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P6



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: April 8, 2010
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VanRIMS No.: 08-2000-20
Meeting Date: April 20, 2010

TO: Vancouver City Council
FROM: Director of Planning
SUBJECT: CD-1 Rezoning - 2250 Commercial Drive

RECOMMENDATION

- A. THAT the application by Image Development Inc. to rezone (Lot 1, BLOCK 153, DISTRICT LOT 26A, NEW WESTMINSTER DISTRICT PLAN 17345) P.I.D. 007-286-635 from C-2C to CD-1, to permit a five storey mixed commercial-residential building be referred to a Public Hearing, together with:
- (i) plans prepared by Ankenman Marchand Architects, received June 19, 2009;
 - (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 B.

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 Public Hearing, including a consequential amendment to the Sign By-law to establish regulations for this CD-1 in accordance with Appendix A for consideration at the Public Hearing;

- B. THAT, subject to approval of the rezoning, the Noise Control By-law be amended to include this CD-1 in Schedule B, generally as set out in Appendix C;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law at the time of enactment of the CD-1 By-law.

- C. THAT Recommendations A and B be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

COUNCIL POLICY

Relevant Council Policies for this site include:

- a. Existing Zoning C-2C
- b. Grandview-Woodland Area Policy Plan - Part 2 Commercial Drive (1980)
- c. Broadway Station Area Plan (1987)
- d. Commercial Guidelines for C-2C (Aug 2001) and C-2B, C-2C and C-2C1 Guidelines (1996)
- e. Eco-density Charter:
 - Action A-1 - Rezoning Policy for Greener Buildings
 - Action C-4 - New types of Arterial Mid-rise buildings (more than 4 storeys)

PURPOSE AND SUMMARY

The purpose of this report is to assess and make recommendations on an application to rezone the property known as 2250 Commercial Drive from C-2C to CD-1. The primary difference between the proposal and what existing the zoning would permit would be an increase in the maximum permitted height from 13.72 m to 19.2 m (45 ft. to 63 ft.).

The applicant proposes to convert the existing three storey retail and office building to a mixed use building with a commercial ground floor and four residential floors above containing eight ground floor commercial spaces and 58 condominium apartments. Upper floors would be set back from the front, rear and side property lines. The existing movie theatre would not be retained. The applicant's objective is to achieve a standard of environmentally sustainable construction by aiming for Leadership in Energy and Environmental Design (LEED®) Gold equivalent.

The applicant proposes a development that requires a height increase to permit the existing structure to be modified so that the full floor area, measured as "floor space ratio" (FSR), of 3.0 permitted by the existing zoning can be realized on the site. The re-use of the existing building with its higher floor-to-floor commercial heights creates a taller building than would a new

commercial-residential building with the same floor area. The majority of the existing structure (applicant estimates 98%) including two floors of underground parking would be retained.

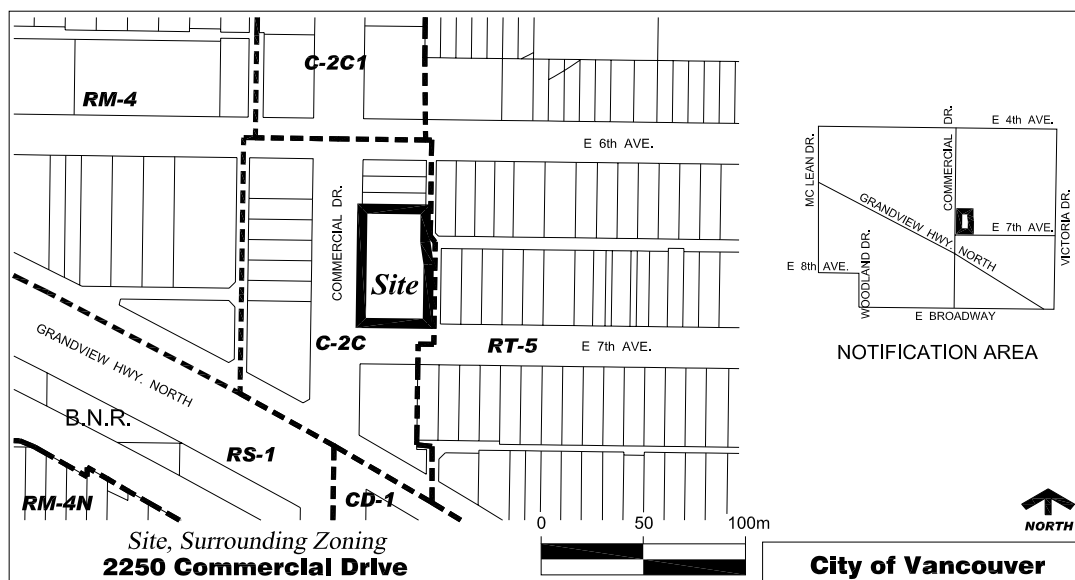
In general, the proposal to replace office uses with residential uses on upper floors and to upgrade the commercial street-level frontage is in keeping with the general direction of the policies of the Grandview-Woodland Area and the Broadway Station Area Plans and the policy directions and Guidelines for the existing commercial zoning in the area. These Plans, policies and Guidelines all support residential uses on upper floors in this location and the creation of a lively retail environment at the street level.

The proposed height increase and all other aspects of the proposal have been reviewed against existing policies and Guidelines and in its site-specific context. The setback of residential units on the upper floors conforms to existing policies and guidelines for Commercial zones and would create good conditions of light, shadow, overlook and privacy for new residents and for the residents of the houses to the east across the lane.

The retention and re-use of the existing re-inforced concrete structure reduces carbon emissions, retains the imbedded energy already expended in its creation and reduces the pressure on landfills. The proposal supports transit use.

Staff have assessed the proposal and conclude that it is supported by Council policy, recommend that it be referred to a Public Hearing and that it be approved subject to conditions.

Figure 1 - Map of Site and Surrounding Area Zoning



BACKGROUND

Site and Context

The site is 1 814 m² (19,530 sq. ft.) in area and is currently developed with a three storey retail and office building that also contains a movie theatre. The existing building is 12.19 m (40 ft.) tall plus a mechanical penthouse of 5.34 m (17.5 ft.).

The site occupies most of the east side of Commercial Drive between East 6th and East 7th Avenues including the Commercial Drive/East 7th Ave corner. Most of Commercial Drive in this area has commercial uses at grade, generally in buildings of one and two storeys. The site is separated from the RT-5 residential zone to the east by a public lane. The RT-5 area permits houses up to 2½ storeys in height.

The site is a block north of the Broadway-Commercial SkyTrain station which is the junction of the Expo and Millennium SkyTrain lines and one of the busiest stations in the system. There is a significant commercial node centred around the East Broadway-Commercial Drive intersection.

