



CITY OF VANCOUVER

POLICY REPORT
DEVELOPMENT AND BUILDING

Date: July 5, 2005
Author: Dave Thomsett
Phone No.: 604.873.7796
RTS No.: 05293
CC File No.: 5307
Meeting Date: July 19, 2005

TO: Vancouver City Council

FROM: Director of Current Planning

SUBJECT: CD-1 Rezoning - 1835 West 75th Avenue (South half of 1850 S.W. Marine Drive)

RECOMMENDATION

- A. THAT the application by Robert Barrs, Holland Barrs Planning Group, to rezone 1835 West 75th Avenue (Lot C, Block 15, DL 317, Group 1, New Westminster District, Plan 5726) from RA-1 to CD-1, to permit four one-family dwellings, be referred to a Public Hearing, together with:
- (i) revised plans received May 6, 2005;
 - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A; and
 - (iii) the recommendation of the Director of Current Planning to approve, subject to conditions contained in Appendix B.

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law to amend CD-1 By-law No. 6063, generally in accordance with Appendix A, and to rezone 1835 West 75th Avenue to this CD-1 for consideration at the Public Hearing.

- B. THAT if the rezoning is approved, at the time of enactment the Angus West CD-1 Design Guidelines be amended to add a new Sub-area 7, being 1835 West 75th Avenue.
- C. THAT if the rezoning is approved, the application submitted on behalf of the property owner in accordance with the Agricultural Land Commission Act to

exclude 1835 West 75th Avenue from the Agricultural Land Reserve be forwarded to the Agricultural Land Commission with a recommendation of support.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of A, B and C.

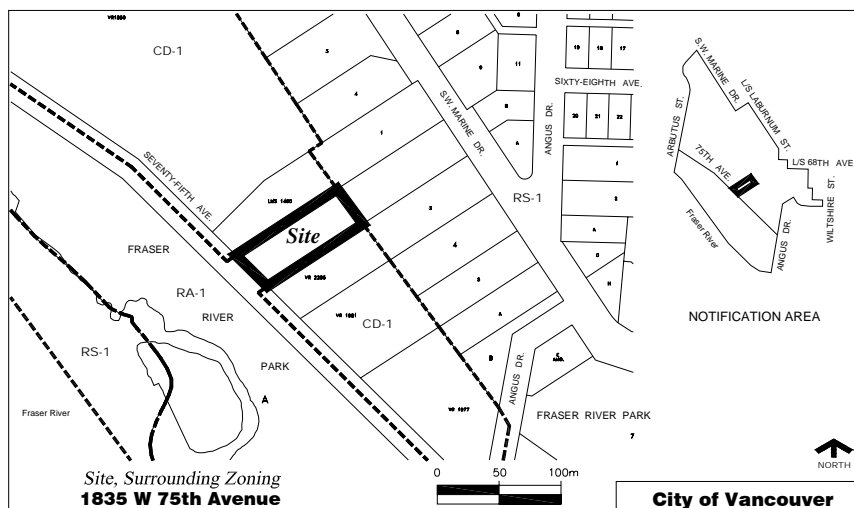
COUNCIL POLICY

Relevant Council Policies for this site include:

- CD-1 By-law (#184) No. 6063 enacted November 4, 1986 and the Angus West CD-1 Guidelines adopted November 4, 1986.
- Interim City-wide Community Amenity Contribution (CAC) Policy, approved January 28, 1999, which applies to all private rezoning applications and provides funds for additional community amenities needed for new residents.
- Resolution approved November 16, 2004 "THAT the City of Vancouver go on record and inform the BC Agricultural Land Commission that the City of Vancouver opposes the removal of land from the Agricultural Land Reserve".

PURPOSE AND SUMMARY

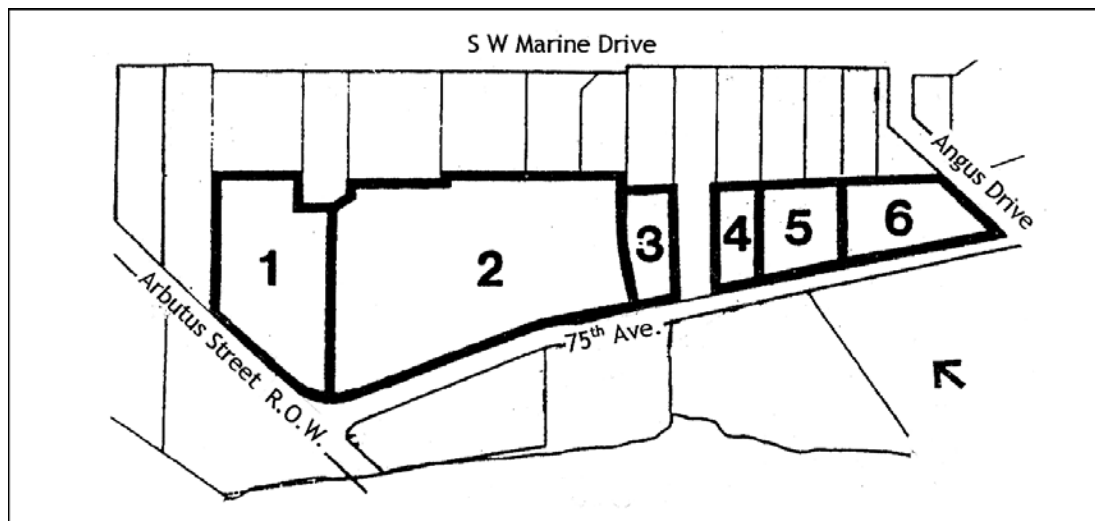
This report assesses an application to rezone a vacant 3 323 m² (35,765 sq. ft.) site from RA-1 Limited Agriculture to CD-1 Comprehensive Development District to permit four lots for one-family dwellings including common open space and private road access. The site is in the centre of the Angus West Lands neighbourhood and was left zoned RA-1 at the request of the owner in 1986 when Council rezoned the lands to either side to CD-1 to permit 78 one- and two-family dwellings. Staff support the application along with a form of development showing four building lots, building envelopes and common open space reconfigured to accommodate concerns from adjacent neighbours about privacy, overlook and view protection. Staff also put forward for Council's consideration a condition that the draft by-law be amended and the form of development be revised to reflect one less lot, should Council wish to support a three-lot scheme as preferred by the neighbours.



