



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

Report Date: March 27, 2007  
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Meeting Date: April 17, 2007

**TO:** Vancouver City Council

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

**SUBJECT:** CD-1 Rezoning - 5475 Dunbar Street, 3625 and 3641 West 39<sup>th</sup> Avenue

## RECOMMENDATION

A. THAT the application by Robert Cadez of Formwerks Architectural Inc. to rezone 5475 Dunbar Street, 3625 and 3641 West 39<sup>th</sup> Avenue (the East 55 feet of Lot 5, the West 55 feet of Lot 6 and Lot 6, except the east 7 feet now road, all of Block 15, D.L. 2027, Plan 5043) from RS-5 to CD-1 to permit a 10-unit rowhouse, a 4-unit multiple dwelling and an infill two-family dwelling under the Neighbourhood Housing Demonstration Project Program at a floor space ratio of 1.1, be referred to a Public Hearing, together with:

- (i) plans received June 30, 2006 and revised March 1, 2007;
- (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 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

Relevant Council Policies for this site include:

- Neighbourhood Housing Demonstration Project Policy, adopted by Council on January 3, 1996.
- Dunbar Community Vision, adopted by Council on July 28, 1998.

### PURPOSE AND SUMMARY

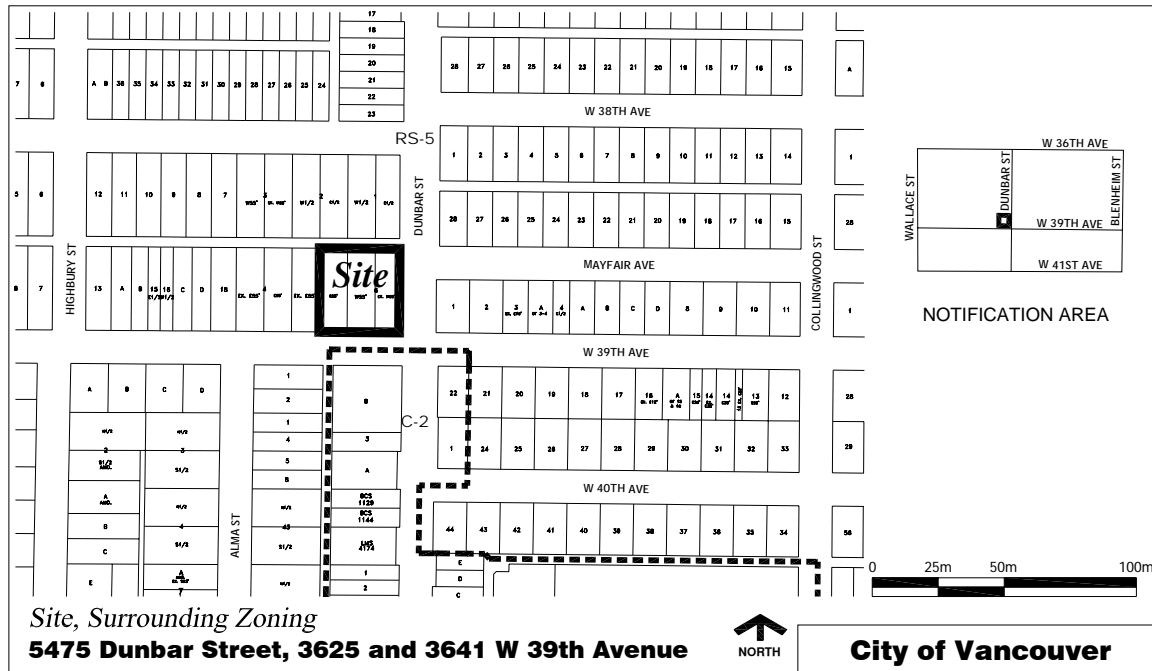
This report assesses an application to rezone the subject site from RS-5 One-Family Dwelling District to CD-1 Comprehensive Development District. The application proposes a Neighbourhood Housing Demonstration Project (NHDP) which would include:

- a 2½ storey multiple dwelling, in a rowhouse form, oriented towards Dunbar Street, containing 10 dwelling units;
- a 2½ storey multiple dwelling oriented towards West 39<sup>th</sup> Avenue containing four dwelling units;
- a 2 storey infill two-family dwelling located in the centre of the site, next to the lane;
- 31 underground parking spaces; and
- a density of 1.1 FSR (floor space ratio).

The proposal meets the criteria to qualify for consideration as a Neighbourhood Housing Demonstration Project, including a new housing form in the neighbourhood, improved affordability and a degree of neighbourhood support. The proposal also provides the type of housing Dunbar residents supported in their Community Vision and in a location and at a scale that fits with the adjacent uses.

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

MAP



DISCUSSION

**Neighbourhood Housing Demonstration Project:** This site is located within the boundary of the Dunbar Community Vision area. The Vision states that rezoning applications will be considered for a NHDP, 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 bonusing process, be converted into improved affordability.

In addition, in Dunbar any NHDP would need to respond to Vision Directions about type, location and scale of new housing. This application is assessed against these criteria.

**New Housing Form:** This criterion is met. The rezoning proposal offers this neighbourhood new low-rise housing types in the form of a 10-unit rowhouse facing Dunbar Street, a four-unit building (e.g., four-plex) facing West 39<sup>th</sup> Avenue and an infill two-family dwelling located in the centre of the site, adjacent to the lane.

While none of these housing types are new in the city, what is new is that none have been introduced into the predominantly one-family dwelling residential community of Dunbar. Currently, there are only two choices available in Dunbar, a one-family dwelling or a dwelling unit above grade-level commercial stores. Although both are excellent forms of housing, both are very different and offer no middle ground for the potential resident in Dunbar looking for something smaller than a one-family dwelling without the characteristics of an apartment-style dwelling unit above stores.

Staff support a demonstration of this type of housing as a way to provide more land-efficient housing, and housing options for young families and for “empty nesters” who wish to continue to live in the area.

**Improved Affordability:** This criterion is met. This Neighbourhood Housing Demonstration Project proposes to make better use of three, single-family lots in a city with a rapidly expanding population. Each dwelling unit in the proposal maintains important built-form elements of the traditional, ground-oriented one-family dwelling such as individual front door entrances and private and/or semi-private yard space.

