

<u>COUNCIL AGENDA</u>	
Date: <u>March 11, 2024</u>	Item: <u>7.</u>



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

7.

COUNCIL REPORT

Date:	March 5, 2024
From:	Courtney Miller, Senior Planner, Urban Design Linda Gillan, Senior Planner, Economic Development
Subject:	Ambleside Local Area Plan (LAP): Proposed RM1 and RM2 Zoning Bylaw Amendments
File:	2520-17 / 1610-20-5325

RECOMMENDATION

THAT proposed “Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5325, 2024” be read a first time.

RECOMMENDATION

THAT proposed “Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5325, 2024” be presented at a public hearing on April 8, 2024 at 7 p.m. in the Municipal Hall Council Chamber and via electronic communication facilities (Webex video conferencing software), and that notice be given of the scheduled public hearing.

1.0 Purpose

To initiate Zoning Bylaw amendment procedures to: provide flexibility for strata buildings in the RM1 and RM2 zones in Ambleside’s apartment area; and create a new RM6 zone to protect purpose-built rental housing and provide tenant support if an existing rental building is redeveloped.

2.0 Legislation/Bylaw/Policy

On May 31, 2018, the Provincial government amended the *Local Government Act* (LGA) with the Royal Assent of Bill 23, which granted local governments new authority to zone for rental tenure (residential rental tenure zoning). The intent of this legislation is to give local governments a greater ability to preserve existing areas of rental housing and increase the supply of rental housing in their communities.

Section 482 of the LGA permits a local government to establish, in a zoning bylaw, different permitted densities for a zone, one generally applicable (the base density) and the other(s) to apply if the development application meets conditions established in the bylaw (density bonus zoning). Conditions may relate to the conservation or provision of amenities, as defined by the local government, and to the provision of affordable and special needs housing.

3.0 Council Strategic Objective(s)/Official Community Plan

Council Strategic Plan

Council's 2024-2025 Strategic Plan addresses housing, including:

Objective 2.4: Complete an Ambleside Local Area Plan.

Official Community Plan

Regarding the bylaw amendments recommended in this report:

- 2.1.16 Support existing purpose-built rental housing stock and renter households by:
 - a. Prohibiting stratification of existing purpose-built rental buildings with more than four units;
 - b. Enabling additional infill purpose-built rental units through bonus density where there is underutilized site area;
 - c. Encouraging and requiring, where feasible, tenant assistance for renters when displaced through the redevelopment of purpose-built rental apartments;
 - d. Enabling full or partial replacement of purpose-built rental units through bonus density, increased height, and available zoning tools during redevelopment of rental apartments;
 - f. Reducing off-street parking requirements;
 - g. Securing market and non-market rental housing units in perpetuity through Housing Agreements and available zoning tools.
- 2.1.17 Secure new purpose-built market and non-market rental, seniors and supportive housing units in appropriate locations close to transit and amenities by:
 - a. Incentivizing new rental units through bonus density, increased height, and available zoning tools;
 - d. Reducing off-street parking requirements;
 - e. Securing market and non-market rental housing units in perpetuity through Housing Agreements and available zoning tools.

4.0 Financial Implications

The proposed amendments may lead over time to: an incrementally increased residential tax base; off-site improvements from private development; and the receipt of Development Cost Charges for District roads, utilities and parks.

5.0 Background

5.1 Previous Decisions

At its February 26, 2024 meeting, Council passed the following resolution that:

1. Staff prepare a Zoning Bylaw amendment to the RM1 and RM2 zones to allow a maximum density of 3.0 FAR on all existing, purpose-built rental sites within the Ambleside Local Area Plan boundary, provided that the number of bedrooms in secured rental units on a site is no less than the number of bedrooms existing on the site as of January 1, 2024;
2. Staff bring to Council's attention as soon as possible any building permit application that might conflict with this proposed zoning amendment, so that Council can consider withholding permits as authorized by section 463 of the *Local Government Act*; and
3. Staff prepare a Rental Building Policy to direct development applications to include a plan for how the development proposal addresses tenant lease rates, relocation, support, and/or other related considerations for managing the replacement and resupply of rental housing raised by the redevelopment of these existing purpose-built rental buildings.

5.2 History

In July 2023, after significant community engagement, Council directed staff to proceed with a "three-streamed" approach addressing Ambleside's neighbourhood sub-areas; commercial areas; and apartment areas.

