COUNCIL REPORT

Date: August 20, 2014
From: Lisa Berg, Senior Community Planner
Subject: Amendment to CD5 Zone (959 21st Street and 2151 Gordon Avenue)

RECOMMENDED THAT:

1. Proposed “Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4791, 2014” (to amend the CD5 zone) be read a first time; and

2. Proposed “Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4791, 2014” be presented at a public hearing scheduled for October 6, 2014 at 7:00 p.m. in the Municipal Hall Council Chamber, and that the Municipal Clerk give statutory notice of the scheduled Public Hearing.

Purpose

The purpose of this report is to present a proposed Zoning Bylaw amendment (Appendix B) for 959 21st Street and 2151 Gordon Avenue (Area 2 of the Kiwanis site) for first reading and to set the date for a Public Hearing. A rezoning is required to correct the Floor Area Ratio (FAR) and site coverage for Area 2.

The Kiwanis site was rezoned in 2011, which established Area 3 to allow for the construction of two new low-cost apartment buildings. During that rezoning, Area 2 should have been amended to reflect the reduction of land area that became a part of Area 3.

Executive Summary

The Kiwanis Seniors’ Housing Society of West Vancouver is a not-for-profit society that has been providing housing for low-income seniors in the community since the 1950s. The site has evolved over the years; between 1957 and 1991, a number of small duplexes and two-storey apartment buildings were built on the site\(^1\). Today, Kiwanis provides 304 low-income rental units within four separate buildings in West Vancouver: the Kiwanis Court, Kiwanis Manor and two new buildings constructed in 2013 and 2014 (see Appendix A – Context Map and CD5 Zoning Summary).

\(^1\) Kiwanis website: [http://www.westvankiwanishousing.org/about-us/the-society](http://www.westvankiwanishousing.org/about-us/the-society)
The site was rezoned in 2011 to make way for the two newest buildings constructed on the northern portion of the site. That rezoning created Area 3 within the existing CD5 zone, leaving the Kiwanis Court and Kiwanis Manor within Area 2. Area 3 was set up to have a maximum Floor Area Ratio (FAR) of 1.5 and 45% site coverage. No changes were made to Area 2, leaving the maximum FAR at 1.15 and site coverage at 25%.

During the rezoning in 2011, the FAR and site coverage for Area 2 should have been adjusted to account for land that was included in within Area 3. Due to this oversight, the buildings in Area 2 became non-conforming with the CD5 zone; the FAR is 1.35 with 50% site coverage. The proposed zoning amendment will bring the buildings in Area 2 into compliance with the Zoning Bylaw (see Appendix B). No new construction is proposed or would result from the zoning amendment. The map within the zone that divides the CD5 zoned lands is also updated to reflect current addressing.

On March 10, 2014 Council authorized the discharge and replacement of a covenant registered against the Lands that dealt with the distribution of density and instructed staff to prepare an amending bylaw that would amend the CD5 zone to correct the FAR and site coverage in Area 2. Should Council support the recommendations outlined in this report, the bylaw would receive first reading and a Public Hearing would be scheduled for October 6, 2014.

1.0 Background

1.1 Prior Resolutions

At the following Council Meetings, Council passed the following resolutions:

March 10, 2014:

THAT Covenant BW358037 registered against the lands at 2151 Gordon Avenue, 959 21st Street and 975 21st Street (collectively known as the “Kiwanis Lands”) as attached as Appendix B by the Senior Community Planner, be discharged.

THAT a replacement Section 219 covenant, attached as Appendix C to the report by the Senior Community Planner, be registered against the “Kiwanis Lands.”

THAT staff bring forward a draft rezoning bylaw for consideration that would amend the CD5 zone.

October 17, 2011:


THAT "Development Cost Charge Waiver Bylaw No. 4695, 2011" be adopted.

THAT Development Permit No. 11-005 for property located at the 900 Block of 21st Street be approved.

