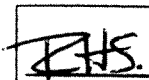
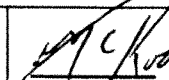


COUNCIL AGENDA/INFORMATION		
Closed	Date: _____	Item # _____
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Supplemental	Date: _____	Item # _____

 Director	 CAO
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DISTRICT OF WEST VANCOUVER  
750 - 17<sup>TH</sup> STREET, WEST VANCOUVER, BC V7V 3T3

## COUNCIL REPORT

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R-1

Date: September 13, 2011 File: 1050-20-07-005  
From: Bob Sokol, Director of Planning, Lands and Permits  
Subject: Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4701, 2011 - Sunset Lane

### RECOMMENDED THAT:

1. Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4701, 2011 as attached to the report from the Director of Planning, Lands and Permits dated September 13, 2011, be introduced and read a first time in short form;
2. Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4701, 2011 be presented at a Public Hearing on Monday, October 17, 2011 at 7 p.m. in the Council Chamber; and
3. The Municipal Clerk be directed to give Statutory Notice that a Public Hearing regarding Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4701, 2011 is scheduled for Monday, October 17, 2011 at 7 p.m. in the Municipal Hall Council Chamber.

### Purpose

To give first reading and to set a public hearing on October 17, 2011 for Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4701, 2011, which will allow for the subdivision of the Sunset Lane Lands. These amendments will aid the resolution of land ownership and access issues which have existed in the area for over 30 years.

### 1.0 Background

#### 1.1 History

Sunset Lane is located parallel to Marine Drive, adjacent to the railway line, starting at Creery Avenue (Appendix A). Sunset Lane is located on lands owned by BC Rail Properties. Most of the adjacent houses (despite their Marine Drive address) receive access from Sunset Lane. Many have garages constructed on land owned by BC Rail Properties and park on those same lands. BC Rail has had full knowledge of this use of their property for many years.

BC Rail Properties would like to sell these properties to the adjacent property owners. In order to do so, they must subdivide the property. Due to the complicated use and access issues that will be exacerbated by the subdivision and sale of the property, the District has been in off and on negotiations with BC Rail Properties for many years on how this subdivision and subsequent sale of these lands should proceed.

Property owners along Sunset Lane have been anxiously awaiting the resolution of this issue. Staff have been talking with BC Rail Properties regularly over the last three years, in an effort to resolve these issues. Several meetings were also held with Sunset Lane Property owners to best identify their concerns with the current situation and potential resolutions to the issues.

## **2.0 Analysis**

### **2.1 Approach to Resolving the Sunset Lane Land Issues**

Working with BC Rail Properties and property owners, the following approach to resolving these issues have been identified:

- A. The District will amend the zoning for the Sunset Lane lands to allow for the creation of "substandard" lots. The zoning bylaw amendment also includes provisions related to the siting of garages adjacent to the lane, recognizing the grade changes on these lots and the "shallow" depth of the lots (see section 2.2).
- B. District staff will approve the subdivision of the lots. A covenant will ensure that they are solely intended for assembly with the adjacent property and can only be sold to or leased by the adjacent property owner. Upon subdivision, BC Rail Properties will pay the District \$150,000 towards reconstruction of Sunset Lane, which staff estimates will cost approximately \$450,000.
- C. Upon subdivision, the lots will be available for the adjacent property owners to lease or purchase. BC Rail would allow for the following:
  - Lease of the lot for \$500 per year plus property taxes. The lease can be transferred with sale of the parent parcel. The lease holder would be obligated to purchase the lands if the owner demolishes and reconstructs the house on the parent parcel or if the lease holder wishes to construct any improvements on the leased land requiring a District building permit.
  - Purchase of the lot in 2010, BC Rail Properties completed a reappraisal of the properties which resulted in an average downward adjustment of the appraisal by 40%. Property owners who purchase within three months of the subdivision would be offered a 10% discount.

- 2.2 Zoning Bylaw Amendment (Appendix B)  
Zoning Bylaw No 4662, 2010, Amendment Bylaw No. 4701, 2011 amends several sections of the zoning bylaw to allow for the resolution of the Sunset Lane issues.

Minimum Lot Size - The minimum lot size in the RS4 zone is 836 square meters. The small lots adjacent to Sunset Lane that will be sold or leased to the adjacent property owners are smaller than that size and could not be created without these amendments. In addition, these newly created lots could not be added to the parent parcels in some instances, since the assembled lots would still be below the 836 square meters minimum. The proposed zoning bylaw amendment exempts parcels in the Sunset Lane Lands from these minimum lot size requirements.