Specific to the existing RM1 and 2 zoning within the apartment areas, Council directed staff to prepare Zoning Bylaw amendments to increase the floor area ratio (FAR) from 1.75 to 2.0, and to limit the form of tenure on existing purpose-built rental sites to rental tenure.

The proposed Zoning Bylaw amendment was considered by Council on October 23, 2023 (first reading), November 20, 2023 (public hearing), and November 27, 2023 (defeated at second reading).

6.0 Analysis

6.1 Discussion

In response to Council's discussion and direction, staff recommend amendments to the Zoning Bylaw, attached as **Appendix A**. These amendments would amend the RM1 and RM2 zoning in two ways.

Firstly, an increase to the maximum FAR for apartment buildings from 1.75 to 2.00 for Ambleside sites (east of 23rd Street). This modest increase is intended to provide greater flexibility for individual strata buildings wanting to proceed with conversion of amenity areas or balcony enclosures. It is noted that any project would likely have building code

implications (e.g. life safety and envelope issues) that would require input and reporting from a qualified professional (i.e. code consultant) at the time of building permit application.

Secondly, the rezoning of the 30 existing rental sites to a new Multiple Dwelling Zone 6 (RM6). This more substantive amendment is intended to protect rental housing supply, support existing tenants, and provide clarity to landowners. The proposed RM6 zone would meet this intent by:

1. Zoning for rental tenure, to protect existing rental housing, with a base density of 2.0 FAR limited to residential rental tenure (which would also facilitate e.g. balcony enclosures); while
2. Providing the option of a maximum 3.0 FAR, using density bonus zoning, where the following conditions are met:
 - A. The existing number of rental bedrooms is maintained or re-provided on the site; and
 - B. Assistance to existing rental leaseholders is provided by:
 - (i) Making a tenant relocation coordinator available to support residents in finding alternative rental housing;
 - (ii) Providing payment equivalent to four times the CMHC market monthly lease rate prevailing at that time;
 - (iii) Supporting moving out and moving back expenses, each in the form of a \$1,500 payment; and
 - (iv) Offering first right of refusal for tenants to return to a unit with the same number of bedrooms at the CMHC market monthly lease rate prevailing at that time.

The proposed RM6 zoning (summarized above) would be accompanied by the administrative Tenant Support Policy, attached as **Appendix B**. The proposed new zone and policy would work in tandem and use available tools (such as statutory declarations and covenants on title) to establish the requirements of any new development. The RM6 zone also includes parking relaxations for new rental, and modest changes to envelope controls (e.g. reduced setbacks to enable townhouses) – without any increases to either maximum permitted zoned heights or any amendments to existing OCP form and character Design Guidelines.

6.2 Climate Change & Sustainability

The proposed bylaw amendments would contribute to the District's sustainability by encouraging rental retention, or replacement with tenant support. Any new buildings would need to meet energy performance standards, and would locate new homes close to shops, services, public facilities, jobs, and transit.

6.3 Public Engagement and Outreach

Through the Ambleside LAP process, staff have heard from close to 1,000 voices. Specifically, approximately 60 pieces of public correspondence were submitted to Council between November 2023 and February 2024 in support of protecting rental housing in Ambleside.

6.4 Other Communication, Consultation, and Research

Staff have reviewed applicable legislation and approaches used by other local governments regarding rental housing and tenant assistance.

7.0 Options

7.1 Recommended Option


That Council give reading(s) to the proposed Zoning Bylaw amendment bylaw and set the date for a public hearing.

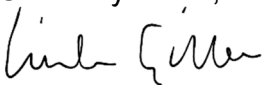
7.2 Considered Options


- a) Give reading(s) to the proposed amendment bylaw and set an alternative date (to be specified) for a public hearing;
- b) Defer consideration pending the receipt of additional information (to be specified);
- c) Provide alternative direction (to be specified); or
- d) Reject the proposed bylaw amendments.

8.0 Conclusion

The proposed amendments to the Zoning Bylaw, if approved, would: provide flexibility for strata buildings in the RM1 and RM2 zones with a modest FAR increase from 1.75 to 2.0; and create a new RM6 zone to protect or re-supply purpose-built rental housing with tenant supports.