The applicant advises that the proposed development will offer a range of dwelling units from 139.4 m<sup>2</sup> (1,500 sq. ft.) to 185.8 m<sup>2</sup> (2,000 sq. ft.) with an average price of \$850,000 (as of January 2007). This price range is much less than current prices for a new one-family dwelling in Dunbar which are in the \$1.4 to \$1.7 million range. Staff believe a measure of affordability is achieved through the provision of multi-residential units providing an alternative to what is currently available in the area.

One Neighbourhood Housing Demonstration Program criterion stipulates that any increase in land value generated be invested in increased affordability. The Director of Real Estate Services has reviewed this proposal and concludes that the rezoning will result in a lift in land value. The applicant has offered a contribution of \$210,000 to satisfy the Neighbourhood Housing Demonstration Program criterion that any increase in land value, beyond the normal profit allowed by the City’s standard bonusing process, be converted into improved affordability. These monies are to be allocated to the Affordable Housing Fund and could possibly be used towards assisting in the development and upgrading of secondary suites in the area. Staff recommend that this offer be accepted.

**Degree of Neighbourhood Support:** The Dunbar Community Vision approved by the community and adopted by Council in July, 1998 indicates community support for the provision of new housing types including rowhouses, six-plexes, four-plexes and duplexes. In this particular rezoning, the proposed development provides alternate housing choices in the Dunbar community and enables families and empty nesters to remain in their neighbourhood. It is therefore consistent with the neighbourhood support as expressed in the Vision policy. A complete analysis of public input is outlined in Appendix D.

However, there is also a degree of opposition to the development in the area immediately surrounding the site. While opposition in the immediate area is vocal, this is understandable in that this kind of change is new to the area. There is more support, even within this group for townhouses fronting Dunbar Street, than on West 39<sup>th</sup> Avenue. With the direction of staff, the applicant’s plans have evolved to better address neighbourhood concerns regarding scale, shadowing and privacy. Staff conclude there is, on balance, a degree of community support.

**Density and Form of Development (Note plans: Appendix E):** The proposed form of development is 16 townhouses, located in three separate buildings, with unit sizes ranging from 139.4 m<sup>2</sup> (1,500 sq. ft.) to 185.8 m<sup>2</sup> (2,000 sq. ft.), and one level of underground parking accessed from the lane. Between the buildings is private and/or semi-private open space with pedestrian pathways which provide the residents with access through the site. The proposed development has features of one-family dwellings such as individual front door

entrances, private and/semi-private yard space and floor plans that allow light on at least two sides and through unit ventilation.

A 2½ storey, ground-oriented rowhouse form comprising 10 dwelling units, is situated along the east property line fronting onto Dunbar Street. With most of the units oriented towards the arterial street, the balance of the site accommodates six dwelling units in two buildings (i.e., four-unit multiple dwelling and an infill two-family dwelling) in a form which provides a neighbourly transition to the houses to the west.

The 2½ storey (10.7 m/35.2 ft.), four-unit multiple dwelling fronts onto West 39<sup>th</sup> Avenue. The half-storey is mostly contained within the roof structure bringing down the massing of the building to achieve a 2-storey street presence. The proposed building has a 7.9 m (26 ft.) front yard setback and is equal or shorter in depth to the one-family dwellings on the block. The building's setback from the west property line ranges from 3.6 m (11.9 ft.) to 5.2 m (17.1 ft.) representing more than the required setback of 2.4 m (8 ft.) under the current RS-5 zoning.

The 2-storey (8.2 m/26.9 ft.), infill two-family dwelling is proposed in the centre of the site, next to the lane. The building is 9.1 m (30 ft.) away from the west property line to provide privacy between the site and the property to the west. Most of the 2<sup>nd</sup> storey floor is located within the roof structure, similar to RT-8 infill developments. In addition to the two smaller building types located on the western portion of the site, a landscape buffer has been proposed to ensure privacy to the west. This landscape buffer will include a high hedge and a row of trees which will provide visual separation between the proposed development and the one-family dwelling to the west.

The applicant proposes to provide a wide range of sustainability measures in the proposed development including water usage reduction features (e.g., dual flush toilets, faucet restrictors and low flow showerheads) and energy efficiency features (e.g., energy efficient windows, hot water tanks and boilers).

On October 11, 2006 the Urban Design Panel unanimously supported the proposed form of development. Staff support the proposed form of development and recommend several design development conditions to further improve the development's neighbourliness and interface with the street edge, as well as improvements to the 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 improved neighbourliness by reducing the size and visibility of the parking ramp;
- provide an improved interface with the street edge by providing a more compatible yard setback along West 39<sup>th</sup> Avenue between the proposed four-plex and the rowhouses; and
- provide improved landscaping.

**Parking:** The applicant is proposing a parking provision of 31 spaces located directly underneath the proposed development in below-grade garages. This number of spaces is the amount required as per the current RM-4 standard in the Parking By-law. Staff note that the RM-4 and other parking standards are currently under review, and the General Manager of Engineering Services will be proposing a new parking standard in a report to Council this

spring. The anticipated new parking standard, applied in this rezoning, is expected to require significantly less parking than that of the current RM-4 standard such that the proposed 31 parking spaces should prove ample. Vehicular access to the development is from the lane adjoining the site.

Residents' bicycle parking spaces are located either within each unit's secured garage or within storage space located adjacent to the garage. For visitor cyclists, the Parking By-law threshold is 20 dwelling units, for a minimum of 6 Class B spaces, such that this project would bear no obligation without an explicit requirement as part of rezoning. Given that there are 16 dwelling units in the proposal, a lesser provision for visitors is appropriate; it is recommended that at least 4 Class B bicycle spaces be provided as a condition of rezoning.

**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, comment on transit service level impacts, assess impacts of the proposed development on the 39<sup>th</sup> Avenue "Midtown" bikeway and comment on pedestrian/cyclist safety.

The TIS concluded that the additional traffic generated from the proposed development and its impact on the adjacent streets and bikeway will not be significant and can be managed. Vehicle access to the site is via the existing lane, north of and parallel to West 39<sup>th</sup> Avenue, and the volume of vehicle traffic to be generated by the proposed development is expected to be low. It further concludes that the proposed development is not expected to generate significant new demand for transit and will not, therefore, necessitate changes to existing transit services.

There is a pedestrian actuated traffic signal at the intersection of Dunbar Street and West 39<sup>th</sup> Avenue for the convenience of pedestrians/cyclists crossings in the east-west direction. A marked pedestrian crosswalk is also provided across Dunbar Street between the staggered east and west legs at West 38<sup>th</sup> Avenue. The TIS concluded that given the low number of reported incidents involving pedestrians and/or cyclists occurring at the Dunbar Street and West 39<sup>th</sup> Avenue intersection, no improvements are currently needed at this intersection.

