

DISTRICT OF WEST VANCOUVER
750 17TH STREET, WEST VANCOUVER BC V7V 3T3

7.

COUNCIL REPORT

Date:	June 8, 2023
From:	Hanna Demyk, Planning Technician
Subject:	Proposed Zoning Amendment to Allow Subdivision of 875 and 885 Jefferson Avenue
File:	1010-20-21-179

RECOMMENDATION

THAT proposed “Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5253, 2023” be read a first time.

RECOMMENDATION

THAT proposed “Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5253, 2023” be presented at a public hearing scheduled for July 17, 2023, at 7:00 p.m. in the Municipal Hall Council Chamber, and that the Municipal Clerk give statutory notice of the scheduled public hearing.

1.0 Purpose

To present to Council a proposed zoning amendment application to rezone 875 and 885 Jefferson Avenue from RS3 to RS5 to allow subdivision of the subject properties from two (2) into four (4) lots.

2.0 Legislation/Bylaw/Policy

Provincial Legislation

The *Local Government Act* requires that a public hearing be held on the proposed rezoning bylaw, in accordance with Sections 464 through 470.

Transportation Act

The subject site is located within a “controlled area¹”, in compliance with Section 52 of the Transportation Act, the Ministry of Transportation and Infrastructure (MOTI) will be required to approve rezoning of the subject site to accommodate the proposal.

Zoning Bylaw

The subject site, consisting of two legal lots, is currently zoned Residential Single Family Dwelling Zone 3 (RS3). The proposal includes a zoning amendment to rezone the subject site to Residential Single Family Dwelling Zone 5 (RS5), which permits smaller single family lots.

¹ Land located within a radius of 800 m from an intersection of a MOTI controlled access highway.

3.0 Official Community Plan and Council Strategic Objective(s)

3.1 Official Community Plan (OCP)

The OCP includes policies to address the housing needs of present and future generations within the community. The OCP aims to regenerate neighbourhoods with an estimated 300 - 400 new sensitive infill units (e.g., coach house, duplex, secondary suite, and infill subdivision) which can provide sensitive infill options that respect the scale and character of existing neighbourhoods. Policy 2.1.1 specifically states “amend neighbourhood subdivision standards (including consideration of site-specific applications) to enable the development of smaller houses on smaller lots in existing detached residential areas”.

Although a rezoning is required to allow the subdivision, the proposal is consistent with the OCP and an amendment to the OCP is not required.

3.2 2021 – 2022 Council Strategic Goals and Objectives

- Goal 1.0: Significantly expand the diversity and supply of housing, including housing that is more affordable.

4.0 Financial Implications

4.1 Community Amenity Contribution (CAC)

New developments where zoning amendment is necessary are expected to deliver community amenities. The value of the amenity is proportional to the increased potential of land use in comparison with existing zoning and land uses onsite. District policy defines a range of appropriate amenities, including housing affordability and diversity, childcare and cultural facilities, heritage preservation, public art, and public space, parks, and the environment.

Consistent with District policy and through a negotiated approach, the applicant offers a voluntary community amenity contribution (CAC) of \$770,000 in cash. District staff consulted with a third-party financial consultant (at the cost of the developer) to determine the voluntary CAC. Staff recommend acceptance of the CAC that would flow into the District’s amenity reserve account(s) to contribute to future amenity projects as determined by Council.

4.2 Development Cost Charges (DCCs)

At the subdivision permit stage, the applicant is required to provide applicable DCCs for two (2) new single family lots as per the “Development Cost Charge Bylaw No. 3801, 1993”.

4.3 Infrastructure Upgrades

The Land Development Department confirmed that subdivision of the site will require infrastructure upgrades (to be paid for by the applicant). Individual water, sanitary, and stormwater connections are required to service each of the new potential lots. The applicant will be required to satisfy all Land Development requirements at the subdivision application stage.

5.0 Background

The subject site, consisting of two (2) legal lots, is zoned RS3 and located within the Sentinel Hill neighbourhood. 875 Jefferson Avenue is 1,141 m² in area and 885 Jefferson Avenue is 1,099.3 m² in area (for a 2,240.3 m² total combined site area). The subject site is currently developed with a one-storey single family dwelling on each lot and is surrounded by single family dwellings (Figure 1 and **Appendix B**). Vehicle access is currently provided from Jefferson Avenue.