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Appendices

- A. Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5325, 2024
- B. Tenant Support Policy

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District of West Vancouver

**Zoning Bylaw No. 4662, 2010,
Amendment Bylaw No. 5325, 2024**

Effective Date:

**Zoning Bylaw No. 4662, 2010,
Amendment Bylaw No. 5325, 2024**

Table of Contents

Part 1 Citation..... 1
Part 2 Severability 1
Part 3 Amendment of Regulations.....2
 Schedule A – RM1 Amendment to RM6 Zoning Map.....8
 Schedule B – RM2 Amendment to RM6 Zoning Map.....9

District of West Vancouver

Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5325, 2024

A bylaw to update regulations and definitions applicable to Multiple Dwelling Zones including the introduction of the RM6 zone to conserve or provide the amenity of secure, residential rental tenure.

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, 5201, 5230, 5081, and 5223.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for additional flexibility for buildings in the RM1 and RM2 zones;

AND WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to introduce the RM6 zone to conserve or provide the amenity of secure, residential rental tenure;

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. 5325, 2024.

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 Amendment of Regulations

- 3.1 Zoning Bylaw No. 4662, 2010, Section 110 (Definitions) is amended by deleting the definition “Residential Rental Tenure” in its entirety and replacing as follows:

<i>Residential Rental Tenure</i>	occupancy of a dwelling unit by one or more tenants pursuant to a tenancy agreement, and not occupied by an owner of the dwelling unit.	261.04
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- 3.2 Zoning Bylaw No. 4662, 2010, Section 300 (Multiple Dwelling Zones) is amended by:

- 3.2.1 Deleting the content of section 301.05 in its entirety and replacing it as follows:

(1) Apartment building - 2.0 maximum, except:

- (a) for sites located west of 23rd Street, the floor area ratio must not exceed 1.75 maximum.

- 3.2.2 Deleting section 302.05 (1) in its entirety and replacing it as follows:

Apartment building – 2.0 maximum

- 3.2.3 Adding section 306 after section 305 as follows:

306 – RM6 Multiple Dwelling Zone 6

SECTION REGULATION

306.01 Permitted Uses

- (a) accessory buildings and uses
- (b) apartment buildings
- (c) child care
- (d) community care
- (e) home based business
- (f) lodgers
- (g) townhouses

306.02 Conditions of Use

- (1) Notwithstanding Section 110 of this bylaw, apartment buildings may include townhouses
- (2) Notwithstanding Section 120.04 of this bylaw, more than one principal building may be located on the site

306.03 Site Area

1,115 square metres minimum

306.04 Site Width

30.2 metres minimum

306.05 Floor Area Ratio

- (1) 2.0 maximum floor area ratio, restricted to residential rental tenure.
- (2) Notwithstanding (1) above, 3.0 maximum floor area ratio if the owner meets all of the following conditions:
 - (a) maintain and/or replace the number of bedrooms existing in dwelling units on site as of January 1, 2024, as part of dwellings restricted to residential rental tenure:
 - (i) with any existing dwelling as of January 1, 2024, without a bedroom:
 - 1. counted as having one bedroom for the purpose of this provision; or
 - 2. replaced by a dwelling without a bedroom; and
 - (ii) with any replacement bedroom provided with an exterior window for the purpose of this provision;
 - (b) make available a tenant relocation coordinator to support tenant(s) in finding reasonably equivalent interim or replacement rental housing, including the identification of at least three rental housing options with consideration for the location, bedroom count, and amount of rent payable;
 - (c) provide the tenant(s) for every dwelling unit for which a tenancy agreement is in place on the date of any permit application the following financial assistance:
 - (i) four times the median West Vancouver monthly rent for a dwelling with the same bedroom count as the dwelling subject to the tenancy agreement, as determined by the most recent CMHC Rental Market Survey; and
 - (ii) \$1,500 for moving-related expenses, adjusted on July 1 of each year in accordance with the Statistics Canada Consumer Price Index in respect of All Items for Greater Vancouver (2024 = 100);
 - (d) offer a new tenancy agreement with the tenant(s), for a new dwelling unit to be constructed on the site, with the same number of bedrooms as the unit previously occupied by the tenant(s) and at a monthly rent equal to the median

West Vancouver rent for a dwelling with the same bedroom count, as determined by the most recent CMHC Rental Market Survey, and, if the tenant accepts the offer, provide the tenant \$1,500 for moving-related expenses, adjusted on July 1 of each year in accordance with the Statistics Canada Consumer Price Index in respect of All Items for Greater Vancouver (2024 = 100);

- (e) before starting the construction of any building or structure on the site that would result in the site being developed at a floor area ratio greater than 2.0, the owner must provide one or more statutory declarations, and any other evidence the Director may reasonably require, confirming (2)(a), (2)(b), and (2)(c) above have been met; and
- (f) before the residential use or occupancy of any building or structure on the site developed at a floor area ratio greater than 2.0 is allowed, the owner must:
 - (i) provide any further evidence the Director may reasonably require to confirm the owner has complied with all of the conditions under (2) above; and
 - (ii) register a covenant on title prohibiting the creation, whether by deposit of a strata plan or otherwise, of separate marketable title for any dwelling units that is required to be restricted to residential rental tenure under (2) above.