DISCUSSION

Background: In 1986, after years of discussions and decisions about the future of various lands around the foot of Angus Drive and West 75th Avenue, Council approved the rezoning of the RA-1 Limited Agriculture lands on the north side of 75th Avenue, west of Angus Drive, to CD-1 Comprehensive Development District in six Sub-areas (see Diagram 1, below). In total, 78 one- and two-family dwellings are permitted, of which 16 may be two-family dwellings. Council also approved a form of development showing building lots, common open space and private roads. Since 1986, the lands have been subdivided into 77 bare land strata lots and 76 one-family dwellings have been built.

Diagram 1



The owner of Lot C at 1835 West 75th Avenue (technically the bottom half of a single, split-zoned RA-1/RS-1 parcel addressed as 1850 SW Marine Drive) did not participate in the 1986 rezoning application. Planning staff felt it was inappropriate to leave one remaining RA-1 site within the Angus West Lands CD-1, and recommended that staff be instructed to apply to rezone it to the same CD-1, noting there would be no need for the owner to develop the property. Council agreed, and this second application was considered at the Public Hearing. However, the owner asked that the property not be rezoned and Council did not approve the application - leaving the site zoned RA-1.

Use and Number of Lots: Proposed, is an amendment to CD-1 By-law No. 6063 and rezoning of the site to that By-law, to accommodate four one-family dwellings along with a proposed form of development that shows four lots with common open space and a private road from West 75th Avenue. Sub-area 3 to the west, and Sub-area 4 to the east are both similar in size to the subject site, and both contain three bare land strata lots developed with one-family dwellings. The form of development approved for Sub-area 3 in 1986 showed four lots, whereas the developer chose to pursue three.

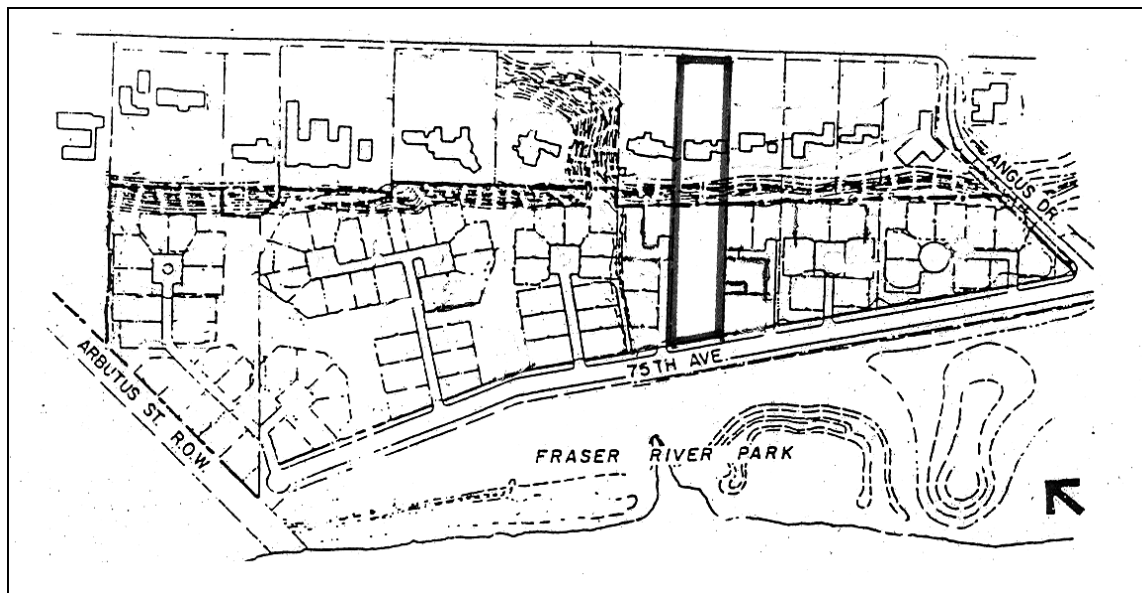
For the subject site, the applicant has chosen to pursue four lots for smaller houses in the 255 m² (2,750 sq. ft.) range rather than three lots for larger houses in the 345 m² (3,700 sq. ft.) range. The applicant states: "The owners do not want to develop large

ostentatious houses but rather, modest, high-quality dwellings designed to integrate well into the existing neighbourhood." It can also be argued that smaller houses are more affordable to families wishing to move to the area. There is nothing in the CD-1 By-law or the Angus West CD-1 Design Guidelines to suggest that larger houses are preferred over smaller houses.

The neighbours to the east and the west support only three lots on the site, as outlined under Neighbours' Concerns, Changes Made and Staff Assessment.

Form of Development (Note Plans: Appendix D) and Design Guidelines: In 1986, the form of development approved by Council for all the lands under the Angus West CD-1 was a drawing prepared by the then applicant showing building lot configurations, common open areas and private roadways (see Diagram 2, below). Council also approved the Angus West CD-1 Design Guidelines that provide guidance on neighbourhood character, building design, massing, roofscapes, finishes and common and private open space. Following enactment of the CD-1 By-law, individual builders were able to submit development applications for buildings within the different Sub-areas.

