

COUNCIL AGENDA

Date: _____ Item: _____



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

COUNCIL REPORT

Date:	April 15, 2024
From:	Maeve Bermingham, Community Planner
Subject:	Proposed Bylaw Amendments for Land Use Contract Sites and Replacement Zoning for the Caulfeild Land Use Contract Area
File:	13-2515-01

RECOMMENDATION

THAT opportunities for consultation on the proposed Official Community Plan amendment, with persons, organizations, and authorities, as outlined in the report dated April 15, 2024, be endorsed as sufficient consultation for purposes of section 475 of the *Local Government Act*.

RECOMMENDATION

THAT proposed “Official Community Plan Bylaw No. 4985, 2018, Amendment Bylaw No. 5301, 2024” be read a first time.

RECOMMENDATION

THAT proposed “Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5321, 2024” be read a first time.

RECOMMENDATION

THAT proposed “Official Community Plan Bylaw No. 4985, 2018, Amendment Bylaw No. 5301, 2024” and “Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5321, 2024” be presented at a public hearing scheduled for May 27, 2024, at 7 p.m. in the Municipal Hall Council Chamber and via electronic communication facilities (WebEx video conferencing software), and that statutory notice be given of the scheduled public hearing.

RECOMMENDATION

THAT proposed “Tree Bylaw No. 4892, 2016, Amendment Bylaw No. 5322, 2024” be read a first time.

RECOMMENDATION

THAT proposed “Development Procedures Bylaw No. 4940, 2017, Amendment Bylaw No. 5318, 2024” be read a first time.

RECOMMENDATION

THAT proposed “Fees and Charges Bylaw No. 5251, 2023, Amendment Bylaw No. 5319, 2024” be read a first time.

1.0 Purpose

As required by provincial legislation, this report brings forward replacement zoning for lands currently subject to the expiring Caulfeild Land Use Contract and proposes minor bylaw amendments for other Land Use Contract (LUC) sites.

2.0 Legislation/Bylaw/Policy

Provincial Legislation

The *Local Government Act* (LGA) requires all Land Use Contracts to be terminated on June 30, 2024, per Section 547. Sections 545 to 550 further outline associated requirements concerning the discharge and termination of the LUCs and the adoption of zoning bylaw(s) to replace the LUCs.

The LGA also requires that a public hearing be held on the proposed Zoning Bylaw amendments to replace the LUC, in accordance with Sections 464 through 470.

Municipal Bylaws

Official Community Plan Bylaw No. 4985, 2018, regulates land use and overall municipal policies and objectives. Zoning Bylaw No. 4662, 2010, regulates development of property and buildings in the District. Tree Bylaw No. 4892, 2016, regulates, prohibits, and imposes requirements in relation to trees in the District. Development Procedures Bylaw No. 4940, 2017, provides procedures for administering and processing development applications. Fees and Charges Bylaw No. 5251, 2023, regulates and imposes fees and charges for the provision of services and information.

3.0 Council Strategic Objective(s)/Official Community Plan

Official Community Plan

The Official Community Plan (OCP) includes a relevant policy to guide development of replacement regulations for the lands affected:

- 2.1.22 Create new regulations prior to 2022 that replace expiring Land Use Contracts, meet community housing needs, and respond to neighbourhood context and character.

4.0 Financial Implications

The existing budget covers the established Caulfeild LUC review process.

5.0 Background

5.1 Previous Decisions

Council, at its February 21, 2023, regular meeting, passed the following resolution:

THAT staff be directed to prepare draft bylaw amendments to provide consistent land use regulations that will apply to lands currently subject to the expiring Caulfeild Land Use Contract.

Council, at its May 31, 2022, special meeting, passed the following resolutions to amend the zoning and associated regulations for 22 of the District's existing 23 LUCs (with the exception of Caulfeild):

THAT

1. Proposed "Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5201, 2022" be adopted; and
2. Proposed "Tree Bylaw No. 4892, 2016, Amendment Bylaw no. 5205, 2022" be adopted".

5.2 History

23 LUCs were exercised in the District between 1971 and 1978 as a form of site-specific, contractual arrangement between local governments and landowners. These contracts regulate development (e.g., density, site coverage, setbacks, heights, etc.) and were registered on land title. When the LUC legislation was repealed in 1978, the existing contracts remained in place. However, no new contracts could be created. In 2014, the Provincial Government amended the Local Government Act to terminate all existing LUCs on June 30, 2024.

