

# LATE DISTRIBUTION FOR COUNCIL - FEBRUARY 13, 2007

# P2



## CITY OF VANCOUVER POLICY REPORT DEVELOPMENT AND BUILDING

Report Date: February 8, 2007  
Author: Joanne Baxter  
Phone No.: 604.871.6656  
RTS No.: 06215  
VanRIMS No.: 11-3600-20  
Meeting Date: February 13, 2007

TO: Vancouver City Council

FROM: Director of Planning, in consultation with the Subdivision Approving Officer, the Director of the Housing Centre and the Director of Real Estate Services

SUBJECT: CD-1 Rezoning - 4887 Cambie Street

### RECOMMENDATION

- A. THAT the application by Art Cowie, Eikos Planning Inc. to rezone 4887 Cambie Street (Lot 9, Block 819, D.L. 526, Plan 7221) from RS-1 to CD-1 to permit a three-unit freehold tenure rowhouse development, each parcel to include an additional secondary dwelling unit located on top of the garage at the rear, all under the Neighbourhood Housing Demonstration Project program, be referred to a Public Hearing, together with:
- (i) plans received June 20, 2006;
  - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A; and
  - (iii) the recommendation of the Director of 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 a Public Hearing.

- B. THAT, if the rezoning is approved at a Public Hearing, enactment of the CD-1 Zoning By-law be subject to the City Manager and the Director of Legal Services

approving the party wall agreement required for the freehold tenure rowhouses, failing which subdivision to create three separate legal parcels to occur by an alternative mechanism.

- C. 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, B and C.

### COUNCIL POLICY

Relevant Council policies for this site include:

- Neighbourhood Housing Demonstration Project policy, adopted by Council on January 3, 1996; and
- Riley Park/South Cambie Vision, adopted by Council on November 1, 2005.

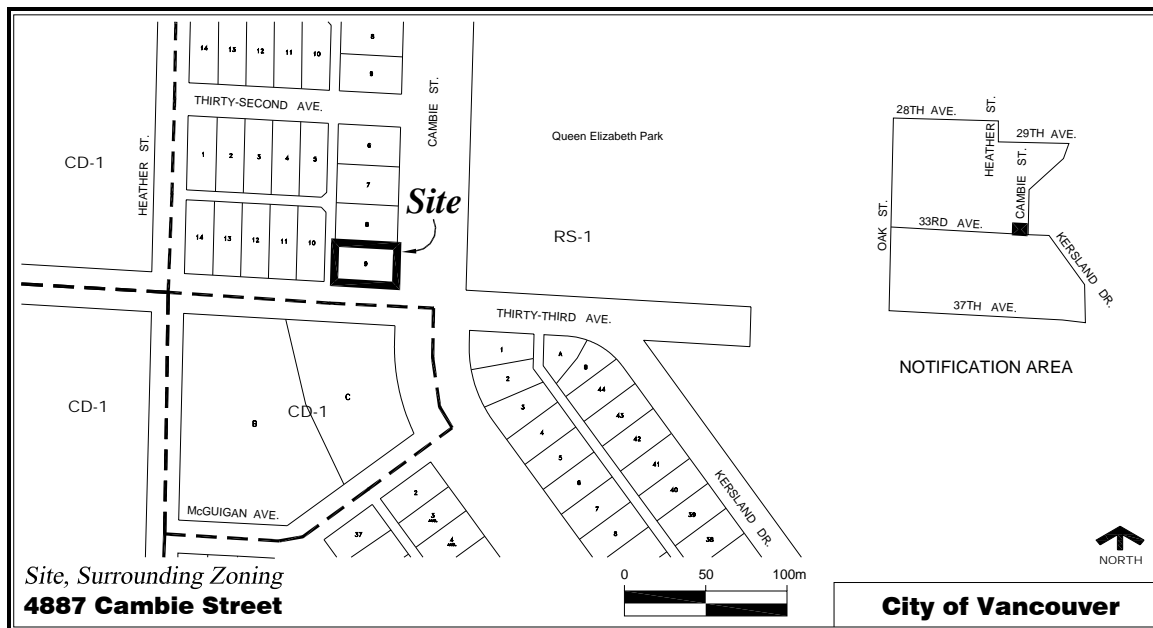
### PURPOSE AND SUMMARY

This report assesses an application to rezone a single parcel of land from RS-1 One-Family Dwelling District to CD-1 Comprehensive Development District to permit the development of:

- a 2½ storey, three-unit freehold tenure residential rowhouse development facing Cambie Street;
- each parcel will have an additional secondary rental dwelling unit located on top of the garage at the rear of each parcel; and
- a density of 1.0 FSR (floor space ratio).

The proposal meets the criteria needed to support rezoning as a Neighbourhood Housing Demonstration Project (NHDP), and staff recommends that the application be referred to a Public Hearing and approved with conditions.

## MAP



## DISCUSSION

**Neighbourhood Housing Demonstration Project:** The application proposes a three-unit freehold tenure rowhouse form of development oriented towards Cambie Street. The northerly and southerly rowhouse units would each be about 241 m<sup>2</sup> (2,600 sq. ft.), the centre rowhouse unit slightly larger at 260 m<sup>2</sup> (2,800 sq. ft.). In addition, three secondary dwelling units, each about 54 m<sup>2</sup> (585 sq. ft.) would be located on top of garages situated at the rear of the site. The total square footage for this development is approximately 906.3 m<sup>2</sup> (9,755 sq. ft.).

The site is located within the boundary of the recently completed visioning process for Riley Park/South Cambie. The Vision, adopted by City Council on November 1, 2005, states that rezoning applications will be considered for, amongst other things, Neighbourhood Housing Demonstration Projects, on the condition that:

- the application demonstrates a new housing form in the neighbourhood, improved affordability and a degree of neighbourhood support; and
- any increase in land value, beyond the normal profit allowed by the City's standard bonussing process, be converted into improved affordability.

The application is assessed against these criteria.

