



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: December 3, 2013
Contact: Kent Munro
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VanRIMS No.: 08-2000-20
Meeting Date: December 17, 2013

TO: Vancouver City Council
FROM: General Manager of Planning and Development Services
SUBJECT: CD-1 Rezoning: 303 East 8th Avenue (Western Front)

RECOMMENDATION

- A. THAT the General Manager of Planning and Development Services be instructed to make application to rezone 303 East 8th Avenue [*PID 015-551-610; Lot 16, Block 42, District Lot 200A, Plan 197*] from RM-4 (Multiple Dwelling) District to CD-1 (Comprehensive Development) District, to allow Cultural and Recreational uses in conjunction with Dwelling and Service uses within the existing building on the site, thereby permitting the range of activities occurring in the artist-run centre known as Western Front, and that the application be referred to a Public Hearing, together with:
- i) draft CD-1 By-law provisions, generally as presented in Appendix A; and
 - ii) the recommendation of the General Manager of Planning and Development Services to approve the application;

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.

- B. THAT, if the application is referred to a Public Hearing, the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B to the Sign By-law [assigned Schedule "B" (C-1)], generally as set out in Appendix B, be referred to the same Public Hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law generally as set out in Appendix B for consideration at the Public Hearing.

- 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 property owners 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 owners; 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.

REPORT SUMMARY

This report assesses a proposal to rezone the site located at 303 East 8th Avenue, from RM-4 (Multiple Dwelling) District to CD-1 (Comprehensive Development) District, to permit uses that would enable an artist-run centre, known as “Western Front”, to continue to operate within the existing building on the site. In 2009, City inspections of the building in which the Western Front is operating identified code safety issues and it was determined that none of the cultural activities and uses that were occurring as part of the artist-run centre were allowable under the use provisions of the applicable RM-4 District Schedule. As a result, Inspections staff required the site owners to upgrade the building to meet the Vancouver Building By-law standards, and it was recommended that the owners take action to have the site rezoned to permit the land uses that were not compliant with the RM-4 District Schedule.

Staff support rezoning the site, noting that the proposed rezoning meets the intent of the Mount Pleasant Community Plan and the City’s strategic directions as expressed in the Culture Plan. Staff recommend that the General Manager of Planning and Development Services make application to amend the zoning for the site to permit this longstanding cultural use, and that the application be referred to a Public Hearing with the recommendation that it be approved, subject to the Public Hearing.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Relevant Council Policies for this site include:

- Cultural Facilities Priorities Plan 2008 - 2023 (2008)
- Mount Pleasant Community Plan (2011)
- Culture Plan: Strategic Directions for the Next Five Years (2013)
- Live Performance and Artist Studio Regulatory Reviews (ongoing).

REPORT

Site and Context

The subject site is located on the northeast corner of 8th Avenue and Scotia Street. It is currently developed with a three-storey wood-frame building known as the “Western Front Lodge”. This 1922 building is listed on the Heritage Register in the “B” evaluation Category. Surrounding uses include low-rise apartment buildings in the RM-4 District to the north and east, and a BC Hydro utility building and low-rise apartment buildings in the block to the south. To the west of the site, in the C-3A (Commercial) District, is a mix of old and new development of varying scale. Three new mixed-use buildings nearby are up to ten storeys in height and include the Mount Pleasant Civic Centre (One Kingsway).

The existing building on the site includes two residential apartments, a multi-purpose performance and assembly hall, an art gallery, a library, a rehearsal studio, multimedia production studios (which are considered Artist Studios by definition in the Zoning and Development By-law), offices, a staff kitchen, and storage. This building has been home to the Western Front Society for over forty years. Western Front is a highly valued local entity whose function has provided significant cultural and social benefits not only to the Mount Pleasant community but also to the City as a whole. Although privately owned, the space is primarily used as an artist-run centre which includes short-term rental of the space for production and performances, teaching and instruction, minor publication sales, and special events.

