



**CITY OF VANCOUVER**  
**POLICY REPORT**  
**DEVELOPMENT AND BUILDING**

Report Date: May 18, 2006  
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CC File No.: 11-3600-03  
Meeting Date: June 13, 2006

TO: Vancouver City Council  
FROM: Director of Current Planning  
SUBJECT: CD-1 Rezoning - 3203-3229 West 10th Avenue

## **RECOMMENDATION**

- A. THAT the application by Robert Turecki, Architect, to rezone 3203-3229 West 10th Avenue (Lots I, J, K and L, Block 59, D.L. 540, Plan 22895) from RS-5 to CD-1, to permit a three and one-half storey multiple dwelling providing 20 dwelling units and a resident manager's office at a floor space ratio of 1.25 plus underground parking for an adjacent commercial use, be referred to a Public Hearing, together with:
- (i) revised plans received March 17 and April 5, 2006;
  - (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 C.

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary CD-1 By-law generally in accordance with Appendix A for consideration at the Public Hearing.

- B. THAT, subject to approval of the rezoning at a Public Hearing, the Subdivision By-law be amended as set out in Appendix B; and

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law at the time of enactment of the Zoning By-law.

## **GENERAL MANAGER'S COMMENTS**

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

## **COUNCIL POLICY**

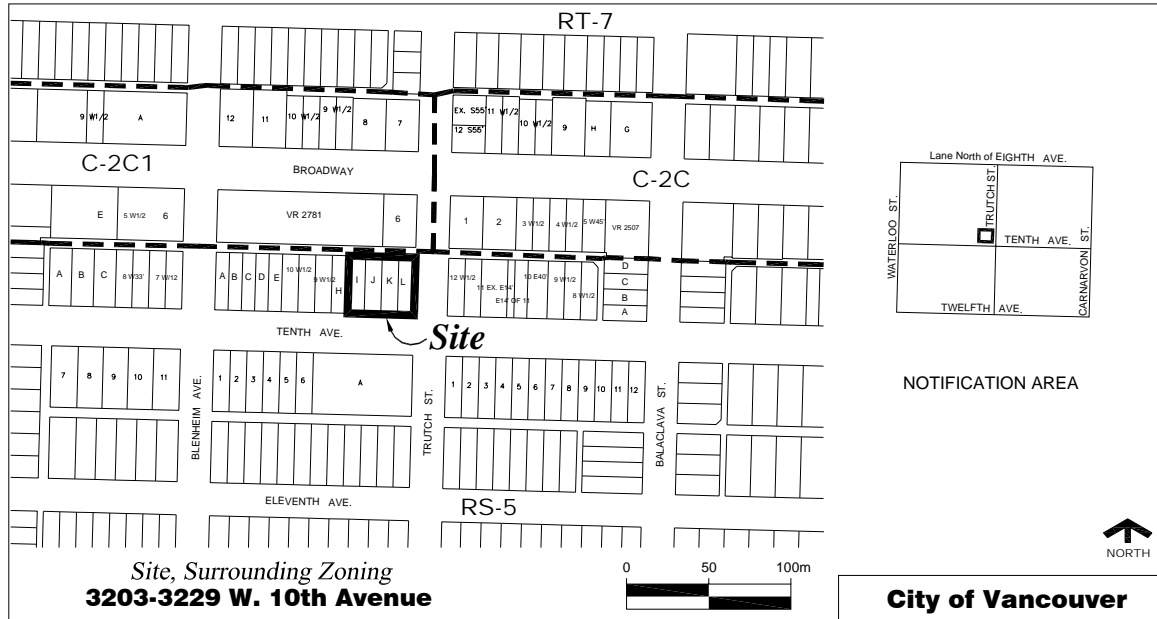
- City Plan Rezoning Policy - Before and During Neighbourhood Visioning, adopted by Council in January 1996, which states that applications will be considered for projects involving social or affordable housing (i.e., non-profit, housing agreement, Special Needs Residential Facility), or Neighbourhood Housing Demonstration Projects.
- Community Amenity Contributions - Through Rezoning, approved by Council on June 24, 2003, which applies to all private rezoning applications received as of February 1, 2004, and provides funds for additional community amenities needed for new residents.

## **PURPOSE AND SUMMARY**

This report assesses an application to rezone the site shown on the map on page 3 from RS-5 One-Family Dwelling District to CD-1 Comprehensive Development District to permit development of a three and one-half storey multiple dwelling containing 20 dwelling units and a 27.9 m<sup>2</sup> (300 sq. ft.) resident manager's office and 79 underground parking spaces (37 of which are proposed to serve an adjacent restaurant), all at a density of 1.25 floor space ratio (FSR). Eight of the dwelling units are offered as guaranteed market rental for ten years through a Housing Agreement with the City.

The multiple dwelling proposal meets the intent of the City Plan rezoning policy, and the underground commercial parking component frees up the site for the dwelling use.

Staff recommend that the application be referred to a Public Hearing and be approved, subject to conditions.



**DISCUSSION**

**Background:** For many years, this site has provided paved off-site surface parking for restaurants located at 3204 West Broadway, directly to the north of the site, across the lane. In 1998, the owner of the site entered into a Section 215 Covenant with the City to secure 33 off-site parking spaces for the benefit of the current Swiss Chalet Restaurant.

Over the years, staff have received numerous enquiries from prospective applicants proposing to assemble sites along the north side of West 10th Avenue to permit higher density development. Staff have consistently advised that unless there is something unusual about the site, such as vacant land or a non-conforming use, the Planning Department would not support a “spot rezoning” along West 10th Avenue without a review of the zoning along the West 10th Avenue corridor or community visioning. The subject site at West 10th Avenue and Trutch Street is a unique exception because it is long-standing, undeveloped land used as a surface parking lot. For this reason, it is not expected to set a precedent for re-development of other sites along West 10th Avenue.

There have been two previous multi-family residential CD-1 rezoning applications of a similar scale along the north side of West 10<sup>th</sup> Avenue. The first one, a former church site, at West 10<sup>th</sup> Avenue and Vine Street, was approved in May 1995 and built with a three-storey building accommodating 17 units (4 units were to be secured for single-parent families) at a density of 1.26 FSR with underground parking. The second application involved a land assembly of three existing houses at West 10<sup>th</sup> Avenue and Stephens Street. Proposed, was a three-storey plus basement building accommodating 27 dwelling units (13 of which were to be guaranteed rental) at a density of 1.25 FSR with underground parking. Council refused this rezoning in November 1998 following a difficult public hearing.