Should Council wish to consider this rezoning, further legal review will need to occur prior to enactment of the CD-1 By-law to ensure owner rights and responsibilities, the obligations and limitations of ownership, a dispute resolution mechanism and liability concerns can be fully addressed in the party wall agreement, to the satisfaction of the City Manager and the Director of Legal Services, failing which subdivision to occur by an alternative mechanism.

**New Housing Form:** This criterion is met. While a rowhouse is not a new physical housing form, what is new in the city, is a proposed attached rowhouse development with each unit being constructed on a conventional legal parcel. This is in contrast to the property being strata titled which is a typical form of ownership for multi-residential development.

There would be required common party wall agreements for shared walls, but other agreements regarding maintenance, renovation, rental policy etc. would be at the discretion of the owners themselves [see corresponding comments from the Approving Officer (page 7)]. All City services, including sewer, water, hydro and garbage collection would be handled separately for each parcel with the exception of storm water runoff which could be handled jointly. There is considerable interest in the market for this form of ownership. The applicant had a similar rezoning proposal at 2876 West 33<sup>rd</sup> Avenue, however Council refused this rezoning in July, 2004 following a difficult public hearing, due in part to a lack of neighbourhood support.

Staff support a demonstration of this form of ownership to test its potential. It could be widely used in zones that permit rowhouses or through rezoning proposals as a way to provide more land-efficient housing as an alternative to one-family dwellings and as an alternative to strata titling. The demonstration would also be useful for participants in visioning programs to help determine if rowhouse zoning should be supported in their areas. The new housing form criterion is therefore met.

**Improved Affordability:** This criterion is met. This Neighbourhood Housing Demonstration Project proposes to make better use of a large single-family lot in a city with a rapidly expanding population. Each principal dwelling unit in this proposal maintains important built-form elements of the traditional one-family dwelling. The secondary dwelling units, adjacent to the lane, add a modest component of affordability for both the home owners and the renters. The rental income from the secondary dwelling units provides mortgage assistance for the owner, and the smaller secondary dwelling units provide an affordable and high quality rental opportunity.

The rowhouse units are targeted to empty nesters, however the units are also suitable for families. The applicant intends to live in one of the rowhouse units and sell the remaining two units; however, it should be noted that owner occupancy will not be required in this rezoning.

The applicant advises that the secondary dwelling units, located on top of the garages at the rear of the site, could be used either as an in-law suite, or rented out if an owner wished to do so. The secondary dwelling units would be suitable to single mature adults who want to be in a choice location near a large park and with convenient public transportation to downtown Vancouver or Richmond. The units would also be suitable for students attending university or college.

Throughout the city's single-family ("RS") residential zones, the opportunity exists to enable a homeowner to have a secondary suite in their house, provided the suite is not strata titled. Typically, these secondary suites are located in the basement. Further while the use is permitted, the opportunity is not always pursued. In this case, the secondary dwellings will be built as part of the comprehensive development. They will be above grade and separate from the principal dwelling unit, providing improved liveability and flexibility. Further, while

there would be one secondary suite possible on this site under existing zoning there will now be three. Staff believe a measure of affordability is achieved through the provision of smaller principal units and secondary suites (e.g., smaller alternative to what is currently available in the area - single family housing on large lots).

The Director of Real Estate Services has reviewed this proposal and concludes that the rezoning and subdivision of the site will not result in any increase in land value beyond the normal profit allowed by the City's standard bonussing process. Therefore, there is no opportunity to convert any increase in land value to improved affordability in this development.

**Degree of Neighbourhood Support:** This criterion is met. Prior to submitting a rezoning application, the applicant held an open house with area residents to seek feedback on the proposal. The open house was held at the Holy Name Catholic Church on March 22, 2006 and was attended by about 35 residents, most of whom were generally receptive to the proposal. Plans and a perspective were available for viewing at the meeting. Housing Centre staff attended the meeting.

After the rezoning application was received, a notification letter was sent to 235 property owners within the notification area (see map on page 3) on July 6, 2006. Rezoning information signs were posted on the site on July 5, 2006.

In response, staff received one phone call expressing concern about the proposed height of three storeys. Five e-mails were also received, three in support of the rezoning. Those in support noted that this is an ideal location to demonstrate a new housing form and tenure, close to public transportation. The remaining two e-mails expressed concerns about the "modernist" design, privacy implications for the immediate neighbours, increase in traffic and the lack of a comprehensive planning review with the community as to how the area may evolve. The details of public input are outlined in Appendix D.

The applicant advises that many people have contacted him expressing support for the proposal recognizing that housing along Cambie Street will change with the advent of the Canada Line.

Staff conclude this criterion is met, noting that there has been very little response from the immediate neighbourhood since the application was submitted in June, 2006.

**Density:** Under the current RS-1 zoning, the maximum permitted floor space ratio (FSR) is 0.60. However, to reduce bulk and massing, the RS-1 zoning limits above grade FSR to 0.20 plus 130 m<sup>2</sup> (1,400 sq. ft.). If the site is larger than 18.2 m (59.7 ft.) in width, the above grade FSR can be conditionally increased to 0.30 FSR plus 93 m<sup>2</sup> (1,001 sq. ft.).

If the site were to be re-developed under current RS-1 zoning provisions, the total permitted floor space would be 556.8 m<sup>2</sup> (5,993.3 sq. ft.), of which 352.8 m<sup>2</sup> (3,797.3 sq. ft.) could be located above grade. Because the site is 24.4 m (80 ft.) in width, the amount of above grade FSR could increase to 371.4 m<sup>2</sup> (3,997.6 sq. ft.).

Proposed is a floor space ratio of 1.0 of which 818.2 m<sup>2</sup> (8,807 sq. ft.) is all above grade. There is also 97 m<sup>2</sup> (1,044 sq. ft.) of below grade storage and mechanical space. By

comparison, recently approved and constructed multi-family dwellings along arterials range in density from 1.0 to 1.2 FSR.