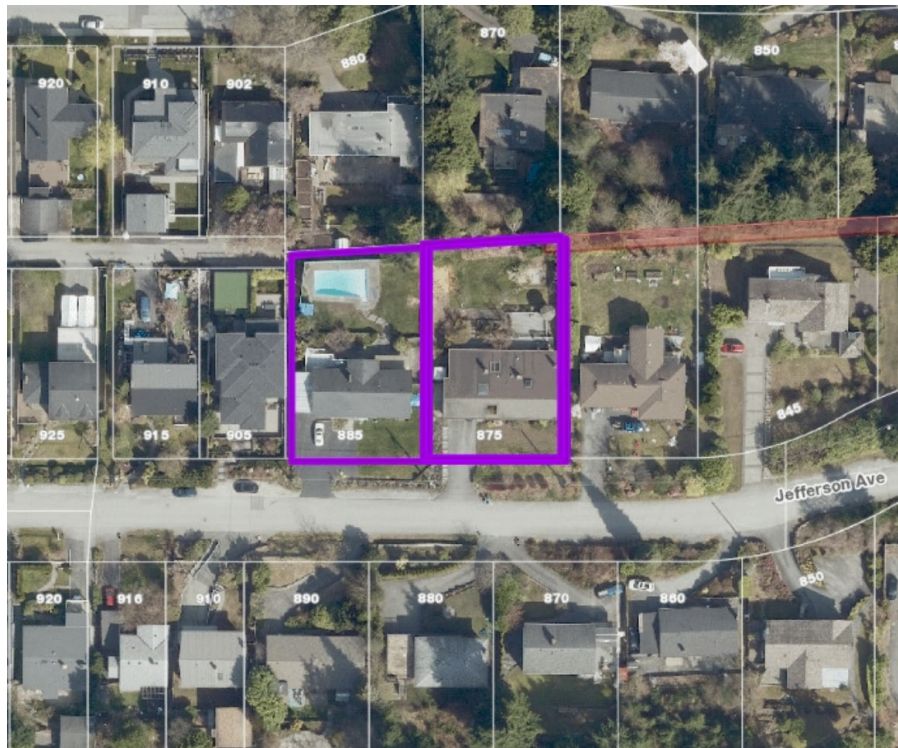


Figure 1 – Aerial Image of 875 & 885 Jefferson Avenue

6.0 Analysis

6.1 Proposal

The applicant proposes to subdivide the subject site from two (2) into four (4) smaller lots (**Appendix A**). The proposed zoning amendment would rezone the site from RS3 to RS5 (Figure 2). This is required to allow the subdivision as the proposed lots do not comply with the minimum lot area requirements of the RS3 zone (Figure 3). However, no OCP amendment or zoning variances to RS5 are required to facilitate the proposed subdivision.

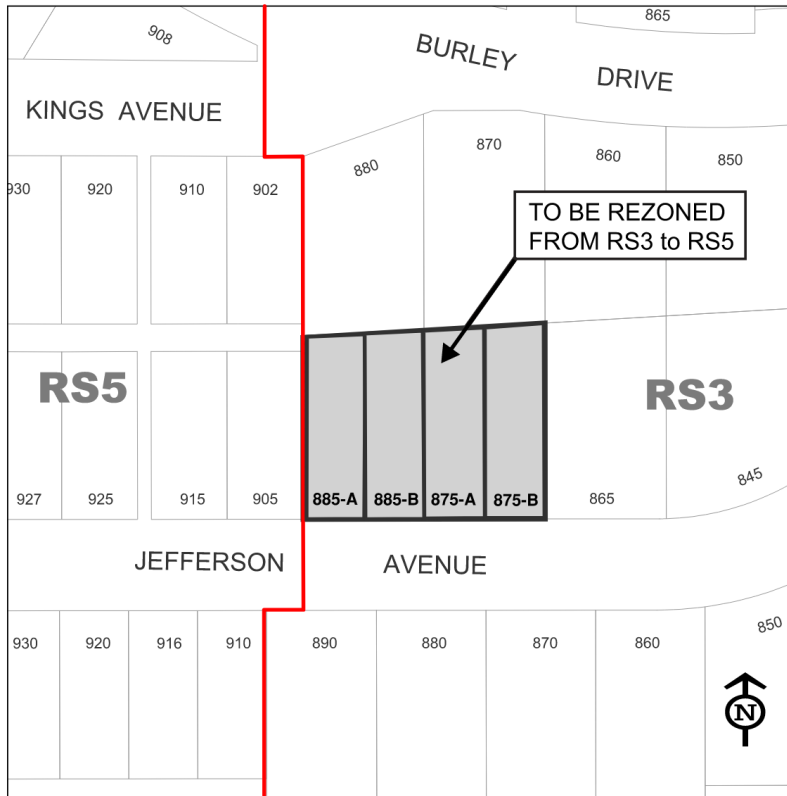


Figure 2 – Proposed Schematic Subdivision Plan

	Area:
Lot 875-A (875 Jefferson Avenue)	565.3 m ²
Lot 875-B (875 Jefferson Avenue)	575.7 m ²
Lot 885-A (885 Jefferson Avenue)	544.5 m ²
Lot 885-B (885 Jefferson Avenue)	554.8 m ²
RS3 Zone Minimum Lot Area	975 m²

Figure 3 - Proposed Lot Sizes and RS3 Minimum Lot Area

6.2 Discussion

Subdivision and Neighbourhood Character

The immediate neighbourhood is comprised of modest single family homes built in the 1950-1960s. The site sizes within a 100 m radius of the subject site range from 568 m² to 1,463 m². The subject site is bordered by smaller lots to the west that are currently zoned RS5 (Figure 4).

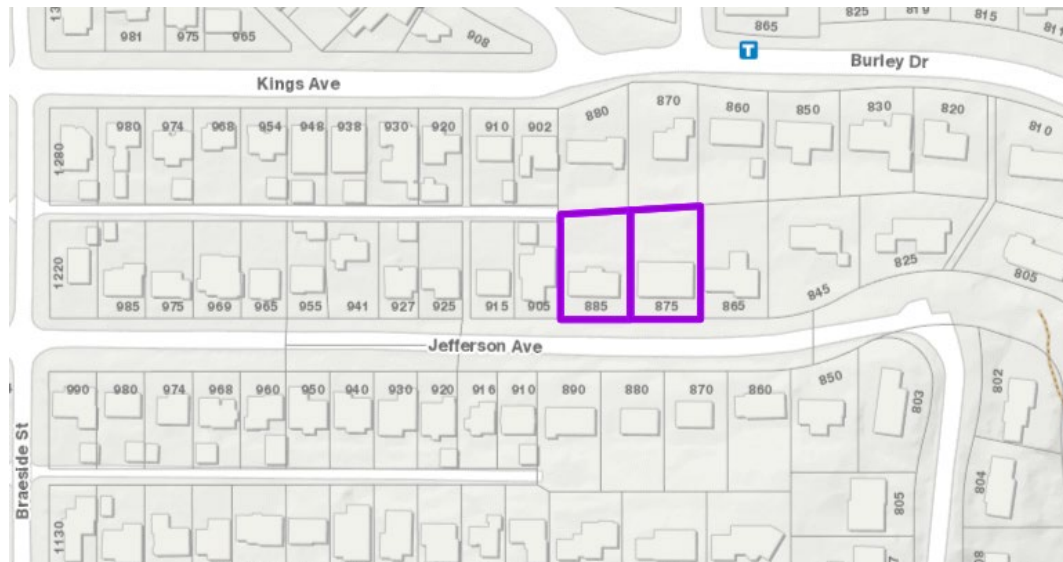


Figure 4 – Subject Site and Existing Lot Pattern

The proposed zoning amendment would extend the boundary of the existing RS5 zone to the west of the site to continue the established lot pattern and provide contiguous zoning on the subject site (**Appendix C**). Further, the proposed new lots would be in keeping with the range of sizes of lots in the neighbourhood.