Diagram 2



Staff recommend the same procedure for this rezoning. Revised Drawing A-1.1, submitted by the applicant on May 6, 2005, shows four building lots, building envelopes with yards and common areas including a private driveway from 75th Avenue (see Appendix D). If the rezoning is approved with four lots, Drawing A-1.1 should be adopted in principle as the approved form of development for the site. The Angus West CD-1 Design Guidelines should be amended to add a new Sub-area 7 to reflect this site. All the existing guidelines would apply.

Density: The CD-1 By-law limits gross density (including common areas) to 0.31 FSR for all Sub-areas. Proposed for this site, is 0.31 FSR. The By-law further limits net density (excluding common areas) to a range of 0.51 to 0.56 FSR, depending on the Sub-area. Proposed, is 0.48 FSR (rounded to 0.50). While unit per acre density is not regulated under the CD-1 By-law, the Council approved form of development does limit the number of lots that may be created. For Sub-Area 3 to the west, that was four lots, and for Sub-Area 4 to

the east, that was three lots. Council may approve changes to the approved form of development without a public hearing.

Neighbours' Concerns and Changes Made: In March, 2005, staff met with neighbours representing the six strata lots to the east and west of the site to discuss the application and the originally-submitted form of development (see Appendix C - Public Input). In summary, concerns raised were:

- There should be no consideration of using existing easements through their properties to provide access to the subject site (this was not proposed);
- There should be three buildings, not four - consistent with properties to either side;
- The rear two buildings are too close to side yards in terms of privacy/overlook;
- The setback from 75th Avenue is too shallow in terms of view blockage/sunlight; and
- Interior common open space is minimal.

In response to these concerns, on May 6, 2005 the applicant submitted a revised form of development, which:

- maintains private road access from 75th Avenue (the easements are not used);
- maintains four buildings;
- steps the building envelopes on the rear lots to provide angled views for the neighbours; and
- provides a deeper setback and common open space from West 75th Avenue in line with building envelopes to east and west.

The applicant also agrees with design development conditions regarding the length of exterior side walls and orientation and size of windows facing side yards as they may affect privacy and overlook.

The neighbours continue to oppose four buildings. They feel the norm is three, and four represents a one third increase in (unit) density and reduction in open space. They request that if four lots are approved, there be a limit on unit size to 2,600 sq. ft., a requirement that all four must be built within a reasonable period of time from the start of construction of the first unit and a requirement for an environmental shielding to protect neighbours during the construction period. The neighbours also "...disagree with any suggestion that there exists easement rights on the table for negotiation and relinquishment by the developer as a tradeoff in exchange for four versus three units".

Staff Assessment of the Four Lot Proposal: Staff have assessed the revised proposal and believe the changes made along with recommended design development conditions sufficiently address the neighbours' concerns. Staff therefore recommend approval of the four-lot scheme, noting that the maximum FSR and site coverage would be the same for either a four-lot or a three-lot scheme.

However, following the public hearing, Council may wish to consider limiting the number of lots to three by approving amendments (a) and (b) as outlined in Appendix B. A hypothetical example of three lots with larger houses and a private driveway is illustrated in a drawing prepared by staff (see Appendix E).

Points in favour of the recommended four-lot scheme:

- Smaller houses are more affordable for families.
- The applicant, a planning consultant, advises that smaller houses are more desirable in today's real estate market.
- Flexibility is given to the applicant in the spirit of the original CD-1, noting that smaller houses were pursued in some other sub-areas.

Points in favour of a three-lot scheme preferred by the neighbours:

- Maintains the existing pattern of three larger houses to either side.
- A single house at the rear could be set back further from houses to either side.
- Interior open space could be greater if maximum site coverage is not pursued by (i.e., by placing more floor space in second storeys).
- Slightly less total building bulk as a result of one fewer in-house garage, noting that floor space used for parking is exempt from FSR calculations to a maximum of 41.8 m (450 sq. ft.) per house.

Staff do not support the neighbours' request to place limits on individual house sizes (over the limits set by building envelopes shown on the form of development drawing), impose a time limit on construction or require an environmental shield during construction. If the site is rezoned to CD-1 No. 6063, developers should have the same rights, opportunities and constraints as existed for developers of the six other sub-areas. Construction noise and hours are regulated under the City's Noise Control By-law, and this CD-1 is in the "quiet zone".

The air photograph, below, illustrates a variety in site configurations and house sizes on Angus West Lands properties near the subject site.



Sustainability: The applicant states: 'We are committed to an environmentally-sensitive "green" development and during the detailed design stages we will explore approaches to minimize water and energy consumption, reduce solid waste, treat stormwater effectively and develop a high-quality indoor environment for the future occupants.'

Staff recommend a design development condition to require that these offered explorations be carried out at the development permit stage.

Exclusion from the Agricultural Land Reserve: All of the Angus West CD-1 lands were originally contained within the Agricultural Land Reserve (ALR). In 1986, Council supported removal of the lands from the ALR which was approved by the Agricultural Land Commission (ALC). Since the subject site was not rezoned, there was no request for it to be excluded and it is now the last property within the Angus West Lands on the north side of West 75th Avenue to remain in the ALR.

Early on, ALC officials advised staff that since the site is less than two acres in size, ALR regulations do not apply to it. Therefore, ALR exclusion is not required to accommodate the proposed rezoning and subsequent subdivision applications. Nevertheless, they recommended the owner apply to have the site excluded, noting that if it were to remain in the ALR:

- any subdivision application would be held up by the Registrar pending confirmation from the ALC that the subdivision is acceptable - for no purpose;
- any new parcels would have to include a reference to the ALR on title - for no purpose; and
- any future additions or structures would need ALC permission - for no purpose.

Acting in good faith, the applicant on behalf of the property owner carried out all prerequisites in advance of submitting an ALR exclusion application, including notification of the adjacent land owner within the ALR (Real Estate Services for Fraser Lands Park), placement of legal notices in the Vancouver Sun and erecting a sign on the site. No comments were received following this notification. On April 4, 2005, an application was filed with the Planning Department as required by the ALC. In order for the application to be forwarded to the ALC for its consideration, Council needs to support the proposed exclusion by approving Recommendation C.