Staff have considered whether there is a rationale for the rowhouse building to be significantly larger above grade than would be permitted for a one-family dwelling under RS-1. One logical argument is that the above grade space in the rowhouses is needed for the principal rooms (e.g., living room, kitchen, bedrooms) for three units, whereas under RS-1 there is sufficient above-grade floor area in a one-family dwelling for all these rooms, with surplus space available for basement-type activity or for a secondary suite. For this proposal, the secondary dwelling units (e.g., secondary suites) are located on top of the garages at the rear of the site, and not within the principal rowhouse dwelling units.

**Height and Form of Development (Note Plans: Appendix E):** The proposed form of development comprises a rowhouse form oriented towards Cambie Street, and secondary dwelling units located on top of garages at the rear of the site.

The neighbourhood where the site is located is zoned RS-1 which permits an outright height of 9.2 m (30.18 ft.) or 2½ storeys. The rowhouse form is a flat roof, modernist building which is 2½ storeys high, plus a below grade storage/mechanical basement. The proposed development is marginally higher (9.76 m/32.02 ft.) than the RS-1 outright height, and staff recommend that the height be reduced to a maximum height of 9.2 m (30.18 ft.), measured from base surface (refer to Appendix C - condition (b)(i)). The secondary dwelling units are also accommodated in flat-roofed buildings, however at a lower height of 7.4 m (24.3 ft.), measured from base surface.

On October 11, 2006 the Urban Design Panel supported (3-2) the three-storey, contemporary flat roof design, the use and density, and focussed its comments on general directions for further design development.

Staff support the proposed form of development and recommend several design development conditions to improve the development's neighbourliness and interface with the street edge, as well as improvements to the residential liveability of the units, building massing, 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 neighbourliness and interface with the street edge by minimizing grade alterations at the property line, reducing overlook to neighbouring properties and providing a softer landscape edge at the property line;
- improve the liveability of the dwelling units by increasing daylight access and reducing shadowing on adjacent dwelling units, and by increasing the amount of accessible open space for all units;
- provide well resolved building massing, architectural detailing with high quality building materials and finishing; and
- provide improved landscaping.

**Project's Response to the Riley Park/South Cambie (RPSC) Community Vision:** Council approved the RPSC Vision in November, 2005. The Vision enables rezoning applications to be considered for Neighbourhood Housing Demonstration Projects (NHDPs) without additional area planning because they further city-wide policies. In considering a NHDP, a project must

demonstrate a new housing form in the neighbourhood, improved affordability and a degree of neighbourhood support. In addition, the NHDP needs to conform to the Vision Directions about type, location and scale.

During the Visioning process, participants suggested that some additional types of housing would be needed by RPSC residents in the future. One of these suggested housing types is rowhousing. While Vision Direction 15.5 “to allow for more traditional rowhouses” did not receive majority votes in the survey, it did receive more agree votes than disagree votes as a possible housing type for future consideration. A NHDP, if approved, would enable a new housing form to be demonstrated in the area which helps to inform future area planning studies in the community.

The rezoning proposes ground oriented housing at the corner of West 33<sup>rd</sup> Avenue and Cambie Street, adjacent to Queen Elizabeth Park and the Canada Line. This is consistent with approved Vision Direction 16.1 “new housing types should be permitted on corner lots” and Vision Direction 16.3 “new housing types should be permitted around parks...”.

**Comments from the Subdivision Approving Officer:** “A previous rezoning initiative at 33<sup>rd</sup> Avenue and MacKenzie Street sought to develop three rowhouse dwellings on separate, conventional legal parcels each being about 4.6 m (15 ft.) in width. The current proposition at 4887 Cambie Street differs in that the site would be subdivided into three legal parcels each being about 8.2 m (27 ft.) in width. Each parcel would then be developed with a principal dwelling, attached to its neighbour in a rowhouse configuration and a secondary (infill) dwelling adjacent to the lane combined with parking and other accessory uses.

The concerns which the Approving Officer expressed with the earlier initiative remain with this proposal. This proposal represents a combination of building form and legal relationships among owners that is unique to the market. The rights, responsibilities, obligations and limitations of ownership will need to be clearly expressed to clarify how this differs from ownership of a conventional legal parcel. In particular, the extent to which an owner may not independently alter their development or redevelop their parcel, will represent a fundamental departure from what ownership of a conventional legal parcel has traditionally provided.

The absence of a standard “Party Wall Agreement” to clearly and comprehensively define these limitations in a consistent manner for projects of this type will lead to parcels that have varying attributes. This variety will further increase misunderstanding, upset and possible litigation. Even with Provincial legislation that carefully and comprehensively addresses strata lots and strata corporations, which have now been in the local market for over 20 years, considerable consumer misunderstanding remains.

In contemplating a future subdivision application to create conventional parcels for the purpose of accommodating adjoining dwellings, the Approving Officer is again indicating that it will be a challenge to conclude an acceptable party wall agreement to address the interrelationship between adjoining owners sharing a common wall as distinct from adjoining but independent walls. None of the available examples of party wall agreements reviewed to date from elsewhere will suffice. The contemplated subdivision will require a continued search for information and experience with “Party Wall Agreements” elsewhere.

The rezoning applicant appreciates the Approving Officer's concerns and is assisting in this exploration. The Approving Officer believes that the rezoning applicant understands the Approving Officer's necessity in providing clarity via a comprehensive and robust "Party Wall Agreement" and shares the belief that this can be prepared, for concurrent registration with a plan of subdivision that will facilitate the intended development."

**Party Wall Agreement:** Freehold tenure row housing offers an alternative to both the detached single family dwelling and strata titled development.

Party wall agreements are a frequent requirement of freehold tenure rowhouses where these agreements typically set out such things as the location of the party wall; the procedure for its initial construction and alterations; the right to maintain it; and a process to follow in the case of partial or total destruction. These agreements also stipulate how costs will be shared, and provide a mechanism for resolving disputes.

A number of Lower Mainland municipalities have approved freehold tenure row housing and as part of the approval process, required party wall agreements to be registered against the title to the property. Notwithstanding, freehold tenure row housing is unique to Vancouver, and due diligence needs to occur with respect to the party wall agreement. In proceeding with this rezoning proposal to Council, the City will need to satisfy itself that an appropriate party wall agreement can be put in place as a condition of zoning by-law enactment (refer to Recommendation B).