Under existing zoning regulations, 875 Jefferson Avenue could be developed with a house of approximately 342.3 m² in floor area and 885 Jefferson Avenue could be developed with a house of approximately 329.8 m² in floor area, plus additional basement area located below grade.

The proposed rezoning would reduce allowable floor area to 204.4 m² on each subdivided lot. New homes are proposed to be approximately 200.7 m² on each lot. The proposal for four relatively smaller houses will provide a positive benefit to the neighbourhood character by reducing overall building bulk. The proposal would also be in keeping with the scale and character of the existing homes in the neighbourhood (Figure 5), noting that the rendering shown is for illustrative purposes only and the proposed zoning amendment would not control the design of the houses.



Figure 5 – Rendering of Proposed Homes (southeast view) (for illustrative purposes only)

From a policy perspective, the proposed zoning amendment would facilitate an infill subdivision that is supported by the OCP's sensitive infill policies. Subdivision of the lot also helps to meet objectives in the OCP by preserving neighbourhood character with regeneration of an existing single family neighbourhood.

Tree Retention and Removal

The arborist report identified a total of five trees on the subject site, including on-site trees (four trees) and neighbouring trees with critical root zones encroaching onto the subject property (one tree) (**Appendix D**). The proposed subdivision and construction of the new homes will require the removal of three unprotected trees and one protected tree on the subject site, which are in direct conflict with the proposed lot grading and building footprints. One off-site tree is proposed to be retained. Protection barriers will be installed during construction to protect its trunk, roots, and structure.

The District's *Tree Bylaw No. 4892, 2016* requires replacement of one tree for removal of a protected tree. As such, the applicant proposes to replace the on-site protected tree proposed for removal with a minimum size tree based on the replacement tree requirements specified in the District's *Tree Bylaw*.

6.3 Sustainability

The proposed rezoning will facilitate an infill subdivision recognized as a sustainable land use tool within the OCP. Infill subdivisions allow new

ground-oriented family friendly housing to be integrated within exiting neighbourhoods including utilization of existing infrastructure such as roads, sewer, and water.

As stipulated within the District's current *Sustainable Building Policy*, all new buildings facilitated through the rezoning process "should comply with the Low-Carbon Energy System pathway and should meet the step higher of the *BC Energy Step Code* than is otherwise required by Building Bylaw No. 4400, 2004". The applicant has proposed to meet Step 4 with a Low Carbon Energy System for high-performance homes.

6.4 Public Engagement and Outreach

Public Information Meetings

In June 2021, during preliminary stages of the application process, planning staff received one (1) email from a resident raising concerns about the proposal increasing vehicular traffic and congestion in the neighbourhood. Staff responded by providing information on the rezoning process and outlining future opportunities for public input on the proposal.

In accordance with the *Preliminary Development and Public Consultation Policy* and the *Interim COVID-19 Public Consultation Strategy for Development Projects*, the applicant held a virtual pre-application information meeting on November 24, 2021, at 3:30 p.m., to discuss the proposal with neighbourhood residents. Neighbours within 100 m of the subject site were notified by mail in advance of the meeting. One resident was in attendance and asked questions regarding the type of housing proposed, whether the houses will have secondary suites, and whether parking will be provided. No concerns were raised at the meeting.

In compliance with the *Development Procedures Bylaw*, should the proposal advance, the public will be given an opportunity to learn about the rezoning and provide feedback on the proposal prior to the public hearing at a Development Application Information Meeting to be held by the applicant. Neighbours within 100 m of the subject site will be notified at least 10 calendar days prior to the meeting date. District staff will be in attendance and will also make themselves available by phone and email to provide information, answer questions, and receive public input. Staff will report back to Council at the Public Hearing regarding the public feedback received.

Public Hearing and Notification

In compliance with the *Local Government Act (LGA)* and *Development Procedures Bylaw No. 4940, 2017*, the proposed rezoning is subject to a public hearing. Notice of the public hearing will be given in accordance with LGA requirements and District procedures.

Signage

The applicant is required to install a development information sign in front of the property prior to the public hearing. Should the proposal advance, the applicant will be required to update the sign information with particulars about the required public hearing and virtual public information meeting.

Website

In alignment with current practice, a description of the proposal is available online and should the proposal advance, applicable dates will be updated.

6.5 Conditions Precedent to Adoption

- As the subject site is located within 800 m of a Controlled Access Highway interchange, ministry approval will be required for the rezoning bylaw in accordance with section 52 of the *Transportation Act*.
- Payment of the Community Amenity Contribution is required prior to adoption of the proposed rezoning bylaw.
- A Section 219 Covenant will be required to be registered on title to ensure that future proposed homes meet minimum Step 4 BC Step Code with a Low Carbon Energy System.

7.0 Options

7.1 Recommended Option

It is recommended that Council give first reading to the proposed zoning bylaw and set a date for a public hearing.

7.2 Considered Options

Council may:

- a) give first reading to the proposed bylaw and set an alternative date (to be specified) for a public hearing; or
- b) defer consideration pending the receipt of additional information (to be specified) be provided; or
- c) reject the proposal.

8.0 Conclusion

Staff assessment of this application has concluded that the proposal is appropriate and supportable based on relevant OCP policy. Specifically, the proposal is generally consistent with Policy 2.1.1, which aims to facilitate infill development in existing neighbourhoods.