On May 31, 2022, to avoid future non-conformity and potential unintended changes to development rights, Council adopted bylaw amendments to address 22 of the original 23 LUCs. Due to the complex nature of the Caulfeild LUC, it was determined that a separate technical exercise would be undertaken to prepare replacement zoning for lands subject to the Caulfeild LUC.

On February 21, 2023, Council received the Caulfeild technical review findings and directed staff to prepare replacement zoning to generally ensure consistency in land-use regulations with current LUC provisions.

The Caulfeild LUC, along with the other 22 LUCs in the District are set to expire on June 30, 2024. Staff worked with a planning consultant firm, Urban Systems ("the consultant"), to analyze and develop appropriate zoning for the District's LUC sites. The proposed bylaw amendments to avoid future non-conformities on impacted lands are summarized below. A technical summary further outlines how relevant land use provisions would be carried over into the Caulfeild Zone (**Appendix A**).

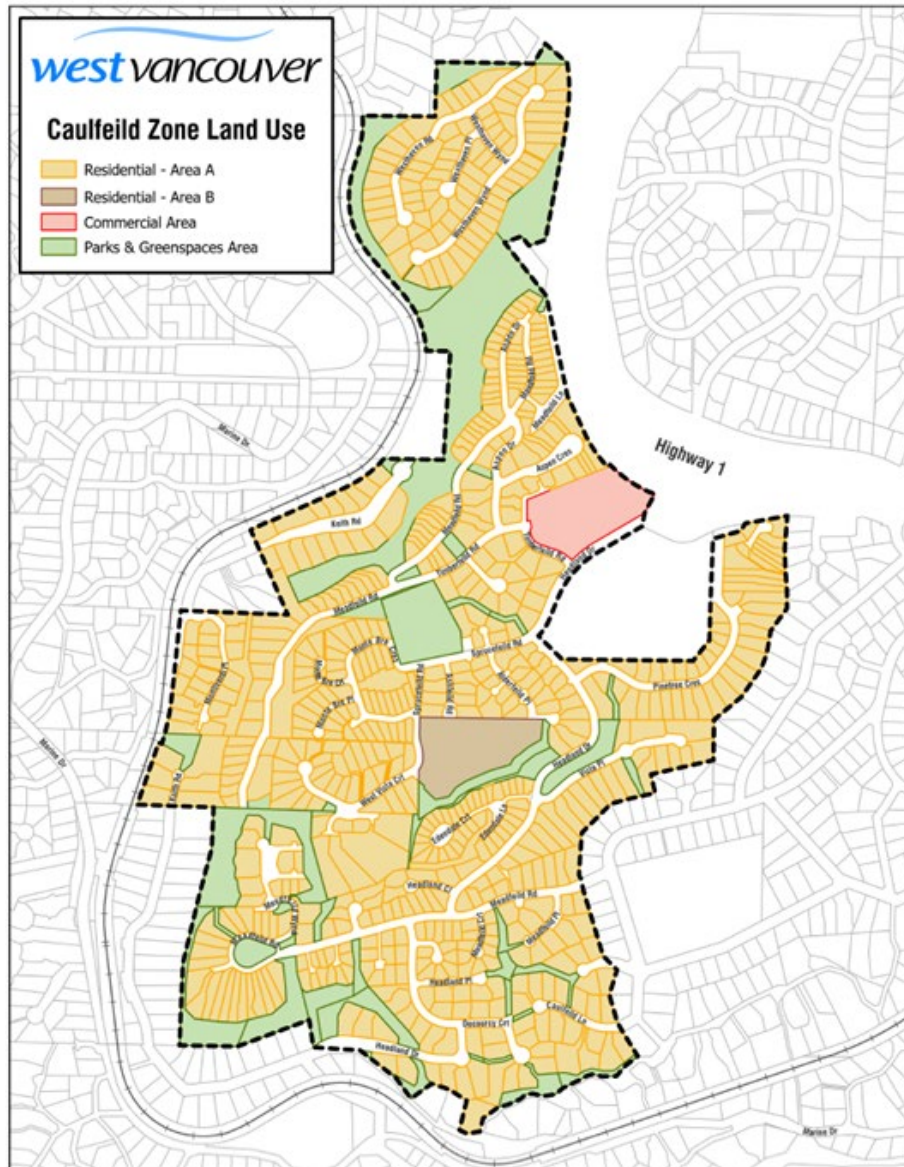
6.0 Analysis

6.1 Discussion

Caulfeild Zone

The Caulfeild LUC was enacted in 1978. It regulates a significant portion of the overall Caulfeild neighbourhood (including approximately 700 properties covering over 250 acres of land) and is unique as it facilitated comprehensive, area-wide development, with provisions for residential uses, commercial use, and greenbelt areas.