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

"The Housing Centre supports this demonstration project as a modest means of densification in combination with freehold tenure rowhousing. This is an approach that has been attempted on two previous occasions but for reasons to do with comparative costs and lack of neighbourhood support, has not happened to date. Staff believe that as another tenure mechanism, it can be utilized to gain support for the related form of development because of the subtle differences to the more common form of condominium ownership.

The applicant has also offered the further benefit to this project in terms of the proposed rental suite component. The rental component will provide the real opportunity for a portion of each of the rowhouses to be treated as flex space. It can be rented out to a second party, or used to provide living accommodation for an elderly parent or older children. This kind of flexibility is one that Planning and Housing Centre staff have been seeking in the larger new community projects and it is a credit to the applicant that it can also be accommodated at this smaller scale as well.

The only condition staff wish to seek in respect to the project is registration of a "no stratification" agreement on each of the proposed parcels to restrict stratification of the small rear secondary dwelling units from the principal rowhouse dwelling, to the satisfaction of the Director of Legal Services."

**Public Benefit (Development Cost Levy):** A required Development Cost Levy (DCL) of \$1.75 per square foot will be paid towards public benefits at the building permit stage.



## FINANCIAL IMPLICATIONS

The Director of Legal Services may be approaching Council to seek funding to undertake additional research regarding party wall agreements.

## CONCLUSION

Planning staff conclude that the rezoning application can be supported as a Neighbourhood Housing Demonstration Project on the basis that the proposal satisfies all three NHDP criteria. Overall, the project responds well to the Riley Park/South Cambie Community Vision and will make an important contribution to providing alternative housing choices in the community.

The Director of Planning recommends that the application be referred to a Public Hearing and approved, subject to conditions which address improved neighbourliness, liveability and design and subject to the City Manager and the Director of Legal Services approving the party wall agreement required for the freehold tenure rowhouses.

\* \* \* \* \*

## 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.

### Uses

- Row Housing, which means two or more dwelling units, on a horizontal plane, connected only by party walls at the lot boundaries between the units;
- Accessory Buildings consisting of a single garage and a double garage straddling the other two lots, with a dwelling unit above each; and
- Accessory Uses customarily ancillary to the above uses.

### Density

- The number of dwelling units must not exceed six.
- The floor space ratio for all permitted uses must not exceed 1.0. For the purpose of computing floor space ratio, the site is deemed to be 926.5 m<sup>2</sup>, being the site size at the time of application for rezoning, prior to any dedications.
- Computation of floor space ratio must include:
  - all floors, including earthen floor, measured to the extreme outer limits of the building;
  - stairways, fire escapes, elevator shafts and other features which the Director of Planning considers similar, to be measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located; and
  - where the distance from a floor to the floor above or, where there is no floor area to the top of the roof joists, exceeds 3.7 m, an amount equal to the area of the floor below the excess height.
- Computation of floor space ratio must exclude:
  - open residential balconies or sundecks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that the total area of all exclusions must not exceed 8 percent of the permitted residential floor area;
  - patios and roof gardens if the Director of Planning first approves the design of sunroofs and walls;
  - where floors are used for off-street parking and loading, those floors or portions thereof not exceeding 7.3 m in length so used which are located in an accessory building located within 7.9 m of the ultimate rear property line;
  - areas of undeveloped floors located:
    - above the highest storey or half-storey and to which there is no permanent means of access other than a hatch, or
    - adjacent to a storey or half-storey with a ceiling height of less than 1.2 m
  - floors located at or below finished grade with a ceiling height of less than 1.2 m;

- covered porches if:
  - they face a street or a rear property line and are located at the basement or first storey;
  - that portion facing the street or rear property line is open or protected by guard rails, the height of which must not exceed the minimum specified in the Building By-law,
  - the total area being excluded does not exceed 5 percent of the permitted floor area; and
  - the ceiling height, including roof structures, of the total area being excluded does not exceed 3.1 m measured from the porch floor;
- where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness.

### Height

- For rowhousing, a maximum of 9.2 m or 2½ storeys measured from base surface.
- For accessory buildings, a maximum of 7.6 m measured from base surface.
- Party walls between dwelling units may project as vertical parapets 0.6 m above the maximum height.

### Setbacks

- A minimum setback of 1.8 m from the north property line.
- A minimum setback of 1.8 m from the south property line.
- A minimum setback of 16.5 m from the west property line.
- A minimum setback of 4.3 m from the east property line.

### Parking and Bicycle Spaces

- Parking and bicycle spaces to be provided, developed and maintained in accordance with the applicable provisions of the Parking By-law, including the availability of relaxation and exemption provisions, except for residential dwelling units, parking must be provided at the rate of 0.25 spaces per dwelling unit plus one space for every 120 m<sup>2</sup> of gross floor area, or one parking space per dwelling unit.

**SUBDIVISION BY-LAW AMENDMENT**

A consequential amendment is required to delete Lot 9, Block 819, D.L. 526, Plan 7221 from the RS-1 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 Eikos Planning Inc. and stamped "Received Planning Department (Rezoning Centre) June 20, 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

##### General

- (i) design development to reduce the height of the building to a maximum height of 9.2 m (30.18 ft.);

##### Grade Transition

- (ii) design development to improve the grade transition at the street and interior property lines;

**(Note to Applicant:** The alteration of existing grade should be minimized at the property line by reducing the height of retaining walls as much as possible, to enable a more open and softer edge condition at the property line. Retaining walls, where required, should be stepped or terraced, not exceeding 2½ feet in height. Provide detailed grade information on the drawings indicating existing and proposed grades.)

##### Neighbourliness

- (iii) design development to improve privacy between neighbours, reducing overlook between the proposal and the northerly property;

**(Note to Applicant:** This can be achieved by the following:

- increase the front yard setback of the northerly principal dwelling unit by approximately 4 feet;
- reduce the number and area of clear glazed windows facing the interior side yard and orient windows away from the interior side yard, where possible, by stepping of the building massing and through bay projections;

- modify the roof deck so it is further away from the interior side yard and provide landscape screening; and
- provide additional landscaping at the interior side yard.)