The proposed subdivision is appropriate in terms of density and preservation of neighbourhood character. The application would allow for

two new lots to be created and four smaller houses to be built, rather than two larger homes on the existing properties.

Staff supports the application and recommends that the proposed zoning bylaw be given first reading and a date for a public hearing be scheduled.

Author: 

Hanna Demyk, Planning Technician

Concurrence: 

Michelle McGuire,
Senior Manager of Current Planning and Urban Design

Appendices:

- A - Proposed Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5253, 2023
- B - Context Plan
- C - Proposed Subdivision and Survey Information
- D - Summary of Tree Preservation, Removal, and Replacement

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District of West Vancouver

**Zoning Bylaw No. 4662, 2010,
Amendment Bylaw No. 5253, 2023
(875 & 885 Jefferson Avenue)**

Effective Date:

Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5253, 2023

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District of West Vancouver

Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5253, 2023

A bylaw to rezone 875 and 885 Jefferson Avenue to allow subdivision of the sites into four (4) single family lots.

Previous amendments: Amendment bylaws 4672, 4677, 4678, 4679, 4689, 4701, 4680, 4710, 4697, 4716, 4712, 4737, 4726, 4736, 4757, 4752, 4767, 4787, 4788, 4784, 4772, 4791, 4805, 4809, 4828, 4854, 4873, 4866, 4895, 4839, 4898, 4927, 4944, 4905, 4974, 4967, 4982, 4962, 4928, 4992, 5001, 5021, 5024, 5028, 5009, 4938, 5044, 5055, 5051, 5068, 5065, 5087, 5069, 5110, 5106, 5132, 5161, 5160, 5013, 5122, 5155, 5169, 5192, 5175, 5171, and 5201.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for an infill subdivision at 875 and 885 Jefferson Avenue;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

Part 1 Citation

- 1.1 This bylaw may be cited as Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5253, 2023.

Part 2 Severability

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Rezones the Lands

- 3.1 The Lands, as set out in **Schedule A** of this bylaw are rezoned from Single Family Dwelling Zone 3 (RS3) to Single Family Dwelling Zone 5 (RS5).

Part 4 Amends Zoning Map

- 4.1 Zoning Bylaw No. 4662, 2010, Schedule A, Section 852, Schedule 2, Zoning Maps is hereby amended by changing the zoning on the Lands as shown shaded on the map in **Schedule B** of this bylaw,

FROM: RS3 (Single Family Dwelling Zone 3)

TO: RS5 (Single Family Dwelling Zone 5)

Part 5 Offence and Penalty

- 5.1 Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this bylaw, is guilty of an offence and is liable to the penalties imposed under this bylaw, and is guilty of a separate offence each day that a violation continues to exist.
- 5.2 Every person who commits an offence is liable on summary conviction to a fine or to imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the *Offence Act*.

Schedules

Schedule A – Rezoning Map

Schedule B – Amendment to Zoning Bylaw No. 4662, 2010, Schedule A, Section 852, Schedule 2, Zoning Index Map 2

READ A FIRST TIME on

PUBLICATION OF NOTICE OF PUBLIC HEARING on

PUBLIC HEARING HELD on

READ A SECOND TIME on

READ A THIRD TIME on

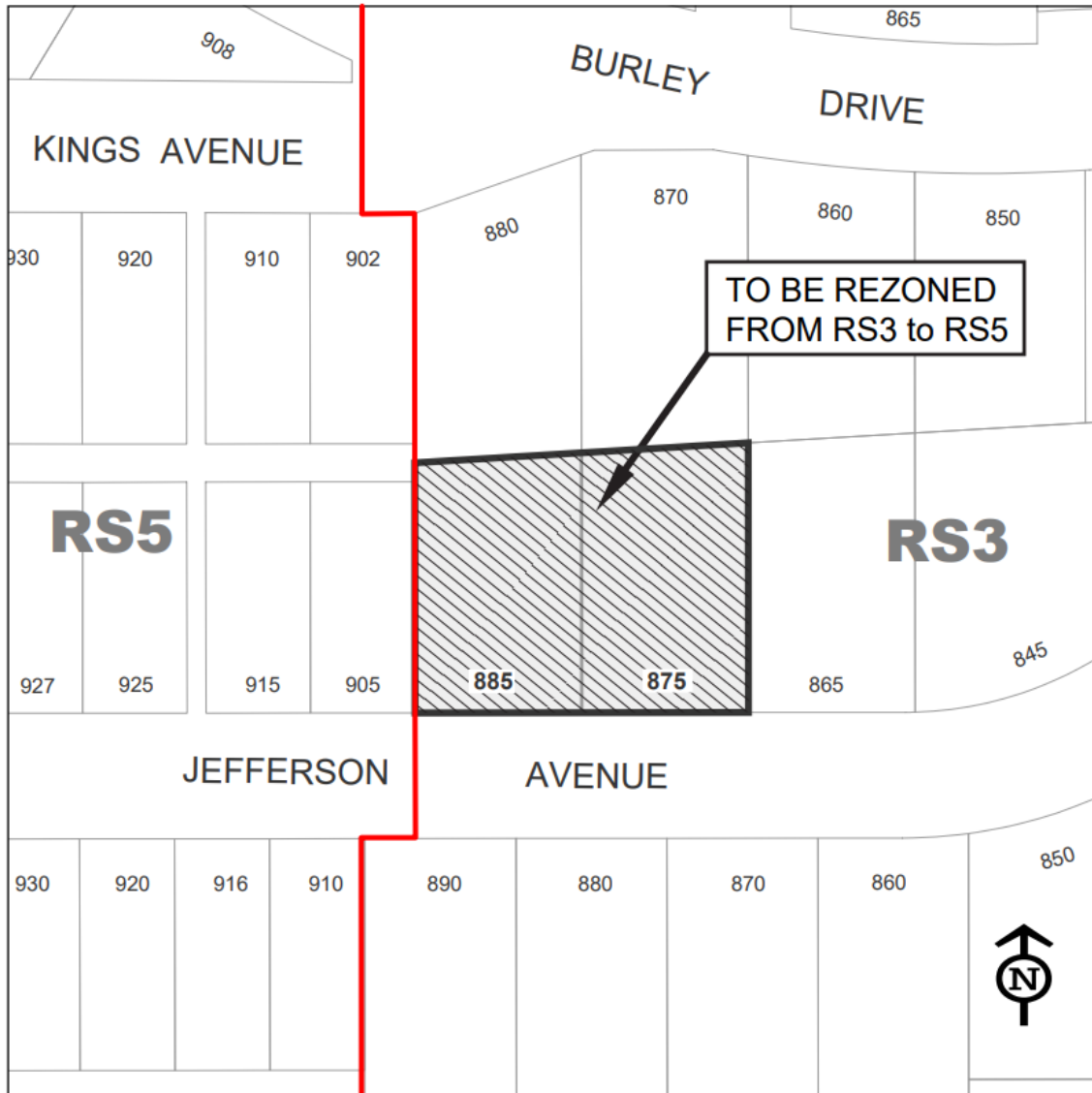
APPROVED by the Ministry of Transportation and Infrastructure on