There has been a significant amount of concern expressed by residents and community groups regarding the current rezoning application. Following a City hosted public information meeting at St. James Community Centre on February 18, 2004, staff sought Council direction in December, 2004, as to whether to refuse the rezoning application, or continue processing. Council instructed staff to continue processing the application. Since then, in response to comments from the Urban Design Panel meeting of July 20, 2005, the applicant revised the proposed form of development and submitted revised drawings on March 17, 2006.

**Use and Density:** The proposed use is a multiple dwelling building, with 20 dwelling units (eight are ground level units, the remaining 12 units are either two or two and one-half storey units] at a density of 1.25 FSR. The applicant has offered eight units to be secured market rental units for ten years. A small on-site resident manager's office is also proposed, located on the main floor of the development.

If the covenant requiring 33 off-street parking spaces was discharged, under current RS-5 zoning provisions each of the existing four parcels could be conditionally developed with a One-Family Dwelling with Secondary Suite. This would yield eight units at an outright density of 0.60 FSR (and a conditional density of 0.70 FSR).

The units proposed with this rezoning will be more affordable than new, one-family dwellings because they are smaller in size and use land more efficiently. At 1.25 FSR, the form of housing would be suitable for families with children, or seniors wanting an alternate form of housing in their neighbourhood, without the cost and maintenance of a one-family dwelling. The use and density would be appropriate for this unique site.

Parking Garage use would be included in the CD-1 By-law to accommodate the covenant requiring parking spaces to serve the Swiss Chalet Restaurant. This parking would be located in the first level below grade, and separated from the second level resident parking by an electric gate. Should the restaurant eventually vacate their premises and the covenant be discharged, the owner of the Parking Garage use would be free to rent these spaces to another commercial user or parking provider. Staff support the relocation of the existing surface parking to free up the property for family housing and to complete the residential streetscape in this block.

**Form of Development (Note Plans: Appendix F):** At its meeting of July 20, 2005, the Urban Design Panel did not support the proposed form of development. The Panel expressed concerns about the requested density and suggested that some reduction in density might provide some breathing room to achieve a form and scale of development more in keeping with the single-family detached character of the neighbourhood. Following the Panel meeting in July, the applicant met with Planning staff in August 2005 to seek advice and a revised design submission was submitted on March 17, 2006.

The initial submission was for three-storey townhouses located in three separate buildings containing a total of 21 dwelling units at a density of 1.25 FSR ranging in unit size from 66.1 m<sup>2</sup> (711.2 sq. ft.) to 95.3 m<sup>2</sup> (1,025.4 sq. ft.), with two levels of underground parking accessed from the lane (and three surface parking spaces next to the lane).

#### **Revised Submission**

The revised submission proposes a three and one-half storey multiple dwelling. The highest, three and one-half storey portion of the building is located closer to Trutch Street, while at

the west end of the site the building steps down to interface with an existing two and one-half storey one-family dwelling on West 10<sup>th</sup> Avenue. The three and one-half storey form has the top storey set back so that it is less visible from the street.

While the density of 1.25 FSR has not been reduced, the applicant has reduced the number of dwelling units from 21 to 20, and the mix of unit types proposed (one, two-bedroom and den/office and three bedrooms) range from 51.1 m<sup>2</sup> (550 sq. ft.) to 97.5 m<sup>2</sup> (1,050 sq. ft.). A small resident manager's office is located on the main floor of the building. Other revisions include a visible entrance to the underground parking at the northeast corner of the site and the relocation of three surface parking spaces to underground parking. Access to the two levels of secured underground parking is from the lane, noting that the proposed development provides a total of 79 parking spaces, 37 of which will be for the patrons of the Swiss Chalet Restaurant across the lane.

To maintain the smaller residential scale and rhythm found along West 10<sup>th</sup> Avenue, the scale of the development along the West 10<sup>th</sup> Avenue frontage is articulated to emphasize individual steeply pitched roofs and bay windows with landscaped lawns, patios and separate entry ways that are typical features of a one-family dwelling. The dwelling units located at the southwest corner of the site have been set back to align with the RS-5 neighbouring property's setback to the west. Along Trutch Street, there is now a break in the building massing, at ground level, in the form of a 6.1 m (20 ft.) wide passageway which provides access into a semi-private landscaped interior courtyard located at the northwest corner of the site.

While the upper half-storey has been located closer to Trutch Street and steps down to three storeys where it interfaces with the two and one-half storey one-family dwellings to the west, this upper half-storey still requires better integration of the roof forms to create a more cohesive overall image (refer to Appendix C - condition (c) (ii)). Moreover, the proposed development is marginally too high at 10.9 m (35.76 ft.), at the northeast corner of the site and staff recommend that the height be reduced to a maximum height of 10.7 m (35.10 ft.) which is the maximum conditional height under the current RS-5 zoning (refer to Appendix C - condition (c)(i)).

On May 10, 2006, the Urban Design Panel reviewed a revised submission and unanimously supported the revised form of development along with some general directions for further design development. Staff support the revised form of development, however recommend several design development improvements to the roof form, residential livability, universal access, architectural detailing and landscaping. The design development conditions referenced in Appendix C outline improvements to the proposed form of development, to be addressed at the development application stage generally as follows:

- provide an improved interface between the West 10<sup>th</sup> Avenue and Trutch Street corner and the privacy of the corner dwelling unit;
- provide a better integration of the upper half storey and roof form to create a more cohesive rhythm and character in keeping with the surrounding single-family context;
- improve the daylight access to the lower level units;
- create a more visible and attractive access to the underground public parking (for the restaurant patrons) including universal access;
- provide well resolved architectural detailing with high quality building materials and finishing; and

- provide improved landscaping.

**Traffic Management:** As part of the rezoning process, the applicant submitted a Traffic Impact Statement (TIS) to document the existing traffic and parking conditions in the vicinity of the site, assess the net increase in traffic and parking demands as a result of the proposed development, and review the need for a pedestrian signal at the West 10th Avenue and Trutch Street intersection.

