins are proposed within a fully enclosed structure with a roof with exterior materials and architectural treatments that complement the main building;
 - MF17 Building Entrances – the building provides an identifiable and architecturally distinct entrance with direct access to the public sidewalk;
 - MF19 Architectural Interest – a variety of building materials and colours are used

- to establish a visually interesting façade;
- MF25 Building Length – as per the DP guidelines, the proposed building does not exceed 90 m in length. Furthermore, the building steps down with the topography to mitigate the impression of one long building; and

Variance to Zoning Bylaw

Section 150.3.1 Required Off-Street Parking

- Reduce the required off-street parking from 158 stalls to 157 stalls (see Figure 7 and Attachment C).
30. The Zoning Bylaw requires a minimum of 1.25 parking stalls for each one bedroom dwelling unit, 1.5 parking stalls for each dwelling unit having more than one bedroom and 0.2 additional visitor parking spaces for each dwelling unit. Thus, for the 100 proposed units – 48 one bedroom and 52 two bedroom units – a total of 158 residential and visitor parking stalls are required and the applicant is proposing a variance to reduce the number to 157 stalls. The variance is required due to the irregular shape of the site and the resulting building and construction limitations. Staff supports the variance as it is minor and each apartment unit will still each have a minimum of one stall.

Amenity Contribution for Zoning Bylaw Variance

31. In accordance with a 2008 Council resolution E008-2008, staff is to negotiate public amenities for development variances on a case-by-case basis.
32. The applicant is proposing an amenity contribution of \$23,000 for the variance to reduce off-street parking by one stall. This represents \$23,000 for each varied parking stall, which aligns with amenity contributions of recently considered parking variances. The amenity contribution is expected to be directed toward projects that improve transit and pedestrian infrastructure. Staff are supportive of the variance and the proposed amenity contribution.

Natural Environment Development Permit

33. The lands are located within a Natural Environment Development Permit (NEDP) area, and as such, are subject to the issuance of an NEDP (see Figure 5). The objectives of the NEDP are to allow land to be used for its intended purposes, while also protecting, enhancing and/or restoring the City's natural environmental areas including habitat for species at risk, prevent the introduction and spread of invasive species, and protect water quality and quantity.
34. In support of Development Permit No. 2538, the applicant has provided an environmental assessment report prepared by Redcedar Environmental Consulting dated June 10, 2024 (see Attachment F). The report identifies one permanent fish-bearing watercourse (Marshall Creek) adjacent the subject property, to the south. As per the City's Streamside Protection Bylaw, this stream requires a 30 m Streamside Protection and Enhancement Area (SPEA), measured from the top of bank. As per the Provincial Riparian Areas Protection Regulation, this watercourse requires a 21.4 m SPEA, measured from the high-water mark.

Variance to Streamside Protection Bylaw

Section 4 Width of SPEA for Streams

- Reduce the Streamside Protection and Enhancement Area by approximately 267 m² (see Figure 8 and Attachment C).
35. The proposed development requires a variance to the City's SPEA setback to provide additional developable space for a small portion of the proposed building and for internal site circulation. The applicant is proposing a 267 m² encroachment into the City's SPEA, and 427 m² of rehabilitation (see Figure 8). Once habitat weighting is applied, there will be slightly more than 2:1 rehabilitation to impact as a result of development, in accordance with the City's practice. Moreover, approximately 1,025 m² of naturalized forest will be maintained in the southwest portion of the property due to steep slopes. This area will be contiguous with the proposed new SPEA.
36. Rehabilitation includes the planting of 400 trees and shrubs in the SPEA and removing an existing driveway and grassed lawn from within the SPEA and replacing them with native trees and shrubs. The rehabilitation plan also includes removal of invasive plant species and wildlife salvage/relocation if required. The SPEA will be protected by a fence to the east and a retaining wall to the north. Staff are supportive of the proposed variance given the rehabilitation plan provides greater than a 2:1 compensation ratio and overall the project is expected to benefit the environment.
37. The estimated cost of the rehabilitation works and monitoring is \$42,062.36, which includes a 10% contingency and which staff recommend the applicant provide as security as a condition of DP approval. The required inspection fee for the security is \$2,103.18, which staff recommend the applicant provide as a condition of DP approval.
38. Staff further recommend that a Section 219 covenant be registered on the property to further identify and protect the SPEA area.