#### Liveability

- (iv) design development to improve liveability by increasing daylight access and reducing shadowing on adjacent dwelling units;

**(Note to Applicant:** This can be achieved by the following:

- provide windows on the east wall of the secondary dwelling units while maintaining privacy with the principal dwelling units;
- enlarge the clerestory windows of the secondary dwelling units;
- enlarge and/or add more windows on the West 33<sup>rd</sup> Avenue facades;
- reduce the depth of the deeply recessed windows, second floor, principal dwelling units; and
- diminish the extent of projecting party walls at the roof deck level, utilizing lighter and lower in height screening and/or additional landscaping to meet privacy needs.)

- (v) design development to improve liveability, by increasing the amount of accessible open space for all dwelling units;

**(Note to Applicant:** This can be achieved by the following:

- increase the separation between the principal and secondary dwelling units by approximately 4 feet. [Note: This will likely necessitate a reduction in building depth of the principal dwelling]; and
- reduce the size of the rear deck to enable a more gradual transition to grade and a larger lawn area.)

#### Architectural Expression

- (vi) design development to refine architectural expression and detailing:

**(Note to Applicant:** This can be achieved by the following:

- reduce the thickness and visual prominence of the exposed party walls;
- lightening and simplifying detail elements; and
- incorporate a lighter and warmer, brick colour.)

#### Fire Access and Entry Identification

- (vii) confirmation on proposed addressing and fire access through the site, providing gated access through the rear yards and clearly identifying points of access and entry into all dwelling units;

**(Note to Applicant:** All three rear units facing the lane must have addresses posted in the lane. A graphic **must** be provided along Cambie Street to clearly indicate the location and address of all six units.)

- (viii) make suitable arrangements, to the satisfaction of the Chief Building Official and the Director of Legal Services, to provide an unobstructed path of travel from the street to the main entry of the centre rear unit for Fire Department access purposes;

**(Note to Applicant:** Should fences be provided along the path of travel, unlocked gates must be provided to ensure unobstructed access).

#### Subdivision

- (ix) approval by the Subdivision Approving Officer and registration of a subdivision plan to create three parcels to fit the rowhouse proposal unless, at the sole discretion of the Approving Officer, registration of the plan would best be deferred until construction has sufficiently progressed on the party walls;

#### Acoustics

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

#### Landscape

- (xi) design development to provide a visual amenity to the street by realigning the walkway south off the southernmost infill, so that it exits to the flanking street, instead of the lane. The side yard south of the infill should be planted with a mixture of deciduous and evergreen shrubs;
- (xii) provide one additional Magnolia Tree in the rear yard in order to provide screening of the main buildings. The Magnolia could be placed next to the north unit, in the planter where three smaller Maples are proposed;
- (xiii) provide at the time of complete development permit application a full Landscape Plan. The Landscape Plan should illustrate plant materials (with common and botanical names, plant sizes and quantities), paving, walls, fences, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale;
- (xiv) provide at the time of full development permit application large scale sections (1/4" = 1' or 1:50) illustrating the rear yard planters, retaining walls and proposed and existing grades. The section should run east to west; and

#### Crime Prevention through Environmental Design (CPTED)

- (xv) design development to take into consideration the principles of CPTED.

## AGREEMENTS

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall:
- (i) achieve preliminary approval from the Subdivision Approving Officer for a subdivision to create three parcels to fit the rowhouse proposal, noting that a condition of final subdivision approval will be a party wall agreement to the satisfaction of the Director of Legal Services;
  - (ii) make arrangements, to the satisfaction of the Director of Legal Services, for an agreement committing the proposed development to be governed by a party wall agreement drawn to the satisfaction of the Director of Legal Services and the City Manager;
  - (iii) make arrangements to the satisfaction of the Director of Legal Services, in consultation with the Director of Planning, to prohibit strata titling of the small rear secondary dwelling unit from the principal dwelling; and
  - (iv) 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 review and approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged.

Where the Director of Legal Services 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 affecting the subject site, as is considered advisable by the Director of Legal Services, and otherwise 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 926.5 m<sup>2</sup> (9,972.8 sq. ft.) site is comprised of a single parcel at the northwest corner of West 33<sup>rd</sup> Avenue and Cambie Street. The site has a frontage of 24.4 m (80 ft.) along Cambie Street and a depth of 38.1 m (124.9 ft.). The site slopes approximately 2.7 m (9 ft.) from south to north.

The site is zoned RS-1 and is developed with a one-storey plus basement ranch style one-family dwelling. To the north and west, across the lane, are one-family dwellings, of mixed ages, sizes and styles. The southwest corner contains a modern style church. To the east, is Cambie Street with its divided median, the easterly portion of which will accommodate the Canada Line, now under construction. Further to the east, is Queen Elizabeth Park and additional one-family dwellings.

**Proposed Development:** Proposed, is a three-unit multiple dwelling, or "rowhouse" in a three-storey, flat roof modernist design. The foundation and party walls will be of concrete and the rest will be wood frame construction with some concrete in the floors. The two end units would be 6.07 m (19.9 ft.) wide and contain three bedrooms. The centre unit would be 8.14 m (26.7 ft.) wide and also contain three bedrooms. A 32.3 m<sup>2</sup> (348 sq. ft.) basement in each unit would be used for elevator, mechanical and storage purposes. Three secondary dwelling units, each containing one bedroom, are located on top of garages at the rear of the site. Six on-site parking spaces are provided.

**Public Input:** A notification letter was sent to 235 property owners on July 6, 2006 and a rezoning information sign was posted on the site on July 5, 2006. The applicant hosted an open house on March 22, 2006 at the Holy Name Catholic Church, and 35 residents attended.

