

COUNCIL AGENDA

Date: June 26, 2023 Item: 8



8.

# DISTRICT OF WEST VANCOUVER

750 17TH STREET, WEST VANCOUVER BC V7V 3T3

# **COUNCIL REPORT**

Date:	June 8, 2023
From:	Hanna Demyk, Planning Technician
Subject:	Proposed Zoning Amendment to Allow Subdivision of 2237
	Palmerston Avenue
File:	1010-20-22-080

#### RECOMMENDATION

THAT proposed "Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5254, 2023" be read a first time.

#### RECOMMENDATION

THAT proposed "Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5254, 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 to allow subdivision of 2237 Palmerston Avenue into two (2) lots.

# 2.0 Legislation/Bylaw/Policy

Provincial Legislation

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

Transportation Act

The subject site is located within a "controlled area", in compliance with Section 52 of the Transportation Act, the Ministry of Transportation and Infrastructure (MOTI) will be required to approve the zoning amendment on the subject site to allow for the proposed subdivision.

#### Zoning Bylaw

The subject site is currently zoned Residential Single Family Dwelling Zone 3 (RS3). A text amendment is required to amend the subdivision standards within the RS3 zone to facilitate the proposed infill subdivision.

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



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## 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 zoning amendment 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 a rezoning / 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 \$280,000 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 will be required to provide applicable DCCs for one (1) new residential single family lot as per the "Development Cost Charge Bylaw No. 3801, 1993".

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### 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 permit stage.

## 5.0 Background

The subject site is zoned RS3, 1,787.6 m<sup>2</sup> in area, and located within the Dundarave neighbourhood. The site is currently developed with a one-storey single family dwelling and is surrounded by single family dwellings (Figure 1 and **Appendix B**). Vehicle access is currently provided from Palmerston Avenue. The existing driveway is shared with the property to the east at 2225 Palmerston Avenue.



Figure 1 – Aerial Image of 2237 Palmerston Avenue.

# 6.0 Analysis

#### 6.1 Proposal

The applicant proposes to amend the zoning for the property to facilitate subdivision to create a total of two (2) lots (**Appendix A**). A zoning amendment is required to allow the subdivision as the proposed lots do not comply with the minimum lot area requirements of the RS3 zone (Figures 2 and 3). The proposed zoning amendment would provide for a site specific exception in the RS3 zone to allow the proposed subdivision. As shown in Figure 3, the proposed lots meet lot width requirements of the

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RS3 zone and no OCP amendment or zoning variances are required to facilitate the proposed subdivision.

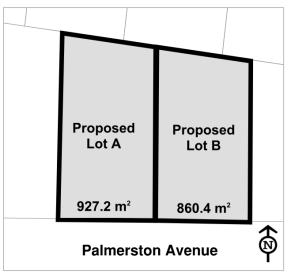


Figure 2 - Proposed Schematic Subdivision Plan

	Area:	Width:
Lot A (Palmerston Avenue)	927.2 m <sup>2</sup>	22.13 m
Lot B (Palmerston Avenue)	860.4 m <sup>2</sup>	22.13 m
RS3 Zone Minimum Lot Area	975 m²	18.3 m

Figure 3 - Proposed Lot Sizes and Widths and RS3 Minimum Lot Area and Width

#### 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 vary greatly, ranging from 377.4 m<sup>2</sup> to 1,825.5 m<sup>2</sup> in area. The neighbourhood consists of a mix of small and moderate RS3 zoned lots to the north, east and west of the subject site. The area also consists of smaller RS5 zoned lots to the south of Palmerston Avenue (Figure 4).