The TIS concluded that the additional traffic generated from the proposed development and its impact on the adjacent street will be insignificant. However, it further concluded that there is a need to increase the number of on-site parking spaces (33 to 37) for the use of the restaurant at 3204 West Broadway, and that the upgrading of the existing marked cross walk at West 10th Avenue and Trutch Street to a special cross walk with pushbuttons is warranted to draw drivers' attention to the presence of pedestrians.

Engineering staff have reviewed the traffic consultant's TIS and recommend that the applicant undertake a number of traffic and parking improvements. These include modifying the off-site parking covenant to increase the required parking spaces from 33 to 37 for the use of the adjacent restaurant, provision of a pedestrian signal at either Trutch Street and West 10th Avenue, or Trutch Street and Broadway, within 5 years of occupancy of the site, and the provision of curb modifications to provide for traffic calming on the south leg of the Trutch Street and West 10th Avenue intersection, if the pedestrian signal is installed on West 10<sup>th</sup> Avenue (refer to Appendix C - conditions (c), (iii), (iv) and (v)).

**Public Consultation:** During the enquiry, or pre-application stage, staff advised the proponent to undertake a public process to identify issues and achieve a level of neighbourhood support. In late 2001, the applicant undertook a neighbourhood survey. After the rezoning application was submitted in November 2003, the applicant undertook a second neighbourhood survey in early 2004 and the City hosted a public information meeting in February 2004. Throughout the process, the response to the proposed development has been mixed, ranging from support to non-support. A full description of the public consultation process and the findings are outlined in Appendix D.

**Public Benefit and Development Cost Levies (DCLs):** The application initially proposed that four units (20 percent) would be secured as market rental housing for ten years through a Housing Agreement. The applicant has increased the offer to eight rental units for ten years, in response to public comments that four units were inadequate because the site's current RS-5 zoning conditionally allows four rental units (i.e. one secondary suite per one-family dwelling).

On the basis of a pro forma analysis of the construction costs, staff conclude that the eight market rentals can be accepted as a public benefit without overly impacting the financial viability of the project. The Housing Agreement for guaranteed rental housing provides the rationale for consideration of a rezoning for multiple dwelling under the City Plan Rezoning Policy.

A required Development Cost Levy (DCL) of \$6.00 per square foot will be paid towards public benefits at the building permit stage.

## **FINANCIAL IMPLICATIONS**

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

## **CONCLUSION**

Planning staff conclude that the proposed development is consistent with the City Plan Rezoning Policy, and is appropriate in terms of use, density and form for this site. The Director of Current Planning recommends that the application be referred to a Public Hearing and approved, subject to conditions.

\* \* \* \* \*

**DRAFT CD-1 BY-LAW PROVISIONS**

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

Use

- Multiple Dwelling containing a maximum of 20 dwelling units;
- Parking Garage, limited to 37 parking spaces;
- Ancillary Office, limited to one resident manager's office.

Density

- The area of the site is deemed to be 1 409.7 m<sup>2</sup>
- Maximum floor space ratio of 1.25, based on calculation provisions of the RM-4 District Schedule.

Height

- A maximum height of 10.7 m (35.10 ft.) measured above the base surface.

Horizontal Angle of Daylight

- Similar to the RM-4 District Schedule

Parking

- Parking, loading and bicycle spaces to be provided, developed and maintained in accordance with the requirements of the Parking By-law, including the availability of exemption, relaxation and shared-use reduction provisions, except for residential dwelling units, parking shall be provided as per section 4.2.1.3, a minimum rate of one space for each 70 m<sup>2</sup> of gross floor area, except that no more than 2.2 spaces need be provided.

Acoustics

- Per RM-4N District Schedule.



**SUBDIVISION BY-LAW AMENDMENT**

A consequential amendment is required to delete Lots I, J, K and L, Block 59, D.L. 540, Plan 22895 from the RS-5 maps forming part of Schedule A of the Subdivision By-law.

## 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.

### FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Robert Turecki, Architect, and stamped "Received City Planning Department, March 17 and April 6, 2006", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

#### Design Development

- (i) design development to reduce the height of the building, at the northeast corner of the site, to a maximum height of 10.7 m (35.10 ft.);
- (ii) design development to better integrate the upper half storey and roof form to create a more cohesive rhythm and character in keeping with the surrounding single-family context;
- (iii) design development to the detailed architectural character and materials;  
**(Note to Applicant:** This can include wide fascia and window trim, bay window detailing, brick with concrete lintels and wood siding and doors. The use of stucco should be avoided).
- (iv) design development to relocate the open exit stair proposed in the front yard on West 10<sup>th</sup> Avenue and replacing it with character landscaping;  
**(Note to Applicant:** This can be achieved by relocating the exit to the lane, by placing an exit walkway adjacent to the parking ramp or by providing an internal exit with a flush door at the lane).
- (v) design development to improve the daylight access to the lower level units by reducing the setback area under the units above;
- (vi) design development to create a more visible and attractive access to the underground public parking spaces, including universal access;

(Note to Applicant: Handicap parking will be required in the public parking area. A glass enclosed stair with an elevator, which is separate and secure from residential users, should be provided at the corner of the lane at Trutch Street).

- (vii) design development to improve the visual appearance of the lane interface and parking ramp;

(Note to Applicant: This can be achieved by enclosing the garbage and hydro/gas services with decorative fencing. A trellis with vines over portions of the ramp and treating the sidewalls of the ramp with architectural concrete and reveals should be provided).

- (viii) design development to provide a small public seating area at the corner of Trutch Street and West 10<sup>th</sup> Avenue;

(Note to Applicant: This can be achieved by provision of a corner bulge adjacent to the corner, or other similar feature, with landscaping and furnishing to the satisfaction of the General Manager of Engineering Services);

- (ix) design development to explore the possibility of providing an appropriately located, designed and landscaped outdoor child play area;

(Note to Applicant: Use of toxic plants in areas accessed by children should be avoided. Landscape materials including plants should be interesting and safe and of a size and design to withstand use by children);

- (x) provision of a standard concrete lane crossing at the Trutch Street lane entry of the site;

- (xi) provision of setbacks generally as shown on the drawings, notably:

- 2.3 m (7.5 ft.) from West 10<sup>th</sup> Avenue;
- 3.8 m (12.5 ft.) from Trutch Street;
- 1.3 m (4.3 ft.) from the west property line;
- 2.9 m (9.5 ft.) from the north property line;

- (xii) submission of an acoustical consultant's report which assesses noise impacts on the site and recommends noise mitigating measures;

#### Landscape

- (xiii) design development to create a residential looking front yard that is contextual with the other one-family dwellings on West 10<sup>th</sup> Avenue. This can be accomplished by narrowing the entrance walkways to 1.2 m (4 ft.) and deleting one of the ground floor patios;

- (xiv) provision of adequate planting depth for the inner row of trees proposed for West 10<sup>th</sup> Avenue and for Trutch Street. The underground slab may need to be sloped downwards to accommodate the required planting depth.