ADOPTED by Council on

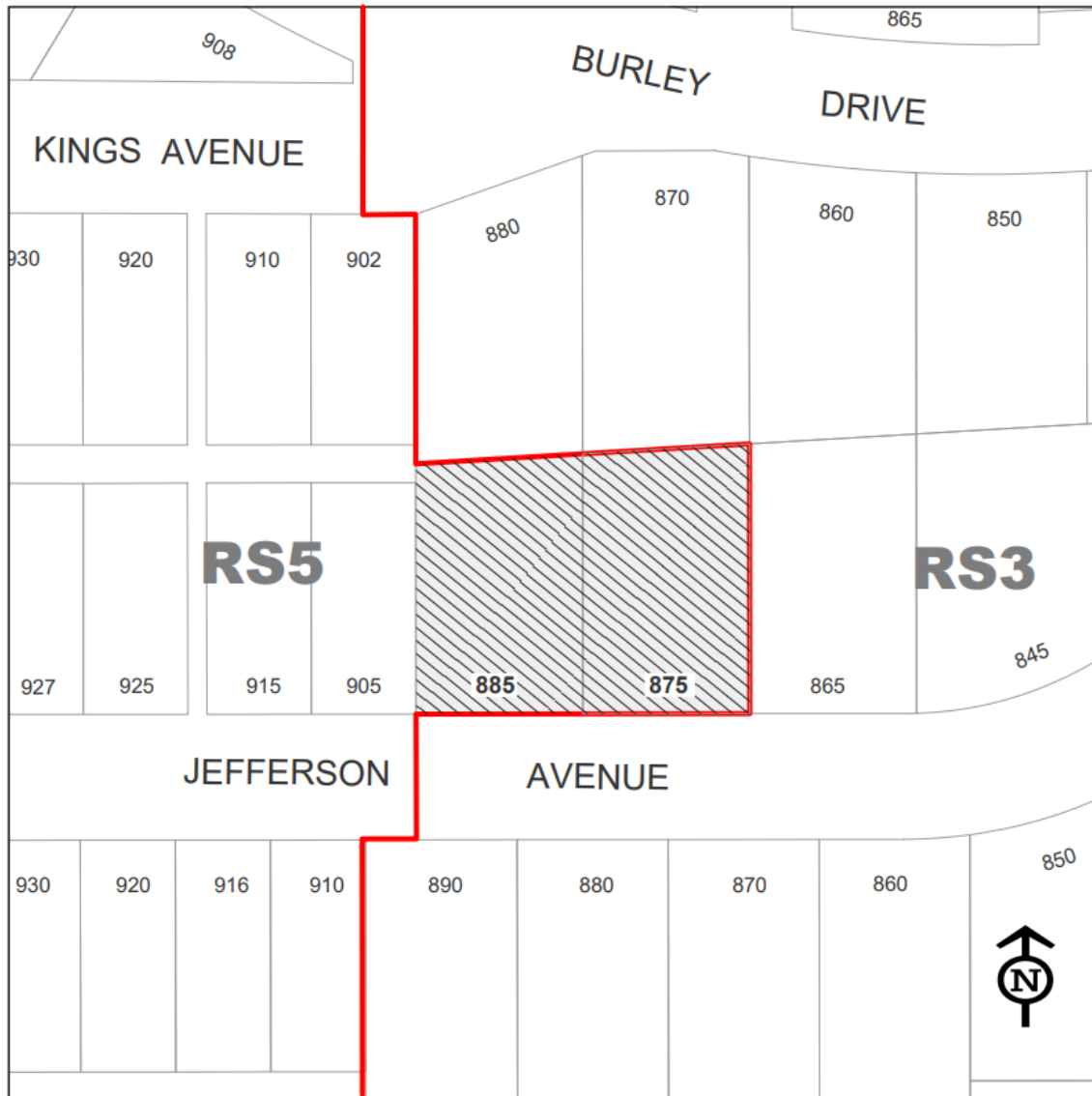
Mayor

Corporate Officer

Schedule A – Rezoning Map

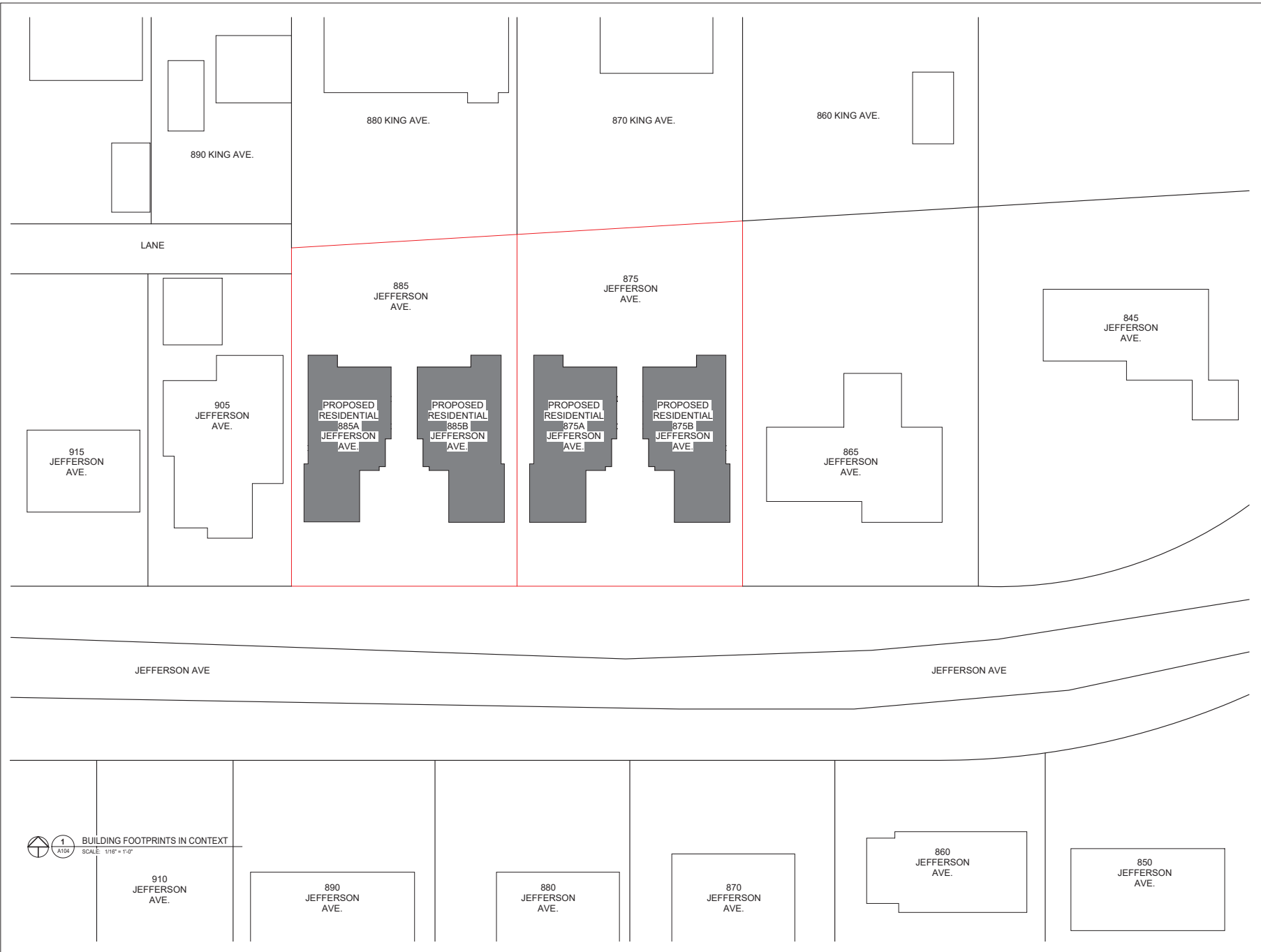


Schedule B – Zoning Map Amendment



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Rev.	yy-mm-dd	Revision / Drawing Issue	Drawn by
1	17-03-21	PROPOSED FOR PERMITS STATISTICS	
2	18-12-13	REVISIONS	
3	18-12-13	REVISIONS FOR PERMITS	

CONSULTANT

PERMIT STAMP

SEAL

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PROJECT
875 & 885 JEFFERSON AVENUE RESIDENTIAL

DRAWING TITLE
BUILDING FOOTPRINTS IN CONTEXT

Project number BC3221	Date Dec 02 2022
Scale 1/16" = 1'-0"	Checked by
Drawn by Author	Checker REVISION