306.06 Site Coverage

- (1) 60% of site area maximum
- (2) Vehicle access must utilize no more than 30% of the site area not occupied by buildings

306.07 Site Lines

Notwithstanding Section 120.27(3) of this bylaw, the front site line shall be that which adjoins the public street right-of-way, not including a lane, that most closely conforms to an east-west alignment

306.08 Front Yard

- (1) 7.6 metres minimum, except
 - (a) 4.5 metres minimum for buildings or portions of buildings up to 3 storeys

306.09 Rear Yard

- (1) 7.6 metres minimum, except
 - (a) 4.5 metres minimum for buildings or portions of buildings up to 3 storeys

306.10 Side Yard

- (1) 7.6 metres minimum, except
 - (a) 4.5 metres minimum for buildings or portions of buildings up to 3 storeys

306.11 Yard Exceptions

- (1) Balconies may project up to 1.5 metres into a required yard
- (2) One canopy per site may project into a single yard to within 0.9 metres of the site line

306.12 Building Width

- (1) 21.9 metres maximum, except
 - (a) 43.8 metres maximum for buildings or portions of buildings up to 3 storeys
- (2) Unenclosed balconies may be excluded to a maximum of 1.5 metres per building face

306.13 Building Separation

- (1) 6.1 metres minimum, except
 - (a) 3.0 metres minimum for buildings or portions of buildings up to 3 storeys

306.14 Building Height

- (1) 54.9 metres maximum
- (2) Notwithstanding Section 120.19 of this bylaw, (1) above shall be the distance from the elevation of the lowest floor or any portion thereof, inclusive of a basement or sub-basement, to the elevation of the highest roof or any portion thereof, exclusive of any elevator overrun
- (3) No building or portions of buildings greater than 3 storeys shall:
 - (a) project above the building height grade line
 - (b) notwithstanding Section 120.20(1) of this bylaw
 - (i) the building height grade line shall be drawn at an angle of 60° to the horizontal

- (ii) any minimum required yard shall reference that applied to a building or portion of a building greater than 3 storeys for the purpose of this provision

306.15 Number of Storeys

20 storeys maximum

306.16 Off-Street Parking

(1) Minimum of the lesser of:

- (a) 1 parking space for each dwelling, or
- (b) 1 parking space for every 84 square metres of gross floor area

(2) Notwithstanding (1) above, for dwellings limited to residential rental tenure, a minimum of the lesser of:

- (a) 0.5 parking space for each dwelling, or
- (b) 0.5 parking space for every 84 square metres of gross floor area

(3) Parking spaces shall be provided enclosed within a building or located underground

306.17 Structures

(1) Roof structures shall be directly adjacent to elevator hoistway and/or staircase enclosures

(2) External stairs and/or ladders shall not be permitted on roof structures

(3) Parking structures, inclusive of any fence and/or curb, shall not project more than 1.9 metres above an adjacent street, lane, or site

(4) Townhouse services and utilities may be located within basement areas specific to each dwelling or in a common, underground structure

3.3 Zoning Bylaw No. 4662, 2010, Section 852 (Zoning Map) is amended by:

3.3.1 The lands shown shaded on the map attached as Schedule A to this bylaw are rezoned from RM1 – Multiple Dwelling Zone 1 to RM6 – Multiple Dwelling Zone 6.

3.3.2 The lands shown shaded on the map attached as Schedule B to this bylaw are rezoned from RM2 – Multiple Dwelling Zone 2 to RM6 – Multiple Dwelling Zone 6.