Engineering staff have reviewed the traffic consultant's TIS and generally concur with its findings and conclusions. While in absolute terms the amount of traffic to be generated is not great, local sensitivities to even small increases have been voiced. Transit service is reasonably good, with the Dunbar Loop only two blocks removed, such that a significant share of trips by transit could emerge. With further development ongoing in the Dunbar or 41<sup>st</sup> Avenue corridors, eventually increased transit resources could be required to meet the area's service needs. Although no major transportation improvements are deemed to be requirements of this rezoning application, minor measures such as adding a pedestrian bulge along Dunbar Street at the corner of 39<sup>th</sup> Avenue and provision of some bicycle parking for cycling visitors are recommended.

**Project's Response to Dunbar Community Vision:** Council approved the Dunbar Community Vision in July, 1998. 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 respond to the Vision Directions about type, location and scale.

The rezoning application generally follows the Dunbar Community Vision Directions on type and location of new housing. It proposes to provide housing variety in Dunbar in accordance with approved Vision Direction 7.1 which supports rowhouses, four- and sixplexes and duplexes, and in a location in accordance with approved Vision Direction 7.4 which calls for new housing along arterials. It should be noted, however, that the commentary on Direction 7.4 indicates that "support for new housing is along arterial edges, not along residential streets". Many of the residents who signed the form letters in December 2006 are opposed to new housing on West 39<sup>th</sup> Avenue.

In response to concerns raised about the location of the new housing on West 39<sup>th</sup> Avenue, staff note that at the rezoning enquiry stage, Engineering staff were consulted as to whether a new north-south lane was warranted at the westerly edge of the site. Engineering staff advised that the block was already well served with an existing east-west lane. Most of the development is at the easterly edge of the site, adjacent to Dunbar Street, while the westerly portion is developed with a housing form which is comparable or better in scale to single-family housing to the west. In addition, a substantial landscaped buffer has been provided to mitigate privacy and overlook concerns between the site and the house to the west. This is an equally effective if not superior edge treatment to that achieved with a new north-south lane.

The proposed form of development is at a scale typical for multi-residential projects located along arterials and adjacent to a single-family residential zone. This particular development emphasizes architectural elements that are typical features of a one-family dwelling and in a form which is sensitive to the residential neighbourhood. On balance, staff believe that the site warrants consideration as a location to demonstrate a variety of new housing forms.

**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 Neighbourhood Housing Demonstration Project as it will increase housing choice in the neighbourhood in a ground-oriented form that is more affordable than the single-family houses that predominate. As well, the applicant has offered a cash contribution of \$210,000 to improve affordability. Improving affordability on site by way of a rental covenant was considered but would only allow a single unit to be rented for \$2,000/month for some limited period of time. If the cash contribution is accepted, an appropriate use would be for an incentive program to encourage the upgrading and development of secondary suites in the area. Secondary suites provide the most affordable market rental housing in the area, and investing the \$210,000 contribution in secondary suites will satisfy the Neighbourhood Housing Demonstration Program requirement that the increase in land value be invested in affordability. Developing an incentive program for secondary suites is under consideration as a follow-up to the amendments to the Zoning and Development By-law approved in 2003 that now allow secondary suites in all single-family neighbourhoods in the city."

**Development Cost Levy:** A required Development Cost Levy of \$ 1.75 per square foot will be paid at the building permit stage.

## FINANCIAL IMPLICATIONS

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

## CONCLUSION

Planning staff conclude that the rezoning application can be supported as a Neighbourhood Housing Demonstration Project, on the basis that this proposal provides the type of housing Dunbar residents supported in their Community Vision, in a form that is more affordable than one-family dwellings and suitable for a variety of people, including families with children and 'empty nesters'. There has been clear local opposition to the rezoning and this is understandable given that the number of units and housing types proposed in this rezoning are new to the community. However, based on the provision of new housing, improved affordability and a positive design response and neighbourly treatment of the western edge of the site, staff support the rezoning.

The Director of 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.

### Uses

- Dwelling Uses, limited to Multiple Dwelling and Infill Two-Family Dwelling; and
- Accessory Uses customarily ancillary to the above uses.

### Density

- The multiple dwelling use on the site must not exceed two buildings containing 10 dwelling units in one building and four dwelling units in the other.
- The floor space ratio for all permitted uses must not exceed 1.1. For the purpose of computing floor space ratio, the site is deemed to be 2 428.8 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; and
  - stairways, fire escapes, elevator shafts and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.
- 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;
  - patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;
  - where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which are at or below the base surface, except that the exclusion for a parking space must not exceed 7.3 m in length.
  - amenity areas, recreation facilities, and meeting rooms accessory to residential uses, not to exceed 10% of the permitted floor area;
  - areas of undeveloped floor 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.
  - all residential storage space above or below base surface, except that if the residential storage space above base surface exceed 3.7 m<sup>2</sup> for a dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit;
  - 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 the multiple dwelling, a maximum of 10.7 m measured from base surface.
- For the infill two-family dwelling, a maximum of 8.2 m measured from base surface.

### Setbacks

- A minimum setback of 3.5 m from the west property line.
- A minimum setback of 2.3 m from the south property line.
- A minimum setback of 3.0 m from the east property line.
- A minimum setback of 1.4 m from the north 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 each dwelling unit that has less than 50 m<sup>2</sup> of gross floor area, a minimum of 0.5 space per dwelling unit;
  - for each dwelling unit that has 50 m<sup>2</sup> or more of gross floor area, a minimum of 0.5 space per dwelling unit plus one space for each 200 m<sup>2</sup> of gross floor area, except that no more than 1.5 spaces for every dwelling unit need be provided;
  - there must be at least a 2.3 m vertical clearance for all parking, manoeuvring and access routes within the site to accommodate vehicles serving those with disabilities; and
  - a minimum of four Class B bicycle spaces serving visitors shall be required.

### Acoustics

- A development permit application for dwelling uses shall require evidence in the form of a report and recommendations prepared by persons trained in acoustics and current techniques of noise measurements, demonstrating that the noise levels in those portions of the dwelling units listed below shall not exceed the noise levels expressed in decibels and opposite such portion of the dwelling units. For the purpose of this section the noise level is the A-weighted 24-hour equivalent (Leq) sound level and will be defined simply as the noise level in decibels.