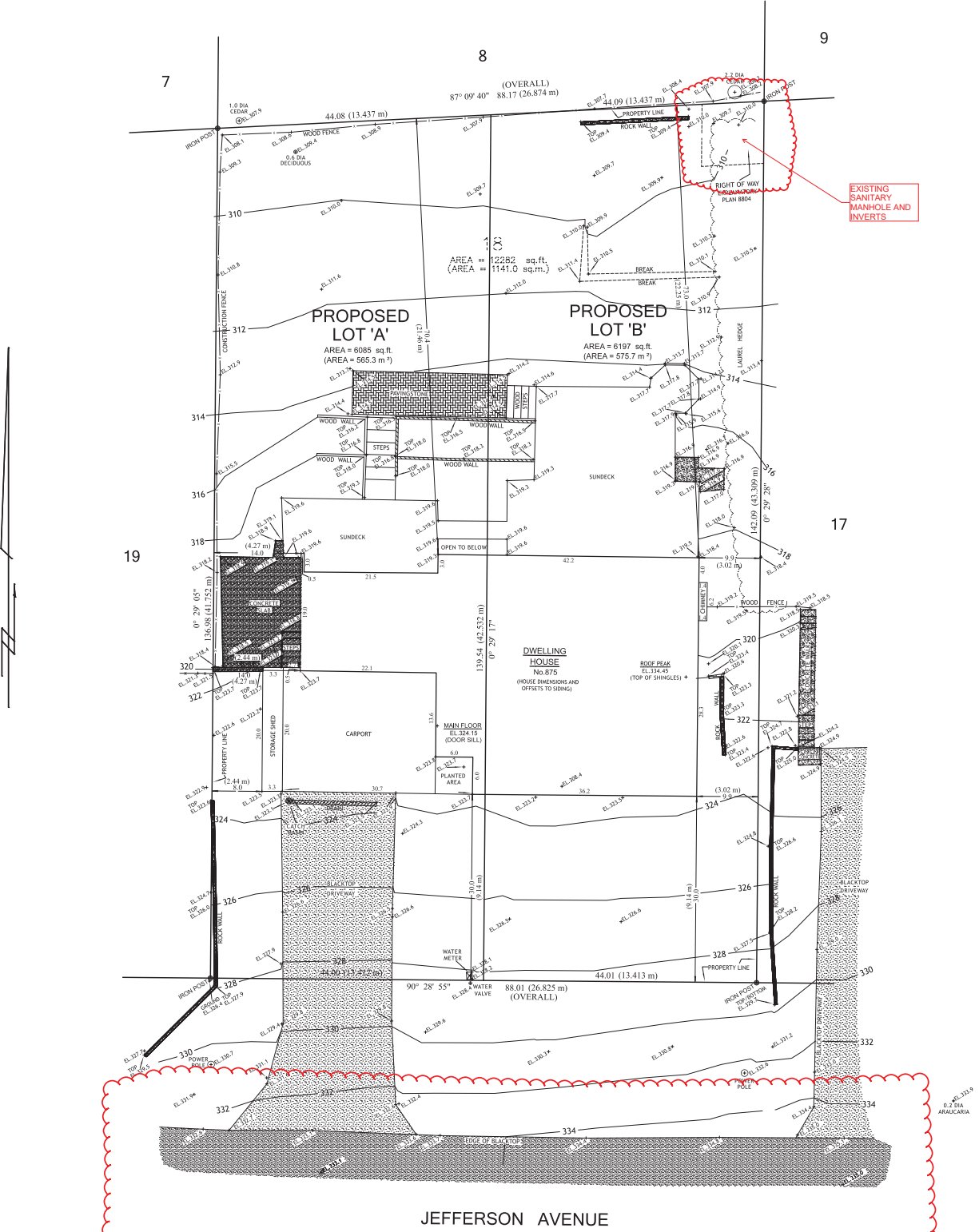
A104 **4**

1 BUILDING FOOTPRINTS IN CONTEXT
SCALE: 1/16" = 1'-0"

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F.I.D. 009-756-612
SCALE 1 INCH = 8 FEET



NOTE:

FOR RIGHT OF WAY IN FAVOUR OF THE CORPORATION OF THE DISTRICT OF NORTH VANCOUVER, SEE 421077M, PART IN REFERENCE PLAN 8904, INTER ALIA.

ELEVATIONS

ELEVATIONS ARE TO DISTRICT OF WEST VANCOUVER GEODETIC DATUM.

BENCH MARK USED: INVERT OF SANITARY MANHOLE LOCATED 38 FEET SOUTH AND 1 FOOT WEST OF THE SOUTH WEST CORNER OF #905 JEFFERSON AVENUE INVERT ELEVATION 335.03 FEET (GEODETIC DATUM)

BENCH MARK SET: TOP OF LEAD PLUG LOCATED 18 FEET EAST AND 53 FEET SOUTH OF THE SOUTH WEST CORNER OF LOT 18 ELEVATION 335.11 FEET.

FULL ROAD WIDTH INCLUDING DITCH ON SOUTH SIDE OF JEFFERSON AND PROPERTY LINE

CERTIFIED CORRECT THIS 14TH DAY OF SEPTEMBER, 2015

INSPECTED, UPDATED, AND PROPOSED SUBDIVISION ADDED THIS 27TH DAY OF APRIL, 2021. (FB 2775 P-154)

Alexander Heath EJC75
Digitally signed by Alexander Heath EJC75
Date: 2021.04.27 13:41:43 -07'00'

THIS PLAN IS THE COPYRIGHT PROPERTY OF HOBBS, WINTER & McDONALD, B.C. LAND SURVEYORS. UNAUTHORIZED USE OR REPRODUCTION IS STRICTLY PROHIBITED.

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TOPOGRAPHIC AND PROPOSED SUBDIVISION PLAN OF LOT 19
SOUTH 1/2 OF DISTRICT LOT 1069 GROUP 1 NWD PLAN 9106