DISCUSSION

The applicant proposes to increase the maximum permitted height in order to realize the site's full development potential under the existing zoning while using the shell of the existing building. This would permit a building taller than the existing zoning allows but the density would be within the existing permitted maximum density. Therefore, the proposal is reviewed with particular emphasis on its proposed height in the context of City policy, local Guidelines, site specific impact on neighbouring properties and overall design.

1. Land Use

The existing office uses would be replaced by residential uses on the upper floors with two additional residential floors added. All existing policies favour increasing residential uses at upper levels and indicate a preference for residential over office uses. The relevant sections of each policy follow and are cited in chronological order.

1.1 Grandview-Woodland Area Policy Plan - Part 2 Commercial Drive (1980):

Policy 5 encourages residential uses on upper floors on this part of Commercial Drive "because they add to the all hours use and thus the sense of security and to provide customers close to the businesses". The review prepared for this Plan identified that the zoning at the time discouraged residential in favour of offices on upper floors. The new policies in the Plan changed the emphasis. This proposal would, therefore, help implement this policy.

1.2 Broadway Station Area Planning and Environment (1987) - Area H2

This policy followed a review of land use planning issues near the Broadway-Commercial SkyTrain Station. As a result, areas, including the 2250 Commercial Drive site, were re-zoned from C-2 to C-2C to encourage residential uses. Policies and design guidelines were developed to:

- Enhance the pedestrian environment through retail continuity, small frontages at street level,
- Ensure compatibility with adjacent residential development and existing retail character, and
- Create liveable upper floor residential units.

The specific policies related to Area H2 which includes the 2250 Commercial Drive site are to:

- Enhance this area as part of the core shopping area for the community,
- Enhance the pedestrian environment by encouraging retail continuity,

- Encourage the provision of housing in mixed use developments, and
- Minimize the impact of new commercial development on adjacent residential areas.

The applicant's proposal would enhance the pedestrian shopping area and its continuity by eliminating the overhang on Commercial Drive currently used for sleeping and loitering and by creating small frontage retail units with direct pedestrian access from the sidewalk. The replacement of office uses with residential uses as proposed further advances the intent of the policies that encourage mixed commercial-residential development and a healthy environment.

1.3 C-2B, C-2C and C-2C1 Zoning and Guidelines

Section 3 of the C-2C Guidelines that were developed following the Broadway Station Area Planning set polices regarding uses in these commercially zoned areas:

- Retail shops, restaurants and service-oriented uses such as shoe repair shops and dry cleaners are encouraged at the street level. Local real estate offices and branch banks may also be appropriate in some locations. However, solely office functions which do not serve the local community are not appropriate at the street property line. In the pedestrian-oriented C-2C District, it is particularly important that ground floor uses be retail,
- Residential use above stores is encouraged, except on sites immediately adjacent to industrial districts or the ALRT guideway, as it provides life to the street and increases street security.

The intent of the C-2C Zoning is "to provide for a wide range of goods and services, to maintain commercial activities and personal services that require central locations to serve larger neighbourhoods, districts or communities and to encourage creation of a pedestrian oriented district shopping area by increasing the residential component and limiting the amount of office use".

The proposal would enhance the ability of the building on this site to provide good retail space through the renovation of the ground floor. The elimination of the overhang would restore the continuity of the retail frontage and align it with the existing commercial buildings to the north. The addition of residences in this location will add life to the street and customers for the businesses on the street.

The conversion of this building from a retail-office building to a retail-residential building advances the intent of the Grandview Woodland Area Plan and the Broadway Station Area Plan. It is consistent with the intent of the Commercial zoning and Guidelines that prevail in this area of Commercial Drive.

2. Density

The 3.0 FSR. density proposed is permitted by the current C-2C zoning. The maximum permitted floor area cannot be achieved within the 45 ft. height limit using the existing building because the existing three storey building is not built to the rear property line, the existing office floor-to-floor heights are higher than the residential ceiling heights contemplated by the existing zoning and because upper level residential suites need to be set back to comply with guidelines for setbacks, particularly from the adjacent residential areas across the lane to the east.

Replacing office uses with residential uses, up to the maximum residential density currently permitted, would advance the approved policy directions, provided the taller building is compatible with the liveability of adjacent residential areas and for the apartments in the renovated building.

3. Height

The applicant's proposal is for a height of 19.2 m (63 ft.), an increase over the current discretionary limit of 13.72 m (45 ft.). The maximum density of 3.0 FSR. permitted by the C-2C zoning cannot be achieved in the existing 40 foot three storey structure since it is not built to the property lines and upper storey residential uses are required to be set back. A new retail-residential building could be built within the 45 ft. height limit at the maximum permitted 3.0 FSR. because it could be built to the property line at the ground level and would have smaller floor-to-floor heights for the residential floors. The current zoning permits a mechanical penthouse on top of a 45 ft. structure. The proposal incorporates its mechanical penthouse within the walls of the fifth floor so that it does not project beyond the roof, thereby minimizing the overall height of the building.

The Guidelines for the development of upper storey residential uses on Commercial Drive stress the importance of "neighbourliness of the development at the upper floor" and they establish set backs to achieve this. The C-2B, C-2C and C-2C1 Guidelines also address liveability for building residents and neighbours, and include guidelines to encourage residential uses above the first floor to ensure eyes-at-night and setbacks at upper levels to reduce shadow and visual impact.

The relevant C-2C guidelines are:

"4.6 Rear Yard and Setback

4.6.1 A rear yard with a minimum depth of 3.1 m shall be provided, except that where the rear of the site abuts a lane, this required minimum depth shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.

4.6.2 Where any portion of a building contains residential uses, that portion shall be set back a minimum of 7.6 m from the rear property line across the full width of the building, except that where the rear of the site abuts a lane, this required minimum setback shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane."

This application meets those setback guidelines. The applicant's shadow studies indicate that the upper level setbacks proposed ensure that the shadow effect on the neighbouring residential area would not be more than a building built to the current 45 foot height limit and the rest of the zoning requirements would cause.

4. Urban Design

The improvements to the existing street-facing building elevations, including articulation with balconies and window placement are compatible with the proposed new residential use and the C-2C Guidelines.

Currently, the Commercial Drive - East 7th Ave corner of the building consists of an open covered entry to the cinema at grade and an internal stair at level 2 and 3 with a blank brick wall facing

the street corner. The cinema entry area is screened and locked at night to prevent loitering and inappropriate activity and the stair is an architecturally heavy element that drains vitality from the corner and provides no "eyes on the street". Similarly, the ground floor shopfronts on Commercial Drive are recessed in an overhang that detracts from their ability to contribute to the street's retail vitality and attracts loitering.

