



POLICY REPORT  
DEVELOPMENT AND BUILDING

Report Date: May 19, 2015  
Contact: Kent Munro  
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VanRIMS No.: 08-2000-20  
Meeting Date: May 26, 2015

TO: Vancouver City Council  
FROM: General Manager of Planning and Development Services  
SUBJECT: CD-1 Text Amendment: 785 West 16th Avenue (Shalhevet Girls High School)

**RECOMMENDATION**

- A. THAT the application by Value Property Group, on behalf of Pacific Torah Institute Society (Shalhevet Girls High School), to amend CD-1 (303) By-law No. 7166 for 785 West 16th Avenue [*Strata Lots 1 to 4, District Lots 472 and 526, Strata Plan LMS1748; PIDs: 019-097-506, 019-097-514, 019-097-522 and 019-097-531 respectively*] to add as a permitted use "School - Elementary or Secondary" be referred to public hearing, together with;
- (i) draft by-law amendments generally as presented in Appendix A; and
  - (ii) the recommendation of the General Manager of Planning and Development Services to approve the application.

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-law generally in accordance with Appendix A for consideration at the public hearing.

- B. THAT Recommendation A be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and

- (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

### ***REPORT SUMMARY***

This report recommends amendments to the CD-1 By-law for 785 West 16th Avenue. If approved, the CD-1 text amendment would allow for elementary or secondary school uses on the site. This use would be limited to 260 m<sup>2</sup> (2,798 sq. ft.), which, if approved, would legitimize the secondary school use on this site which operates as Shalhevet Girls High School (Shalhevet). The proposed amendment would not result in an increase in floor area and no changes are proposed to the existing form of development. Staff recommend that the application be referred to public hearing with the recommendation of the General Manager of Planning and Development Services to approve it.

### ***COUNCIL AUTHORITY/PREVIOUS DECISIONS***

- CD-1 (303) By-law No. 7166, enacted September 2, 1993, amended up to December 9, 2003.

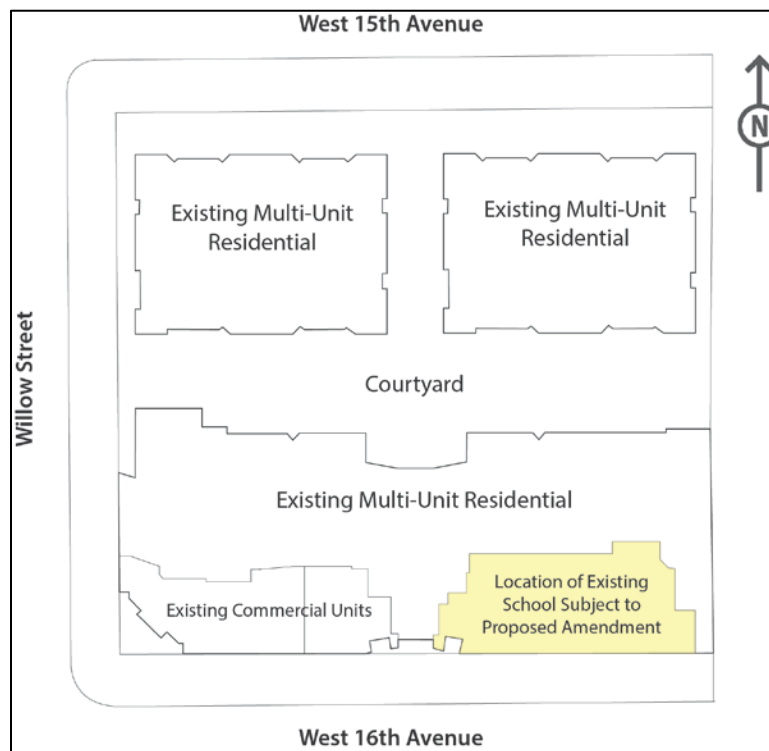
### ***REPORT***

#### ***Background/Context***

A CD-1 By-law for 785 West 16th Avenue was enacted on September 2, 1993 and was most recently amended on December 9, 2003. The by-law regulated the development of a four-storey mixed-use building with strata-titled residential units and ground-floor commercial space. The site is bounded by 15th Avenue, Willow Street and 16th Avenue (see Figure 1). This site forms the western edge of a small commercial node centred at 16th Avenue and Heather Street. The site's commercial frontage faces 16th Avenue and includes ground-floor space that is occupied by the Shalhevet Girls High School, a private all-female Orthodox Jewish secondary school owned by the Pacific Torah Institute Society. At present, the school accommodates 25 students between the ages of 13 and 18.

Prior to 2009, the commercial floor space was used as the Shaarey Tefilah Orthodox Jewish synagogue and that use had been duly permitted under the site's CD-1 land use provisions which allow a "Church" use. At some time thereafter, the use and occupancy of the space changed to the current "School" use which is not in the by-law's list of permitted uses. Once the City became fully aware that the School use was not permitted in the site's existing CD-1 By-law, City staff required the operators to address the issue, including the present matter of making an application to amend the site's CD-1 by-law.

Figure 1: CD-1 (303) Site Plan and Location of Shalhevet Girls High School



### *Strategic Analysis*

Local governments regulate the use of land and property throughout their jurisdictions. In doing so, public safety through the application of building standards is ensured and the liveability of a neighbourhood for all residents is achieved. For example, permitting processes ensure that fire and building code matters are addressed, while zoning and development processes ensure, among other things, that allowable uses and activities in a building are compatible with neighbouring properties and that adequate parking and loading facilities are provided on-site.