Figure 1 - Site and Context



Policy Context

The Mount Pleasant Community Plan, approved in November 2010, provides policies for future change in the community, and provides the following directions on culture:

- Strong focus on a creative community.
- Retain existing —and develop new— gathering, creation, production, presentation, and support spaces (with an emphasis on flexible use) for cultural, social and economic activities, which contribute to the neighbourhood character, reflect its wide-ranging creativity, and also mirror its multicultural identity.
- Create indoor cultural facilities and spaces for public meetings and presentations, art gallery showings, artist studios, rehearsals and performances, and make better use of existing public buildings, such as schools, and commercial spaces, such as cafés, for cultural activities.
- Address issues related to City policy respecting arts and culture, including zoning, guidelines and enforcement practices.
- Allow existing buildings (including houses) to have artists' space, or provide more mixed-use buildings accommodating artists.

The 2008 Culture Plan and the 2013 Culture Plan: Strategic Directions for the Next Five Years support an enabling environment for the sustainable creation and operation of cultural spaces. The policies call for multi-tenant workspaces that support cross-fertilization, collaboration and incubation, as well as multiple function spaces for rehearsal, production and administrative services.

STRATEGIC ANALYSIS

1. Background

The Western Front is one of Canada's oldest and largest artist-run centres and is a local, national and international hub for the development of contemporary visual, media, dance and music arts in Vancouver. The Western Front has been home to many significant contemporary Canadian artists and has been at the forefront of the contemporary arts scene for decades. As one of the primary originators of the "artist-run centre" typology, it is a distinct multi-function cultural space whose mission and operations are guided by the artists themselves.

The Western Front is a member of the Pacific Association of Artist Run Centres and is a key facility in the overall inventory of cultural spaces in Vancouver. The Western Front is also one of Vancouver's few known artist-run centres located in what is primarily a residential district. Most are located in mixed-use commercial districts, such as Downtown or Downtown Eastside Oppenheimer, or in the heritage districts of Gastown and Chinatown.

The Western Front is an artist-owned building that houses two cultural tenants:

- Western Front Society, operating since 1973
- Experimental Dance and Music (EDAM), operating since 1982.

2. Land Use

In 2009 Western Front was subject to several City inspections of its building and a number of safety issues were identified. It was determined that none of the cultural activities and uses that were occurring as part of the artist-run centre were allowed under the use provisions of the RM-4 District Schedule which is applicable to this site. As a result, Inspections staff required the site owners to upgrade the building to meet Vancouver Building By-law standards, and it was noted that a rezoning would be necessary to permit the land uses that were not compliant with the RM-4 District Schedule.

Subsequent to the City inspection in 2009, the property owners completed building upgrades to the City's satisfaction, leaving the rezoning as the final step to legally permit the full range of uses that occur at this artist-run centre. The uses proposed in the CD-1 By-law will allow a range of cultural, recreational and services as well as customary accessory uses and the proposed uses will further provide the Western Front with future flexibility to expand and grow its artistic practice, albeit within the existing building. No construction is being proposed as a result of this rezoning application.

Staff note that two dwelling units that provide rental accommodation currently exist on the site and those are proposed to be retained. Accordingly, the proposed CD-1 By-law allows for this residential use but it limits the floor area in Dwelling Use to 186 m² (2,000 sq. ft.), which is the amount of residential space currently existing within the building.

3. Public Input

The City of Vancouver Rezoning Centre webpage included notification and application information as well as an online comment form. A community open house was held on October 24, 2013 at the Western Front, with staff from the City and the Western Front in attendance. Six people attended the event and two comment forms supporting the rezoning proposal were received.

Staff also met with the Pacific Association of Artist Run Centres (PAARC) to discuss the proposed land uses. They were generally supportive and advised the City to keep in mind the need for artist-run centres to include residencies, research functions and a multi-disciplinary approach. The draft CD-1 Bylaw accommodates the research functions and allows flexibility for the Western Front to continue to evolve their artistic work.

4. Public Benefits

In response to City policies which address changes in land use and density, rezoning applications are reviewed for public benefits.

Development Cost Levies (DCLs) – Development Cost Levies (DCLs) are a growth-related charge on new development. As this rezoning is for a change of use to an existing building with no addition of floor area, there are no DCLs payable.