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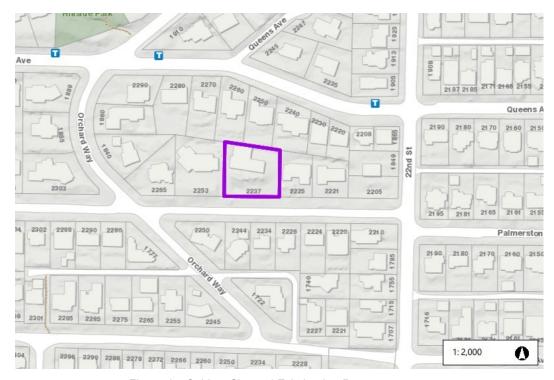


Figure 4 – Subject Site and Existing Lot Pattern

The RS3 zone requires that all new lots created through subdivision must have a minimum lot area of 975 m<sup>2</sup>. Accordingly, as proposed Lot A and B would not meet the minimum lot area requirement, a text amendment to the RS3 zone is required to amend the subdivision standards within the RS3 zone to permit the proposed infill subdivision (**Appendix C**).

The proposed new lots would be in keeping with the range of lot sizes in the neighbourhood. Further, the proposed new lots are larger than existing lots within this block at the corner of Queens Avenue and 22nd Street to the northeast of the subject site.

Under the RS3 zone, the existing site could be developed with a house of approximately 536.3 m² in floor area, plus additional basement area located below grade. If the existing site is subdivided under the RS3 zone as proposed, Lot A could be developed with a house of approximately 278.2 m² in floor area, and Lot B could be developed with a house of approximately 258.1 m² in floor area, for a combined total of 536.3 m². As such, there would be no change in the maximum allowable floor area on the proposed subdivided lots compared to a house constructed on the existing site.

The proposal for two 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.

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

### OCP Sensitive Infill Objectives

The proposed zoning amendment would facilitate an infill subdivision that is supported by the OCP's sensitive infill policies. Specifically, Policy 2.1.1 supports the amendment of subdivision standards "...to enable the development of smaller houses on smaller lots in existing detached residential areas." Subdivision of the lot also helps to meet objectives in the OCP by preserving neighbourhood character with regeneration of an existing single family neighbourhood.

The applicant is also currently proposing a one-storey detached secondary suite (i.e., coach house) in the rear yard of each proposed lot (Figure 6). The rendering shown is provided as an example of what could be built for illustrative purposes only. The proposed zoning amendment would not require the inclusion of coach houses or control their design. If the applicant proceeded with the inclusion of coach houses for each proposed lot this direction is supported by the OCP's sensitive infill policies. Specifically, Policy 2.1.2 is aimed at increasing the supply of coach houses in existing detached residential areas.

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Figure 6 – Rendering of Proposed Coach Houses (for illustrative purposes only)

#### Tree Retention and Removal

In accordance with the District's *Tree Bylaw No. 4892, 2016,* the arborist report identified one protected tree within the municipal boulevard and two off-site neighbouring protected trees with critical root zones encroaching onto the subject property (**Appendix D**). The proposed subdivision and construction of the new homes will require the removal of one protected District tree and hedge (#1) within the municipal boulevard in conflict with proposed access on Lot B. Proposed tree removals on the boulevard will require a Municipal Tree Permit at the building permit stage.

The arborist report also identified two off-site protected trees (#2 and #3), which are proposed to be retained. Protection barriers will be installed during construction to protect their trunks, roots, and structure. Arborist supervision will be required if the area is excavated. No protected on-site trees were identified.

## 6.3 Sustainability

The proposed zoning amendment 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 a zoning amendment 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 BC Energy Step Code 5 for each new home.

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#### 6.4 Public Engagement and Outreach

#### Public Information Meetings

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 March 29, 2022, at 5:00 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. Ten (10) residents were in attendance and asked questions regarding proposed offstreet parking, proposed coach houses, safety requirements for excavation, and proposed stormwater management on-site. A few residents noted that they like the idea of two smaller homes instead of one large home on the existing site. No neighbour opposition was raised as part of the preliminary information meeting.

In compliance with the *Development Procedures Bylaw*, should the proposal advance, the public will be given an opportunity to learn about the zoning amendment 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 ten (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 zoning amendment 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

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Highway<sup>2</sup> interchange, ministry approval will be required for the zoning amendment bylaw in accordance with section 52 of the *Transportation Act*.