A summary of all comments received as of November 28, 2006 is as follows:

- what is the City's overall plan for our surrounding neighbourhood?
- what are the City guidelines regarding a "Neighbourhood Housing Demonstration Project"?
- what is being demonstrated with this specific project?
- the City has not engaged in a comprehensive view of how this area should evolve;
- this multiple dwelling's "modernist" structure does not fit in this area;
- there are significant privacy concerns associated with this design;
- why would the City allow for a secondary dwelling unit to be built on top of a garage?
- the proposed redevelopment adds significant traffic to an already congested intersection;
- concern about a three storey development, don't believe it is an acceptable form of development at this location;
- excellent location for a demonstration of fee-simple rowhouses;
- we need to densify for efficiency and to meet demand, also like the idea of coachhouses in the back; and
- it is an excellent proposal. It will create more support for the future transit system along this Cambie 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.

**Comments of the Chief Building Official:** The Chief Building Official offers the following comments:

“In order to ensure Fire Department access to the centre rear unit facing the lane, a right of way agreement will be required for the two end properties (northern and southern most property). This agreement must state that an unobstructed path of travel must be maintained from the street to the main entry of the centre rear unit. Should fences be provided along the path of travel, unlocked gates must be provided to ensure unobstructed access. All three rear units facing the lane must have addresses posted at the lane. A graphic must be provided along Cambie Street to clearly indicate the location and address of all six units.”

**Processing Centre - Building:** Staff have reviewed the architectural drawings prepared by Eikos Planning Inc. submitted on June 20, 2006 and there are no significant issues.

**Urban Design Panel Comments:** The Urban Design Panel reviewed this proposal on October 11, 2006 and supported the proposed use, density and form of development and offered the following comments:

“Panel’s Consensus on Key Aspects Needing Improvement:

- There was generally support for the use and density but also concern about liveability in some of the units, particularly in the rear.
- Design development to refine the architectural expression of the party wall/firewalls and their extension beyond the wall and roof surfaces.

Related Commentary:

The Panel supported this application.

With respect to density, one Panel member felt it could go higher while the majority supported the use and density as proposed.

Some members also felt the project was designed to respond to Cambie Street but did not respond well to the 33<sup>rd</sup> Avenue frontage. The north and south elevations are identical, yet one is an interior lot side elevation and the other is a south facing street frontage.

The Panel felt that there was a significant issue around liveability especially in the rear units with regards to light and outdoor living. One Panel member felt the floor plan in the rear units could use some refinement with regards to bathroom placement and bedroom proportions. Several other members felt more windows could be added especially on the south side of the project. There was also concern regarding privacy between the entries to the lane units and the rear deck and the dining spaces in the street front units. Landscaping and screening should be designed to address this.

The Panel was concerned about the emphasis of the fire/party wall feature and felt they could be better integrated into the design so as not to be so strongly emphasized in the architectural expression. The extension of these walls as balcony privacy screens was seen as excessive. The penthouse top floor elements on the street front units could be better integrated into the building form so as not to appear as add-ons.

On the whole, the Panel felt this was a supportable project.

**Environmental Implications:** Nearby access to transit and commercial services may reduce dependence on the 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:

"In 2005/2006 prior to making this fee simple rowhouse application, I visited while on business a number of Canadian cities including Ottawa, Toronto, Halifax, St. John and St. John's. I spoke to several planners and developers about fee simple townhouses, and discovered that this form of housing has been in existence, with various party wall agreements, for (in some cases) over 100 years. It is a popular form of housing, not only in these locations, but also in most great cities of the world.

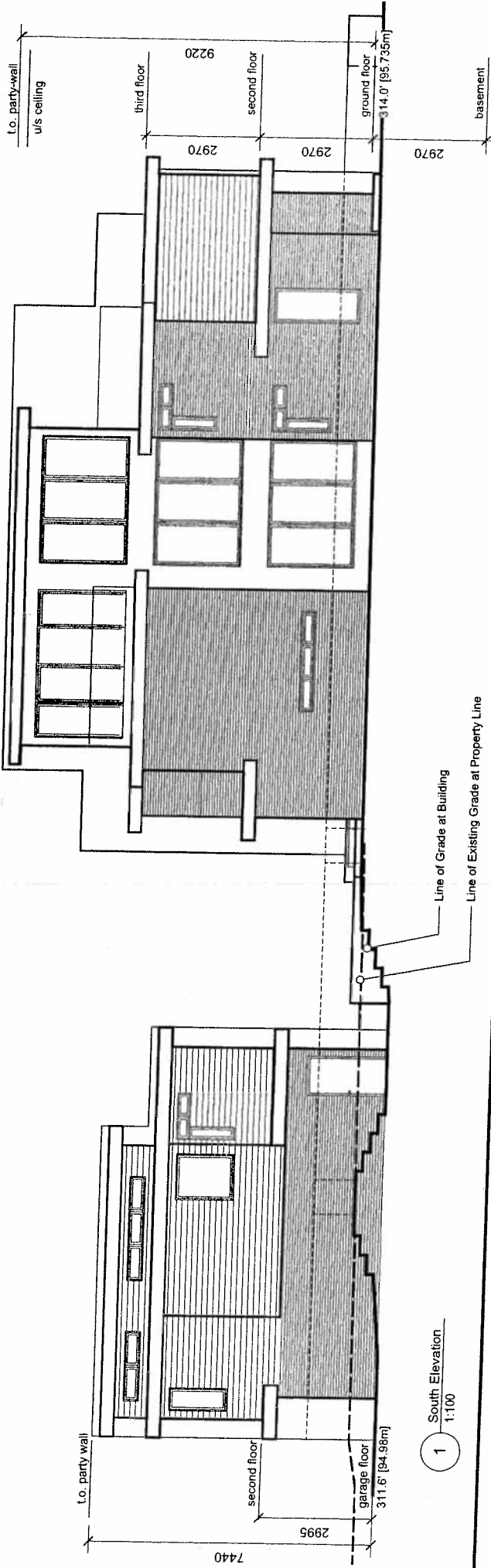
One consistent design suggestion they made, regarding the party wall aspect of the fee simple townhouse, was that I should project the party walls past the roofs separating the rowhouses. If a leak should happen on one roof it will thus not affect the adjacent roof(s).

