



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: May 29, 2007
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VanRIMS No.: 13-5500-20
Meeting Date: June 12, 2007

TO: Vancouver City Council

FROM: Director of the Housing Centre

SUBJECT: Age Restriction: The Lanesborough, 3062-3188 West 41st Avenue

RECOMMENDATION

THAT Council authorize the Director of Legal Services on behalf of the City to enter into and execute the legal documentation required to cancel the covenant restricting households to two persons of which at least one must be 55 years of age or older in The Lanesborough (Strata Plan LMS 4274) registered in the Land Title Office under number BF BM38616, noting that no legal rights or obligations shall arise or be created until all the necessary legal documentation is fully executed on terms and conditions to the satisfaction of the City's Director of Legal Services.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

COUNCIL POLICY

The City's Parking By-law establishes the parking requirements for development in the city of Vancouver.

The Vancouver Transportation Plan calls for reducing residential parking standards as warranted.

PURPOSE

This report recommends that the legal covenant restricting households to a maximum of two people at least one of which must be 55 years of age or older in The Lanesborough, a 58 unit condominium project located at Balaclava and 41st Ave., be cancelled.

BACKGROUND

At the April 28, 1997, public hearing, Council approved an application to rezone 3062-3188 West 41st Ave. from RT-2 Two-Family Dwelling District to a CD-1 Comprehensive Development District that would permit the development of two 3-4 storey multiple dwelling buildings at an FSR of 1.25 with 58 dwelling units. The applicant proposed that the project be restricted to seniors and sought a parking relaxation in return. Council approved the application and a parking relaxation from the 95 parking spaces required at the time to the 82 parking spaces proposed by the applicant.

A condition of approval was that a covenant be registered on title restricting the sale of units to households with a maximum of 2 persons of which at least one had to be aged 55 and over. In November 1997, the restriction was amended at the request of the applicant to limit occupancy to two person households, of which at least one was aged 55 or over, instead of limiting potential purchasers.

On May 3, 2007, Council approved amendments to the Parking By-law that reduced the parking requirements for residential developments on the west side of Vancouver. The minimum parking requirement for units larger than 50 m² is now 0.6 stalls/unit plus 1 stall/200 m² of gross floor area.

DISCUSSION

In March 2006, the solicitor for the Lanesborough strata corporation (LMS 4272) wrote a letter requesting that the City agree to cancel the covenant restricting households to a maximum of two persons of which one had to be at least 55 years of age. They advised that the parking in the building was not being fully used and that owners were finding it difficult to sell their units. As the building is midway between and some distance from the Dunbar and 41st and Kerrisdale shopping districts, it was proving more attractive to younger households than to seniors.

With the recently approved changes in the Parking By-law requirements for multiple residential developments on the Westside of Vancouver, the parking requirement for the Lanesborough is now 66 spaces (58 units x 0.6 spaces/unit + 6,139 m²/200 m²). As the 82 parking spaces provided in the Lanesborough now exceeds the minimum 66 spaces required, the covenant restricting occupancy to seniors is no longer required or appropriate. Consequently, it is recommended that Council authorize the Director of Legal Services to enter into and execute the necessary legal documentation to cancel the covenant that is registered in the Land Title Office under number BF BM38616.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

As the Lanesborough now provides more parking than required by the recently amended Parking By-law, the occupancy restriction that was a condition of providing fewer parking spaces than required in 1997 when the site was rezoned, is no longer necessary and can be cancelled.

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