Portion of Dwelling Unit	Noise Level (Decibels)
Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45

**SUBDIVISION BY-LAW AMENDMENT**

A consequential amendment is required to delete the East 55 feet of Lot 5, the West 55 feet of Lot 6, and Lot 6, except the east 7 feet now road, all of Block 15, D.L. 2027, Plan 5043 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 Formwerks Architectural Inc. and stamped "Received City Planning Department, June 30, 2006 and revised March 1, 2007", 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 enclose and combine exit stairs with the building structure and to relocate stair exit from the front property line and main pedestrian entry along West 39<sup>th</sup> Avenue;  
  
(Note to Applicant: Open stair wells to the underground parking are not supported. Consider a second means of egress via the parking ramp, possibly eliminating one of the two exit stairs).
- (ii) design development to the south yard setback at West 39<sup>th</sup> Avenue of the southeast dwelling unit, increasing the yard setback by a minimum of one foot;  
  
(Note to Applicant: A more compatible yard setback along West 39<sup>th</sup> Avenue between the proposed four-plex and the rowhouses is sought).
- (iii) design development to re-align the pedestrian pathway to provide a minimum three foot clearance along the east elevation of the four-plex;  
  
(Note to Applicant: Provide landscaping between the pathway and the four-plex).
- (iv) Design development to minimize the size and visibility of the parking ramp as seen from the neighbour;  
  
(Note to Applicant: Provide detail sections of the ramp slope and at the property line indicating maximum permitted slope and minimum required height clearances. Parking ramp should be well integrated with the landscaping and screened at the side yard [see also condition (b)(v)].

- (v) design development to provide a detailed landscape plan, with particular regard to side yard conditions and maintaining privacy between neighbours;

**(Note to Applicant:** Landscaping along the west side yard should be layered and densely planted to provide screening between neighbours. Provide a strongly defined landscaped edge for the rear patios of the rowhouses immediately adjacent to the pedestrian entry and path off of West 39<sup>th</sup> Avenue).

- (vi) design development for the provision of a corner bulge, adjacent to the corner of Dunbar Street and West 39<sup>th</sup> Avenue, to the satisfaction of the General Manager of Engineering Services;

- (vii) design development to ensure that guest parking at a minimum of 4 visitor (Class B) bicycle spaces is provided in a convenient, visible location;

- (viii) provide clarification on the drawings, indicating the location of the windows of the adjacent building on the west side elevation of the proposed four-plex;

**(Note to Applicant:** Windows should not have direct overlook with neighbours).

- (ix) submit an acoustical consultant's report which assesses noise impacts on the site and recommends noise mitigating measures.

### Landscape

- (x) design development to retain existing trees as a visual amenity for the neighbourhood wherever possible;

**(Note to Applicant:** if retention is not possible, a written rationale is to be provided outlining reasons for removal).

- (xi) provide replacement trees to replace trees removed for development;

- (xii) provide an ISA Certified Arborist written assessment of all existing site trees and neighbouring trees located within 2 m (6.6 ft.) of the development site. The report should include reasons for removal of trees and the arboricultural measures required for the safe retention of site trees and neighbouring trees during and following construction;

- (xiii) provide gated front yards;

- (xiv) provide a legal survey illustrating existing trees 20 cm calliper or greater on the development site, the public realm (property line to curb) including existing street trees, street utilities such as lamp posts, fire hydrants, etc. adjacent to the development site;

- (xv) provide, at the development permit stage, full Landscape Plan illustrating proposed plant materials (common and botanical names), including size and

quantities, paving, walls, fences and other landscape elements including site grading;

- (xvi) provide a Tree Management Plan clearly illustrating all existing tree to be removed and retained, including dimensioned tree protection barriers around all existing trees 20 cm calliper or greater located within 2 m (6.6 ft.) of the property line and around all existing street trees located adjacent to the development site as per City guidelines;
- (xvii) provide written permission from the neighbour confirming agreement on the removal of any jointly owned property line trees in conflict with proposed construction;
- (xviii) obtain permission from the General Manager of Engineering Services for the removal of City-owned trees and for new planting on City property.

(Note to Applicant: For further information, contact Kevin Cavell, Streets Engineering at 604.873.7773);

- (xix) provide a high efficiency irrigation system in all landscape common areas and hose bibs in all private landscaped patio areas;
- (xx) provide section details at a minimum scale of  $\frac{1}{4}'' = 1'0''$  scale to illustrate proposed landscape elements including planters on building structures, benches, fences/gates, arbours and trellises, posts and walls;
- (xxi) provide on the Landscape Plan an outline of the proposed parking garage; and
- (xxii) provide a notation on the Landscape Plan confirming the provision of night lighting.

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

- (xxiii) design development to take into consideration the principles of CPTED having particular regard for:
  - theft in the underground by relocating and re-orienting exit stairs with full enclosure at ground level; and
  - cutting through the site by providing definition at the street and lane setbacks.

#### AGREEMENTS

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall:
  - (i) consolidate the East 55 feet of Lot 5, the West 55 feet of Lot 6 and Lot 6, except the east 7 feet now road, all of Block 15, D.L. 2027, Plan 5043;

- (ii) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of standard public sidewalks on Dunbar Street and West 39<sup>th</sup> Avenue, adjacent to the site;  
  
(Note to Applicant: 1.8 m (5.9 ft.) wide sidewalks are the current standard.)
- (iii) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of a standard concrete lane crossing at the lane south of West 38<sup>th</sup> Avenue on the west side of Dunbar Street, adjacent to the site;
- (iv) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of standard curb ramps at the corner of West 39<sup>th</sup> Avenue and Dunbar Street;
- (v) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of street trees adjacent to the site, where space permits;
- (vi) make arrangements, to the satisfaction of the General Manager of Engineering Service and the Director of Legal 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; and
- (vii) make arrangements, to the satisfaction of the Director of Legal Services for a voluntary cash contribution of \$210,000 to the Affordable Housing Fund.

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 2 428.86 m<sup>2</sup> (26,144 sq. ft.) site is comprised of three parcels located at the northwest corner of Dunbar Street and West 39<sup>th</sup> Avenue. The site has a frontage of 48.1 m (157.8 ft.) along West 39<sup>th</sup> Avenue and a depth of 50.4 m (165.4 ft.) along Dunbar Street.