The proposed replacement Comprehensive Development (CD) zone (Caulfeild Zone) would rezone impacted lands from RS2, RS3, and RS10 zoning. Lands proposed for inclusion in the Caulfeild Zone are shaded on the map below and would be identified as Residential – Residential Areas A & B, Commercial Area, and Parks and Greenspaces Area.



The approach to preparing the proposed replacement zoning aligns with the original intent of the LUC, is consistent with Council’s direction to staff, and responds to neighbourhood feedback. The proposed Caulfeild Zone (CD86) is summarized as follows:

1. *Residential - Areas A & B*

- Addressing legal non-conformities on over 80% of all lots with legalization of all existing buildings, structures, and uses.

- Reflecting generally permitted District-wide residential zone uses (e.g., childcare, community care, lodgers, home based business).
 - Reflecting Building Code and generally permitted District-wide residential regulations (e.g., setbacks and parking regulations).
 - Retaining neighbourhood character through supporting residential uses only in existing residential areas of Caulfeild and excluding detached secondary suites (coach houses).
 - Permitting secondary suites and ground-oriented dwellings (up to a maximum of 3 units per parcel) to ensure that the replacement zoning does not require any further changes necessary to comply with the Provincial Housing Legislation for Small Scale Multi-Unit Housing within the *Local Government Act*.
 - Aligning density expectations by permitting 0.35 Floor Area Ratio (FAR) (as the zone does not permit coach house exemptions as allowed in other single-family areas of the District where the FAR has been reduced for most sites to 0.30), including entitled greenbelt allocation, and incorporating a house size maximum.
2. *Commercial Area*
- Retaining original LUC commercial provisions within the replacement Caulfeild Zone.
3. *Parks and Greenspaces Area*
- Creation of a specific designation, “Parks and Greenspaces”, that would restrict these areas to public recreation and park uses to meet the intent of the LUC.

The proposed replacement zoning (Caulfeild Zone) would apply to the subject lands as presented in **Appendix B**, and, if adopted, the zone would take effect on June 30, 2024 (when the LUC expires).

Official Community Plan Bylaw Amendments

Amendments to the Official Community Plan (OCP), as presented in **Appendix C**, are proposed to:

- place the existing commercial site within the Local Commercial Sites Development Permit Area;
- to remove references within the OCP to land use contracts; and
- to create a ground-oriented housing Development Permit Area for existing attached housing sites to ensure new development maintains neighbourhood character and mitigates any potential adjacency issues.

Accompanying Bylaw Amendments

The overall LUC review (for the other 22 LUC sites) identified minor recommended changes and corrections which are outlined below.

Zoning Bylaw Amendments

The proposed amendments to the Zoning Bylaw provide updates to 18 of the original LUC sites (and are summarized in the following tables). These amendments provide corrections, clarifications and updated land use provisions to ensure consistency with District-wide zoning regulations and historical uses for specific sites.

Consistency with District-wide Commercial provisions			
Address	Zone	Existing Development	Amendment
Folkstone Way	CD10	Mixed-Use: Residential & Commercial	Adding the following uses - child care, community care, home based business, lodgers, office, secondary suites.
585 16th Street	CD64	Commercial: office	Adding AC1 uses as intended in the LUC.
202-250 16th Street 1571-1579 Bellevue Avenue	CD71	Commercial: office, retail	Adding AC1 uses as intended in the LUC.

Consistency with District-wide Seniors Housing provisions			
Address	Zone	Existing Development	Amendment
525 Clyde Avenue	CD25	Community Care Facility	Adding the following uses - accessory buildings and uses.
6645 Nelson Avenue	CD63	Multi-Family Residential: apartment	Adding the following uses - accessory buildings and uses, child care, community care, home based business.
1495 Esquimalt Avenue	CD68	Multi-Family Residential: apartment	Adding the following uses - accessory buildings and uses, caretaker suite, child care, community care, home based business.

Consistency with District-wide Multi-Family Residential provisions			
Address	Zone	Existing Development	Amendment
1340 Duchess Avenue	CD65	Multi-Family Residential: apartment	Adding the following uses - accessory buildings and uses, child care, community care, home based business, lodgers.
2119 Bellevue Avenue	CD70	Multi-Family Residential: apartment	Adding the following uses - child care, community care, home based business, lodgers.
1363 Clyde Avenue	CD73	Multi-Family Residential: apartment	Adding the following uses - child care, community care, home based business, lodgers.