(Note to Applicant: All inner trees to be planted on private property. Section A shows the underground slab extending at grade to the property line).

- (xv) provision at time of full development permit application of a full Landscape Plan (in the front, sides and rear yard) illustrating proposed plant materials (common and botanical names), sizes and quantities; notations of existing trees to be retained; paving, walls, fences, light fixtures and other landscape elements; and site grading. Proposed plant material should be clearly illustrated on the Landscape Plan. The Landscape Plan should be at 1:100 (1/8" = 1'-0") minimum scale;
- (xvi) provision at the time of full development permit application of large scale sections (1/4" = 1' or 1:50) illustrating the planting depths for the internal courtyard and the private deck planters and also illustrating the detailed treatment of the public realm interface (townhouse, private patio, street, etc.) including planter walls, stairs, gates, guardrails, landscaping, soil depth (indicating any underground structures), patios and privacy screens;
- (xvii) provision of one additional street tree in the outer boulevard of West 10<sup>th</sup> Avenue where the existing curb cut is to be removed;
- (xviii) provision of a water conserving landscape through the use of a high efficiency irrigation system and drought resistant plants. A note to this effect should be added to the Landscape Plan; and

Crime Prevention through Environmental Design (CPTED)

- (xix) design development to reduce opportunities for theft in the underground parking area.

(Note to Applicant: This can be achieved by providing secure separation for residential from public parking including circulation and access to services).

#### AGREEMENTS

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall:
  - (i) consolidate Lots I to K, Block 59, D.L. 540, Plan 22895;
  - (ii) make arrangements, to the satisfaction of the General Manager of Engineering Services and Director of Legal Services, for the provision of adequate water service for the proposed development

(Note to Applicant: The application does not contain adequate information to determine if water system upgrading is necessary. Please provide fire flow demands for this proposal to determine if system upgrading is necessary);

- (iii) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the modification of the existing off-site parking covenant to require a total of 37 parking spaces for the adjacent restaurant;
- (iv) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of a pedestrian signal at Trutch Street and West 10th Avenue or Trutch Street and West Broadway within 5 years of occupancy of the site. The costs are to be shared equally between the City and the developer;
- (v) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of curb modifications to provide for traffic calming on the south leg of the Trutch Street and West 10th Avenue intersection, if the pedestrian signal is installed. The costs for this are to be shared between the City and the developer;
- (vi) make arrangements, to the satisfaction of the General Manager of Engineering Services, for the undergrounding of all new utility services from the closest existing suitable service point. All services, and in particular electrical transformers to accommodate a primary service must be located on private property. The development site is not to rely on secondary voltage from the existing overhead network. Any alterations to the existing underground/overhead utility network to accommodate the development will require approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged;
- (vii) make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for clarification of all charges registered in the Land Title Office against title to the lands (a charge summary, including copies of all charges, must be provided) and the modification, extension or release of any charges deemed necessary by the Director of Legal Services, and

#### HOUSING AGREEMENT

- (viii) Make arrangements to the satisfaction of the Director of the Housing Centre and the Director of Legal Services by way of a Housing Agreement, to secure eight residential market rental units, for a period of ten years; where the Director of Legal Service deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owner, but also as Covenants pursuant to Section 219 of the Land Title Act.

Such agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances effecting the subject site, as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services may, in her sole discretion and on terms she considers advisable, accept tendering of the preceding agreements for registration in the appropriate Land Title Office, to the satisfaction of the Director of Legal Services, prior to enactment of the by-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary and in a form satisfactory to the Director of Legal Services.

The timing of all required payments shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult with other City officials and City Council.

**ADDITIONAL INFORMATION**

**Site, Surrounding Zoning and Development:** This 1 409.7 m<sup>2</sup> (15,174.3 sq. ft.) site is comprised of four parcels at the northwest corner of West 10th Avenue and Trutch Street. The site has a frontage of 40.2 m (131.98 ft.) on West 10th Avenue and a depth of 35.0 m (114.97 ft.).

The site is currently zoned RS-5 and provides paved surface parking for the restaurant located across the lane at 3204 West Broadway. There are one-family dwellings to the east and west of the site. Across 10th Avenue on the south side, are one-family dwellings and the St. James Community Centre. Across the lane, is C-2C1 commercial developments.

**Public Input:** During the enquiry stage of this proposal, staff advised the proponent to undertake a public process to identify issues and achieve a level of support. In late 2001, the applicant surveyed households in the 3100 and 3200 blocks of West 10th Avenue. Results are shown in Table 1 below. The majority of those who responded either supported or had mixed opinions on the proposal.

Table 1: Results of Applicant’s Survey of 3100-3200 Block West 10th Avenue (Dec. 2001)

	Number	Percent (%)
Total Homes Visited	37	
No Response*	18	49
Response	19	51

Summary of Responses	Number	Percent (%)
Support	9	49
Opposed	4	20
Mixed	6	31

\*No response includes “no comment”

After submitting the rezoning application, the applicant undertook another neighbourhood survey in early 2004 which included a three and a half block area between Waterloo Street, West 11th Avenue, Balaclava Street and the lane north of West 10th Avenue. Each household was given a proposal package (including drawings) and invited to contact the architect if they had comments. Results are shown in Table 2 below. Of those who commented, two-thirds either supported or were neutral about the proposal. Most of those who opposed the proposal were concerned about increased density and additional traffic. Some of those who supported the proposal noted that the area’s traffic and parking concerns should also be addressed.