The proposed removal of the enclosed corner stair and storefront arcade would create commercial storefronts built to the sidewalk and narrower structural columns. This creates better visibility into the commercial units and fewer opportunities for loitering. New glazed canopies offer some weather protection along the street facades.

The new fourth and fifth storeys are set back from the street façade by 2.0 m (6.6 ft.) and 4.6 m (15 ft.), respectively, along Commercial Drive. In addition, they are set back 0.79 m (2.6 ft.) and 3.2 m (10.5 ft.) along East 7th Avenue and 2.4 m (7.9 ft.) at the north property line. These setbacks generally respond to guidelines for development in the C-2C zone. The setbacks produce a reduced shadow impact on Commercial Drive than would have resulted if the additional storeys were flush with the existing street-facing walls. They would also create a building form that is compatible with any future C-2C development that could be anticipated adjacent to this site and in the rest of the C-2C area.

The lane elevation would be significantly changed from its current condition. The ground level wall would remain, but the existing walls of the second and third floors at the north end of the building would be demolished and rebuilt approximately 4.0 m (13 ft.) further to the west, or 7.6 m (25 ft.) from the centreline of the lane (i.e., further from the RT-5 zone). This would reduce the impact of building mass on the dwellings in the RT-5 zone across the lane. This setback is consistent with the guideline for new development adjacent to residential zones for this C-2C zone.

The two new upper levels (four and five) are set back from the rear property line by 5.8 m and 7.6 m (19 ft. and 25 ft.). They are consistent with the requirements for C-2 zoning adjacent to residential zones. While setbacks of this depth are not required in the existing zone (C-2C), the C-2 zone requirements are appropriate measures to ensure a neighbourly transition for the new residential uses from the existing RT-5 area to the east.

Staff support the proposed form of development with design development to improve the liveability of units with interior habitable rooms, the design of the streetscape, and the architectural expression. The Urban Design Panel reviewed the application on September 23, 2009, supported the proposed form of development and offered direction for improvements to the street edge and pedestrian environment, architectural expression at the corner and proposed materials to further improve the design.

5. Other Form of Development Matters

The C-2C Guidelines also set direction for enhancing the quality and viability of the street as a shopping street. Section 2.2 - Street Character, of the Guidelines states:

- Physical changes should enhance the appearance and character of the street as a shopping area,
- Such features are storefront awnings and canopies, display windows, fascia-type signage,
- Individuality of shop frontages and general high quality of architectural design are encouraged.

The proposed form of development and the conditions recommended in this report would secure small varied store fronts to implement the intent of the policies encouraging retail vitality at the street level. Further design development for the storefronts, the façade and the Commercial Drive - East 7th Ave corner are set out as conditions of approval of this rezoning in Appendix B.

6. Traffic, Parking, Loading and Circulation

The key findings of the Traffic and Parking Assessment report prepared for the applicant by Ward Consulting Group, qualified engineering consultants, are:

- The adjusted total trips generated from the proposed uses are projected to be approximately 85% of the trips of the existing use in the a.m. peak hour, 87% in the p.m. peak hour and 58% in the Saturday peak hour. As a result, the proposed development will reduce traffic impact in the neighbourhood.
- The existing underground parkade is secured by gate control and its use is restricted to the office and retail owners and to the theatre customers between 6:00 p.m. and mid-night. The other customers are required to use the available on-street parking spaces in the neighbourhood. The proposed re-zoning of the development will reduce the on-street parking demands in the neighbourhood.
- The total parking supply proposed exceeds the current Parking By-law requirement. In addition, due to the good access to transit and other services, internal trips and shared parking spaces, the overall parking demand on the site might be further reduced.
- The site is required to provide two Class B loading spaces. It will continue to provide three Class B loading spaces and exceed the minimum loading requirement under the Zoning By-law.

The City's Engineering staff have reviewed the study submitted and concur with the conclusions.

The parking entrance to the building will continue to be from the existing ramp on East 7th Avenue. The applicant proposes to move the garage door from the first underground parking level up to street level and enclose the ramp. This would eliminate this area as a hidden or unseen space and discourage undesirable activity.

In summary, staff concur with the conclusions that the proposed development will reduce traffic generation and will likely reduce the demand for street parking on local streets. The development provides more parking and loading spaces than the minimum by-law requirements.

7. Sustainability

At the time of this application, the Council policy for Greener Buildings required rezoning applications to achieve a minimum of LEED® Silver certification or equivalency. This proposal is targeting LEED® Gold. The retention and re-use of the existing re-inforced concrete structure reduces carbon emissions, retains the imbedded energy already expended in its creation and reduces the pressure on landfills.

The proposed development is located 1½ blocks from the Broadway-Commercial SkyTrain Station, one of the busiest on the rapid transit system. Increasing housing at one of the most transit accessible locations in the city is highly desirable and should encourage and support transit use.

The housing proposed, new one and two bedroom apartments for sale, adds a housing type that is not common in this area and would add to the diversity of housing types available in the neighbourhood.

8. Community Amenity Contributions

The proposal is not subject to a Community Amenity Contribution since the applicant is not seeking to change permitted uses or maximum allowable densities. (Community Amenity Contributions - Through Rezoning -- Section 2.1 A).

9. Public Input

The main issues that have been raised at the May 13, 2009 public open house, other meetings, in questionnaire responses and in correspondence are addressed below. Many were supportive of what they saw as a greatly improved condition of 2250 Commercial Drive and the improvement of the area. From those opposed, the main issues raised were with the proposal to increase building height, concern about potential increase in shadows, loss of light and view and potentially increased traffic.

The building will revitalize the area and improve the safety, appearance and quality of the building. The new housing is welcome.

There were many comments from supporters of the application commending it for its proposal to revitalize this portion of Commercial Drive which they think needs it. In particular, there were many comments welcoming the improvement to the appearance and safety of the existing outdated building.

They supported the increase in residential density next to a SkyTrain station and supported the height increase as appropriate and preferable to high rise towers as a means to achieve a density increase. They welcomed the increased housing opportunities in the area that this development would provide.

The proposed height is too high and too much higher than existing zoning permits and the privacy of adjacent residential properties would be negatively affected.

The potential impact of increased height is a matter of prime consideration for this application. It has been evaluated by reviewing applicable and relevant guidelines and through a detailed urban design and architectural review.