On November 16, 2004, in reaction to a proposal to remove 920 acres of land from the ALR in Abbotsford, Council resolved: "THAT the City of Vancouver go on record and inform the BC Agricultural Land Commission that the City of Vancouver opposes the removal of land from the Agricultural Land Reserve (ALR)."

Council had amended the motion to remove a reference to the lands in Abbotsford, resulting in a generic policy of opposition to ALR exclusions. Notwithstanding Council's policy, Planning staff believe there is no purpose served by keeping the subject property in the ALR since the ALC's regulations don't apply to it. The Director of Social Planning who manages the City's Food Policy was consulted, and offers the following comment:

"Although the Director of Social Planning notes that this request is in conflict with recent Council decisions and initiatives respecting agricultural land uses and urban food policy, the poor potential of this site in its present condition for agricultural use

is also acknowledged. Therefore the Director of Social Planning would support the removal of this unique site from the Agricultural Land Reserve.”

Subdivision Implications: The subdivision history of 1850 SW Marine Drive and the implications for subdivision following rezoning, if approved, are outlined in Appendix C.

Essentially, if the RA-1 portion is rezoned CD-1, the Subdivision Approving Officer may consider two subdivision applications - one to subdivide along the CD-1 zoning boundary, and another for the bare land strata. In considering the first, the Approving Officer has advised the applicant that he is willing to resolve a “catch-22” whereby he may not create a non-conformity with respect to zoning regulations, in this case being a sub-standard rear yard behind the existing one-family dwelling fronting Southwest Marine Drive on a reduced RS-1 zoned parcel. He is willing to favourably consider this subdivision if the Director of Planning is prepared to favourably consider a relaxation under a development application, which positive advice he has received.

Community Amenity Contribution: This rezoning application is subject to Council’s policy to accept a flat rate CAC because the site is less than two acres. It is not exempt as a low-scale residential project since that exemption applies only to sites where the current zoning a residential district whereas RA-1 is an agricultural district. The CAC would be based on the net increase in allowed floor area at a rate of \$32.29 per square metre (\$3.00 per sq. ft.). The RA-1 zoning would permit 334 m² (3,595 sq. ft.) in dwelling use, whereas the CD-1 would permit a gross FSR of 0.31, or 1 030 m² (11,087 sq. ft.) in dwelling use. The net increase in floor area would be 696 m² (7,492 sq. ft.) which would result in a CAC of \$22,475.

FINANCIAL IMPLICATIONS

There are no financial implications with respect to City budget, fees or staffing.

CONCLUSION

Staff recommend that the application to rezone the last piece of the Angus West Lands from RA-1 to CD-1 to permit four lots for one-family dwellings with common open space and private road be referred to a public hearing and approved. Staff also support the revised form of development showing lots, building envelopes and common open space reconfigured to accommodate concerns from adjacent neighbours about overlook and view protection and further recommend design development conditions for sideyard adjacencies.

Following the public hearing, should Council wish to support a three-lot scheme as preferred by the neighbours, staff put forward for Council’s consideration a condition that the draft by-law be amended and the form of development be revised to reflect one less lot.

* * * * *

DRAFT BY-LAW PROVISIONS TO AMEND CD-1 BY-LAW NO. 6063

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

Uses

- Amend section (a) to increase maximum permitted one-and two-family dwelling units from 78 to 82.

Sub-areas

- Amend Diagram 1 to add a new sub-area 7 for the lower half of 1850 S.W. Marine Drive, with the northern boundary being the current line between the RA-1 and RS-1 districts.

Density and Site Coverage

- Amend Table 1. to add the new Sub-area 7 and allocate FSR and site coverage as follows:
 - Gross FSR - 0.31
 - Net FSR - 0.50
 - Gross Site Coverage - 22.5
 - Net Site Coverage - 35%

PROPOSED CONDITIONS OF APPROVAL

Note: Recommended approval conditions will be prepared generally in accordance with the draft conditions listed below, subject to change and refinement prior to finalization of the agenda for the Public Hearing.

AMENDMENTS FOR COUNCIL'S CONSIDERATION

- (a) That the draft by-law be amended to reduce the maximum permitted dwelling units from 82 to 81; and
- (b) That (c) not be approved and the applicant be advised to amend drawing A-1.1 to show three lots and building envelopes in a neighbourly configuration for staff's review and report back.

FORM OF DEVELOPMENT

- (c) That the proposed form of development be approved by Council in principle, generally as presented in the plan illustrated in the revised drawing A-1.1 prepared by Robert Barrs, Holland Barrs Planning Group, and stamped "Received City Planning Department, May 6, 2005", provided that the Director of Planning may allow minor alterations to this form of development when considering development applications;
- (d) That, when considering development applications, the Director of Planning shall have regarded to:
 - (i) design development to consider issues of building massing as they may affect side yard adjacencies;

Note to applicant: Building massing should limit length of exterior wall at minimum exterior side yard setback where possible, in particular lots 3 and 4.
 - (ii) design development to consider location, orientation and size of windows facing side yard adjacencies, as they may affect privacy and overlook;
 - (iii) design development to consider issues of environmental sustainability;

Note to applicant: Applicant to consider approaches to minimize water and energy consumption, reduce solid waste, treat stormwater effectively and indoor air quality.
 - (iv) Design development should reflect the semi-rural character of the previous land usage and at the same time tie in with the strong identity of the area by incorporating certain aspects of the Southwest Marine Drive estates as per the Angus West CD-1 Guidelines;

Note to applicant: Typical patterns include gated entries, hedgerows and large layered groups of trees;

- (v) Design development to ensure that the landscape design of the new development is derived from established patterns found on the neighbouring subareas of the Angus West Lands. Common areas are provided with strong fingers of vegetation and specific view corridors extending to the site edges. Formal tree rows or hedgerows should flank walkways, identify different points of interest in the development, and reenforce the boundaries between the neighbouring sub-areas in the CD-1 zone. Ornamental plant materials are used to highlight entrances and courts. Landscaping provided between common open space and private space should be layered and allow filtered views balancing the needs for privacy and security;

Note to applicant: Please refer to Section 4 "open space" and Section 5 "Landscaping" of the Angus West Guidelines.