 Payment of the Community Amenity Contribution is required prior to adoption of the proposed zoning amendment bylaw.

 A Section 219 Covenant will be required to be registered on title to ensure that future proposed homes meet Step 5 BC Step Code.

## 7.0 Options

## 7.1 Recommended Option

It is recommended that Council give first reading to the proposed zoning amendment 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 for sensitive infill projects. Specifically, the proposal is generally consistent with Policy 2.1.1 which aims to facilitate infill development in existing neighbourhoods, and Policy 2.1.2 which aims to increase the supply of coach houses in existing detached residential areas.

The proposed subdivision is appropriate in terms of density and preservation of neighbourhood character. The application would allow for one new lot to be created and two smaller homes with a one-storey coach house one each lot to be built, rather than one larger home on the existing property.

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

<sup>2</sup> Trans-Canada Highway and intersection of Trans-Canada Highway and Marine Drive is within ministerial jurisdiction.

5624408v1

From: Hanna Demyk, Planning Technician

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Hanna Demyk 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. 5254, 2023

B - Context Map and Photos

C - Proposed Subdivision and Survey Information

D - Summary of Tree Retention and Removal for Identified Protected Trees

# Appendix A



District of West Vancouver

# Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5254, 2023 (2237 Palmerston Avenue)

Effective Date:

5625858v1

### District of West Vancouver

# Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5254, 2023

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#### District of West Vancouver

# Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5254, 2023

A bylaw to amend the subdivision standards within the RS3 zone to facilitate an infill subdivision at 2237 Palmerston Avenue.

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 2237 Palmerston 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. 5254, 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.

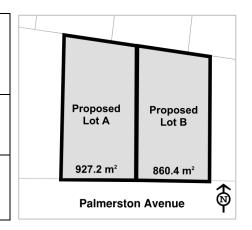
## Part 3 Amends the RS3 Zone

Zoning Bylaw No. 4662, 2010, Section 203 (RS3 Single Family Dwelling Zone 3), is hereby amended by adding the following new section immediately after existing Section 203.12:

### 203.13 Alternative site area, width, and/or depth

(1) "Notwithstanding Section 203.03 for the Land legally known as Lot 3 Block 16 District Lot 783 Plan 9780 at 2237 Palmerston Avenue as shown in the map below, for the purposes of subdivision infill the following shall apply:"

Lots created by subdivision of 2237 Palmerston Avenue	Minimum Site Area (square metres)
Lot A fronting Palmerston Avenue	927.2 m <sup>2</sup>
Lot B fronting Palmerston Avenue	860.4 m <sup>2</sup>



# Part 4 Offence and Penalty

- 4.1 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.
- 4.2 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*.