The site is currently zoned RS-5. The site is developed with two, one-family dwellings and a former church (known as the Sanctuary) which is currently being used for yoga classes and other cultural activities. There are one-family dwellings to the north, west and east of the site. Immediately to the south of the site, the lands are zoned C-2 (commercial) zoning and developed with a gasoline station, and a mix of one- to four-storey buildings.

**Public Input:** Prior to the submission of the application, the applicant held a public information meeting on February 16, 2006 to seek feedback on four site re-development options ranging from single-family cottages and duplexes with coach houses to a variety of rowhouse arrangements. About 50 to 60 people attended, and of the four options presented, a rowhouse form received the most support.

After the rezoning application was received, staff sent out a notification letter to 543 property owners on July 24, 2006. A rezoning information sign was posted on the site on July 26, 2006. In response, staff received phone calls, e-mails and letters from people in the neighbourhood, the majority of who were opposed to the re-development of the site.

On August 16, 2006 City staff and the applicant met with the newly formed Dunbar Vision Implementation Committee to review a revised re-development proposal and discuss timing and format for an Open House.

As part of staff's original notification letter, staff extended an invitation to an open house/public meeting on September 14, 2006 to give the neighbourhood an opportunity to hear a staff explanation of the policy context, to view the drawings, to hear a presentation from the applicant and provide their comments.

The meeting was attended by 47 people, and 27 comment forms were completed. The opinions expressed were mixed, ranging from support for new types of housing forms which are well designed and fit into the neighbourhood, to concerns about the proposed density, increased traffic and congestion, insufficient parking for the development, the loss of a former church, and the affordability of the proposed dwelling units.

Comments from those in favour include:

- Housing style fits into the neighbourhood. Shows insight in what the community can offer with housing in Dunbar for the future.
- Provides a place to move in Dunbar when one is no longer able to live alone in a house.
- Good transition from commercial area. Density is increased in a positive way.
- Controlled development compatible with neighbourhood.
- The rowhouse form is a good alternative to a denser mini-apartment building.



- Aesthetically compatible with surroundings - attractive design and good use of a presently unattractive space. Good buffer with adjacent properties. Good location on bike route.
- The scale seems reasonable for the area. The orientation is good and the underground parking seems reasonable.

Comments from those **opposed** include:

- Increased traffic congestion and residential parking impacts.
- The scale of the project is too large.
- Does not meet the criteria of a Housing Demonstration Project - the proposed housing would not be affordable; does not have neighbourhood support.
- The proposed development does not respect the approved Community Vision because it is partially situated on West 39<sup>th</sup> Avenue (not just the arterial street - Dunbar).
- Loss of mature trees and greenery on the existing site.
- Loss in property values.
- Development would set a precedent in the neighbourhood.

In addition to the comments provided from individuals who attended the public meeting, staff have received 5 letters and 89 e-mails. Of the 89 e-mails received, 24 are within the City's notification area (refer to the map on page 3 of the report); the remaining 65 mails are outside the notification area. Responses received did not support the proposal for similar reasons listed above.

On September 14, 2006, 34 signed form letters were received expressing opposition to the proposed development. The form letters are primarily from residents living on West 38<sup>th</sup> and 39<sup>th</sup> Avenues expressing concerns about increased density and the loss of RS-5 zoned lands in the neighbourhood.

On January 5, 2007 another set of signed form letters were received. Of the 418 letters received, 348 are opposed, 41 are undecided or neutral and 29 support the proposed rezoning. Concerns expressed are the location of new housing types along the local residential street (West 39<sup>th</sup> Avenue), the proposed development's scale and number of units, and whether the development satisfies the NHDP criteria of demonstrating improved affordability relative to other housing types in Dunbar.

Letters have also been received from the Dunbar Residents' Association and the Dunbar Vision Implementation Committee. While acknowledging that the project has merit, both have expressed concern about the location of new housing types along West 39<sup>th</sup> Avenue.

**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 Formwerks Architectural Inc. submitted on June 30, 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 has reviewed the rezoning proposal and has the following comments:

“This application for the rezoning appears to meet the requirements for Fire Department access. The two infill units at the rear of the site may be beyond the 30 m requirement of the Vancouver Building By-law. The applicant shall meet with the Fire Protection engineer to insure all parts of the Fire Department access issues are dealt with. The rowhouse units may require a fire-alarm system with a CACF station, if required.”

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

“The Panel had no substantial concerns with any aspect of this proposal. The Panel unanimously supported this application and thought it was very well handled. The multiple dwelling use and density were supported.

The project was thought to be well handled in terms of its transition from the single family homes in the neighbourhood and the Panel congratulated the applicant on doing a good job as a Housing Demonstration Project and infill for the area.

One Panel member had some concern about the entry to the units off the lane and felt that may be problematic.

One member of the Panel noted that planting mature trees between the RS-5 and the project as buffer would be a good idea.

The Panel felt that this project was sensitively done and should set the standard for any future projects to follow in the area.

Some Panel members noted that the fourplex is pulled back in line with the single family homes on West 39<sup>th</sup> Avenue but the side yard of the townhouses fronting Dunbar are much tighter. The fourplex could move forward slightly. The side yards of the townhouses to the lane and flanking West 39<sup>th</sup> Avenue are tight. It was felt that removing one of the townhouses might be necessary to improve this setback condition.”

**Bicycle Network Sub-committee Comments:** The Bicycle Network Sub-committee reviewed the proposal on October 4, 2006 and offered the following comments:

- there should be easy access from the secure bike storage to 39<sup>th</sup> Avenue. Any stairs giving access should have wheel channels for bikes.
- guest bike parking should be provided in a convenient, visible location.
- Parking access from the lane for motor vehicles is supported.
- A bulge on Dunbar at 39<sup>th</sup> Avenue should be considered.

These comments were considered by the Bicycle Advisory Committee on October 18, 2006 and design development conditions referenced in Appendix C outline improvements to the proposed form of development, to be addressed at the development application stage.