Table 2: Results of Applicant's Survey (Feb. 2004)

	Number	Percent (%)
Total Homes Visited	90	
Not Home	36	40
Response	21	24
No Comment	33	36

Summary of Response	Number	Percent (%)
Support	12	57
Opposed	7	33
Neutral	2	10

On February 2, 2004, City staff sent out a notification letter, together with a notice of a public meeting was sent to 474 nearby property owners within the notification area (shown on the map on page 3 of the report). On February 12, 2004 a rezoning sign was posted on the site.

On February 18, 2004 City staff hosted a public information meeting to allow the applicant to present the proposal, to provide the neighbours with an opportunity to express their concerns and to test the level of neighbourhood support. Fifty-six people who live (54 residents) or work (one business owner) in the surrounding area attended the meeting.

Overall, residents are concerned about traffic, parking and safety along West 10th Avenue. The people who supported the proposal felt that a busy site near transit is appropriate for denser, residential use and that more residents would benefit from local businesses along Broadway. Those who were opposed to the application had the following reasons:

- project-related traffic and parking impacts;
- the precedent-setting nature of processing the application in advance of a visioning process;
- a strong desire to retain the small scale residential character of West 10th Avenue and the project's incompatibility with neighbouring single family homes;
- the adequacy of the proposed public benefit (four market rental units); and
- the impact of accommodating the restaurant's parking requirements in a new development on this site.

In addition to the comments at the public meeting, staff have received over 40 letters and e-mails from individuals (70 percent of whom live within 4 blocks of the site) an e-mail from the Upper Kitsilano Residents Association, and a petition from 35 residents living in a mixed-use (commercial and resident) building in the 3200 Block West Broadway, all of whom did not support the proposal for similar reasons as listed above.

On May 2, 2005 following the applicant's submission of the Traffic Impact Statement and a proforma analysis, staff sent out a second notification letter on June 8, 2005 to property owners. Following the applicant's submission of revised plans received on March 17, 2006, staff sent out a third notification letter to property owners on March 31, 2006.



Based on the notification letters of June 8, 2005 and March 31, 2006, one phone call was received from a resident. Concerns focussed on view loss from their property as a result of the proposed development, noise from the existing restaurant at 3204 West Broadway, and noise which would occur during construction of the proposed development. Two letters and nine e-mails were received from nearby residents expressing opposition. Principal concerns were: a strong desire to retain the RS-5 zoning and the single-family residential character, the size of units were considered to be too small, the number of units and the proposed density were considered to be too high, and the 33 parking spaces to be located in the proposed development for the Swiss Chalet Restaurant should be provided on its own site.

**Parking:** The Swiss Chalet Restaurant located across the lane (3204 West Broadway) does not have sufficient land to provide any on-site parking spaces for the use of its patrons. Because of this, as a condition of Development Permit Number DE403110 issued October 23, 1998, the City required that a Section 215 Covenant be registered to ensure that 33 off-site parking spaces would be permanently available for the use of the restaurant patrons. The applicant's client, who owns both the rezoning site and the restaurant site, has provided for these parking spaces in the proposed CD-1 development.

Engineering Services has concluded that the required number of parking spaces to serve the restaurant should be increased from 33 to 37, as reflected in Appendix C, recommended condition (c) (iii). The applicant agrees with this requirement.

The RM-4 recommended parking standard requires a minimum of 32 residential parking spaces. The applicant proposes to provide a total of 79 spaces (37 for restaurant use, 31 for residential use and 11 visitor parking spaces), all of which will be located on two levels of underground parking with access from the lane. Twenty-six bicycle parking spaces are proposed to be located in a secured bicycle storage room in the upper level of the underground parking area.

**Comments of the General Manager of Engineering Services:** The General Manager of Engineering Services has no objection to the proposed rezoning, provided that the applicant complies with conditions as shown in Appendix C.

**Processing Centre - Building:** Staff have reviewed the architectural drawings prepared by Robert Turecki, Architect submitted on March 17, 2006. The applicant has received preliminary review comments regarding project conformance to the requirements of the Vancouver Building By-law, and is aware of issues to be resolved at the building permit stage.

**Fire Department Comments:** The Fire Department supports the rezoning and notes that "the principal address and the location of the Fire Annunciator panel should be located at or near the breezeway facing Trutch. There will be plans showing the associated units and their access routes for Fire Department use for those buildings facing West 10<sup>th</sup> Avenue. Fire Department vehicle access is acceptable providing the applicant meets all applicable standards as per VBBL 1999."

**Comments of the Director of the Housing Centre:** The Director of the Housing Centre supports this rezoning and has the following comments:

"This application presents an unusual opportunity due to the long standing vacant state of the site. Twenty new housing units are created in total, of which eight units have been offered by the applicant which will augment the local rental supply for ten years, without the demolition of existing stock. The rental units will be secured through a Housing Agreement prior to enactment of the CD-1 By-law. The Director of the Housing Centre, noting that the project economics indicate that there is no effective property value increase associated with the rezoning because of the provision of the restaurant parking, is satisfied that the rental units can be fully in the form of one-bedroom units."

**Urban Design Panel Comment:** The Urban Design Panel reviewed this proposal on July 20, 2005 and did not support the proposed density and form of development. On May 10, 2006, the Panel reviewed a revised proposal and supported the proposed use, density and form of development and offered the following comments:

"The Panel unanimously supported this application. The Panel strongly supported the provision of 8 market rental units as a public benefit; however some Panel members felt that the term should be longer than the 10 years proposed. The ground oriented townhouses were considered a good use and the overall expression seemed well handled.

Several Panel members recommended the provision of a bench or some other amenity for the public at the corner of 10<sup>th</sup> Avenue and Trutch Street. It was also felt that the massing could be reconfigured to more strongly announce the courtyard entrance from Trutch Street.

The Panel stressed the importance of providing good disabled access to the elevator and a clear entry to the public parking garage. One Panel member felt that the current placement of the elevator has it passing by too many private windows, considering its mostly public use.

In terms of access to light for the ground floor units there was a suggestion to bring the setback of the south units on the ground floor out to the same setback line as the upper units on 10<sup>th</sup> Avenue. There was some concern that the ground units, as proposed, may not get good quality light.

With respect to landscaping several Panel members felt that the size and scale was too minimal for a project of this size. There was concern that trees in small pots are not workable and the number of plants proposed is not sufficient.

