

To: Chief Administrative Officer **Date:** April 7, 2025
From: Dan Sommer, Director of Development Services
Subject: **Council Resolution to Reconsider Development Application at 32968, 32972, and 32980 2nd Avenue**

Recommendation(s)

That Council consider the request from Western Canadian Properties Group (WCPG) to waive the one-year reapplication time restriction in the City's Land Use Application Procedures and Fees Bylaw and the Zoning Bylaw under Section 460(3) of the *Local Government Act (LGA)* and choose one of the following options:

1. **Deny the Request** – That Council uphold the one-year reapplication restriction and decline WCPG's request to reapply under Section 460(3) of the *LGA*.
2. **Conditional Reconsideration** – That notwithstanding the one-year reapplication restriction, Council grant WCPG the opportunity to reapply under Section 460(3) of the *LGA* to rezone the lands to the Mission City Downtown Two Zone (DT2), provided that any subsequent applications made to develop after zone adoption include a bylaw-compliant proposal that aligns with Council's planning objectives and addresses concerns raised in the previous review.
3. **Full Reapplication for Original Proposal** – That notwithstanding the one-year reapplication restriction, Council grant WCPG the opportunity to reapply for a rezoning and development permit under Section 460(3) of the *LGA* to allow a 56-unit apartment building as originally proposed, without requiring modifications to the design or scope.

Purpose

This request was originally brought to Council on February 18, 2025, but was not considered. This report presents a request from WCPG seeking a Council resolution to waive the City's one-year reapplication time restriction, allowing the property owners to reapply for the development of a residential apartment at 32968, 32972, and 32980 2nd Avenue.

It is important to note that this report seeks only a resolution of Council to allow WCPG to resubmit their proposal and not to assess the details of a new application, which has not yet been received.

Background

WCPG is requesting Council to allow the resubmission of their previous development application, which was denied on October 7, 2024, and then again denied upon reconsideration on November 4, 2024.

The development site consists of four lots accommodating three single-family residential buildings. The three buildings are over 75 years old, and although one of them is on the City's Heritage Inventory List, they are in relatively poor condition and unlikely to be restored given the

potential for a higher and better use of the lands. In recognition of some heritage value, WCPG had offered to provide the City with a historical summary and photos of the structures along with a historical plaque to be placed on the redeveloped site. In their current state, the structures have been a source of numerous complaints to the City's bylaw enforcement division and have since been boarded up by the property owners.

The request to resubmit the application was initiated by WCPG, who approached staff to inquire if there was any possibility of bringing their previously denied applications back to Council. In response, staff directed WCPG to Section 460(3) of the *LGA*, which allows reapplications despite any local government bylaws restricting such applications, provided an affirmative vote from at least 2/3 of the Council is achieved.

While such a request has not been previously made to Council, staff have been advised that this request is driven largely by irrecoverable costs WCPG incurred when preparing their previous applications and the impact that subsequent denials have had on the viability and marketing of these lands.

While Council may resolve to grant the request of WCPG, it is important to note that a resolution to waive the one-year reapplication time limit does not in any way fetter Council's discretion in reviewing and deciding on a new rezoning and permit application. WCPG has been made aware of the risks of resubmitting their proposal and additional costs associated with lodging a new application should they receive approval from Council to do so.

Reconsideration Process

Zoning Bylaw 5949-2020 and Land Use Application Procedures and Fees Bylaw 3612-2003 prohibit reapplying for a denied amendment or permit within 12 months, meaning that WCPG's development proposal cannot be reconsidered by the City until October 2025. However, under Section 460 of the *LGA*, Council may waive this restriction with a two-thirds affirmative vote. The applicant is requesting that Council grant this exception and allow staff to accept and process a new application.

Council is presented with three options for reconsideration:

1. **Deny** WCPG's request and uphold the one-year reapplication restriction.
2. **Allow rezoning only**, requiring any future development proposals to comply with the Zoning Bylaw and Development Permit Guidelines.
3. **Allow full reapplication** for both rezoning and a development permit for the original 56-unit apartment without design or scope changes.

Granting WCPG the opportunity to reapply under this section of the *LGA* does not limit Council's discretion in reviewing and deciding on any future application.

Project History

WCPG originally applied under P2021-142 to rezone 32968, 32972, and 32980 2nd Avenue from Multi-Unit Duplex 465 Zone (MD465) and Mission City Downtown Three Zone (DT3) to Mission City Downtown Two Zone (DT2) to allow the construction of a 56-unit residential apartment building. The project site is shown in **Attachment A**.

WCPG's development proposal was first presented to Council for first and second readings on December 4, 2023, where it was deferred until the applicant conducted an in-person

neighbourhood engagement meeting. After fulfilling this requirement, the project was reintroduced on July 2, 2024, and granted first and second readings on August 19, 2024. At that time, Council raised several concerns about the design, parking, and financial incentives and further requested a third reading report. Third reading was considered on October 7, 2024, but the application was denied.

On November 4, 2024, a second attempt was made to advance the application. Under Section 131 of the *Community Charter*, the Mayor has the authority to bring a bylaw amendment back for reconsideration. Exercising this authority at the November 4, 2024 Council meeting, the application was once again denied.

It is noted that when the developer held a neighbourhood engagement meeting, approximately eight residents attended. Several of them raised concerns about the potential lack of parking. Beyond this, only one or two other residents expressed concerns about the proposal. Prior to the neighbourhood engagement meeting, the developer also sent out an information letter detailing the project to approximately 180 neighbouring residents, to which only one resident responded. This neighbour's concerns were related to the future lane and timeline of the project.

Discussion

Application Submission

It is important to note that this report seeks only to determine Council's support to allow WCPG to resubmit their proposal, but not to assess the details of a new application, which has not yet been received. Depending on which option Council chooses, the application submission will either reintroduce a rezoning to the DT2 zone with building designs that remain largely unchanged or an application for only a rezoning to the DT2 Zone leaving the consideration of density and design of a proposal to a future application.

While the applicant will attempt to address concerns previously raised by Council, their request is to allow the submission of a proposal with no significant design changes to their original application. This is due to site constraints, overall project viability, and costs already incurred by the applicant in preparing their initial application.

The applicant acknowledges that resubmitting the same application would put them at risk for another denial. Moreover, the project is ineligible for the financial incentives that were previously available to them through the now-discontinued Downtown Development Incentive Program (DDIP). These incentives included property tax exemptions, reduced municipal fees, exemptions from community amenity contributions, and reduced parking requirements. Since relaxation in parking is no longer available, the new application would either need to comply with the City's parking requirements or address the parking deficiencies through a variance. Again, this will be considered under a separate application should Council grant WCPG the opportunity to resubmit their proposal.

Financial Implications

There are no financial implications associated with this report.

Summary and Conclusion

WCPG requests Council's approval to reapply for a previously submitted development application. While the design would remain largely unchanged, WCPG will attempt to address Council's concerns where possible, provided they do not impact the project's viability.

The project is no longer eligible for previous financial incentives or parking relaxations. Granting the opportunity to reapply does not guarantee approval but allows for reconsideration. Council

must decide whether to waive the one-year restriction, balancing the applicant's investment, the potential benefits of a 56-unit apartment, and the impact of leaving the properties undeveloped, while retaining full discretion over the final decision.

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Reviewed by: Dan Sommer, Director of Development Services
Approved for Inclusion: Mike Younie, Chief Administrative Officer

Attachment

Attachment A: Property Location