This advice was taken and my design team and I found this worked best with a 'West Coast Contemporary Design'. It is my opinion that more people are finding contemporary design is in fashion. Have a look at most articles on home design in the newspapers and magazines. Cambie Street is a good location to demonstrate this, in my opinion, and the many positive comments about the buildings' design bear this out.

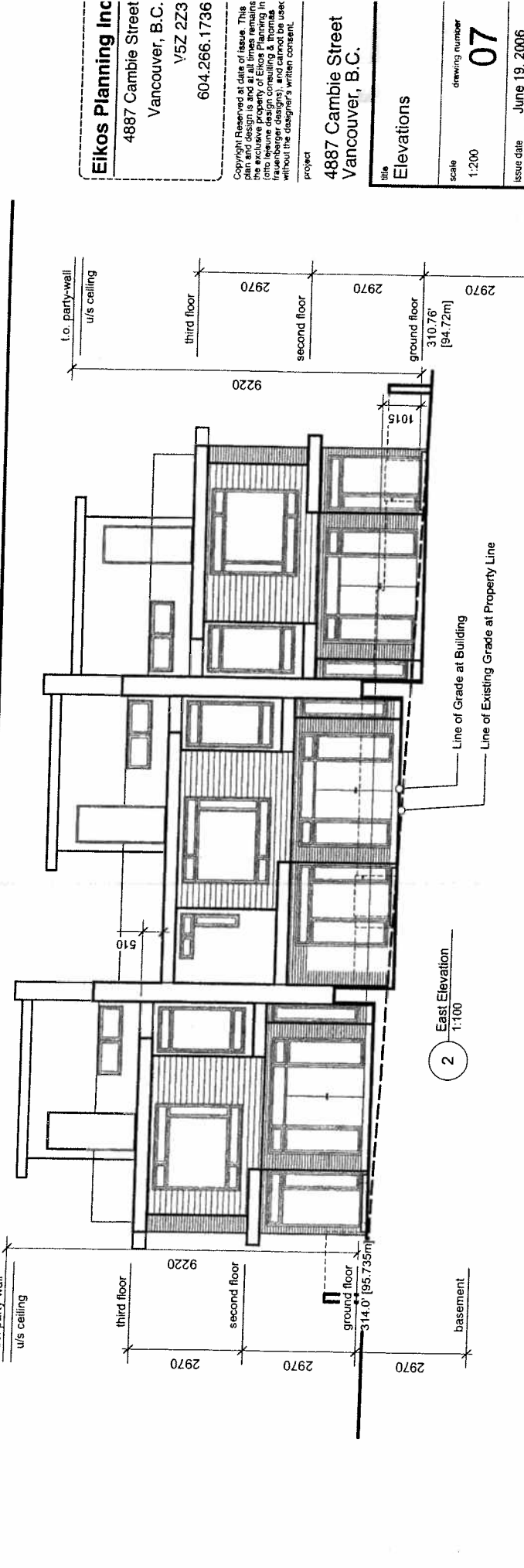
City staff have been helpful and in their individual capacities have contributed to this application. Fee simple rowhousing has been encouraged in the Planning Department for years. My design team has already accepted the design comments outlined in this report and we have found workable solutions. My lawyer, Ewen Cameron, is experienced with party wall agreements and we will work with the Legal Department to ensure stated concerns are met.

One final thing, although it is not officially part of this demonstration, this project will strive to meet LEED Silver standards."





1 South Elevation  
1:100



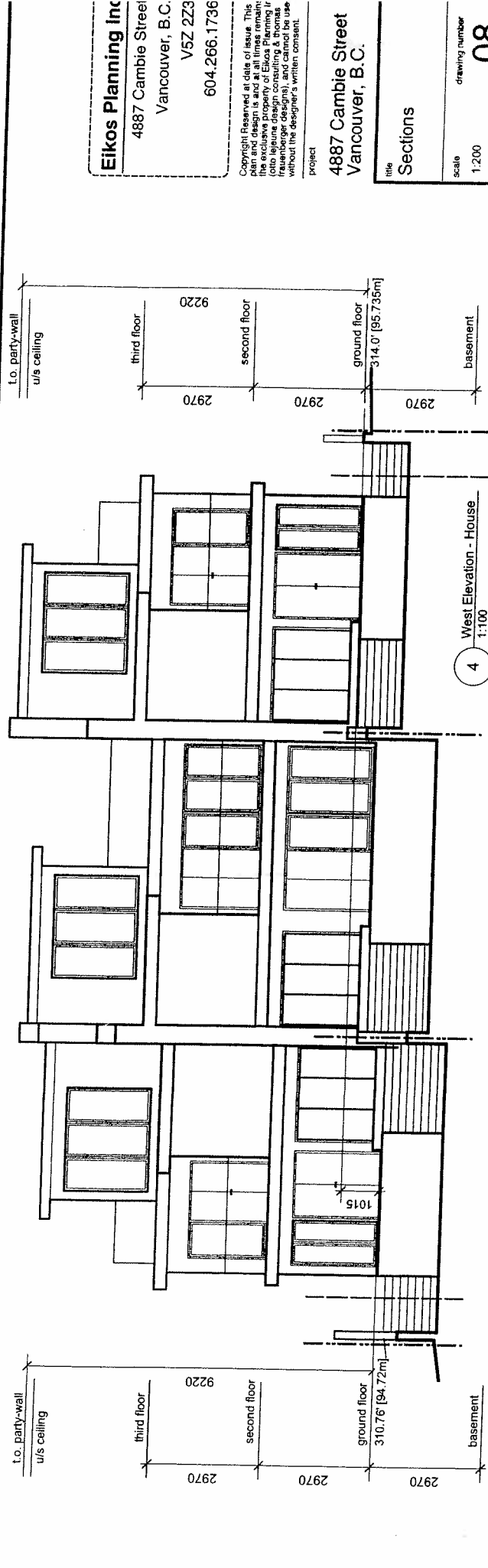
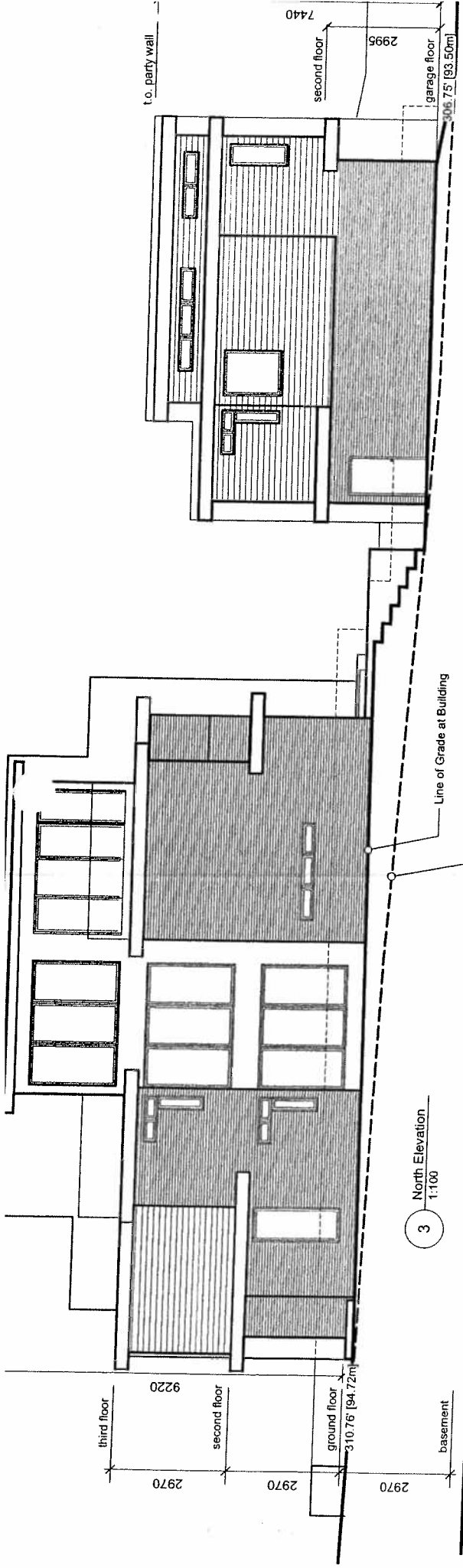
2 East Elevation  
1:100

