



POLICY REPORT DEVELOPMENT AND BUILDING

Report Date: June 1, 2009
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Meeting Date: June 16, 2009

TO: Vancouver City Council
FROM: Director of Planning
SUBJECT: Amendments to the C-2C and C-2C1 District Schedules and Guidelines

RECOMMENDATION

- A. THAT the Director of Planning be instructed to make application to amend the C-2C and C-2C1 District Schedules of the Zoning and Development By-law to revise height and front yard regulations generally in accordance with Appendix A;

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

AND FURTHER THAT the application and By-law be referred to Public Hearing.

- B. THAT, subject to approval of the by-law to amend the C-2C and C-2C1 District Schedules, the by-law be accompanied at the time of enactment by the amended C-2B, C-2C and C-2C1 Guidelines generally as outlined in Appendix B, for adoption by resolution of Council.

GENERAL MANAGER'S COMMENTS

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

COUNCIL POLICY

There is no applicable Council Policy.

PURPOSE AND SUMMARY

This report recommends that amendments to the C-2C and C-2C1 District Schedules as contained in Appendix A be referred to Public Hearing. Appendix B contains draft changes to the existing Guidelines which would be brought forward for adoption at the time of enactment of the District Schedules.

The amendments represent minor revisions to the C-2C and C-2C1 height and front yard regulations and the corresponding guidelines. The proposed changes respond to concerns that have been raised by property owners, the development community, and staff. The height amendments will allow for the consideration of limited discretionary height increases to provide more viable commercial spaces. The front yard amendments will provide for improved public realm and streetfront design.

Table 1: Summary of Amendments

Regulation	Currently Permitted	Proposed Amendment
4.3 Height	Outright 10.6 m (35 ft.) Conditional 12.2 m (40 ft.)	Outright 10.6 m (35 ft.) Conditional 13.7 m (45 ft.)
4.4 Front Yard	None permitted	0.6 m (2 ft.)

BACKGROUND

Context: C-2C and C-2C1 zoning occurs along arterials in a variety of neighbourhoods throughout the city, covering 742 parcels. Areas covered by this zoning are shown on the map included as Appendix C.

Form of Development: While the built form context of these areas has historically been one and two storey commercial buildings -- significantly less than is permitted under the zoning -- new development is now typically pursuing a four-storey form of development with commercial at grade and residential above. Since January 2000, 15 permits have been issued for four-storey mixed use buildings in the C-2C and C-2C1 zones. Of these, three involved successful appeals to the Board of Variance, achieving heights ranging from 42 to 44 feet (2 to 4 feet above the existing conditional height limit).

Previous Amendments to Commercial zoning (C-2): The C-2C and C-2C1 zones are variations of the C-2 zoning which occurs along a large proportion of the arterials throughout the city. A review of the C-2 zoning in 2003 resulted in regulatory changes including revisions to the maximum permitted height and setbacks, and established detailed design guidelines. It was anticipated that the C-2C and C-2C1 zones would eventually be amended to bring them up to date with the revised C-2 but this work is currently unscheduled. In the interim the amendments proposed in this report, which are consistent with the C-2 zoning, will improve some of the immediate issues.

DISCUSSION

Proposed Height Amendment: Currently the outright height in the C-2C and C-2C1 zones is 10.6 m (35 ft.) and the maximum conditional height is 12.2 m (40 ft.). With recent mixed-use forms of development in these areas it has been found that the 12.2 m (40 ft.) height limit makes it difficult to achieve appropriate floor-to-floor heights for commercial uses at grade, often resulting in less viable commercial units.

Commercial space ideally needs 4.6 m (15 ft.) floor-to-floor distance to accommodate structural and mechanical systems. That typically leaves 3.7 m (12 ft.) of clear unobstructed height. The 12.2 m (40 ft.) limit usually leaves only 2.7 m (9 ft.) clear which significantly impairs the quality of the commercial spaces. The situation is exacerbated where there are grade changes over the length of the site, resulting in a situation where buildings must either have stepped floor slabs (costly and often impractical) or give up permitted floor space (at a cost).

To address these concerns, the proposed amendment will allow consideration of increases in conditional height to a maximum of 13.7 m (45 ft.) to achieve more appropriate commercial ceiling heights. It is also recommended that development within the C-2C and C-2C1 zones be limited to four storeys which is consistent with the building form that is commonly developed in the zone.