**Panel's Consensus on Key Aspects Needing Improvement:**

- concerns about the lack of specific landscaping details and the absence of a Landscape Architect on the project;
- the publicness of the corner at 10<sup>th</sup> Avenue and Trutch Street and the privacy of the corner unit need to be addressed;
- give consideration to accessibility issues for the public parking and the provision for an elevator; and
- consider adjustments to the rhythm of the roofscape to more closely mimic the adjacent residential houses by pairing units under a single gable."

**Environmental Implications:** Nearby access to transit and commercial services may reduce dependence on use of automobiles.

**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.

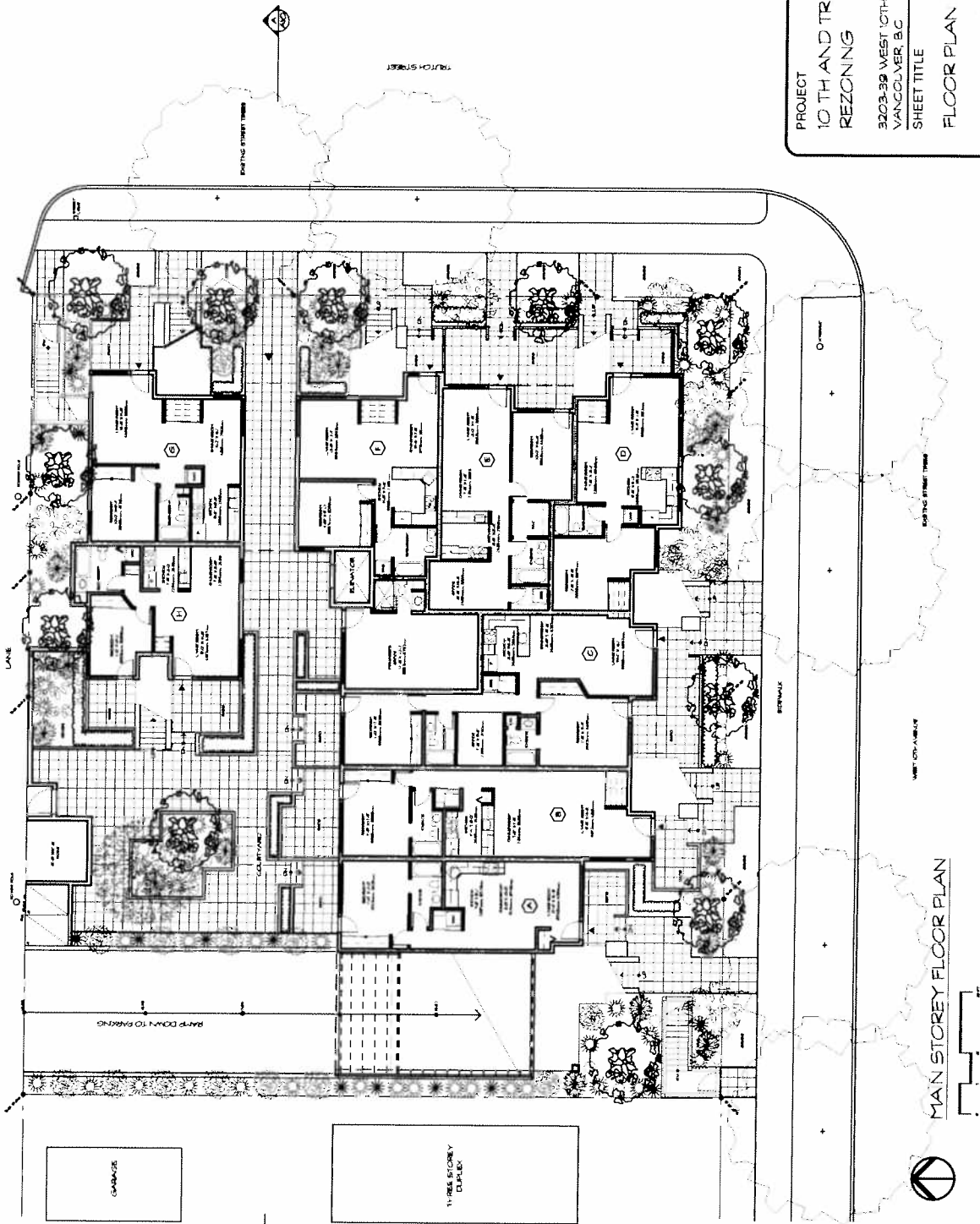
## COMMENTS OF THE APPLICANT

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

- “This rezoning project has been ongoing in the public and City domain/process for over nine years. It first started in December 1996.
- The proposed project will not affect traffic flows which are caused primarily by commuter traffic to UBC and the St. James Community Centre on 10<sup>th</sup> Avenue and shopping destination traffic on West Broadway. To further mitigate this, access to parking for the project will be off the commercial lane that serves West Broadway.
- The rezoning will not be precedent-setting as the site is unique in this area. It was previously commercially zoned and is now non-conforming, has been vacant for most of its history and is located in a transition area between existing commercial, residential and community service uses.
- This project will provide much needed affordable housing choice for those that wish to reside in the south Kitsilano area, especially families and seniors. This is particularly critical given the very high cost of single family housing in this neighbourhood which is out of reach for most residents today.
- The project has paid particular attention to the character and smaller scale of the existing residential buildings on 10<sup>th</sup> Avenue. It has been designed to reflect these characteristics including breaking up the massing on 10<sup>th</sup> Avenue and Trutch Street to match adjacent building widths and yards and incorporating sloped roofs, porches, window patterns and exterior finishes that are in keeping with these neighbouring buildings. Further, it restricts building height to that of RS-5 zoning. It also provides a central landscaped courtyard that provides additional setbacks for the west neighbouring property.
- The public benefit for the rezoning has been doubled from 4 rental units to 8 comprising 40% of the total dwelling units proposed. Further, as an additional benefit, the owner will provide financial support to locate a traffic control signal at the corner of 10<sup>th</sup> and Trutch which was strongly voiced by neighbours who have to cross that busy intersection on a regular basis.
- The impact of restaurant parking has been improved by putting it underground as opposed to the previous above ground location. Further, an additional 10 parking spaces, over and above that required for both the restaurant and townhouse units, will be provided to relieve neighbourhood parking congestion. Also, numerous neighbours we have contacted have told us the existing parking lot is not appropriate at grade, is an ‘eyesore’ and they would prefer a residential use in its place.
- The main concern voiced by neighbours at the February 2004 public information meeting was the existing traffic conditions on 10<sup>th</sup> Avenue and the dangerous crossing at 10<sup>th</sup> and Trutch in particular. This was by far the most critical issue, is mainly the

result of UBC, the St. James Community Centre and West Broadway shopping traffic and will not be increased by our project. However, to assist in mitigating this situation our client has offered to fund a pedestrian traffic signal as part of the project's public benefit as noted above. Further, it should be stated that the project proposes a high quantity of parking that will have a positive effect on street parking and congestion.