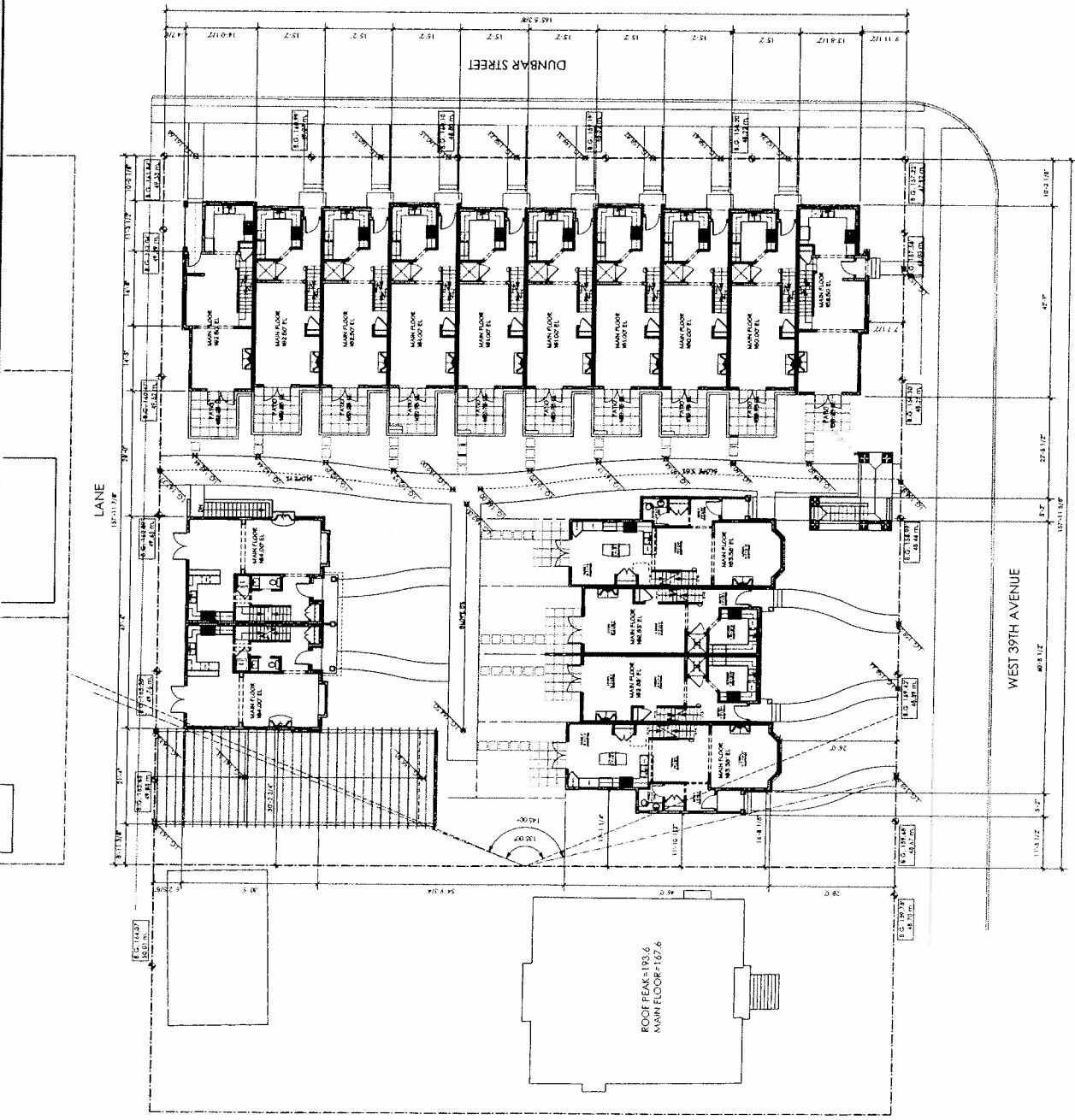
**Environmental Implications:** Nearby access to transit and commercial services may reduce dependence on the use of automobiles.

**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:

"Formwerks Development Corporation accept the terms and conditions as outlined in the preliminary report to Vancouver City Council received March 21, 2007."

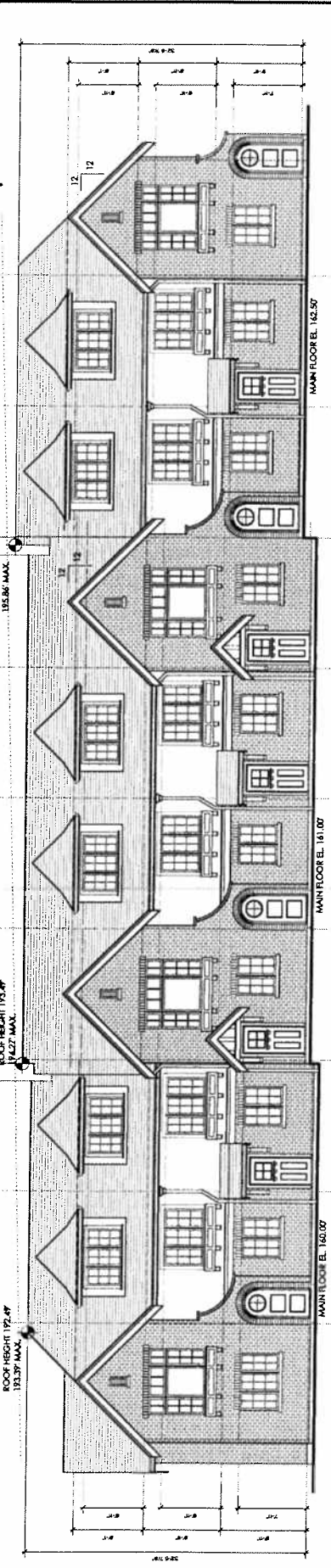
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				<p>SCALE</p> <p>1" = 10'-0"</p> <p>DATE</p> <p>MAY 2004</p>



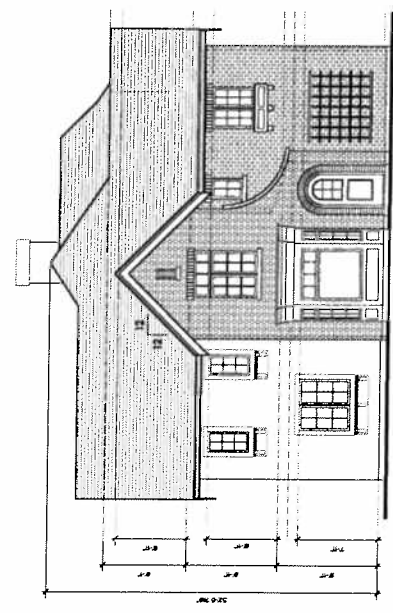
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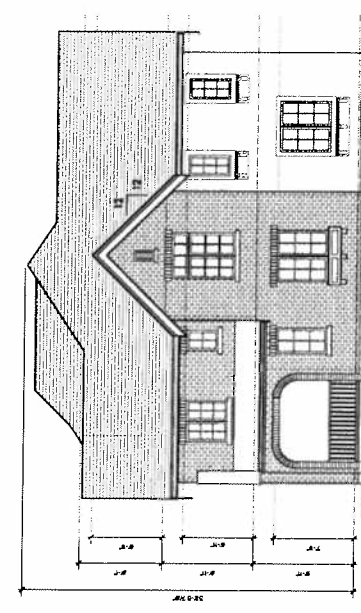
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DUNBAR (EAST) ELEVATION