The guidelines for this area and for C-2 zones set out how upper residential floors in mixed use buildings on Commercial Drive should be set back from the street and from the rear property lines. The applicant's proposal meets the spirit and letter of those guidelines. There is no shadow impact on adjacent properties during those periods typically reviewed by the City (10:00 a.m. to 2:00 p.m. on March 21st and September 21st). The use of increased setbacks and screening would ensure that no loss of privacy created by potential overlook from the renovated building to the adjacent houses on East 6th and East 7th Avenues. The Urban Design Analysis also concludes that the setbacks of upper residential floors from the adjacent residential area to the east mitigate the height increase above the current zoning limit in satisfactory way. Privacy and overlook conditions are improved over the existing situation.

This would be a precedent for taller buildings on Commercial Drive.

The existing policies and Guidelines seek to direct the impact, neighbourliness and liveability of buildings. These guide development and set standards by which new development proposals, including increased height, are to be evaluated. They do not set absolute height limits.

There is only one other 3 storey concrete high-ceilinged office building on Commercial Drive (on the east side at Grant Street) and few large sites. New buildings would be able to meet the 45 ft. discretionary height limit at an FSR. of 3.0 and so could be built without a rezoning application.

Given the uniqueness of the site, its size and current development and its proximity to a major rapid transit hub, there are no sites on Commercial Drive for which this could create a precedent. The proposed replacement of office uses with residential uses actually restores the uses in this building to the pattern most commonly found on this street and that is favoured by existing policy.

This development will change the unique and special character of Commercial Drive.

The design of the proposal has ensured that small storefronts would be built and that the continuity of a lively retail frontage will be enhanced.

The specific design of the retail street level frontages for this proposal was discussed among staff, the architect and the Urban Design Panel members at the September 23, 2009 Urban Design Panel meeting. All agreed that further design development was required along this important stretch of Commercial Drive. In response to the Panel comments as well as comments and concerns from various community members, the applicant hosted a second workshop on site on October 20, 2009 where they presented a series of drawings and renderings to the community and staff that proposed a less prominent corner treatment at the Commercial Drive - East 7th Avenue corner, a revised façade and a more detailed and diverse design for the street level commercial spaces.

The details of any colonnade, the width of shop fronts, articulation and differentiation between the individual store spaces would be a matter for the Development Permit stage, should City Council approve the rezoning application. The Urban Design Panel supported the development for Rezoning and would review it again at the Development Permit stage. Relocating the garage entrance from below grade to grade level eliminates a secluded space in the driveway ramp that is reportedly used for drug use and prostitution. The creation of some overlook on the lane would also likely discourage drug use and prostitution in this area.

Traffic

Concern was raised that the conversion of office space to residential and the increase in residential space would make traffic in the neighbourhood worse. The applicant's traffic study indicates that traffic movements would actually be reduced and that the retention of the existing parking in the underground garage met the parking demand generated by the proposal. Some correspondents did not believe the consultant's study. The City's Engineering staff have reviewed the study submitted and concur with the traffic consultant's report.

FINANCIAL IMPLICATIONS

Approval of the report recommendations will have no financial implications with respect to the City's operating expenditures, fees, or staffing.

CONCLUSION

Planning staff conclude that the application has merit, conforms to the general and specific intent of Council policy and can be supported.

The proposal is consistent with the intent of Grandview-Woodland Plan and the C-2C Guidelines applicable in this area and serves to achieve their intent of preferring residential uses over office uses on Commercial Drive. In the opinion of staff, there is no precedent set that would preclude options or set new directions for this area, particularly with respect to height limits.

The proposal also conforms to the approved 1987 Broadway Commercial Station Area Plan and Guidelines (1996). It protects the views and privacy of the adjacent residential area as well as or better than the current zoning, through increased upper level setbacks. It would improve conditions on the rear lane by animating this area with residential uses which will provide greater informal monitoring to activities there. This has the potential to reduce the level of undesirable activity that is a community concern in this area.

The amount of parking proposed is dictated by the retention of the existing 2-story underground parking structure and exceeds the needs generated by the proposed development and the existing by-law standards. The replacement of office uses with residential uses will reduce the frequency of car movements on and off the site and reduce the demand for parking on adjacent streets.

The proposal seeks to achieve a LEED® Gold standard and retains the majority of the existing structure. This is a better solution than demolishing the existing building, consigning its material to landfill and building a new building of the same density within the existing 45 foot height limit.

The proposal adds 58 housing units in close proximity to a busy rapid transit station. This is an excellent location for sensitive intensification. The development supports the maintenance and enhancement of Commercial Drive as a lively shopping street, achieves a high standard of neighbourliness with the adjacent residential neighbourhood and a high level of liveability and amenity for future residents.

Further design development is needed at the Development Permit stage to refine the architectural expression of the building, especially on the East 7th Avenue - Commercial Drive corner and on the ground floor of the Commercial Drive retail/commercial units. Additionally further design development is required to ensure that sufficient light reaches the interior spaces of some residential units. These requirements are contained in the conditions of approval found in Appendix B to this report.

* * * * *

2250 Commercial Drive
DRAFT CD-1 BY-LAW PROVISIONS

Note: A draft By-law will be prepared generally in accordance with the provisions listed below, which are subject to change and refinement prior to posting to the satisfaction of the Director of Legal Services.

1. Uses

1.1 Cultural and Recreational

- Artist Studio, provided
 - (a) Where an artist studio is combined with a residential unit, the studio may only be used by the individuals residing in the residential unit associated with and forming an integral part of the artist studio, and
 - (b) The maximum size for an Artist Studio shall be 500 m²
- Billiard Hall
- Club
- Community Centre or Neighbourhood House
- Fitness Centre
- Hall
- Library.

1.2 Dwelling

- Dwelling Units in conjunction with any of the uses listed in this Schedule except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width shall be used for residential purposes except for entrances to the residential portion
- Principal Dwelling Unit combined with a Secondary Dwelling Unit in conjunction with any of the uses listed in this schedule, except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width may be used for residential purposes unless the purpose is for entrances to the residential portion
- Residential Unit associated with and forming an integral part of an artist studio, provided
 - (a) No more than 2 persons may occupy the residential unit associated with an artist studio except that the Director of Planning may relax this occupancy limit for the residential unit associated with an artist studio provided that:
 - (i) a ventilated workshop space is provided in a room separated from the residential units;
 - (ii) the Director of Planning considers the submission of any advisory group, property owner or tenant and all applicable policies and guidelines adopted by Council.