As noted, the site's existing CD-1 By-law permitted the synagogue ("Church") use, however, it does not permit a school use. This report seeks a text amendment to the existing CD-1 By-law to allow for "School - Elementary and Secondary" as a permitted use at 785 West 16th Avenue, limited to a maximum floor area of 260 m<sup>2</sup> (2,798 sq. ft.). If approved, the proposed text amendment would legitimize the use of the space by the Shalhevet Girls High School, which has now been operating on the site for several years.

The subject site is located within a small mixed-use precinct centred along West 16th Avenue that helps to serve the commercial needs of the immediate neighbourhood. With the exception of this site, properties in the area are zoned C-2 or RM-4, both of which allow a school as a conditional use. Allowing school uses on the subject site, therefore, would be consistent with the scope of uses customarily permitted within these kinds of nodes in the city. It is noted that City staff have concluded that no significant land use conflicts have or

would arise as a result of the Shalhevet's current or continued use of the subject site for school purposes.

The all-female high school complements Pacific Torah Institute Society's existing all-male secondary school near Oak Street and West 41st Avenue, thereby responding to the Orthodox Jewish tradition of providing gender-separated education for students over the age of 12. The school on the subject site is the only all-female Orthodox Jewish learning institute in the Lower Mainland. West 16th Avenue, between Oak and Heather Streets, is a hub for the Orthodox Jewish community which includes the Congregation Schara Tzedek and Beth Hamidrash synagogues.

Should this text amendment be approved, it would allow for Shalhevet Girls High School to remain in operation in its present location and in its present configuration. The proposed CD-1 text amendment, as set out in Appendix A, would allow for both an Elementary or a Secondary School Use and would limit the maximum floor area to 260 m<sup>2</sup> (2,798 sq. ft.), corresponding to the amount of floor space currently occupied by the school. The proposed amendment would not result in an increase to the building's overall floor area and no changes are proposed to the existing form of development. As part of the building permit process that would follow if the zoning matter is approved, City staff would be assessing all life safety, building code, licensing and other pertinent matters to ensure that all regulations and requirements have been duly met.

### ***PUBLIC BENEFITS***

**Development Cost Levies (DCLs)** – DCLs collected from development help pay for facilities made necessary by growth, including parks, childcare facilities, replacement housing (social/non-profit housing) and various engineering infrastructure. As this amendment proposes to add a use within an existing building with no addition of floor area, there is no DCL payable.

**Community Amenity Contribution (CAC)** - Within the context of the City's Financing Growth Policy, an offer of a Community Amenity Contribution to address the impacts of rezoning can be anticipated from the owner of a rezoning site. CAC offers typically include either the provision of on-site amenities or a cash contribution towards other public benefits; and they take into consideration community needs, area deficiencies and the impact of the proposed development on City services. No CAC is anticipated in amending the scope of uses permitted on this site.

### ***Implications/Related Issues/Risk (if applicable)***

#### ***Financial***

As noted in the Public Benefits Section above, there are no Community Amenity Contributions or Development Cost Levies associated with the proposed CD-1 text amendment.

### *CONCLUSION*

This report proposes a text amendment to the CD-1 By-law for 785 West 16th Avenue. If approved and enacted, the CD-1 text amendment would allow for "School - Elementary or Secondary" on the site in order to legitimize an existing non-conforming use. The proposed amendment would not result in an increase in floor area and no changes are proposed to the existing form of development. The General Manager of Planning and Development Services recommends that the rezoning application be referred to a Public Hearing, together with a draft amendment to the CD-1 By-law generally set out in Appendix A. Further it is recommended that, subject to a public hearing, the application be approved.

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785 West 16th Avenue

PROPOSED AMENDMENTS TO CD-1 (303) BY-LAW NO.7166

Note: An amending by-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

1. Renumber subsection 2(i) as 2(j);"
2. In section 2, Uses, after Subsection 2(h), add:  
“(i) School - Elementary or Secondary, limited in size to 260 m<sup>2</sup>; and”.

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785 West 16th Avenue  
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

Street Address	785 West 16th Avenue
Legal Description	Strata Lots 1 to 4, District Lots 472 and 526, Strata Plan LMS1748; PIDs: 019-097-506, 019-097-514, 019-097-522 and 019-097-531 respectively
Applicant	Pacific Torah Institute Society
Property Owner	Pacific Torah Institute Society
Occupant	Shalhevet Girls High School

SITE STATISTICS

SITE AREA	36,328.2 sq. ft. (3 375 m <sup>2</sup> )
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DEVELOPMENT STATISTICS

	Permitted Under Existing Zoning	Proposed
Zoning	CD-1	CD-1 (amended)
Uses	Dwelling Units; Club; Community Centre or Neighbourhood House; Library; Child Day Care Facility; Parking Uses; Church, limited to 260 m <sup>2</sup> ; Any of the following uses, limited to a collective total of 780 m <sup>2</sup> : (Financial Institution; General Office; Health Care Office; Health Enhancement Centre; Retail Store; Restaurant, Class 1); Church, limited in size to 260 m <sup>2</sup>	Dwelling Units; Club; Community Centre or Neighbourhood House; Library; Child Day Care Facility; Parking Uses; Church, limited to 260 m <sup>2</sup> ; Any of the following uses, limited to a collective total of 780 m <sup>2</sup> : (Financial Institution; General Office; Health Care Office; Health Enhancement Centre; Retail Store; Restaurant, Class 1); Church, limited in size to 260 m <sup>2</sup> ; School - Elementary or Secondary, limited to 260 m <sup>2</sup>

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