- It should be recognized that most neighbours who attend public meetings for new development are usually non-supportive of change in their neighbourhood. That is their main purpose for showing up at these events. Those that are supportive, not opposed or indifferent usually do not attend such meetings. This is demonstrated by the survey results we have conducted that cover a substantial area and show a noticeably higher level of support than that at the public meeting.
- The concern of waiting for 'visioning' to occur in this neighbourhood is not reasonable or realistic as there is no set limit for this exercise to begin or conclude. Further, this project has already been in the public domain for over nine years.
- The petition from the C-2C1 and C-2C neighbours on West Broadway should not be included given this zone's higher density and mixed commercial use. If it were to be included it should be substantially qualified and have a lesser status for consideration."



PROJECT  
10 TH AND TRUTCH  
REZONING

3203-39 WEST 10TH AVENUE,  
VANCOUVER, B.C.

SHEET TITLE

FLOOR PLAN

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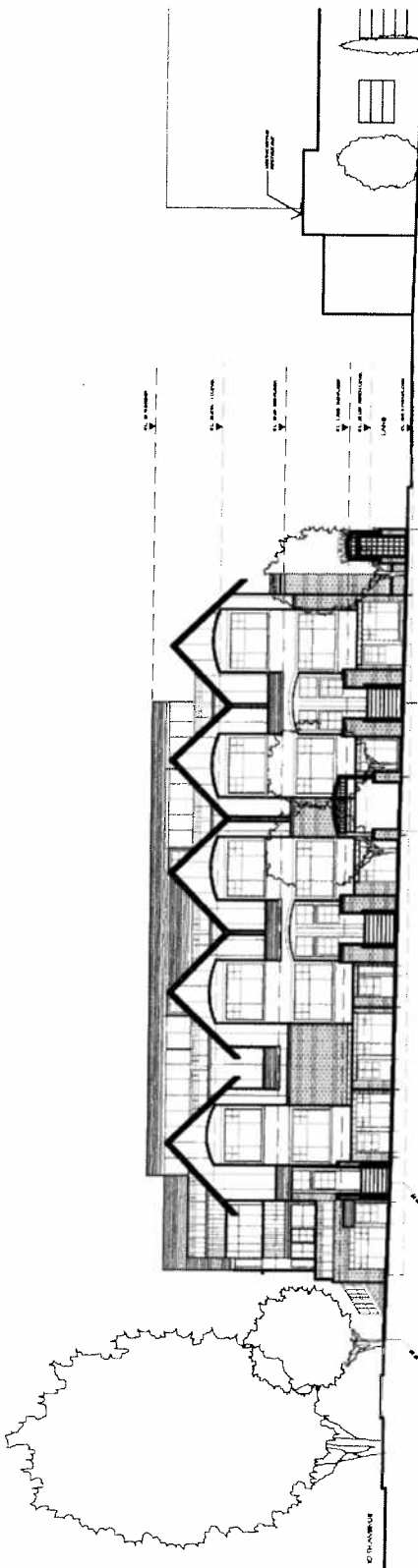
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DATE: MARCH 2006

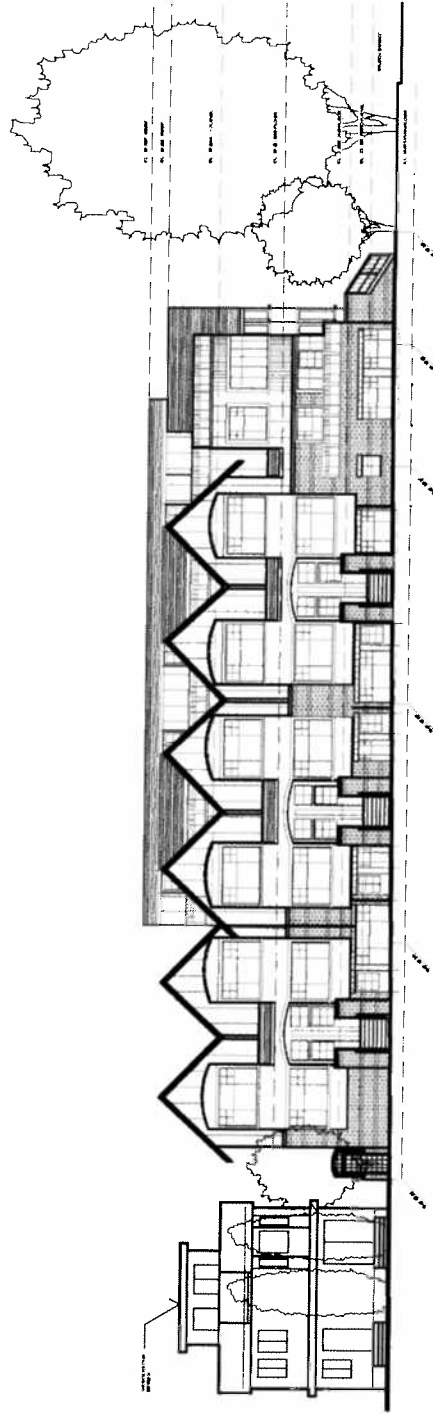
SCALE: AS NOTED

MAN STOREY FLOOR PLAN





EAST ELEVATION (TRUTCH STREET)



SOUTH ELEVATION (10TH AVENUE)