39TH AVENUE (SOUTH) ELEVATION



LANE (NORTH) ELEVATION



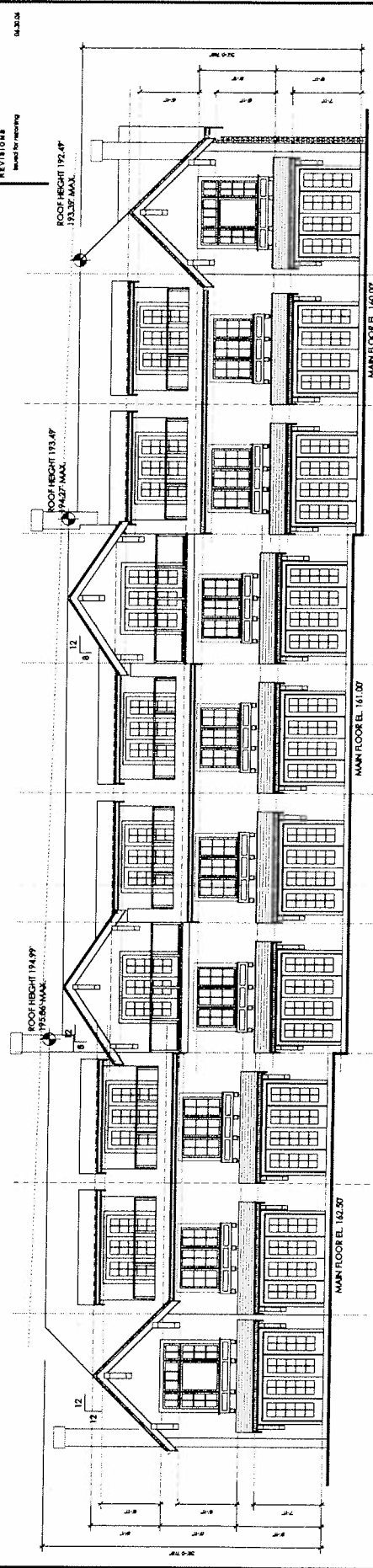
**PROJECT**  
DUNBAR  
VANCOUVER, B. C.

**DRAWING**  
building #1  
(dunbar street)

<p>NSM SCALE 3/16" = 1'-0"</p> <p>NSM SCALE 3/32" = 1'-0"</p> <p>DATE MAY 2003</p> <p>DRAWN BY 1/1</p>	<p>SHEET A-08</p>
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REVISED  
14.25.08



COURTYARD (WEST) ELEVATION

**FORMWERKS ARCHITECTURAL**  
1121 West 4th Ave., Vancouver, BC V6J 1W1  
(604) 681-2171

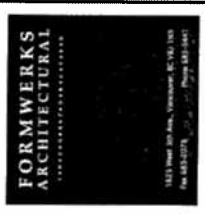
PROJECT  
**DUNBAR VANCOUVER, B.C.**

DRAWING  
**building #1 (dunbar street)**

SHEET	
SCALE	1/4" = 1'-0"
DATE	MAY 2005
A-09	

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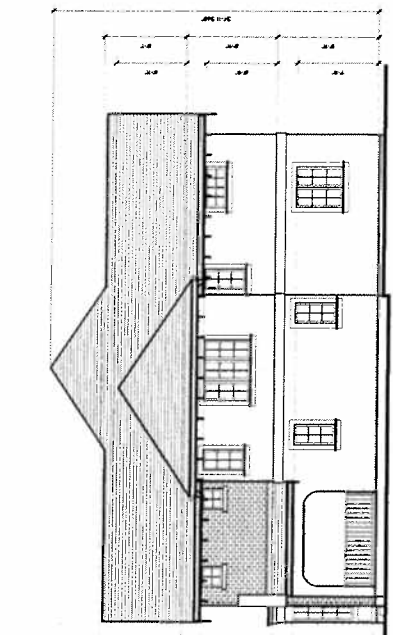
REVISIONS  
Issued for marking  
04.30.05



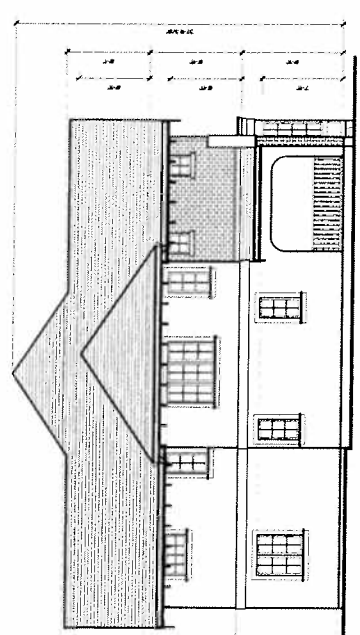
PROJECT  
**DUNBAR**  
VANCOUVER, B.C.

DRAWING  
Building #2  
(37th Avenue)

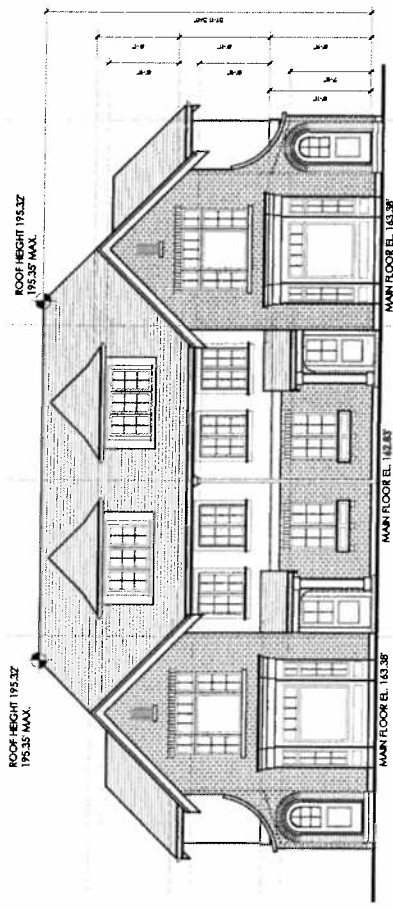
SHEET  
A-10  
SCALE  
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3/32" = 1'-0"  
DATE  
MAY 2005  
DRAWN BY  
T.J.