Minimum Lot Width and Depth – The proposed zoning bylaw amendment exempts the Sunset Lane lands from the minimum lot width and depth requirements, so that the lots can be created through the subdivision.

Accessory Building and Structures Regulations – Regulations related to the height and location of an accessory structure (garage) on these properties needs to be modified because of some unique characteristics of the Sunset Lane lands. The zoning bylaw requires an accessory building or a garage to be separated from the principle dwelling by at least 4.5 meters in most situations. Due to the constrained size of many of the lots in the Sunset Lane lands, it would be difficult for this requirement to be met in the majority of circumstances, requiring a development variance permit. The zoning bylaw amendment exempts the Sunset Lane lands from this requirement and allows them to be attached to the principle dwelling.

The zoning bylaw typically limits the height of an accessory structure (garage) to 3.7 meters measured from the average grade around the structure. The Sunset Lane lands typically slope downward steeply from back (Sunset Lane) to front (Marine Drive). In many instances, a development variance permit would be required in order to construct a usable garage on these properties adjacent to Sunset Lane. The proposed zoning bylaw amendments state that the height of an accessory structure on the Sunset Lane lands is measured 3.7 meters from the elevation of Sunset Lane.

### 2.3 Social Implications

Resolution of this issue will address a long term issue affecting all properties along Sunset Lane.

### 2.4 Financial Implications

It is likely that improvements to Sunset Lane will be necessary once it becomes a dedicated road. Estimates for the rebuilding of Sunset Lane are approximately \$450,000 based upon engineering plans prepared on behalf of BC Rail Properties and reviewed by the Land Development Engineer. BC Rail Properties will contribute \$150,000 towards the costs of improving Sunset Lane as a condition of the subdivision. The timing and sources of funds to pay for the Sunset Lane improvements will be determined as part of the 2012 Capital budget process.

### 3.0 Options

Council can give the zoning bylaw amendments first reading and set the date for the public hearing (recommended); or

Request more information from staff.

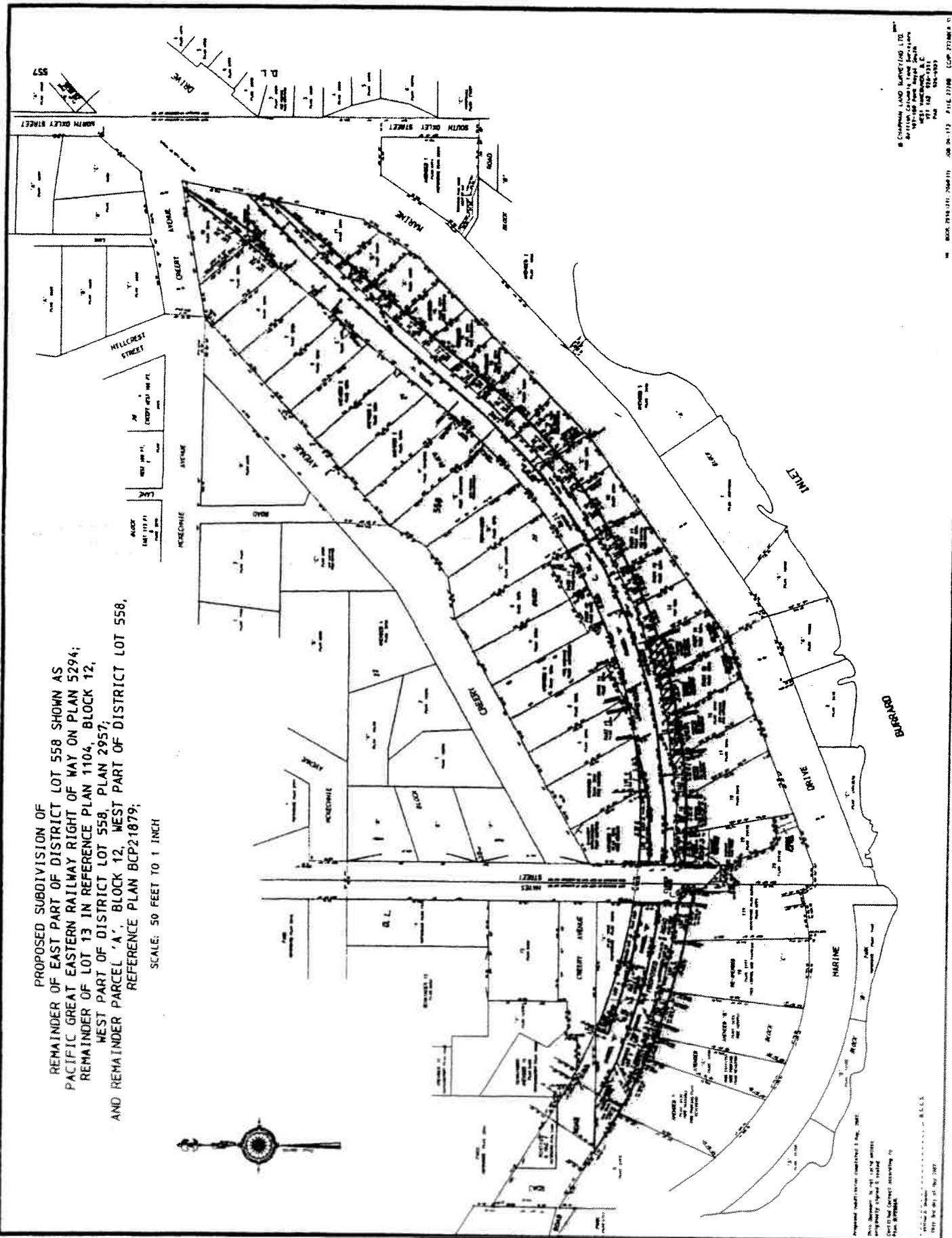
#### Appendices:

- A. Sunset Lane Location Map
- B. Zoning Bylaw No 4662, 2010, Amendment Bylaw No. 4701, 2011

Author: \_\_\_\_\_

Appendix

PROPOSED SUBDIVISION OF  
 REMAINDER OF EAST PART OF DISTRICT LOT 558 SHOWN AS  
 PACIFIC GREAT EASTERN RAILWAY RIGHT OF WAY ON PLAN 5294;  
 REMAINDER OF LOT 13 IN REFERENCE PLAN 1104, BLOCK 12,  
 WEST PART OF DISTRICT LOT 558, PLAN 2957;  
 AND REMAINDER PARCEL 'A', BLOCK 12, WEST PART OF DISTRICT LOT 558,  
 REFERENCE PLAN BCP21879;  
 SCALE: 50 FEET TO 1 INCH



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District of West Vancouver

## **Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4701, 2011**

A bylaw to provide for an unused portion of BCRail lands to be used as part of abutting residential lots and a public lane (known as Sunset Lane)

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 "Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4701, 2011."

### **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 RS4 Zone**

- 3.1 Zoning Bylaw No. 4662, 2010, Schedule A, Section 204 – RS4 – Single Family Dwelling Zone 4 is hereby amended by:
  - 3.1.1 Adding in Section 204.03 after the words "836 square metres minimum" the following:

'except:

    - (1) no minimum site area shall apply to the lands identified as Sunset Lane Lands in Section 204.14; and
    - (2) no minimum site area shall apply to any lot created after October 17, 2011 that is created through the consolidation of a lot existing at September 12, 2011 and a lot created through the subdivision of lands identified as Sunset Lane Lands in Section 204.14.'