1.3 Institutional

- Child Day Care Facility
- Church
- Public Authority Use
- School - Elementary or Secondary
- School - University or College
- Social Service Centre
- Community Care Facility - Class B; or Group Residence; or Seniors Supportive or Assisted Housing - subject to the following:
 - (a) Before granting a Development Permit, the Director of Planning shall:
 - (i) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (ii) have due regard to the effect of the design of all buildings and the provision and location of off-street parking and loading on the amenity of the neighbourhood;
 - (iii) notify adjacent property owners and any others that he deems necessary; and
 - (iv) consider all applicable policies and guidelines adopted by Council.
 - (b) In the case of a specifically designed facility not being a conversion, the Director of Planning shall establish the minimum site area, having particular regard to:
 - (i) the nature of the proposed facility in terms of type of service being provided and number of residents; and
 - (ii) the character of development within the adjacent neighbourhood.
 - (c) In the case of a Community Care Facility - Class B, group residence, or seniors supportive or assisted housing resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

1.4 Office

- Office Uses.

1.5 Retail

- Grocery or Drug Store
- Retail Store
- Furniture or Appliance Store
- Liquor Store
- Pawnshop
- Secondhand Store
- Small-scale Pharmacy, provided
 - (a) A small-scale pharmacy must include at least 25 m² of publicly accessible space except that if the Director of Planning first considers all applicable guidelines and policies adopted by Council and potential impacts on the

site and the surrounding properties, the Director of Planning may allow a lesser amount of space.

- (b) Any development permit for a small-scale pharmacy must be limited in time to two years from the date of issuance.

1.6 Service

- Animal Clinic
- Auction Hall
- Catering Establishment
- Neighbourhood Public House
- Print Shop
- Restaurant - Class 1
- School - Arts or Self-Improvement
- School - Business
- School - Vocational or Trade
- Barber Shop or Beauty Salon
- Beauty and Wellness Centre
- Laundromat or Dry Cleaning Establishment
- Photofinishing or Photography Studio
- Repair Shop - Class B.

1.7 Accessory Uses customarily ancillary to any of the uses permitted by this section.

1.8 Conditions of Use

- (a) All commercial uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:
- (i) display of flowers, plants, fruits and vegetables
 - (ii) restaurant
 - (iii) neighbourhood public house.
- (b) No general office, except for entrances thereto, shall be located within a depth of 10.7 m of the front wall of the building and extending across its full width on that portion of a storey having an elevation within 2.0 m of street grade on the fronting street except for an insurance, travel agency or real estate office. In the case of a site abutting more than one street, the fronting street is to be determined by the Director of Planning.

2. Density

- 2.1 The floor space ratio must not exceed 3.0. For the purposes of computing floor space ratio, the site is deemed to be 1 814.34 m², being the site size at the time of application for rezoning, prior to any dedications.

2.2 The following shall be included in the computation of floor space ratio:

All floors of all buildings, both above and below ground level, to be measured to the extreme outer limits of the buildings.

2.3 The following shall be excluded in the computation of floor space ratio:

- (a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed eight percent of the residential floor area being provided;
- (b) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;
- (c) 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 provided that the off-street parking spaces do not have a length of more than 7.3 m for the purpose of exclusion from floor space ratio computation;
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit;
- (e) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000; and
- (f) with respect to exterior:
 - (i) wood frame construction walls greater than 152 mm thick that accommodate RSI 3.85 (R-22) insulation, or
 - (ii) walls other than wood frame construction greater than 152 mm thick that meet the standard RSI 2.67 (R-15).

the area of such walls that exceeds 152 mm to a maximum exclusion of 51 mm of thickness for wood frame construction walls and 127 mm of thickness for other walls, except that this clause is not to apply to walls in existence before January 20, 2009. A registered professional must verify that any exterior wall referred to in subsection (ii) of this section meets the standards set out therein.

2.4 The Director of Planning may permit the following to be excluded in the computation of floor space ratio:

- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure, subject to the following:

- (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and
- (ii) no more than fifty percent of the excluded balcony floor area may be enclosed.

3. Height

3.1 The maximum height of a building measured above the base surface is 19.2 m (63.0 ft.).

4. Parking

4.1 Parking, loading, and bicycle spaces shall be provided and maintained according to the provisions of the Parking By-law, including those concerning exemption, relaxation, and mixed-use reduction, except for the following:

- (a) Minimum parking requirement of one parking space for each 100 m² of gross floor area up to a maximum to 1.25 spaces per unit;
- (b) Minimum number of visitor parking spaces should be 0.1 spaces per dwelling unit. Maximum number of visitor parking spaces must not exceed 0.2 spaces per dwelling unit;
- (c) Shared vehicle parking space must be provided at the rate of 0.03 parking spaces per dwelling unit.

5. Acoustics

All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of the dwelling units listed below do not exceed the noise level set opposite such portions. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and is defined simply as noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45

* * * * *

2250 Commercial Drive
PROPOSED CONDITIONS OF APPROVAL

Note: These are draft conditions which are subject to change and refinement by staff prior to the finalization of the agenda for the Public Hearing to the satisfaction of the Director of Legal Services.

FORM OF DEVELOPMENT

- (a) That the proposed form of development, generally as prepared by Ankenman Marchand Architects, and stamped "Received City Planning Department, June 19 2009", be approved by Council in principle, 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 improve the ground floor interface with the public realm to ensure adequate space for active use of the sidewalk, and individual character for commercial units:

(Note to Applicant: Provide a large scale section illustrating the complete streetscape condition, including canopies, and street fixtures complete with dimensions. Identify in plan, appropriate and convenient locations for bike racks that do not block window displays or pedestrian traffic. The design must consider the issues of Crime Prevention Through Environmental Design.)
- (ii) design development to the southeast corner and residential entry to achieve an architectural and material expression compatible with the residential use of the building;

(Note to Applicant: The residential entry from Commercial Drive should have an identity that is independent from the commercial entry. The commercial unit entry at the south east corner makes active use of the corner, however the architectural expression on the floors above could be more sympathetic to the residential use.)
- (iii) provision of separate means of circulation and egress for residential and commercial tenants on the ground floor;

(Note to applicant: The current layout allows for CRU tenants to enter into the residential corridor on the main floor. This may cause conflict between the two different user groups.)

- (iv) design development to residential units to provide improved liveability and maximum privacy between units;

(Note to Applicant: All habitable rooms, including bedrooms should have direct access to a window for provision of light, views and ventilation. In consideration of the challenges encountered when renovating an existing structure, some units with "interior" bedrooms may be supported. These interior rooms must have opportunities for "borrowed" light and views and should have a minimum of 75% of the wall facing the exterior wall glazed. Units with interior habitable rooms must provide at adequate outdoor private space. This does not include "enclosed balconies". When possible, entry doors across the corridor from one another should be offset to increase visual privacy.)

- (v) provision of appropriate weather protection at street elevations;

(Note to Applicant: Awnings or canopies must be a minimum of 5 ft. in depth and 9 ft. from grade. Higher awnings or canopies may need to be deeper to provide adequate weather protection.)