PROJECT  
10 TH AND TRUTCH  
REZONING

3203-39 WEST 10TH AVENUE,  
VANCOUVER B.C.  
SHEET TITLE

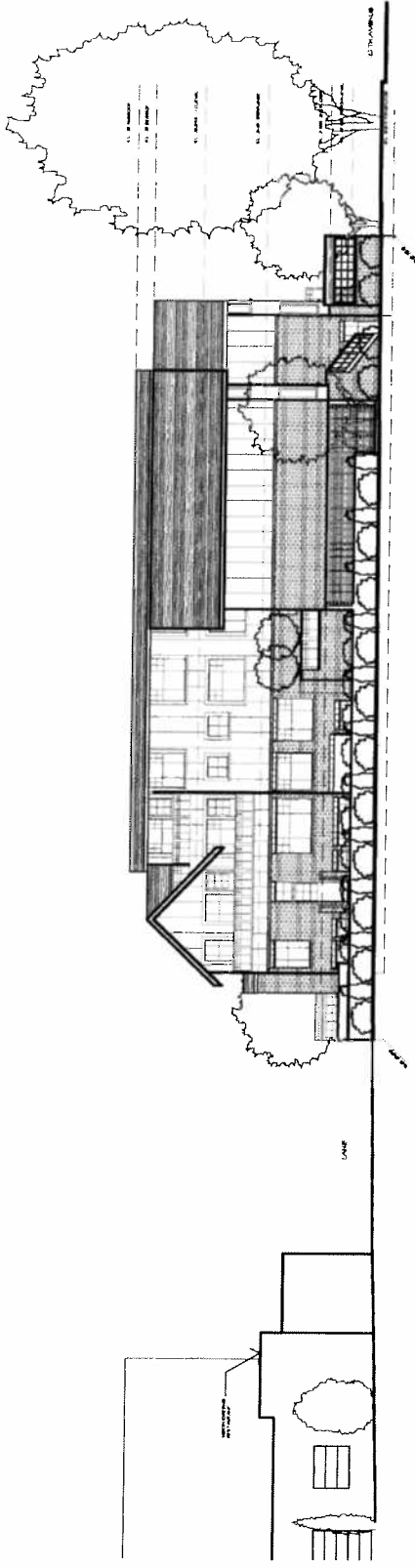
ELEVATIONS

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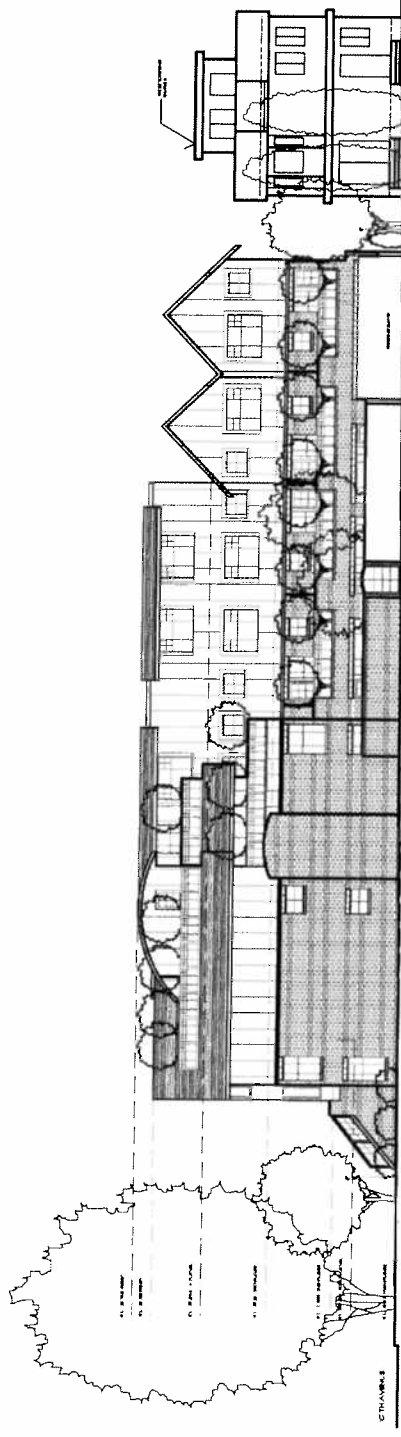
DISK FILE: 9632

DATE: MARCH 2006

SCALE: AS NOTED



WEST ELEVATION



NORTH ELEVATION (LANE)

PROJECT  
10 TH AND TRUTCH  
REZONING

3203-39 WEST 10TH AVENUE,  
VANCOUVER, B.C.

SHEET TITLE

ELEVATIONS

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DISK FILE: 962

DATE: MARCH 2006

SCALE: AS NOTED



APPENDIX G

APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

Street Address	3203-3229 West 10th Avenue
Legal Description	Lots I, J, K and L, Block 59, D.L. 540, Plan 22895
Applicant	Robert Turecki
Architect	Robert Turecki
Property Owner	Jean Simons and J. Simons Management & Development Ltd.
Developer	Not available

SITE STATISTICS

	GROSS	DEDICATIONS	NET
SITE AREA	1 409.7 m <sup>2</sup> (15,174.3 sq. ft.)	not applicable	1 409.7 m <sup>2</sup> (15,174.3 sq. ft.)

DEVELOPMENT STATISTICS

	DEVELOPMENT PERMITTED UNDER EXISTING ZONING	PROPOSED DEVELOPMENT	RECOMMENDED DEVELOPMENT (if different than proposed)
ZONING	RS-5	CD-1	
USES	One-Family Dwelling; One-Family Dwelling with Secondary Suite; Accessory Uses	Multiple Dwlg; Ancill. Office limited to a Resident Manager's Office & Parking Garage	
DWELLING UNITS	4 + secondary suites for a total of 8 units	20 dwelling units (8 units secured rental for 10 years)	
MAX. FLOOR SPACE RATIO	0.60 - outright 0.70 - conditional	1.25	
MAXIMUM HEIGHT	10.7 m (35.10 ft.) - conditional	10.9 m (35.76 ft.)	10.7 m (35.10 ft.)
MAX. NO. OF STOREYS	2 ½	3 ½	
PARKING SPACES	one per dwelling unit	31 residential spaces (+11 visitor spaces) & 37 spaces for restaurant across lane	
FRONT YARD SETBACK	front yard averaging	Minimum - 2.3 m (7.5 ft.)	
SIDE YARD SETBACK	15 percent of the width of the site	Min- east - 3.8 m (12.5 ft.) Min. west - 1.3 m (4.3 ft.)	
REAR YARD SETBACK	10.70 m (35.1 ft.)	Minimum - 2.9 m (9.5 ft.)	