**Eikos Planning Inc**  
4887 Cambie Street  
Vancouver, B.C.  
V5Z 2Z3  
604.266.1736

Copyright Reserved at date of issue. This drawing and its contents remain the exclusive property of Eikos Planning Inc. No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the designer's written consent.

Project  
4887 Cambie Street  
Vancouver, B.C.

|                             |                             |
|-----------------------------|-----------------------------|
| Title<br><b>Elevations</b>  |                             |
| Scale<br>1:200              | Drawing number<br><b>07</b> |
| Issue date<br>June 19, 2006 |                             |



**Eikos Planning Inc**  
4887 Cambie Street  
Vancouver, B.C.  
V5Z 2Z3  
604.266.1736

Copyright Reserved at date of issue. This plan and design is and at all times remain the exclusive property of Eikos Planning Inc. No part of this design may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the designer's written consent.

Project  
**4887 Cambie Street**  
Vancouver, B.C.

|                |               |
|----------------|---------------|
| title          | Sections      |
| scale          | 1:200         |
| drawing number | 08            |
| issue date     | June 19, 2006 |



APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

|                   |                                       |
|-------------------|---------------------------------------|
| Street Address    | 4887 Cambie Street                    |
| Legal Description | Lot 9, Block 819, D.L. 526, Plan 7221 |
| Applicant         | Art Cowie, Eikos Planning Inc.        |
| Architect         | N/A                                   |
| Property Owner    | Art and Cathy Cowie                   |
| Developer         | Art Cowie, Eikos Planning Inc.        |

SITE STATISTICS

|           | GROSS                                     | DEDICATIONS | NET                                       |
|-----------|-------------------------------------------|-------------|-------------------------------------------|
| SITE AREA | 926.5 m <sup>2</sup><br>(9,972.8 sq. ft.) | N/A         | 926.5 m <sup>2</sup><br>(9,972.8 sq. ft.) |

DEVELOPMENT STATISTICS

|                        | DEVELOPMENT PERMITTED UNDER EXISTING ZONING                         | PROPOSED DEVELOPMENT                              | RECOMMENDED DEVELOPMENT (if different than proposed) |
|------------------------|---------------------------------------------------------------------|---------------------------------------------------|------------------------------------------------------|
| ZONING                 | RS-1                                                                | CD-1                                              |                                                      |
| USES                   | One-Family Dwelling;<br>One-Family with<br>Secondary Suite          | Multiple Dwelling;<br>Secondary<br>Dwelling Units |                                                      |
| DWELLING UNITS         | 1 (incl. secondary<br>suite)                                        | 6                                                 |                                                      |
| MAX. FLOOR SPACE RATIO | 0.60                                                                | 1.0                                               |                                                      |
| MAXIMUM HEIGHT         | Outright 9.2 m<br>(30.18 ft.);<br>Conditional 10.7 m<br>(35.10 ft.) | 9.2 m (30.18 ft.)                                 |                                                      |
| MAX. NO. OF STOREYS    | 2½                                                                  | 2½                                                |                                                      |
| PARKING SPACES         | 2 required (incl. 1 for<br>secondary suite)                         | 6                                                 |                                                      |
| FRONT YARD SETBACK     | 7.6 m (24.97 ft.)                                                   | 4.3 m (14.0 ft.)                                  |                                                      |
| SIDE YARD SETBACK      | 3.65 m (12 ft.)                                                     | S - 1.8 m (5.9 ft.)<br>N - 1.8 m (5.9 ft.)        |                                                      |
| REAR YARD SETBACK      | 17.1 m (56.18 ft.)                                                  | 16.5 m (54.08 ft.)                                |                                                      |