Since the proposed changes are conditional, they would continue to be subject to criteria that consider neighbourhood impacts and liveability, and that contribute to good urban form. In addition, proposals will be subject to the development permit process which involves a notification, providing neighbours with a way to voice their opinions about individual development applications.

Proposed Front Yard Amendment: At present no front yard is permitted in the C-2C and C-2C1 zones, requiring development to be built to the property line. A front yard of 0.6 m (2 ft.) is proposed. The intent of this amendment is twofold:

- to improve the streetfront design by allowing building elements such as cornices, balconies and bay windows to project without encroaching on the street right-of-way or resorting to awkward stepbacks in the façade; and
- to improve the public realm of these pedestrian-oriented neighbourhood shopping areas by creating wider sidewalks to provide needed space for street activity such as café tables and merchandise displays.

Proposed Guideline Amendment: Amendments to the existing “C-2B, C-2C and C-2C1 Guidelines” will add further clarity with regard to the intent of the height and front yard relaxations and design expectations.

Public Consultation/Notification: A total of 1,487 notification letters, outlining the proposed changes, were sent out to property owners and business organizations in the C-2C and C-2C1 zones, and affected Vision groups were contacted. A total of 10 telephone and email responses were received and were generally in support of the amendments. Comments included the following:

- Proposed height amendment will allow more viable ground-floor commercial units.
- Proposed front yard amendment has the potential to create more liveable, pedestrian-friendly neighbourhood.
- Further discretion should be provided to the Director of Planning to consider heights beyond 45 feet for sloping sites.
- To ensure valuable heritage buildings aren't lost along Hastings Street and Commercial Drive, they should be assessed in terms of their heritage value before instituting the amendments.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

This report proposes minor amendments to the C-2C and C-2C1 District Schedules and to the associated C-2B, C-2C and C-2C1 Guidelines. The changes respond to concerns expressed by property owners, development community and staff regarding the ability to achieve appropriate floor to floor heights for commercial uses at grade. The proposed front yard setback will provide for improvements to the public realm and streetscape.

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C-2C and C-2C1 District Schedules
Draft By-law Amendments

[All additions are shown in ***bold italics***. Deletions are shown in ~~strikeout~~.]

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

4.3 Height

4.3.1 The maximum height of a building shall be 10.7 m except that in the case of a site fronting a street running east and west, no portion of a building shall extend above an envelope formed by a vertical line measuring 7.3 m in height at the north property line and a plane formed by an angle of 30 degrees measured from the horizontal and having its vertex at the maximum building height permitted at the north property line.

4.3.2 The Director of Planning or the Development Permit Board, as the case may be, may permit an increase in the maximum height of a building to a height not exceeding ~~12.2 m~~ **13.8 m and 4 storeys** with respect to any development and may permit a building which exceeds the envelope provided the Director of Planning or the Development Permit Board first considers:

- (a) the height, bulk, **scale**, and location of the building and its effect on the site, surrounding buildings and streets, and existing views;
- (b) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area;
- (c) the intent of this Schedule, all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas; and
- (d) the submission of any advisory group, property owner or tenant.

4.4 Front Yard and Setback

4.4.1 **A front yard with a depth of 0.6 m shall be provided.**

4.4.2 For any use listed in Section 2.2, ~~a front yard shall not be permitted and~~ a front setback shall only be permitted where a pedestrian or shopping courtyard or other features benefiting pedestrian character are provided, or where otherwise required by this By-law.

4.4.3 A setback of 1.2 m from the front property line shall be required for any parking area.

4.4.4 **Despite section 4.4.1, the Director of Planning or the Development Permit Board, as the case may be, may in cases of unnecessary hardship permit a reduced or increased front yard, having regard to the intent of this Schedule and all applicable policies and guidelines adopted by Council.**

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**C-2B, C-2C AND C-2C1 GUIDELINES
Draft Amendments**

Add the following sections to the C-2B, C-2C and C-2C1 Guidelines:

4.3 Height

For height relaxations permitted under section 4.3.2 of the Zoning and Development By-law:

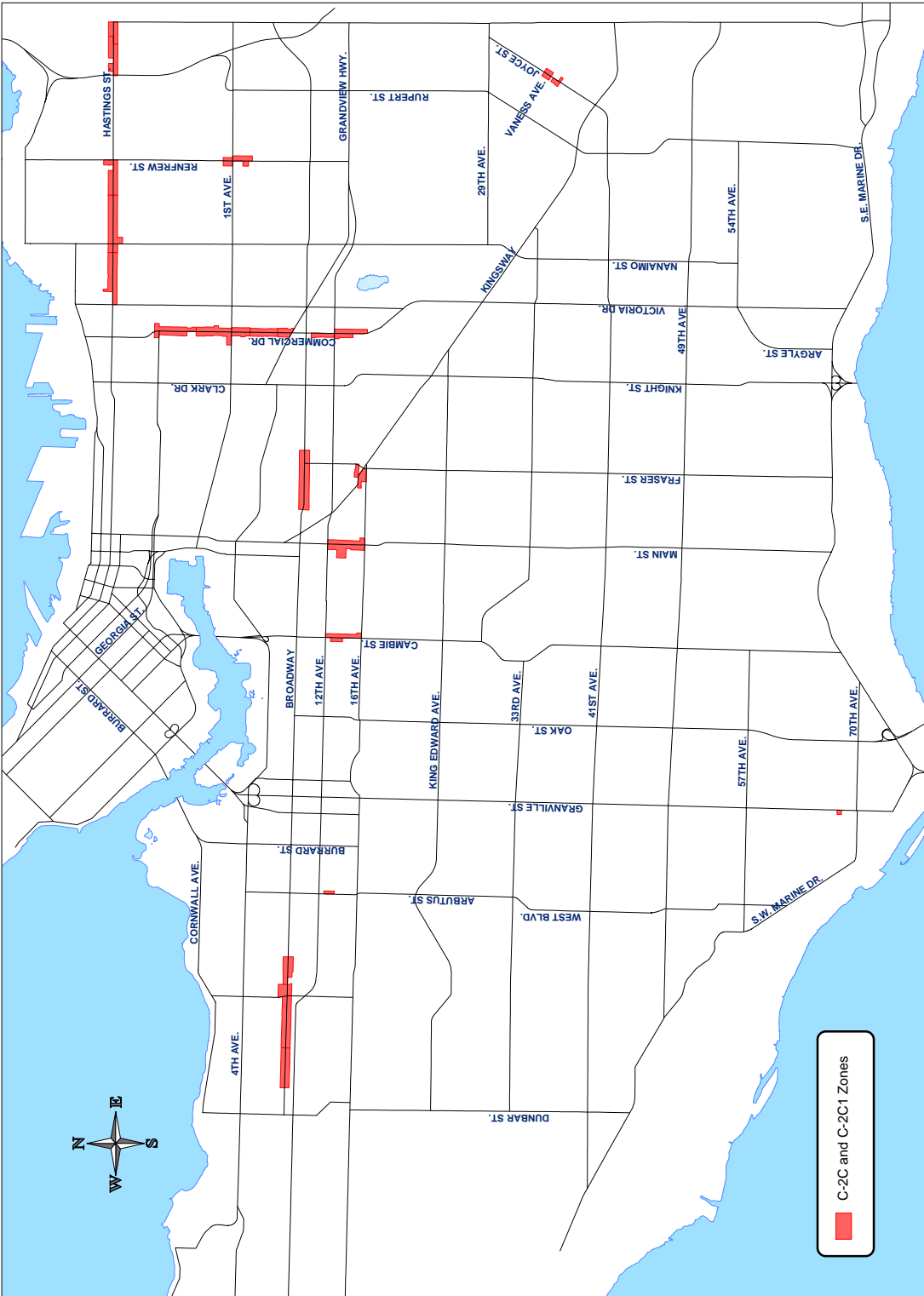
- (a) the provision of generous ground floor commercial floor to ceiling heights is considered a priority;
- (b) increased setbacks from both the front and rear property lines at upper storey levels may be appropriate.

4.4 Front Yard and Setback

For mixed use development with commercial at grade the 0.6 m front yard is both a setback and a build-to line. Flexibility is intended to allow for cornices, overhangs, and bays at the upper storeys, while providing more sidewalk space. Beyond the normal projections permitted by the Zoning and Development By-law General Regulations, the following relaxations are intended.

- (a) An increased front yard or front setback may be considered at grade for a pedestrian courtyard or other features benefiting pedestrian character.
- (b) a decreased front yard or front setback may be considered at grade to permit a transition to a smaller neighbouring front yard.

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Location of C-2C and C-2C1 Zones