1.2 History

The Kiwanis Seniors' Housing Society of West Vancouver is a not-for-profit society that has been providing housing for low-income seniors in the community since the 1950s.

The District has been actively supportive in the development of the Kiwanis lands through annual property tax exemptions, transferring ownership of a lot that is now included within the Kiwanis lands, waiving the municipal development cost charges, and waiving the District policy to secure a Community Amenity Contribution when rezoning is requested.

District support has been a significant factor in realizing the development of the site, and assisting the Society to continue to deliver affordable housing to low income seniors in the community.

2.0 Policy

2.1 Official Community Plan

Policy BF-B7.1 establishes the site for seniors' low cost housing with a maximum Floor Area Ratio (FAR) of 1.5. An OCP amendment is not required to facilitate the proposed zoning amendment.

2.2 Zoning Bylaw

The site is zoned CD5 (959 21st Street). The Kiwanis site is divided into two areas: Area 2 and Area 3. Area 1, while also zoned CD5, is not a part of the development site and is not owned by Kiwanis. In Area 2, the maximum permitted FAR is 1.15 and site coverage of 25%. For Area 3, the maximum FAR is 1.5 with and site coverage of 45%.

A rezoning is required to bring the buildings in Area 2 into compliance with the Zoning Bylaw.
3.0 Analysis

3.1 Discussion

Site Context and Features

The Kiwanis site consists of three separate legal parcels: Lots A, 1 and 2, which totals 1.5 hectares (3.6 acres). The lands are located at 21st Street and Gordon Avenue (see Appendix A – Context Map and CD5 Zoning Summary). The proposed zoning amendment involves no new development.

The Kiwanis Society operates 304 low income seniors’ housing rental units on the lands as follows:

<table>
<thead>
<tr>
<th>Lot</th>
<th>Zoning Area</th>
<th>Units</th>
<th>Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Area 3</td>
<td>141</td>
<td>Two new buildings (rezoned in 2011) and constructed in 2013/14 comprised of bachelor, one and two bedroom units, all independent living.</td>
</tr>
<tr>
<td>1</td>
<td>Area 2</td>
<td>77</td>
<td>Kiwanis Manor – includes 30 assisted living units (constructed in 2006)</td>
</tr>
<tr>
<td>2</td>
<td>Area 2</td>
<td>86</td>
<td>Kiwanis Court – all independent living units (constructed in 1991)</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>304</td>
<td>Low-income rental units</td>
</tr>
</tbody>
</table>

Adjacent land uses include:

North  Pauline Johnson Elementary School and playing fields, West Vancouver School District offices and parking lot
South   Gordon Avenue with the West Vancouver Community Centre across the street
East    21st Street with single family residential across the street
West    Land owned by the District (previous VCH site) (Area 1 of CD5)

Proposed Zoning Amendment

A zoning error has been discovered in Area 2, and a zoning bylaw amendment is required to correct this. The buildings in this area do not comply with the CD5 zone as they exceed the maximum FAR and site coverage. It is important to note that this is not the result of overbuilding or not complying with permits.

The Kiwanis lands were rezoned in 2011, which created Area 3 to allow for two new low-cost rental seniors’ apartment buildings on the northern portion of the site. Area 2 consists of the Kiwanis Manor and Kiwanis Court buildings.
Area 3 allows a maximum FAR of 1.5 and 45% site coverage. Area 2 allows a maximum FAR of 1.15 and 25% site coverage. Prior to the rezoning in 2011 to allow for the new buildings, density was shared across the site, which made the average density calculations work. During the 2011 rezoning, the FAR and site coverage for Area 2 should have been amended to reflect the loss of the land that became Area 3.

No new construction has occurred in Area 2; prior to rezoning to allow for the new apartment buildings, the existing buildings complied with the zoning.