Community Amenity Contribution (CAC) – Real Estate Services have reviewed the rezoning proposal and have determined that rezoning would not result in any increase in land value (land lift), and, therefore, Real Estate Services have concluded that in this particular case a Community Amenity Contribution (CAC) is not appropriate.

*IMPLICATIONS/RELATED ISSUES/RISK**Financial*

As noted in the Public Benefits Section above, there would be no Community Amenity Contributions or Development Cost Levies associated with this proposed rezoning.

CONCLUSION

The proposed rezoning of the site of the Western Front would permit the current uses in the existing building thereby enabling the lawful operation of the artist-run activities of one of Vancouver's most important contemporary art facilities. Planning staff conclude that this rezoning proposal is consistent with the Mount Pleasant Community Plan and the Culture Plan and support rezoning the site to CD-1.

Staff recommend that the General Manager of Planning and Development Services make application to rezone 303 East 8th Avenue to CD-1 District, that the application be referred to Public Hearing and that, subject to the Public Hearing, it be approved in principle.

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303 East 8th Avenue (Western Front)
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.

Zoning District Plan Amendment

1. This By-law amends the Zoning District Plan attached as Schedule D to By-law No. 3575, and amends or substitutes the boundaries and districts shown on it, according to the amendments, substitutions, explanatory legends, notations, and references shown on the plan marginally numbered Z-() attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D, to By-law No. 3575.

Definitions

2. Words in this By-law have the meanings given to them in the Zoning and Development By-law except that:

School - Arts means the use of premises for training or instruction in drama, music, painting, dance or visual, performing, literary or interdisciplinary arts.

Uses

- 3.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 ().
- 3.2 Subject to Council approval of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within CD-1 (), and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
 - (a) Cultural and Recreational Uses, limited to Artist Studio, Club, Hall, Library, Museum or Archives, and Theatre;
 - (b) Dwelling Units in conjunction with any other uses listed in this section 2.2;
 - (c) Service Uses, limited to Production or Rehearsal Studio, and School - Arts; and
 - (d) Accessory Uses customarily ancillary to the uses listed in this section 3.2, except that a Retail Store shall only be permitted as an accessory use ancillary to the Cultural and Recreational Uses and to the Service Uses listed in this section 3.2.

Floor area and density

- 4.1 Computation of floor space ratio must assume that the site consists of 560.1 m², being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications.
- 4.2 The floor space ratio for all uses must not exceed 1.98.
- 4.3 The maximum floor area for residential uses shall not exceed 186 m².
- 4.4 Computation of floor area must include all floors, including earthen floor, above and below ground level, having a minimum ceiling height of 1.2 m, measured to the extreme outer limits of the building.
- 4.5 Computation of floor area must exclude:
 - (a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that:
 - (i) the total area of all such exclusions must not exceed 12% of permitted floor area, and
 - (ii) the balconies must not be enclosed for the life of the building;
 - (b) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls.
- 4.6 The use of floor area excluded under section 4.5 must not include any purpose other than that which justified the exclusion.

Building height

5. Building height, measured from base surface, must not exceed 10.7 m.

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303 East 8th Avenue (Western Front)
DRAFT CONSEQUENTIAL AMENDMENTS

DRAFT AMENDMENTS TO THE SIGN BY-LAW No. 6510

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

"303 East 8th Avenue [CD-1#] [By-law #] B (C-1)"

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303 East 8th Avenue (Western Front)
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

Applicant and Property Information

Address	303 East 8th Avenue
Legal Descriptions	Lot 16, Block 42, District Lot 200A, Plan 197; PID 015-551-610
Developer	N/A
Architect	N/A
Property Owners	Henry Bull, Marion Ellison, Peter Bingham and Eric Metcalfe

Development Statistics

	Development Permitted Under Existing Zoning	Proposed Development
ZONING	RM-4	CD-1
SITE AREA		560.1 m ² (6,029 sq. ft.)
USES	Multiple Dwelling	Artist Studio Dwelling Units Hall Museums or Archives Theatre Production or Rehearsal Studio School - Arts or Self-Improvement
Floor Space Ratio (FSR)	1.45	1.98
HEIGHT	10.7 m	10.7 m
PARKING, LOADING AND BICYCLE SPACES	as per Parking By-law	as per Parking By-law