3.1.2 Replacing Section 204.04 Minimum Site Width and Depth with the following:

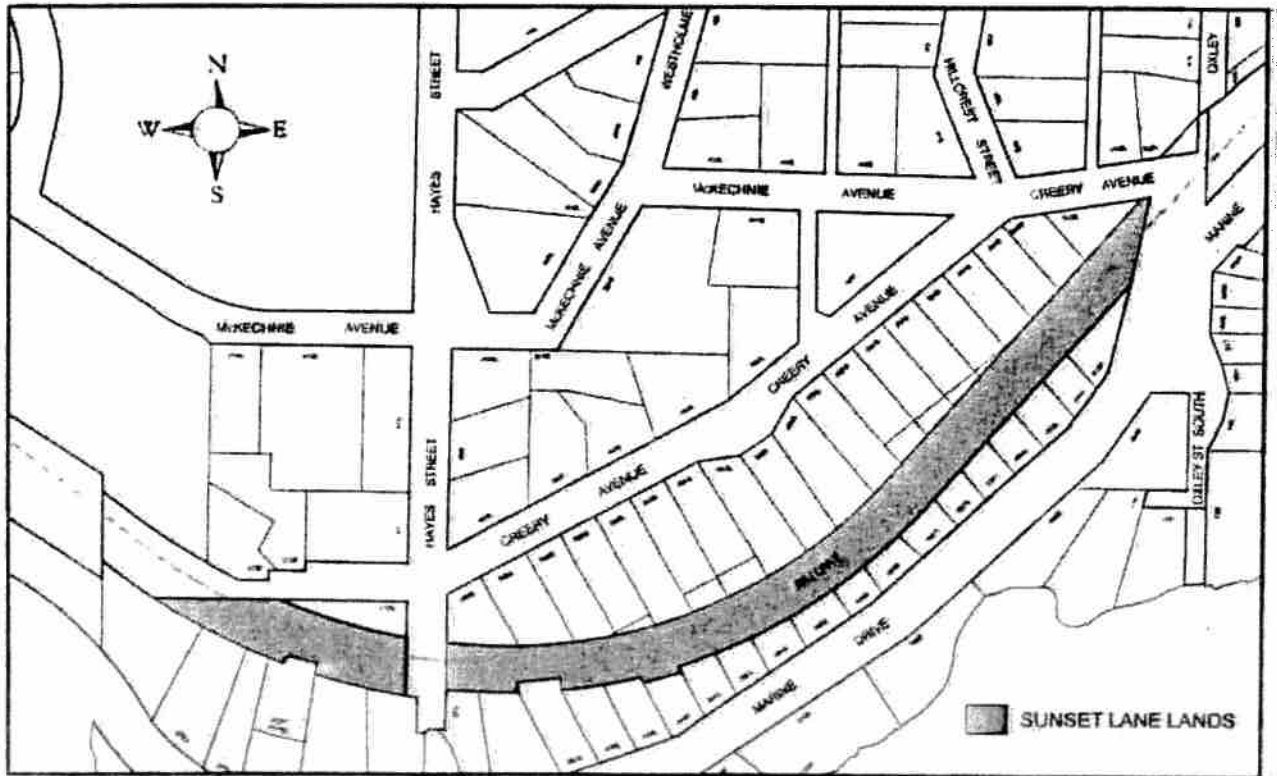
'Width: 22.9 metres minimum width except:

- (1) 26.8 metres minimum width for a corner flanking lot; and
- (2) no minimum lot width where the lot is located entirely within the lands identified as Sunset Lane Lands in Section 204.14 or where a lot located within the lands identified as Sunset Lane Lands in Section 204.14 is consolidated with another lot.

Depth: shall not exceed 4 times the site width, except no maximum lot depth shall apply where the lot is located entirely within the lands identified as Sunset Lane Lands in Section 204.14 or where a lot located within the lands identified as Sunset Lane Lands in Section 204.14 is consolidated with another lot.'

3.1.3 Adding a new section after Section 204.13 as follows:

'204.14 Map of Sunset Lane Lands



#### **Part 4 Amends General Regulations for all Zones**

- 4.1 Zoning Bylaw No. 4662, 2010, Schedule A, Section 120 General Regulations for all Zones is hereby amended by:
  - 3.1.1 Adding at the end of Section 120.26 Minimum Building Site Conditions for New Lots the following:
    - '(3) Section 120.26 subsections (1) and (2) shall not apply to a new lot which includes lands identified as Sunset Lane Lands in Section 204.14.'

#### **Part 5 Amends Accessory Building and Structure Regulations**

- 5.1 Zoning Bylaw No. 4662, 2010, Schedule A, Section 130 General Regulations for Residential Zones and Uses Only is hereby amended by:
  - 5.1.1 Replacing Section 130.01 subsection (3) with the following:
    - '(3) An accessory building or structure shall not exceed a height of:
      - (a) one storey plus basement; and
      - (b) 3.7 metres from the lower of the average natural or average finished grade, measured around the accessory building or structure, except on sites which include lands identified in Section 204.14 accessory buildings or structures located entirely in the rear 10 metres of the site shall not exceed a height of 3.7 metres from the elevation of the traveled lane surface directly adjacent the subject site.'
  - 5.1.2 Replacing in Section 130.01 subsection (12) the words "In the RS5, RS9, RD1 and RD2 zones only:" with the following:
    - 'In the RS5, RS9, RD1 and RD2 zones and on any sites in the RS4 zone which include the lands identified as Sunset Lane Lands in Section 204.14.'

READ A FIRST TIME on [Date]

PUBLIC HEARING HELD on [Date]

READ A SECOND TIME on [Date]

READ A THIRD TIME on [Date]

ADOPTED by the Council on [Date].

---

Mayor

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Municipal Clerk