- (vi) Provision of a legal survey illustrating existing trees 20 cm. caliper or greater on the development site and the public realm (property line to the curb), including existing street trees, street utilities such as lamp posts, fire hydrants, etc. adjacent to the development site;
- (vii) Provision of a full Landscape Plan illustrating proposed plant materials (common and botanical names), including sizes and quantities, paving, walls, fences, and other landscape elements. The Landscape Plan should be at 1/8"=1'-0" minimum scale. All existing street trees, and public utilities such as lamp posts, hydro poles, fire hydrants, etc. should be noted;
- (viii) All new hard surface areas including driveways and walkways being permeable concrete pavers or equivalent high quality surfacing to match the neighbouring site to the east;

Note to applicant: Alternative, aesthetically compatible paving systems may be considered to achieve environmental sustainability measures outlined in condition (b) (iii).

- (ix) Retention and protection of the two existing street trees (illustrated on the Landscape Plan) as per City of Vancouver Guidelines;
- (x) An acoustical Consultant's report shall be required which assesses noise impacts on the site and recommends noise mitigating measures;
- (xi) Notation required on plans that the acoustical measures will be incorporated into the final design, based on the consultant's recommendations as concurred with or amended by the Medical Health Officer (Senior Environmental Health Officer); and

- (xii) Notation required on plans that mechanical equipment (ventilators, generators, compactors and exhaust systems) will be designed and located to minimize noise and air quality impacts on the neighbourhood and to comply with Noise By-law #6555.

AGREEMENTS

- (e) That, prior to enactment of the CD-1 By-law, the registered owner shall make arrangements to the satisfaction of the General Manager of Engineering Services and Director of Legal Services for the following:
 - (i) Subdivision of lot C, Blk. 15, DL 317, Plan 5726 (Note: this will trigger dedication of the 17' building line);
 - (ii) Clarification of the need for existing access agreements to adjacent lots and discharge of agreements if no longer required;
 - (iii) Construction of sanitary force main to service the site and connection to the GVRD sanitary trunk main in Fraser River Park (subject to GVRD approval); and
 - (iv) Undergrounding of all public utility services (Hydro, Telus, cable). All services, and in particular electrical transformers to accommodate a primary service, are to be located on private property. The development site is not to rely on secondary voltage from the existing network. Any alterations to the existing underground/overhead utility network to accommodate the development will require review and approval by the Utilities Management Branch.

COMMUNITY AMENITY CONTRIBUTION (CAC)

- (f) That, prior to enactment of the CD-1 By-law, a CAC offering in the amount of \$22,475 be delivered.

ADDITIONAL INFORMATION

Site, Surrounding Zoning and Development: This 3 322.57 m² (35,765.0 sq. ft.) site is comprised of the lower half of a single split-zoned RA-1/RS-1 parcel being 1850 SW Marine Drive. It was formerly addressed on West 75th Avenue prior to consolidation with 1850 SW Marine Drive in 1975. The site has a frontage along West 75th Avenue of 35.79 m (117.4 ft.) and a depth of 97.67m (320.4 ft.).

Proposed Development: The intent of the rezoning is to permit subdivision and development of detached one-family dwellings on four bare land strata lots accessed via a private driveway from West 75th Avenue. Common open space would be located in a setback from West 75th Avenue being an average of the setbacks provided in the sub-areas to either side. Development would adhere to the regulatory standards in the Angus West Lands CD-1 By-law and comply with the Council approved Angus West CD-1 Design Guidelines.

The CD-1 By-law would be amended to include a new sub-area for the site, and the site would be rezoned to this CD-1.

Public Input: A notification letter was sent to 117 nearby property owners on January 17, 2005, and rezoning information signs were posted on the site on January 19, 2005. Correspondence was received from the six strata owners in Caversham Court to the east and Chateau Place to the west of the site, and another individual who was involved with the original 1986 rezoning. As a result of a variety of issues raised in the correspondence, Planning staff held a meeting with all the owners on March 19, 2005 in the house of one of the owners.

In summary, the issues raised at the meeting were:

- The use of the original easements which allow vehicular access to the site from either side at the discretion of the Director of Planning in determining a preferred form of development was not supported because of increased traffic past private yards, loss of privacy, interference with established property gating and complexity of determining cost sharing for maintenance. Rather, a private road to access West 75th Avenue, with no linkages to sites on either side, was strongly supported

Note: While the use of these easements was not proposed in the application, they had been used in a previous option that was put forward to the neighbours before the applicant decided on the four-lot with private road plan submitted with the application. The neighbours wished to reiterate, for the benefit of Planning staff, their opposition to any thought of using the easements.

- Four buildings on the site was not supported. Rather, the number of buildings should be three, given that the established pattern of development on similar-sized properties on either side is three buildings. Three buildings, with one being a two-family dwelling, might be supported if the applicant wished to pursue that option.

Note: The applicant did not pursue that option, expressing the concern that it would be a marketing anomaly as no other two-family dwellings have been built in the Angus West Lands. Also, there is a technical issue regarding method of strata titling that would require legal advice before proceeding.

- The two houses proposed at the rear of the property were too close to the east and west property lines in terms of privacy and overlook, particularly from the second floor.
- The setback was too shallow from West 75th Avenue, resulting in potential view blockage of the front property to the west, and of the deeply set back front property to the east.
- Common open space was minimal, while open space is an important value in the CD-1 zoning and the guidelines.