- (vi) provision of additional information on elevations and site plans identifying the exterior finishes, location of exterior lighting and their specification;

- (vii) provision of larger scale sectional drawings showing proposed canopies, balconies, roof decks, and entries;

(Note to Applicant: Dimensioned and notated drawings at a minimum of $\frac{1}{2}'' = 1'-0''$ scale (or better) must be provided for these and of any other area the applicant feels expresses the strength of the integrated façade features and the building-to-street interface.)

Landscape Design

- (viii) design development to the lane edge to create a greener transition to the adjacent residential lots by providing lane edge planters in the two foot setback to the north of the loading driveway, except where there are doors accessing the lane. The planters should be a minimum of 18" high to prevent vehicles from parking on them;
- (ix) clarification that the green panels shown attached to the lane façade on page A530 are green walls. This can be done with notations on the Ground Level Plan (page A103) and the East Elevation (page A201);
- (x) design development to the add visual amenity to the residential entry by providing built in planters on either side of the entry doorways;

- (xi) provision of a full Landscape Plan. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, guardrails, 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;
- (xii) provision of large scale sections (1/4"=1' or 1:50) illustrating the soil depths for the deck planters on the 2nd, 4th and 5th levels. The section should run east to west and should include the building façade and the guardrails;

Engineering

- (xiii) make notation on plans that any sidewalk café seating requires a separate application to the City Engineering and is not approved as part of this application;
- (xiv) provide dimensions for all parking stall types;
- (xv) provision of additional parking stall width, as per the Parking By-law, or parking spaces adjacent to walls or with columns encroaching more than 6" into the parking stall;

(Note to applicant: examples of some spaces requiring additional width are spaces 52, 60 and 65)
- (xvi) provide additional stall width for parking spaces 52/53 and 55/56 as columns are set back more than 4' from the end of the stall;
- (xvii) provide an improved plan showing design elevations within the parking and loading areas to calculate slope and cross fall;

(Note to applicant: maximum slopes and crossfalls are to be 5%.)
- (xviii) provision of section drawings for the loading bay and along gridline 9 showing elevations and vertical clearance for the main ramp and security gates;
- (xix) clarify how the security gate for the commercial and residential parking is to be activated (Remote control, card reader etc...);
- (xx) provision of measures to improve the visibility of oncoming traffic in the drive aisle at grid line F2;

(Note to applicant: parabolic mirrors are recommended.)

- (xxi) confirm the unobstructed vertical height clearance of the loading bay opening and the maximum height of trucks that are to use the loading bays;
- (xxii) show the dimension of the Class B loading spaces on the plan;
- (xxiii) clarify proposed garbage pick up operations. Residential and commercial facilities are to be separated and include separate recycling provisions for each use;
- (xiv) clarify if canopy is existing or proposed and if existing that it complies with the building by-law for demountability and drainage, if not appropriate encroachment agreements will be required;
- (xv) clarify if sidewalk improvements are intended, if so a separate application to the City Engineer is required;
- (xvi) delete the portion of circular roof top feature that encroaches onto public property unless it qualifies as a LEED® feature. (A107).

AGREEMENTS

THAT, prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City, and on terms and conditions satisfactory to General Manager of Engineering Services and the Director of Legal Services arrange for the following:

- (i) Proposed sun shade encroachments. A separate application to the City Surveyor is required. Note: encroaching features must be intended to meet LEED® standards for consideration;
- (ii) Provision of a minimum of two car share vehicles managed by a professional car share organization;
- (iii) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required, please supply project details including projected fire flow demands to determine if water system upgrading is required, should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required;
- (iv) 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.

- (v) Provision of a concrete lane crossing at the lane east of Commercial Drive on the north side of East 7th Avenue.

Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as Covenants pursuant to Section 219 of the Land Title Act.

The preceding 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, and letters of credit, and provide for the withholding of permits, as deemed appropriate by, and in form and contents satisfactory to, the Director of Legal Services.

The timing of all required payments, if not otherwise specified in these conditions, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

* * * * *

2250 Commercial Drive
DRAFT CONSEQUENTIAL AMENDMENTS

DRAFT AMENDMENTS TO THE SIGN BY-LAW NO. 6510

Amend Schedule E (Comprehensive Development Areas) by adding the following:

"2250 Commercial Drive [CD-1 #] [By-law #] B (C-5)"

DRAFT AMENDMENTS TO THE NOISE BY-LAW NO. 6555

Amend Schedule B (Intermediate Zone) by adding the following:

"[CD-1 #] [By-law #] 2250 Commercial Drive"

* * * * *

2250 Commercial Drive
COMMENTS FROM CITY STAFF AND ADVISORY BODIES

1. Comments from Engineering Services dated September 8, 2009

Engineering Services has no objections to the proposed rezoning provided the appropriate by-law provisions, enactment conditions and development permit conditions are satisfied. These are included in Appendices A and B.

It was also noted that "Parking and loading are intended to meet the parking by-law and are to be supplied within the existing parking structure".

2. Urban Design Panel Comment:

The Urban Design Panel reviewed this proposal on September 23, 2009 and supported the proposed use, density and form of development. The issues reviewed and the Panel's comments are set out below.

EVALUATION: SUPPORT (7-1)

- **Applicant's Introductory Comments:** Tim Ankenman, Architect, said that originally the owner was looking at rezoning the site in order to build a tower. However, towers are not in the zoning guidelines for the area and so only a 4-storey building could be built on the site so the owner decided to look at renovating the existing structure. Mr. Ankenman noted that they will be keeping about 95% of the building. The existing commercial is on a small scale but they are looking at how the store fronts could be individualized and improved. They are also looking at improving the corner element as it has a corporate feel at the moment. Noting that staff has some concerns with the inboard bedrooms, Mr. Ankenman stated that because of the ceiling height he thought they would be able to make them liveable. He added that a number of heritage buildings have similar suite layouts. Mr. Ankenman also noted that they had removed the colonnade and had pulled the store fronts further out onto the sidewalk. The parking ramp is a problem area so they will be adding a living green wall along the lane and bringing the gate up to the property line.

Mary Chan Yip, Landscape Architect, noted that the proposed small scale trees and shrub planting on the terraces to allow the individual homes some privacy and to allow the residents' overlook in the neighbouring buildings to the east to have a garden effect. A series of garden walls is proposed on the lane level with planters on level 2 through 4 to give a more terraced garden effect. Planters are planned along the west side facing Commercial Drive and the streetscape will be improved to enhance the outdoor activity spaces facing the street.

The applicant team took questions from the Panel.