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				
	Marian			
	Mayor			

Corporate Officer

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# Appendix B





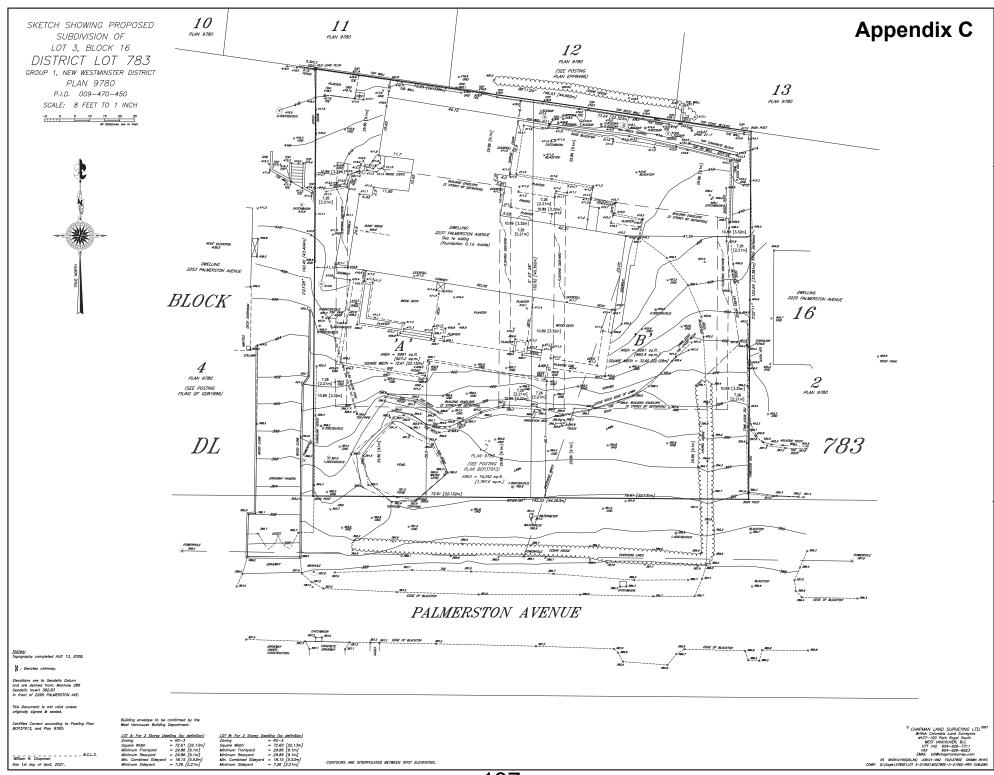


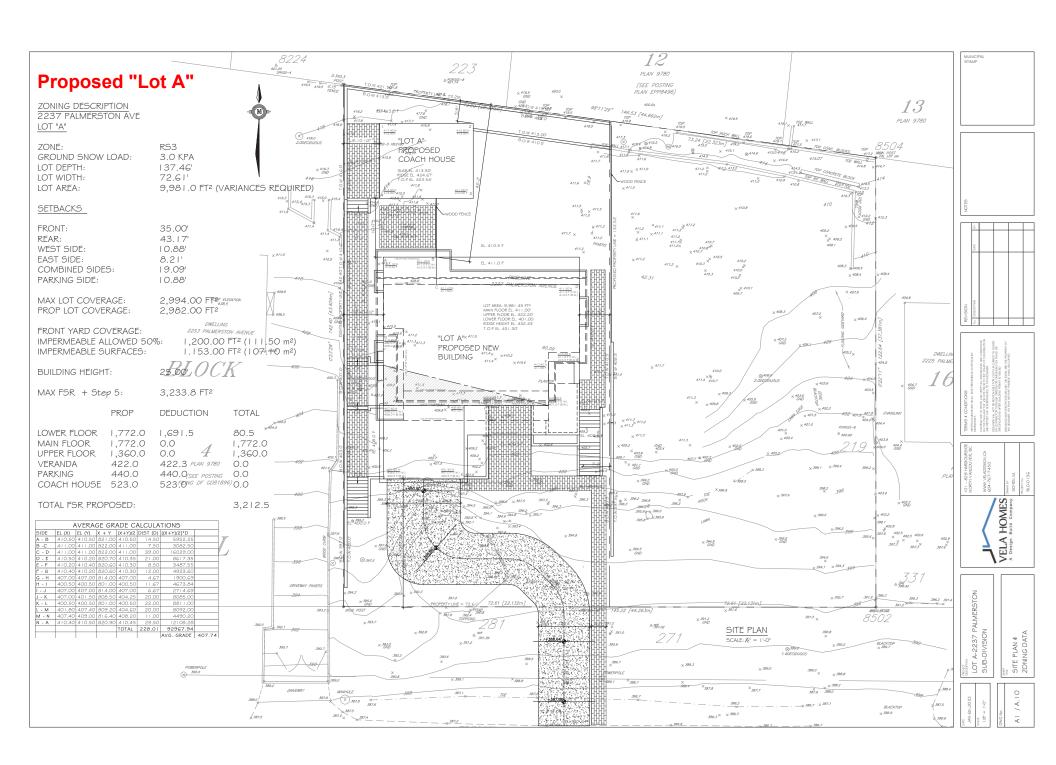


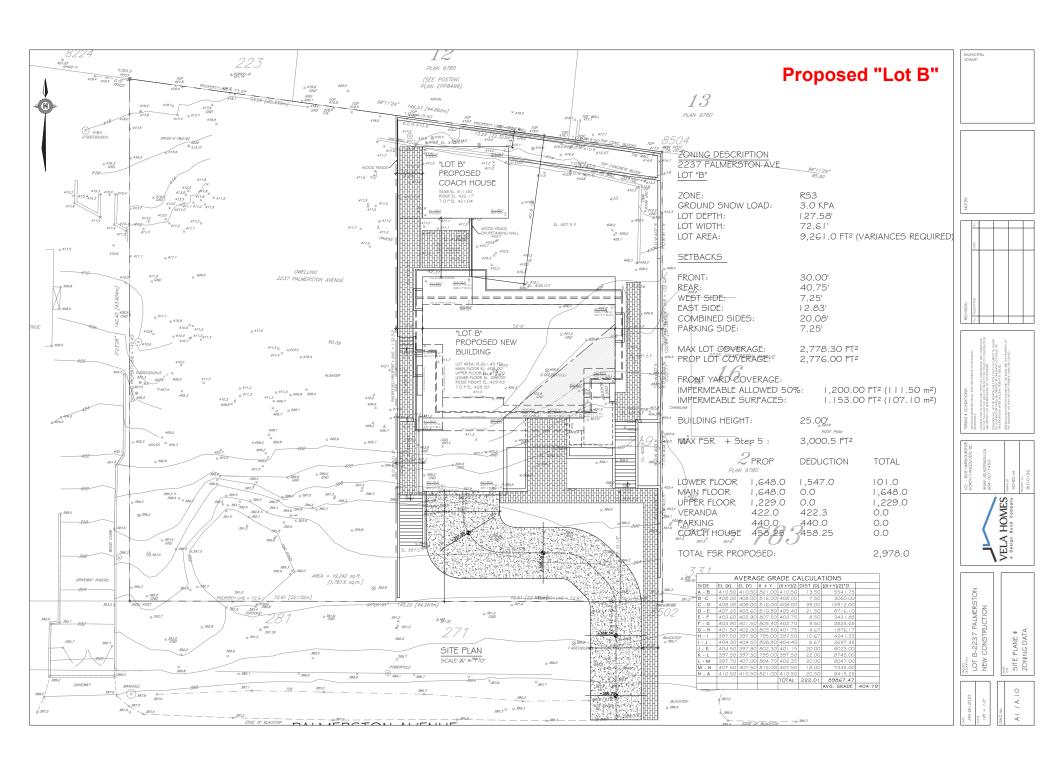


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Site Location & Utilities: (Blue arrow indicates north)



#### **Introduction & summary:**

The intent of the development is to build residences at 2237 Palmerston Ave West Vancouver. In total, 2 District items require a permit for removal. These items are 1 district hedge and 1 district tree identified as # 1. To accomplish the proposed architectural drawing.

- 1 District Hedge on the south of the lot is proposed to be removed for egress/ingress access.
- 1 District tree identified as # 1 is proposed to be removed.
- 2 neighbors' trees numbered as 2 & 3 must be protected. Tree protection Barriers required.
- All trees on the lot are under 75 centimeters and will be removed
- No protected species found on site.
- Replacement trees to be determined at later date by the landscape architect.
- No Windthrow Assessment is required.

<u>District Hedge & vegetation:</u> Proposed to be removed. Permit required.

<u>District Tree # 1:</u> Proposed to be removed. Permit required.

OFF-SITE Trees # 2 & 3: Scheduled to be retained and protected.

<u>Site overview:</u> The subject lot is 1787.6 square meters. All trees on the subject property are under 75cm and can be removed without permit. Please note that the trees are virtually tagged only and easy to identify on the site.



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