In response to the neighbours' comments, the applicant submitted a revised proposal on May 6, 2005, copies of which were given to the neighbours for additional comments (see: Neighbours' Concerns, Changes Made and Staff Assessment), as follows:

- They disagree with any suggestion that there exist easement rights on the table for negotiation and relinquishment by the developer as a tradeoff in exchange for four versus three units.
- They oppose four units and would support three because:
 - the neighbourhood norm on both sides is three units;
 - four units represent a 33 1/3% increase in density;
 - four units means a marked reduction in open space;
 - four units means a significant increase in time beside a construction site; and
 - old Planning/Subdivision correspondence suggests three units is appropriate.
- They are concerned to see house sizes equal to the largest on either side (3,200 sq. ft) and, if four units are approved, they recommend a prohibition on unit size above 2,600 sq. ft, including garage.
- If four units are approved, they recommend a requirement that all four must be completed within a reasonable time of commencement of the first unit, say two years, or the unconstructed strata lot revert to common area green space.
- The developer should be required to provide environmental shielding along the entire west side of the site to protect neighbours in Chateau Place (Sub-area 3).
- There is no point commenting on drawings produced by the applicant said to be for illustrative purposes only.

Comments of the General Manager of Engineering Services: Engineering Services has no objection to the proposed rezoning, provided arrangements are made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services reflected in prior to enactment conditions E (i)-(iv).

Comments of the Director of Social Planning: “Although the Director of Social Planning notes that this request is in conflict with recent Council decisions and initiatives respecting agricultural land uses and urban food policy, the poor potential of this site in its present condition for agricultural use is also acknowledged. Therefore the Director of Social Planning would support the removal of this unique site from the Agricultural Land Reserve.

The food policy coordinator will be reporting to Council on progress on a number of initiatives and seeking Council direction on others, including ways in which the City might use procedures such as rezonings to support food system planning throughout the City. Therefore the Director of Social Planning agrees with the recommendation to proceed with a rezoning of this site.”

Fire Protection Comment:

- ‘For this rezoning application, Vancouver Fire & Rescue Services require confirmation that the “Common Area”, which provides access to lots 3 & 4 meets Vancouver Building By-law Article 3.2.5.6. Access Route Design (i.e., width, overhead clearance, gradient, etc., and in particular, designed to support expected loads imposed by fire fighting equipment).
- The access route must be maintained free and clear at all times and used solely for the purpose of access (i.e., no parking).
- Drawing A-1.1 indicates an existing fire hydrant on West 75th Avenue at the westerly boundary of Lot 1.’

Comments of the Senior Environmental Health Officer: “The City’s acoustical criteria shall form part of the Zoning By-law, and an Acoustical Consultant’s report shall be required which assesses noise impacts on the site and recommends noise mitigating measures.

Notation required on plans that the acoustical measures will be incorporated into the final design, based on the consultant’s recommendations as concurred with or amended by the Medical Health Officer (Senior Environmental Health Officer).

Notation required on plans that mechanical equipment (ventilators, generators, compactors and exhaust systems) will be designed and located to minimize noise and air quality impacts on the neighbourhood and to comply with Noise By-law #6555.

The Noise By-law does not require amendment.”

Note: One- and two-family dwelling district zones are automatically classified as “quiet zone”.

Environmental Protection Office: “A site profile is not required for the above referenced site since the prior use was for residential. The rezoning is approved from our branch.”

Subdivision Implications: The rezoning site was originally a separate parcel fronting West 75th Avenue. In 1975, the owner of this parcel and the contiguous parcel at 1850 SW Marine Drive decided to consolidate the two parcels. The consolidation plan was registered in the Land Title Office, thereby creating a double-fronting split-zoned RA-1/RS-1 parcel.

Before submission of the subject rezoning application, the owner explored re-subdivision of 1850 SW Marine Drive along the historical zoning line. However, the proposed RA-1 parcel was smaller than that which could be approved by the Subdivision Approving Officer. If the RA-1 portion of the larger parcel is rezoned to CD-1, parcel size would no longer be an issue.

A remaining, but resolvable issue is the sub-standard rear yard setback behind the house at 1850 SW Marine Drive that would be created as a result of subdivision along the CD-1 zoning line and resulting shortened RS-1 parcel. The Subdivision Approving Officer, in a letter to the applicant, advises:

'The proposed re-established lot boundary shown on the survey plan would result in a rear yard behind the existing house that would not meet the required 45% of the lot depth under the RS-1 zoning. This is problematic since a subdivision may not be approved which creates a non-conformity with respect to any municipal by-law governing zoning, parking or building.

With respect to the rear yard requirement, the Zoning and Development By-law does allow the Director of Planning to relax the rear yard to no less than 60% of the required 45% of the lot depth. In law, the Director of Planning cannot exercise discretionary authority until the matter is before him/her via a development application but in this instance, the legal parcel cannot be created to permit such development application without the rear yard first being relaxed; a classic "catch-22". Although Mr. Thomsett has properly indicated that an Approving Officer may not approve a subdivision that would create a non-conformity with the applicable zoning requirements, I am prepared to resolve this "catch-22" on receipt of a commitment from the Director of Planning that the rear yard would subsequently be granted the requisite relaxation as to result in compliance, upon timely submission of a development application submitted for this purpose.

I understand the Director of Planning is prepared to favourably consider this, subject to rezoning approval in principle, following a Public Hearing.

To pursue this, you would need to apply for preliminary subdivision approval. If granted, this would identify the need for a development permit seeking rear yard relaxation to create the lesser rear yard. You can submit a preliminary subdivision application immediately after the Public Hearing should Council decide to approve an application to rezone the RA-1 portion of the property to CD-1. The subdivision plan could not be registered until the CD-1 rezoning by-law is enacted by Council.'