Steep Slope Development Permit

39. As per the OCP, development on lands greater than 20% and/or within 20 m of slopes that are 20% or greater are defined as a Steep Slope Development Permit Area. The proposed development is within such an area and therefore requires a Steep Slope Development Permit (see Figure 6).
40. The objectives of the Steep Slope guidelines are intended to allow land to be used for its intended purpose, while also protecting residents and property from potential risk of natural hazards. In some cases, development on or near steep slopes is unavoidable and require measures during site and building design, construction and long-term maintenance to minimize the associated risks.
41. The applicant has submitted a geotechnical report, prepared by GeoWest Engineering dated June 25, 2024 (see Attachment G). The report identifies inundation by flood water (south end only) and small-scale localized landslides as geohazards that require mitigative measures. The report confirms the site can be safely developed for the intended use subject to the development being designed to meet the City's Flood Construction Level requirements and subject to the protective works, such as retaining walls, grading, and rock bolting, being designed and constructed as needed to ensure the development's localized slope hazard continues to remain below an annual probability of occurrence of less than 1:10,000. To

implement the Geotechnical Engineers recommendations, staff recommend that as a condition of DP approval, the Geotechnical Engineer confirms acceptance of the final lot grading, landscaping, tree-retention and removal, architectural and site plans, and preliminary site servicing and to reaffirm that the site is safe for the use intended. Furthermore, should this review lead to revised recommendations from the Geotechnical Engineer those recommendations will be attached to and form part of the issued permit.

42. For flood mitigation, the habitable spaces of the building have already been designed to meet the full floodproofing minimum elevation that is recommended in the geotechnical report. The lowest level of the parkade is at the minimum elevation for reduced floodproofing and therefore meets the Zoning Bylaw's requirements without requiring an indemnification covenant. Notwithstanding, staff recommends that a Section 219 covenant for flood warning be registered on title to alert future property owners of this risk.
43. Lot grading has not yet been finalized. Prior to final DP approval, staff are recommending the applicant submit a lot grading plan for review and acceptance by the Director, Development Planning.

Access and Parking

44. The proposed development provides vehicle access via Whatcom Road. The building is set back from the road to provide ample space for on-site circulation, loading and turnaround movements for garbage and moving trucks. The setback of the building also helps maximize view angles while entering and exiting the site. The applicant's traffic engineer provided projected traffic counts for the proposed development and based on this both the City's Transportation Engineering staff and staff from the Ministry of Transportation and Transit determined that no further traffic assessment is required. The Works and Services report (Attachment I) identifies minor road dedication and full road construction along the frontage of Whatcom Road to achieve the City's Urban Arterial with Left Turn Lane standard road with Urban Highway design features.
45. In accordance with the updated Zoning Bylaw, the proposed development requires 158 off-street parking spaces and the applicant is proposing a variance to decrease this amount by one (157 spaces). The applicant is providing 157 parking spaces including 20 for visitors and 137 for residents. There are five surface parking stalls for visitors with the remaining stalls located underground.
46. As per the Zoning Bylaw, the proposed development requires 100 long-term bike parking spaces and 6 spaces for short-term bike parking. The long-term bike parking spaces are located in secured rooms in the underground parkade. The 6 short-term bike parking spaces are provided outside, beside the main entrance of the building.

Tree Removal and Replacement

47. An Arborist report was submitted in conjunction with this application, which is prepared by Central Valley Tree & Arborist Services Ltd. dated February 9, 2024 (see Attachment H). A total of 66 mature trees were assessed of which 59 are located on-site and 7 are located off-site. The arborist is recommending that of the on-site trees, 14 be retained and 45 be removed. Of the off-site trees, the arborist is recommending that four trees be retained and three be removed due to one tree being in poor health and the other two being dead. The off-site trees to be removed are located within the SPEA and removal has been reviewed and

accounted for by the Qualified Environmental Professional in the environmental report. The applicant will need to provide proof of authorization that the developers may remove the off-site trees.

48. As the tree removal is being authorized through the issuance of the Development Permit, protective fencing must be installed around any off-site trees identified for retention consistent with the Arborist Report in advance of DP issuance.
49. Consistent with the Tree Protection Bylaw, the removal of 48 trees will require the provision of replacement trees on-site or a cash contribution in lieu of replacement. Replacement trees are calculated at a 3:1 ratio for trees having a diameter greater than 30 cm DBH and at a 2:1 ratio for trees having a diameter of 20 – 30 cm DBH. The arborist has calculated a requirement for 124 replacement trees being required in conjunction with the Development Permit. As the landscape plan proposes to plant 44 trees on-site, the developer would be required to provide a cash-in-lieu payment for 80 replacement trees (\$24,000). Notwithstanding the cash-in-lieu calculation, staff recommend further working with the applicant to identify opportunities to plant additional trees (as discussed in the Landscaping section below) prior to finalizing the replacement tree calculation and prior to final approval of the DP.
50. In conjunction with this development, street trees are required in accordance with the Development Bylaw and will be secured through the required works and services.