Schedules

Schedule A – RM1 Amendment to RM6 Zoning Map

Schedule B – RM2 Amendment to RM6 Zoning Map

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

ADOPTED by the Council on

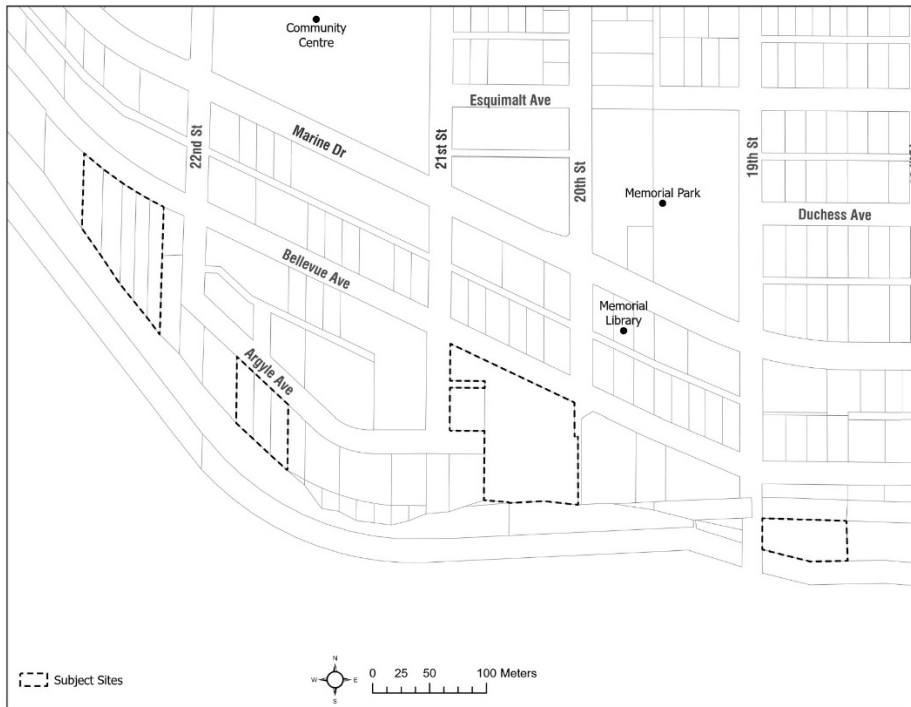
Mayor

Corporate Officer

Schedule A – RM1 Amendment to RM6 Zoning Map

Amendment to Zoning Bylaw No. 4662, 2010, Section 852, Schedule 2 – Zoning Maps.

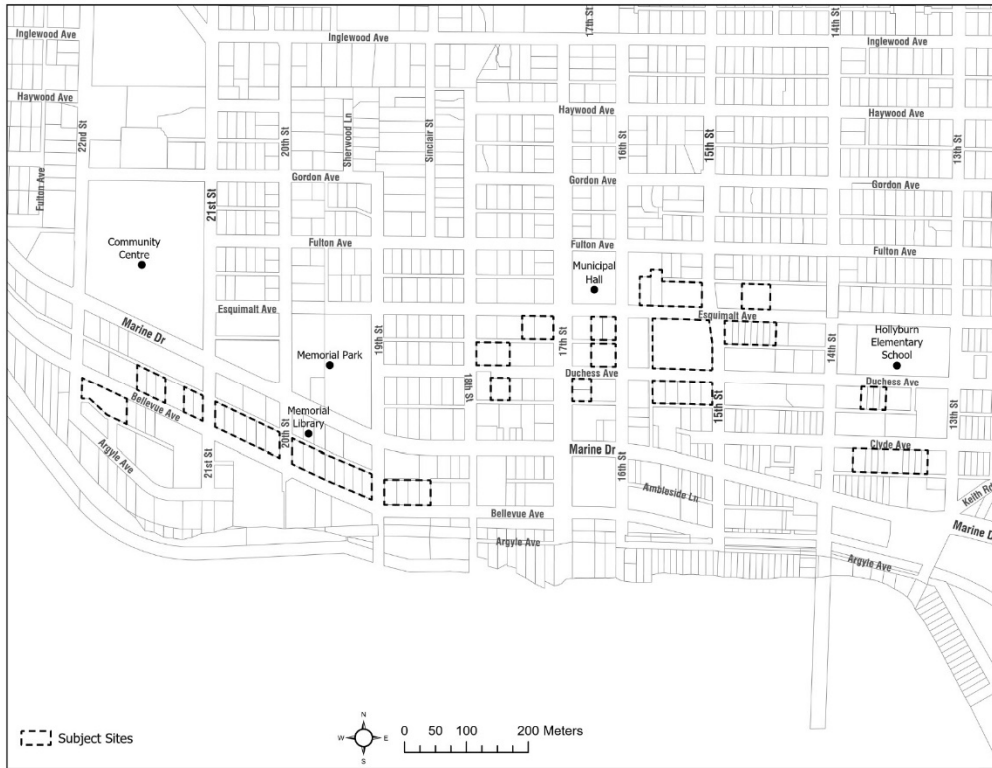
Sketch plan showing the area to be rezoned from RM1 to RM6.