Subdivision staff advise that subdivision and bare land applications can be submitted post Public Hearing; approvals post-enactment. Amendments to the Subdivision By-law are not required.

Environmental Implications: The proposed rezoning neither contributes to nor detracts from the objective of reducing atmospheric pollution.

Social Implications: There are no major positive or negative social implications to this proposal. There are no implications with respect to the Vancouver Children's Policy or Statement of Children's Entitlements.

Financial Implications: There are no work program or other financial implications to this proposal.

Comments of the Applicant: The applicant has been provided with a copy of this report and has provided the following comments:

“The applicant has read the report and supports the recommendation put forward by the director of planning.”

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THE ARCHITECTS OF RECORD

HAU HING ARCHITECTS INC.

100-10000 100th Ave. S.W.

Richmond, B.C. V6X 3E9

TEL: (604) 273-8888

FAX: (604) 273-8889

WWW.HAHHING.COM

PROJECT No.

Rezoning Application

1835 West 75th Ave.

DATE

June 2020

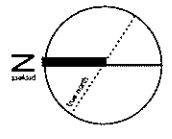
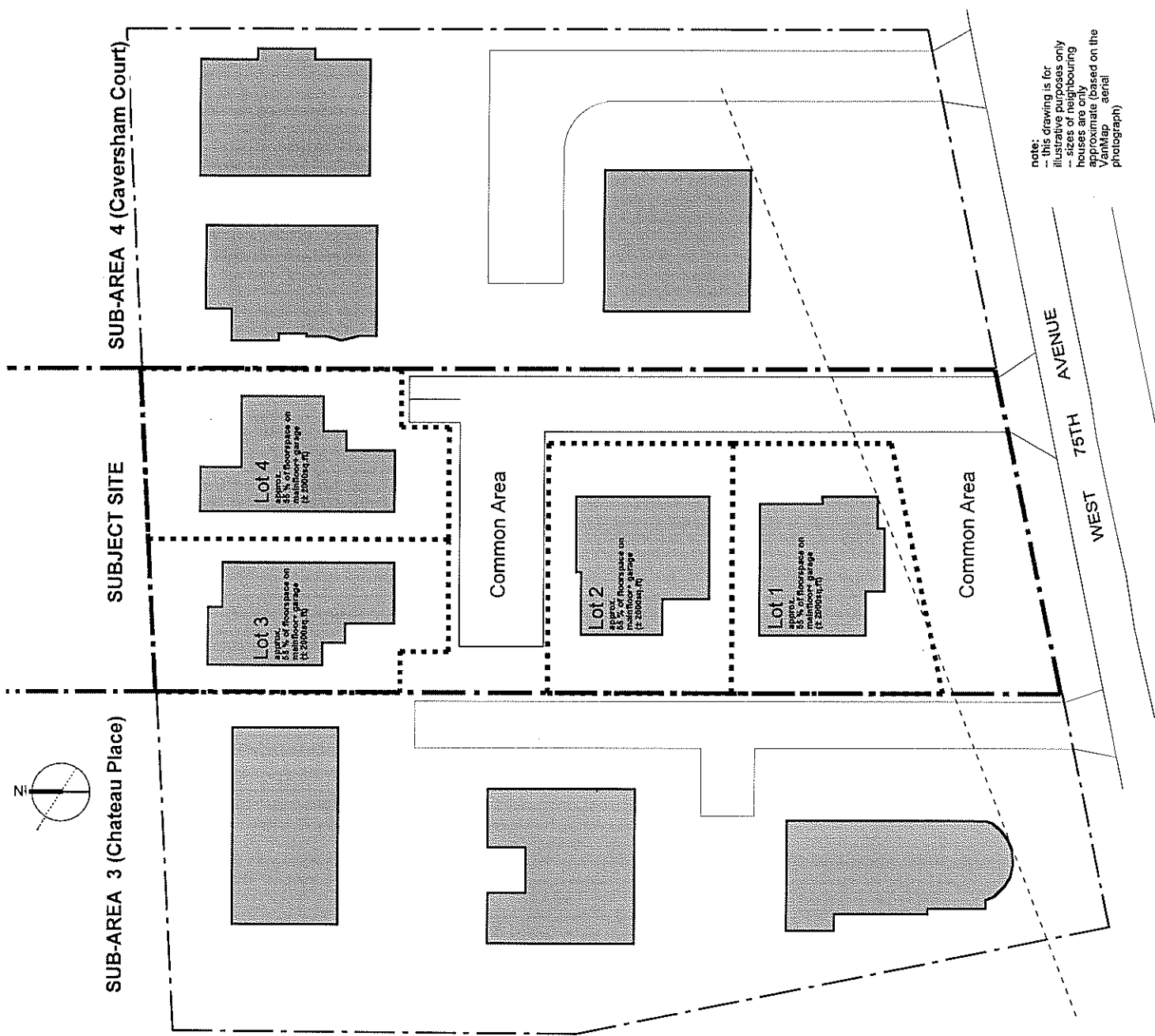
JOB NO.

J07-1020

DRAWING No.