Landscaping

51. The applicant has submitted landscape drawings, prepared by C. Kavolinas & Associates Inc. and dated May 2024. The landscape architect has provided a mixture of native and ornamental plantings for the site. Prior to final approval of the development permit, staff recommend working with the applicant to add additional trees, between and on top of the retaining walls in the northwest area of the site for improved privacy between the proposed development and the existing townhouse development located to the east. Staff have discussed this item with the applicant and to assist in addressing concerns raised during the Public Information Meeting, the developer is amenable to revising the landscape concept to include additional vegetation to enhance privacy between this and the adjacent development

Community Amenity Contributions

52. On September 11, 2023, Council adopted Policy C007-11 which establishes and describes a Community Amenity Contributions (CAC) program for residential development applications that require rezoning. Under this policy, CAC's are defined as voluntary amenity contributions made by the developer as part of their rezoning proposal and are intended to offset the cost of providing community amenities associated with new residential development. With respect to apartment developments, the voluntary cash-in-lieu contribution is \$22 per m² of Net Floor Area, with the funds being directed to the Affordable Housing Opportunities Reserve Fund (Affordable Housing), and a Community Amenities Reserve Fund (Recreation Amenities and Green Space, Cultural Amenities and Emergency Service Amenities). The policy applies to all new rezoning applications made after September 11, 2023. As the subject application was made before September 11, 2023, the applicant has proposed a community contribution under the previous Community Benefit Contribution (CBC) program. The recommended CBC for this application is \$61,250 (\$625 per net additional dwelling unit, which is broken down into \$225 for cycling, transit and pedestrians; \$200 for park improvements; and \$200 for affordable housing).

Ministry of Transportation and Transit Approval

53. The subject property is located within 800 m of a controlled access intersection with Highway 1. As such, proposed Bylaw No. 3640-2025, "Abbotsford Zoning Bylaw, 2014, Amendment Bylaw No. 685" requires approval from the Ministry of Transportation and Transit (MoTT). A referral was sent to MoTT and MoTT confirms there are no concerns with the proposed bylaw.

Site Development Considerations

54. A staff review of the Works and Services Requirements necessary to support this application has been completed and is outlined within Attachment G (dated August 19, 2024), the details of which will be incorporated into the Development Agreement, a prerequisite for the adoption of the rezoning bylaw.
55. 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 Bylaw, 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

56. Should Council grant first and second readings to Bylaw No. 3639-2025, "Abbotsford Official Community Plan Bylaw, Amendment Bylaw No. 034" the Bylaw will proceed to an upcoming Public Hearing. The City will notify the owners and occupiers of properties within 250 m (500 m for properties within the ALR). All of the correspondence received will be provided to Council. Two advertisements for the Public Hearing will be published in the City Page of the local newspaper.
57. On December 11, 2023, Council adopted amendments to the Development Application Procedures Bylaw which removed the requirement for a Public Hearing for rezoning bylaws and Council Hearings for Development Variance Permits. Two advertisements will be published in the City Page of the local newspaper and the City will notify, in writing, the owners and occupiers of land within a 100 m of the subject property (500 m for properties within the ALR), that proposed Bylaw No. 3640-2025, "Abbotsford Zoning Bylaw, 2014, Amendment No. 685" and Development Permit with Variance No. 2538 will be considered for 1st, 2nd and 3rd readings and approval in principle at an upcoming Regular Council meeting.
58. The City received confirmation on May 2, 2025, 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 four weeks in advance of Council's consideration of the application.

FINANCIAL PLAN IMPLICATION

Any capital works implications arising from this application have been addressed through the rezoning process.

Any fees and charges collected, as mentioned in the recommendation section, will be credited to City's various revenue or deposit accounts.

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

The proposed OCP amendment is consistent with the policies, goals and objectives identified in the 2016 Official Community Plan, the Affordable Housing Strategy, and Council's 2022-2026 Strategic Plan which identifies four Guiding Principles: Inclusive and Connected Community, Sustainable and Safe City, Vibrant and Growing Economy and Organizational Excellence and Integrity.

SUBSTANTIATION OF RECOMMENDATION

Staff support the proposed Official Community Plan (OCP) amendment for the subject properties from Secondary Commercial to Urban 1 – Midrise and the proposed rezoning from Urban Estate Residential Zone (RS1) to Mid Rise Apartment Zone (RMM) to facilitate the construction of a 100-unit six storey apartment building. Staff further supports the issuance of a Multifamily, Natural Environment and Steep Slope Development Permit with variances.

Staff are of the opinion that the proposal will provide housing capable of meeting a diversity of household sizes, incomes and preferences. As such, staff support this application subject to the conditions outlined in the recommendations section.

APPROVALS

Mark Neill, General Manager of Planning and Development Services
Komal Basatia, Chief Financial Officer
Peter Sparanese, City Manager

ATTACHMENTS

Council Figures 0-15

Attachment A – Draft Bylaw No. 3639-2025, Official Community Plan Bylaw, 2016, Amendment Bylaw No. 034

Attachment B – Draft Bylaw No. 3640-2025, Abbotsford Zoning Bylaw, 2014, Amendment Bylaw No. 685

Attachment C – Draft Development Permit with Variances No. 2538

Attachment D – Online PIM Survey Response Report

Attachment E – PRRO Referral Response dated September 29, 2024

Attachment F – Environmental Report dated June 10, 2024

Attachment G – Geotechnical Report dated June 25, 2024

Attachment H – Arborist Report dated February 9, 2024

Attachment I – Works and Services Report dated November 27, 2024

Attachment J – Corporate Summary