Schedule B – RM2 Amendment to RM6 Zoning Map

Amendment to Zoning Bylaw No. 4662, 2010, Section 852, Schedule 2 – Zoning Maps.

Sketch plan showing the area to be rezoned from RM2 to RM6.



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Title: Tenant Support Policy
Division: Planning & Development Services
Policy Number: 0163
File Number: 01.0282.20/0163

1. Purpose

- 1.1. To support tenants of market rental buildings who may be displaced as a result of site redevelopment.

2. Scope

- 2.1. This policy applies to development permit and building permit applications, for sites within the RM6 zone where a floor area ratio greater than 2.0 is proposed.

3. Policy Statement

3.1. Tenant eligibility

The tenant must have a tenancy agreement with the landlord on the submission date of the development permit or building permit subject to this policy.

3.2. Information and Communication to Tenants

The landlord must provide the District with a *Tenant Support Plan*, on the submission date of the earlier of either the development permit or building permit. The *Tenant Support Plan* should include the following and address all relevant sections of this policy:

- 1) Contact information of a *Tenant Relocation Coordinator* to support tenants in identifying housing options;
- 2) Documentation that written notification has been provided to each dwelling, including the contact information of the *Tenant Relocation Coordinator*, a copy of this *Tenant Support Policy*, and determination of eligibility, relocation assistance, and financial assistance;
- 3) Description of how tenants will be kept informed of the application and relocation process, including posting relevant resources and convening tenant meeting(s); and
- 4) Confirmation that the collection, management, and disclosure of all tenant information will be in compliance with the *Freedom of Information and Protection of Privacy Act* and *Personal Information Protection Act*.

District of West Vancouver

POLICY

3.3. Tenant Relocation Coordinator Responsibilities

Responsibilities of the *Tenant Relocation Coordinator* will include:

- 1) Communication and record keeping: the *Tenant Relocation Coordinator* must be responsive to both the District and tenants, and be available to answer questions by phone and email at regular and consistent hours. *Tenant Relocation Coordinators* must keep records of all written correspondence and notifications for one year following occupancy of any replacement units and provide these records to the District if requested.
- 2) Relocation assistance: the *Tenant Relocation Coordinator* must provide a tenant at least three options for rental accommodation, taking into consideration geography, bedroom count, and cost, within four months of the submission date of the development permit or building permit subject to this policy.

3.4. Financial Assistance

The landlord must provide the tenant no later than 10 days after the tenant or the landlord provides notice to end the tenancy agreement:

- 1) Four times the median West Vancouver monthly rent for the same bedroom count as the dwelling subject to the tenancy agreement, as determined by the most recent CMHC Rental Market Survey; and
- 2) \$1,500 for moving-related expenses, adjusted on July 1 of each year in accordance with the Statistics Canada Consumer Price Index in respect of All Items for Greater Vancouver (2024 = 100).

3.5. Right of First Refusal

The landlord must provide a tenant right of first refusal to return to: a dwelling with the same bedroom count, or alternate bedroom count as agreed to by the tenant, in the replacement building; and, at a monthly rental rate that is equivalent to the median rent for a dwelling with a comparable bedroom type, based on the most recent CMHC Rental Market Survey.

3.6. Confirmation

If all criteria are met to enable the issuance of a development or building permit subject to this policy and the four-month notice in accordance with the RTA, the permit will be conditional pending the landlord providing confirmation to the District that all responsibilities under this policy have been satisfied. At a minimum, confirmation will be required through statutory declaration:

- 1) As a condition of building permit issuance, to confirm that the landlord has provided compensation, relocation assistance, and has obtained current contact information for all tenant leaseholders; and
- 2) As a condition of occupancy permit issuance, to confirm that the landlord has contacted former leaseholders to offer the right of first refusal to return to rental housing on the site.

4. Approval

Approved by	<input checked="" type="checkbox"/> Municipal Manager	<input type="checkbox"/> Mayor and Council
Approval date	Click here to enter a date.	
Council minutes eDocs # (Council Policies only)		
Council report eDocs # (Council Policies only)		
Signature	<div>X</div> <hr/>	

5. Additional Information

Category	<input type="checkbox"/> Council	<input checked="" type="checkbox"/> Administrative
Related procedure	<input type="checkbox"/> Yes (e.g. 0282-20-0001)	<input type="checkbox"/> No
Date of last review	Click here to enter a date.	

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