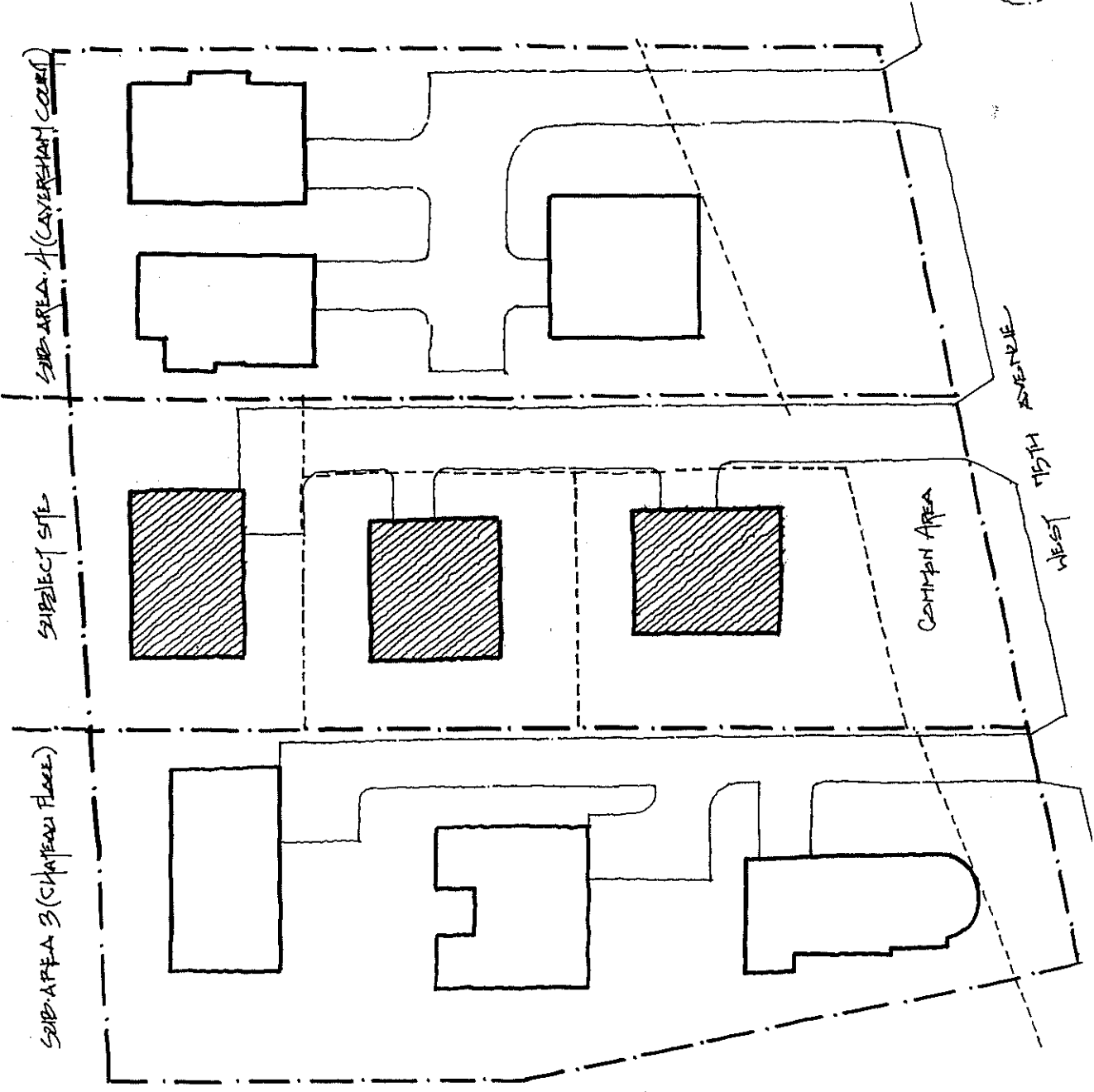
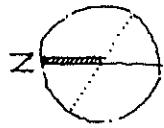
Context Plan

A-1.3



note:

- this drawing is for illustrative purposes only
- sizes of neighbouring parcels are only approximate based on the VanMap aerial photograph



APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

Street Address	1835 West 75th Avenue (south half of 1850 SW Marine Drive)
Legal Description	Lot C, Block 15, DL 317, Group 1, New Westminster District Plan 5726
Applicant	Robert Barrs, Holland Barrs Planning Group
Architect	N/A
Property Owner	John D. Weston, Weston Residence Trust
Developer	N/A

SITE STATISTICS

	GROSS	DEDICATIONS	NET
SITE AREA	3 322.57 m ² (35,765 sq. ft.)* *southern half of 1850 SW Marine	17 ft. building line from northern half of 1850 SW Marine when rezoning site subdivided off	3 322.57 m ² (35m765 sq. ft.)* *southern half of 1850 SW Marine

DEVELOPMENT STATISTICS

	DEVELOPMENT PERMITTED UNDER EXISTING ZONING	PROPOSED DEVELOPMENT	RECOMMENDED DEVELOPMENT (if different than proposed)
ZONING	RA-1 Limited Agriculture	CD-1 (184) By-law No. 6063 amended to add new sub-area	-
USES	Agricultural, Dwelling, Institutional, Recreational, Retail with Agricultural	One- and Two-Family Dwellings	-
DWELLING UNITS	1	4	-
MAX. FLOOR SPACE RATIO	the greater of 0.1 or 334 m ² (3,595 sq. ft.)	0.31 (gross) 0.50 (net)	-
MAX. FLOOR SPACE	334 m ² (3,595 sq. ft.)	total 1 030 m ² (11,087 sq. ft.)	-
MAXIMUM HEIGHT	9.2 m (30.2 ft.)	9.1 m (30 ft.) with 9:12 roof pitch	-
SITE COVERAGE	8% or 242 m ² (2,605 sq. ft.)	22.5% (gross) 35% (net)	-
MAX. NO. OF STOREYS	2.5	1.75	-
PARKING SPACES	Parking By-law	2 per unit in enclosed garages plus 10% of total for visitors	-
FRONT YARD SETBACK	7.3 m (24 ft.)	6.1 m (20 ft.)	-
SIDE YARD SETBACK	4.5 m (14.8 ft.)	2.7 m (9 ft.)	-
REAR YARD SETBACK	4.5 m (14.8 ft.)	5.5 m (18 ft.) or 6.1 m (20 ft.) if abuts a sub-area boundary	-