- **Panel's Consensus on Key Aspects Needing Improvement:**
 - Consider increasing the weather protection along Commercial Drive;
 - Consider more patio space on the sidewalks for coffee shops and restaurants;
 - Design development to the barrel element at the corner; and
 - Consider an indoor/outdoor amenity space.

- **Urban Design Panel - Related Commentary:** The Panel supported the proposal as well as the height, density and massing.

The Panel thought this was an important project and wanted to review the project again at the permit stage. They commended the team and the client for choosing to retain the building. There were mixed feelings about the loss of the theatre and office space with one Panel member asking if some office space could be incorporated into the design to maximize the location. One Panel member noted that the theatre was an important civic amenity and hoped that amenity could be replaced; an element that gives back to the community.

The Panel supported the height of the building with several Panel members suggesting it could go higher noting that the building is beside the busiest transit hub in the city. There was some concern for the liveability of the bedroom space but the Panel thought there was a strong case to be made for design because of the floor to ceiling height.

The Panel thought there was a lot that needed to be done with the street noting that weather protection needed to be increased for the rainy months. They thought there was a challenge regarding the colonnades with possible CPTED issues. Since the columns can't be removed, it was suggested that more space be provided on the sidewalk for patios and to add variation and rhythm to the street. One Panel member suggested adding a mural for to the façade that can be seen from the SkyTrain to make it a genuine gateway to Commercial Drive. Several Panel members suggested the applicant work with the retail tenants to get some feedback as to how they would like to see their store fronts. They thought it was important to have the individual owners be able to modify their shops. Several Panel members thought the barrel element on the corner was worth rethinking in order to make the building more residential and less commercial. The Panel felt it was important that the building have more of the commercial street feel.

The Panel liked the exposed circular stairway and thought if it was properly detailed would be very interesting. A couple of Panel members thought the proposal needed an amenity space and suggested the applicant consider the second level adjacent to the podium facing east for an indoor/outdoor amenity.

Regarding sustainability, one Panel member suggested the applicant consider a mechanical solution that integrates the retail with the residential for maximum energy efficiency and to reduce the amount of glazing along Commercial Drive. Reducing the glazing will help the building look less like an office building and will also contribute to a better energy performance. One Panel member noted that

there wasn't any material regarding parking and thought that because of the location and the SkyTrain Station, the parking could be reduced.

- **Applicant's Response:** Mr. Ankenman thanked the Panel and stated that they had supplied some great ideas. He noted that about half of the tenants that are currently in the building are planning to stay. He thought it was a great idea to sit down with them to solve how they articulate the storefronts. He added that he appreciated the feedback regarding the corner element on the building and looked forward to coming back to the Panel at the DP stage.

* * * * *

2250 Commercial Drive
ADDITIONAL COMMENT AND INFORMATION

1. Site, Surrounding Zoning and Development:

This 1 814.34 m² (19,530 sq. ft.) site is comprised of 1 parcel on the east side of Commercial Drive between East 6th and East 7th Avenues and includes the Commercial Drive/East 7th Avenue corner. The site has a frontage of 56.17 m (184 ft. 3.5 in.) and a depth of 32.87 m (107 ft. 10 in.).

Commercial Drive on both sides is built with commercial uses at grade along most of its length, generally in one and two storey buildings. The site is separated from the RT-5 residential zone to the east by a public lane. The RT-5 area is built primarily with 1½ and 2½ storey houses. The Broadway-Commercial SkyTrain station is a block further south between East 8th Avenue and East Broadway and there is a commercial node at the East Broadway-Commercial intersection.

2. Proposed Development:

The applicant proposes the partial demolition and rebuilding of the existing 3-storey retail and office building and its conversion to a mixed use building with a commercial ground floor and 4 residential floors above containing 58 condominium apartments. The majority of the existing structure, including two floors of underground parking, would be retained. The maximum height would be 63 feet. The proposed density is 3.0 times the lot area (FSR. = 3.0). The applicant's objective is to achieve a standard of environmentally sustainable construction, by aiming for LEED® Gold equivalent.

3. Public Input:

A notification letter was sent to nearby property owners on July 23, 2009 and rezoning information signs were posted on the site on July 12, 2009.

A public open house was conducted on May 13, 2009 and attended by about 100 people. The applicant has provided staff with the 98 questionnaires that were completed. In response to the Summary question on the questionnaire (I believe the project is heading in the right direction and I encourage the developer to proceed with the design and development of the property), the responses were:

- Strongly Agree 58
- Agree 17
- Neutral 11
- Disagree 9
- Strongly Disagree 3

From those questionnaires, a total of 14 could be identified as being from the immediate 1700 block of East 6th and East 7th Avenues. (6 supported, 6 opposed and 2 neutral). From those opposed, the main issues were with the proposal to increase

building height, the potential increase in shadows and loss of light and view and potentially increased traffic. Those supporting cited were supportive of what they saw as a greatly improved condition of 2250 Commercial Drive and the improvement of the area.

Individual commentary came from 11 emails, letters and phone calls (3 supporting, 3 raising questions and concerns and 5 opposing).

4. Environmental Implications:

Nearby access to transit and commercial services may reduce dependence on use of automobiles.

5. 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.

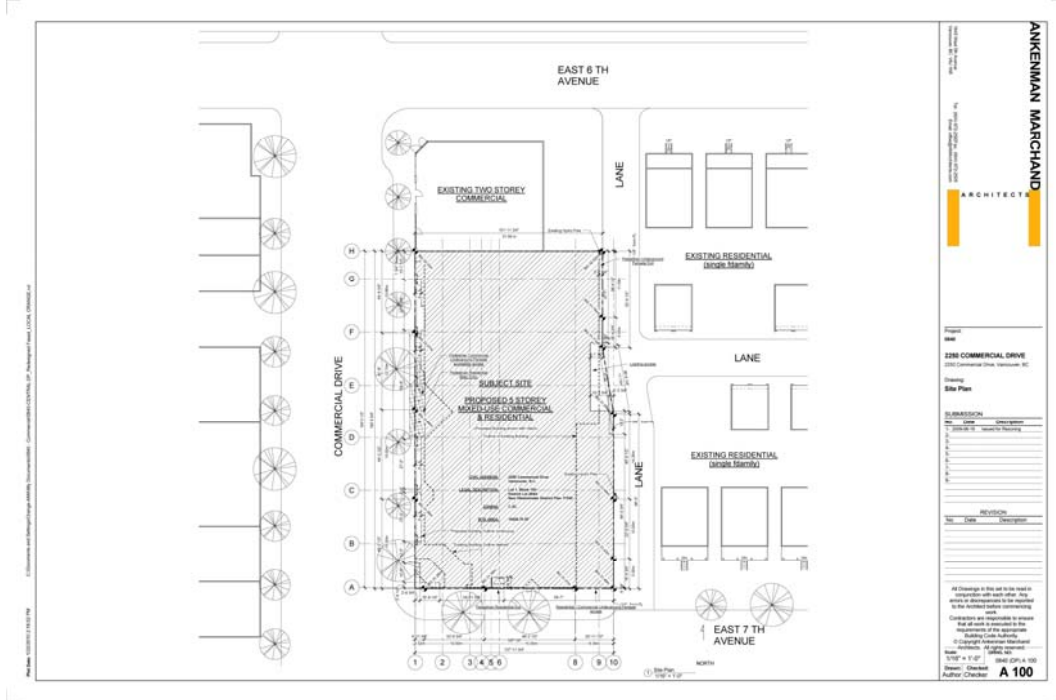
6. Comments of the Applicant:

The applicant has reviewed the Staff Report and has reported they have no concerns regarding its contents.