Consistency with District-wide Townhome Residential provisions			
Address	Zone	Existing Development	Amendment
2030-2040 Marine Drive	CD69	Multi-Family Residential: townhomes	Adding the following uses - accessory buildings and uses, child care, community care, home based business, lodgers.
440 13th Street, 1285 & 1289 Keith Road	CD72	Multi-Family Residential: townhomes	Adding the following uses - child care, community care, home based business, lodgers.
4957 Marine Drive	CD74	Multi-Family Residential: townhomes	Adding the following uses - child care, community care, home based business, lodgers.
1858-1896 Bellevue Avenue	CD75	Multi-Family Residential: townhomes	Adding the following uses - child care, community care, home based business, lodgers.
312-320 Keith Road	CD76	Multi-Family Residential: townhomes	Adding the following uses - child care, community care, home based business, lodgers.

Consistency with District-wide Single-Family Residential provisions			
Address	Zone	Existing Development	Amendment
5500 Block Parthenon Place & 5490 Marine Drive	CD77	Single-Detached Residential	Adding the following uses - community care and lodgers.
382-398 Mathers Avenue	CD80	Single-Detached Residential	Adding the following uses - child care and community care.
800 Block Taylorwood Place	CD81	Single-Detached Residential	Adding the following uses - child care, community care, lodgers.
6255 & 6265 Imperial Avenue, 6620-6678 Marine Drive	CD82	Single-Detached Residential	Adding the following uses - child care and community care.

Tree Bylaw Amendment

For the Parthenon Place LUC (CD77) updates (**Appendix D**) are proposed to ensure regulations related to tree protection and tree heights are maintained from the LUC. Specifically, a tree survey to support the protection of retained trees and regulation of new trees is proposed.

Development Procedures Bylaw Amendments

Amendments to the Development Procedures Bylaw, as presented in **Appendix E**, are proposed to:

- remove references to LUC applications and processes; and
- to delegate the consideration of ground-oriented housing development permits within the Caulfeild Zone to the Director of Planning and Development Services.

Fees and Charges Bylaw Amendments

The removal of references to LUC applications is proposed and attached as **Appendix F**.

6.2 Climate Change & Sustainability

The proposed zoning would ensure long term protection of existing greenbelt areas in the Caulfeild area as intended by the LUC.

6.3 Public Engagement and Outreach

Notification for LUC Termination

In accordance with Section 549 of the LGA, all property owners with land(s) currently under LUC were notified of the province's termination of LUCs in June 2022.

Public Hearing and Notification

A public hearing must be held to consider the zoning bylaw amendments, proposed for May 27, 2024. Notice of the public hearing would be given in accordance with legislative requirements and District procedures.

Neighbourhood Feedback

Caulfeild residents had the opportunity to provide in-person feedback during two consultant-led neighbourhood information meetings (**Appendix G**). Feedback received (to date) informed the preparation and finalization of the proposed bylaw amendments.

Dedicated Project Webpage

A dedicated project webpage has been maintained throughout the process, providing all relevant information regarding the provincially directed LUC termination process, materials, and updates.

6.4 Conditions Precedent to Adoption

Ministry of Transportation and Infrastructure approval is required prior to the adoption of the proposed Zoning Bylaw amendments.

6.5 Other Communication, Consultation, and Research

Planning staff have consulted with District staff from other departments as appropriate. A legal review of the proposed replacement zoning bylaws was also undertaken to ensure that the proposed amendment bylaws meet the requirements of the LGA.

7.0 Options

7.1 Recommended Option

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

7.2 Considered Options

- a) Give reading(s) to the proposed amendment bylaws 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

In accordance with provincial legislation, staff recommend adopting the proposed bylaw amendments for impacted lands to provide consistency with LUC provisions, current bylaws, and regulations, while enabling some flexibility, and removing references to LUCs from relevant bylaws.

Author:



Maeve Bermingham, Community Planner

Concurrence



Michelle McGuire, Senior Manager of Current Planning and Urban Design

Appendices:

- A. Caulfeild Land Use Contract and Replacement Zoning – Technical Summary Memorandum
- B. Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5321, 2024
- C. Official Community Plan No. 4895, 2018, Amendment Bylaw No. 5301, 2024
- D. Tree Bylaw No. 4892, 2016, Amendment Bylaw No. 5322, 2024
- E. Development Procedures Bylaw No. 4940, 2017, Amendment Bylaw No. 5318, 2024
- F. Fees and Charges Bylaw No. 5251, 2023, Amendment Bylaw No 5319, 2024
- G. Caulfeild Land Use Contract - Public Engagement Summary