The proposed zoning amendment pertains to Area 2 only; it provides for a maximum 1.35 FAR and 50% site coverage. Lands that make up the Kiwanis site in the CD5 zone would be as follows:

<table>
<thead>
<tr>
<th>Area</th>
<th>Buildings</th>
<th>FAR</th>
<th>Site Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Kiwanis Court &amp; Kiwanis Manor</td>
<td>1.35</td>
<td>50%</td>
</tr>
<tr>
<td>3</td>
<td>Two new Kiwanis Buildings</td>
<td>1.5</td>
<td>45%</td>
</tr>
</tbody>
</table>

The rezoning would bring the Kiwanis Manor and Kiwanis Court buildings into compliance with the Zoning Bylaw. Additionally, the map within the CD5 zone is updated with current addresses. The proposed amending bylaw is attached as Appendix B.

3.2 Communications Process

The public will be given an opportunity to comment on the proposed amending bylaw at a Public Hearing, to be scheduled and advertised in accordance with the Local Government Act.

4.0 Options

(as recommended by staff)

A. Give first reading to the proposed amending bylaw and set Monday, October 6, 2014 as the date for a Public Hearing.

(or, alternatively)

B. Same as Option A, but set a different Public Hearing date; or

C. Not proceed with the proposed bylaw.
Date: August 20, 2014
From: Lisa Berg, Senior Community Planner
Subject: Amendment to CD5 Zone (959 21st Street and 2151 Gordon Avenue)

Author: Lisa Berg, Senior Community Planner

Concurrence: Chris Bishop, Manager of Development Planning

Appendices:
A – Context Map & CD5 Zoning Summary (FAR and site coverage)
B – Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4791, 2014
APPENDIX A
CONTEXT MAP & CD5 ZONING SUMMARY

CD5 Zoning (FAR & Site Coverage) Summary:

Other Land:

Area 1:  
- Lot 1 (District Land) not included within the Kiwanis Lands.  
Permitted FAR: 1.5  
Maximum Site Coverage: 25%  
No change to FAR  
No change to Site Coverage

Kiwanis Lands:

Area 2¹:  
- 2151 Gordon Avenue (Lot 2 – Kiwanis Court, constructed in 1991); and  
- 959 21st Street (Lot 1 – Kiwanis Manor, constructed in 2006).  
Permitted FAR: 1.15  
Maximum Site Coverage: 25%  
Proposed FAR: 1.35  
Proposed Site Coverage: 50%

Area 3:  
Permitted FAR: 1.5  
Maximum Site Coverage: 45%  
No change to FAR  
No change to Site Coverage

¹Area 2 is subject to the proposed rezoning amendment.
This page intentionally left blank
District of West Vancouver

Zoning Bylaw No. 4662, 2010
Amendment Bylaw No. 4791, 2014

Effective Date:
District of West Vancouver

Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4791, 2014

A bylaw to amend the CD5 (959-21st Street) zone.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for amendment of the Zoning Bylaw;

NOW THEREFORE, the Council 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. 4791, 2014.

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 CD5 Zone

3.1 Zoning Bylaw No. 4662, 2010, Schedule A, Section 600 Comprehensive Development Zones, Section 605 – CD5 – (959 21st Street) is amended by deleting the following:

3.1.1 Section 605.01 Map;

3.1.2 Section 605.04(2); and

3.1.3 Section 605.05 Site Coverage in its entirety.

3.2 Zoning Bylaw No. 4662, 2010, Schedule A, Section 600 Comprehensive Development Zones is amended by inserting the following:
3.2.1 Section 605.01 Map

3.2.2 Section 605.04(2) Area 2: 1.35 maximum

3.2.3 Section 605.05 Site Coverage

(1) Area 1: 25% maximum
(2) Area 2: 50% maximum
(3) Area 3: 45% maximum

(4) Areas 1, 2 & 3: 30% maximum of the unoccupied portion of a site may be devoted to driveways, surface parking, access or exist aisles for apartment building use
Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4791, 2014

READ A FIRST TIME on
PUBLIC HEARING held on
READ A SECOND TIME on
READ A THIRD TIME on
ADOPTED by the Council on

__________________________
Mayor

__________________________
Municipal Clerk