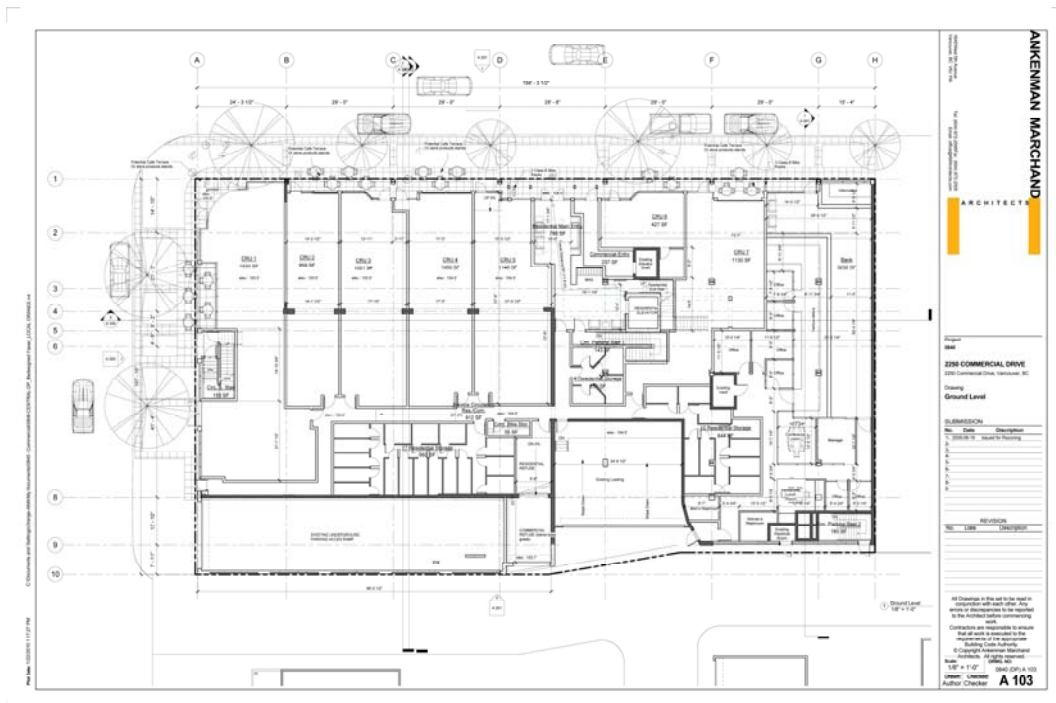
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2250 Commercial Drive Applicant's Drawings

1. Site Plan



2. Ground Floor Plan



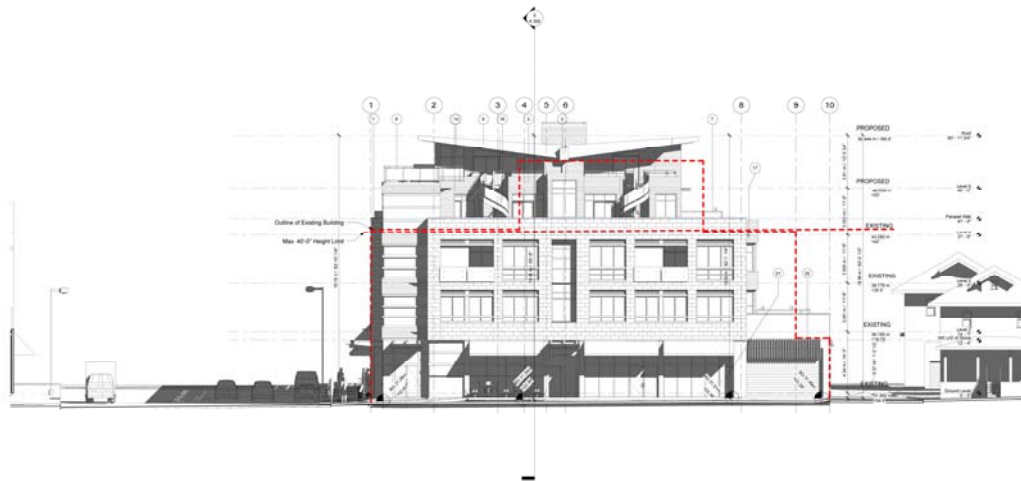
3. West Elevation



4. West Side perspective



5. South Elevation



6. West - East Section



2250 Commercial Drive
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

Street Address	2250 Commercial Drive
Legal Description	Lot 1, BLOCK 153, DISTRICT LOT 26A, NEW WESTMINSTER DISTRICT PLAN 17345
Applicant	Image Development Inc
Architect	Ankenman Marchand Architects
Property Owner	Image Development Inc.
Developer	Image Development Inc.

SITE STATISTICS

	GROSS	DEDICATIONS	NET
SITE AREA	1 814.34 m ²	nil	1 814.34 m ²

DEVELOPMENT STATISTICS

	DEVELOPMENT PERMITTED UNDER EXISTING ZONING	PROPOSED DEVELOPMENT	RECOMMENDED DEVELOPMENT (if different than proposed)
ZONING	C-2C	CD-1	
USES	Retail, office, residential	Retail, office, residential	
DWELLING UNITS		58	
MAX. FLOOR SPACE RATIO	3.0	3.0	
MAXIMUM HEIGHT	45 ft. (conditional)	63 ft.	
MAX. NO. OF STOREYS		5	
PARKING SPACES		96	
FRONT YARD SETBACK	0	Grade: 1.0 m; 2 and 3 flr: 0 m 4 flr: 2.0 m 5 flr: 4.6 m	
SIDE YARD SETBACK	0	Grade to flr 3 <1 m.	
REAR YARD SETBACK	From centerline of lane: grade - 3.1 m; flr 2 - 7.6 m; flr 4 and 5 - 10.7 m		