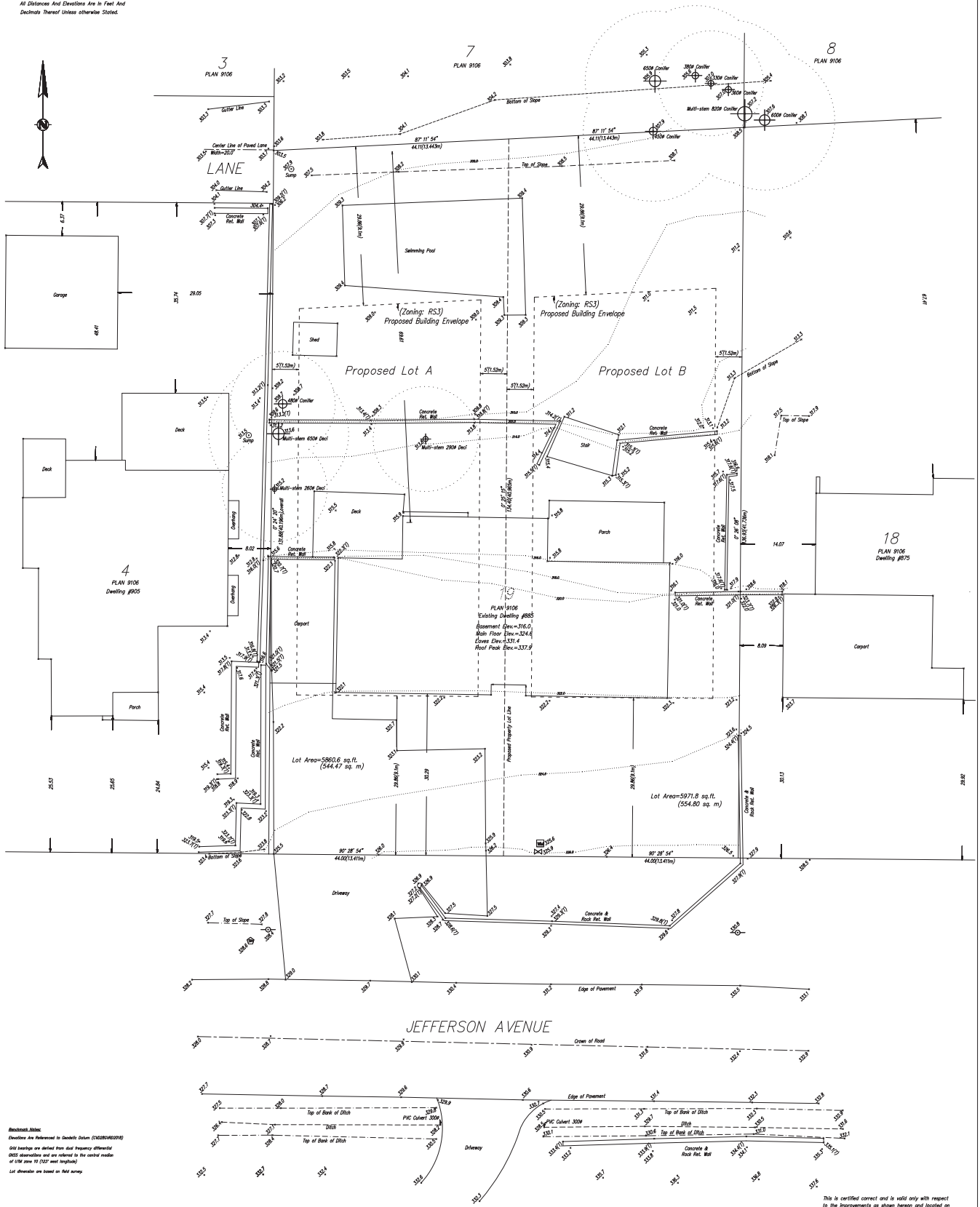
PID: 009-756-621
City Address: 885 Jefferson Avenue
District of West Vancouver

885 Jefferson Avenue

- Legend:**
- Tree (diameter in mm, measured at 300' dia)
 - Power Pole
 - Sign
 - Water Meter
 - Water Valve
 - Contours
 - Suffic: (T) - Elevation of top of wall

Scale 1 inch=8 feet

The intended plot size of this plan is 609mm in width by 910mm in height (Arch D size) when plotted at a scale of 1 inch=8 feet.
All Distances And Elevations Are In Feet And Decimals Thereof Unless otherwise Stated.



Method: AutoCAD
Contours are referenced to Canadian Datum (CGD85/NA82/2011)
SUD bearings are defined from our frequency differential
GNS observations and are referred to the central meridian
of UTM zone 10 (NAD 83 and English)
Lot dimensions are based on field survey

Notes:
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of the undersigned.

This is certified correct and is valid only with respect
to the improvements as shown hereon and located on
the 12th day of May, 2021

Digitally signed by Liming
Yuan LUARU
DN: c=CA, ou=Liming Yuan
LUARU, ou=BC Land Surveyors,
ou=Verify ID at
www.janfort.com/LUARU.cfm?
id=LUARU, R.C.L.S. #669
Date: 2021.05.12 19:08:53 -0700

Liming Yuan
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Appendix D

10.0 TREE REPLACEMENT PLAN

Outlined in the District of West Vancouver "Tree Bylaw No. 4892, 2016", the requirement for replacement Trees will be required based upon the removal of any protected tree, with the exception of trees removed in relation to sections 6.3.1, 6.3.2, and 6.3.3. A permit for removal of a protected tree species shall require a replacement tree from Schedule B or a species approved by the Director.

On-Site Trees	Number of Trees
Trees to be Removed	4
Trees to be Retained	
Off-Site Trees	
Trees to be Removed	
Trees to be Retained	1
District Trees	
Trees to be Removed	
Trees to be Retained	
Total Replacement Trees Required:	
Protected Trees Requiring 1 to 1 Replacement Ratio	
1 X one (1) = 1	1
District Owned Trees Requiring Replacement Trees	
X one (1) =	
Total Replacement Trees required	1
Replacement Trees Proposed	1
Replacement Trees for Cash in leu	0

Tree Replacement Species		
Planting(s) should be scheduled for the late winter/ early spring or early fall		
Quantity	Name	Species
1	Persian ironwood	<i>Parrotia persica</i>

Please see map for location Note: Planting cannot be within 3 meters of another significant tree

General Tree Planting Methodology

Replacement trees must meet plant condition and structure requirements as stated in "BC Landscape Standard" of the BCSLA/BCLNA and "Canadian Standards for Nursery Stock" of the CNTA. Also, the Replacement trees must be planted and maintained according to the requirements as stated in the "BC Landscape Standard" of the BCSLA.

It is important to locate your new plantings in accordance with the species' growing habits or tendencies. It is crucial to avoid planting your trees alongside buildings in which root ingress into drainage systems can occur and this can result in costly remedial work, also it is good practice not to plant your tall growing trees under power lines or utility lines as this can lead to pruning that may grossly adulterate the overall form or shape of the tree. Planting trees in the right location is the key to sustaining a balanced urban forest.

The proposed replacement Trees are to be a minimum size of 6cm caliper if deciduous, which is measured at 15 cm above the ground, or 3 m tall if coniferous at the time of planting (*trunk width measured at 15 centimetres above the ground*) At least 1.0 metre away from any site boundary line, at least 3.0 metres away from any principle building or any accessory building or any other structure on or adjacent to the site that may adversely affect the tree and; at least 2.5 metres away from any other tree on or adjacent to the site including driveway or any other hardscape or underground service/utility lines.

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