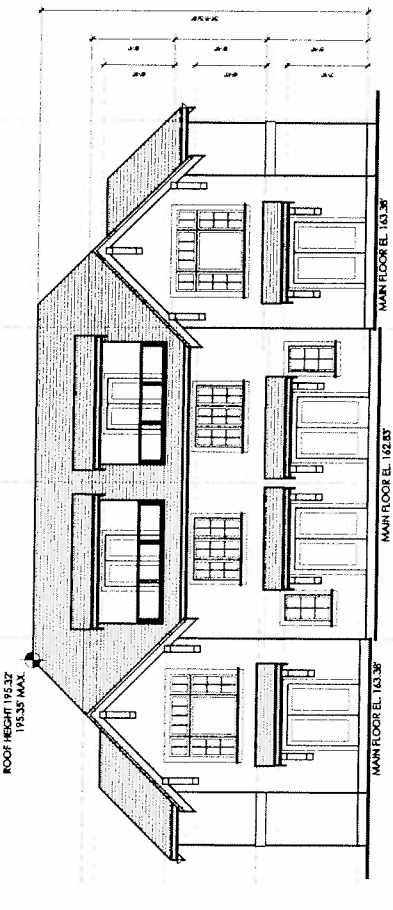
EAST ELEVATION



WEST ELEVATION



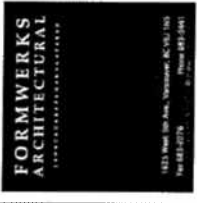
39TH AVENUE (SOUTH) ELEVATION



NORTH ELEVATION

**CONTRACT AGREEMENT**  
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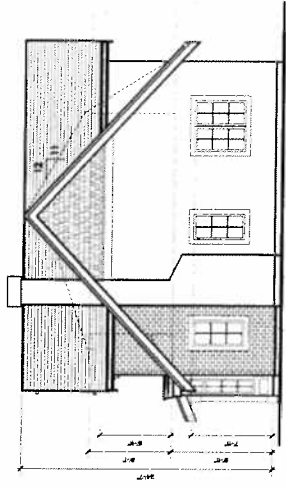
REVISED FOR  
04.2018



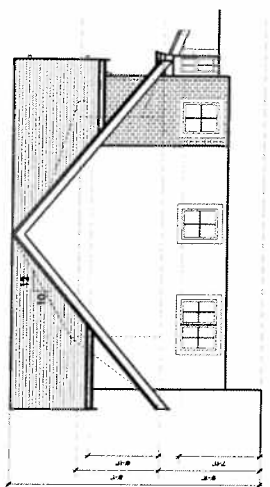
PROJECT  
**DUNBAR VANCOUVER, B.C.**

DRAWING  
**building #3 (lane)**

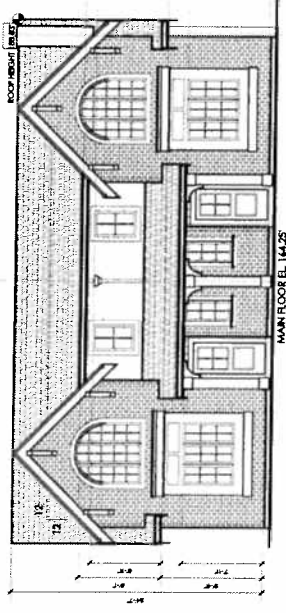
SHEET SCALE  
1/8" = 1'-0"  
1/4" = 1'-0"  
DATE MAY 2005  
DRAWN BY  
A-11



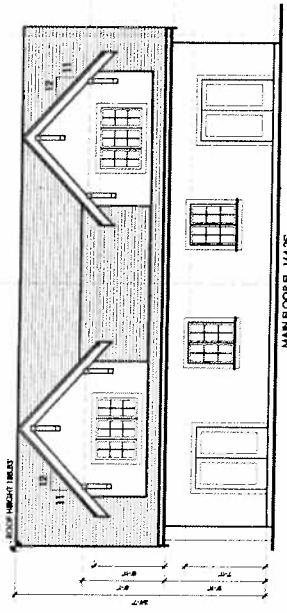
EAST ELEVATION



WEST ELEVATION



COURTYARD (SOUTH) ELEVATION  
MAIN FLOOR EL. 114.25'



LANE (NORTH) ELEVATION  
MAIN FLOOR EL. 114.25'



APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

Street Address	5475 Dunbar Street, 3625 and 3641 West 39 <sup>th</sup> Avenue
Legal Description	The East 55 feet of Lot 5, the West 55 feet of Lot 6 and Lot 6, except the East 7 feet now road, all of Block 15, D.L. 2027, Plan 5043
Applicant	Robert Cadez, Formwerks Architectural Inc.
Architect	Formwerks Architectural Inc.
Property Owner	Antoni G. Otto and Formwerks Developments Dunbar Corp.
Developer	Formwerks Developments Dunbar Corp.

SITE STATISTICS

	GROSS	DEDICATIONS	NET
SITE AREA	2 428.86 m <sup>2</sup> (26,144 sq. ft.)	N/A	2 428.86 m <sup>2</sup> (26,144 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	Multiple Dwelling; Infill Two-Family Dwelling	
DWELLING UNITS	6 (including provision for a secondary suite)	16	
MAX. FLOOR SPACE RATIO	0.70 conditional	1.1 FSR	
MAXIMUM HEIGHT	10.7 m (35.10 ft.) conditional	10.7 m (35.10 ft.)	
MAX. NO. OF STOREYS	2 1/2	2 1/2	
PARKING SPACES	One per dwelling unit	31	
FRONT YARD SETBACK	Front yard averaging	From W. 39 <sup>th</sup> Ave - 7.5 ft. to 26 ft.	
SIDE YARD SETBACK	15 percent of the width of the site	East - 10 ft. West - 11.9 ft. to 30 ft.	
REAR YARD SETBACK	10.7 m (35.10 ft.)	From Lane -4.5 ft. to 6 ft.	