



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: July 12, 2011
Contact: Kent Munro/
Grant Miller
Contact No.: 604.873.7135/
604.873.7484
RTS No.: 9273
VanRIMS No.: 08-2000-20
Meeting Date: July 26, 2011

TO: Vancouver City Council
FROM: Director of Planning
SUBJECT: CD-1 Rezoning: 2730 East 41st Avenue (5711 Rhodes Street)

RECOMMENDATION

- A. THAT the application by West Fraser Collingwood Developments Ltd., to rezone 2730 East 41st Avenue (Lots 19 to 22 of Lot A, Block 2, DL 50, Plan 2509; PID: 013-702-785, 013-702-793, 013-702-807, 013-702-815) from C-1 (Commercial) District to CD-1 (Comprehensive Development) District, to permit the development of a 4-storey mixed-use commercial and residential building with all 40 residential units secured as for profit affordable market rental under the Short Term Incentives for Rental (STIR) Program, be referred to a public hearing, together with:
- (i) plans received January 13, 2011;
 - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A; and
 - (iii) the recommendation of the Director of Planning to approve the application, 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 the 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 add the CD-1 and to assign regulations in accordance with Schedule "B" (C-2), also be referred to the same public hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law, generally in accordance with Appendix C, for consideration at the public hearing.

- C. THAT, subject to enactment of the rezoning By-law, the Noise Control By-law be amended to include this Comprehensive Development District in Schedule A 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.

- D. THAT, Recommendations A, B and C 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:

- Victoria Frasersview/Killarney Community Vision (January 15, 2002)
- Rezoning Policy for Greener Buildings (June 10, 2008)
- Short Term Incentives for Rental Housing (STIR) Program (June 18, 2009).

PURPOSE AND SUMMARY

This report assesses an application to rezone the vacant site at 2730 East 41st Avenue from C-1 (Commercial) District to CD-1 (Comprehensive Development) District to permit the development of a 4-storey mixed-use building containing 40 affordable market rental dwelling units under the STIR program and three commercial units at-grade fronting East 41st Avenue. The application proposes a maximum floor space ratio (FSR) of 2.41 and a maximum building height of 15.40 m (50.5 ft.). In return for increased residential density, increased height, reduced parking requirements and Development Cost Levy (DCL) waiver for residential floor space the applicant is offering to secure all of the dwelling units as guaranteed market rental

housing for 60 years or the life of the building, whichever is greater, as a housing benefit under the Short Term Incentives for Rental (STIR) Program.

Staff have assessed the application and conclude that it is supported by Council policy. Subject to a public hearing, staff recommend that the application be approved with conditions outlined in Appendix B.

DISCUSSION

1. Site and Context

The rezoning site is located at the southwest corner of East 41st Avenue and Rhodes Street and is comprised of four lots which together have 137.7 ft. of frontage on East 41st Avenue. The site is currently zoned C-1 and is undeveloped. While the surrounding area is primarily a single family neighbourhood zoned RS-1, the sites across Rhodes Street to the east and across East 41st Avenue to the north are also zoned C-1 and are developed with one and two storey commercial buildings. Across the lanes to the south and west are single family homes (See Figure 1).

Figure 1 – Site and Surrounding Zoning



2. STIR Application Processing

This application is undergoing concurrent processing of the rezoning and development permit applications to provide an expedited process, as is permitted under the STIR Program.

3. Victoria Fraserview/Killarney Community Vision

The site falls within the Victoria Fraserview/Killarney Community Vision area. While the Community Vision adopted in 2002 provides no specific direction regarding C-1 nodes, directions regarding new housing types and locations are informative. Direction 19.1 indicates the community was more supportive than opposed to new low-rise apartments with

a maximum height of four storeys. Direction 19.2 identifies the preferred location for new low-rise apartments, to be along transit routes such as 41st Avenue.

The policy provided in the Vision regarding rezoning notes that affordable housing projects can be considered for site-specific rezonings without further area planning, because such proposals would meet City-wide policy objectives. The project's height and location are consistent with Directions 19.1 and 19.2 and the guarantee that all units will be secured as affordable market rental housing for 60 years or the life of the building is generally consistent with the Community Vision rezoning policy for affordable housing projects.

4. Land Use, Density and Height

The current C-1 zoning limits residential use to 0.75 FSR within a maximum 1.2 FSR for mixed-use buildings. While the proposed 0.39 FSR of commercial space is consistent with the existing C-1 zoning, rezoning is required to allow the proposed 2.02 FSR residential. Further, as the maximum height permitted under C-1 is 10.7 m (35 ft.), a 4.7 m (15.5 ft.) increase to 15.4 m (50.5 ft.) is proposed. Rezoning is required to approve this additional height.

The increase in residential density is appropriate in this location, which has ready access to transit, services and amenities. The 4.7 m (15.5 ft.) increase in height provides for an additional floor of residential units and generous floor to ceiling height for the commercial units which will improve their viability. The additional height is mitigated by the City lanes which separate the property from its immediate RS-1 neighbours.

Staff support the proposed use, density and height subject to design development conditions noted in section (b) of Appendix B and described below.

5. Form of Development (Appendix E)

The proposed form of development generally follows the model of the C-2 District Schedule and associated design guidelines, which were designed and have been extensively tested to create medium-scale commercial and residential development with a neighbourly relationship to adjacent single-family dwelling areas. As such, staff have relatively few concerns about this aspect of the application.

Conditions in section (b) of appendix B recommend design development to improve the massing and expression of the west façade by continuing the design quality established on other facades. Other conditions recommend improvements to the quality of materials and landscaping, especially where they benefit the public realm. The unopened lane to the south of the property presents an opportunity to improve the transition to the single-family lot to the south. A condition recommends the applicant explore providing more attractive landscaping or urban agriculture opportunities with our Engineering department. Staff support the proposed form of development, subject to the conditions noted in section (b) of Appendix B.

6. Parking, Loading and Circulation

The application proposes one loading bay and six commercial parking spaces at-grade within the building and one level of underground parking providing 29 residential parking spaces all accessed from the lane to the west. Under the STIR Program, rental units qualify for a reduction in parking as follows:

- A minimum of one space for each 125 m² of gross floor area;
- A minimum number of visitor parking spaces equal to 7.5% of the total number of dwelling units.

The application meets the Parking By-law standards for a STIR project.

7. Environmental Sustainability

At the date this application was made (January 13, 2011), Council's Rezoning Policy for Greener Buildings required that all rezonings meet a minimum equivalent of LEED® Gold, with a minimum of 63 points including 6 optimize energy performance points, 1 water efficiency point and 1 stormwater point and LEED® registration. The project has been registered, and staff recommend a condition to ensure that the other policy goals are met and translated into the design of this building (see Appendix B, item (c) 3).

8. Rental Housing and the STIR Program

Policy: On June 18, 2009, Council adopted the Short-Term Incentives for Rental Housing (STIR) program. STIR is a time-limited program to provide a strategic set of incentives to encourage and facilitate the development of new affordable residential market rental units throughout the City. This proposal has come in under the "negotiated" stream whereby incentives, including increased density, could be tailored for the specific project.

By encouraging the development of rental housing across the city, the STIR program aligns with Council's priorities to encourage the continued building of strong, safe and inclusive communities that are sustainable, affordable, and environmentally sound. Rental housing provides a more affordable housing option for nearly half of Vancouver's population and by stimulating the rental housing market, the STIR program is one of a number of City initiatives to sustain socially, economically and environmentally thriving communities. As summarized in the table below, the STIR Program has resulted in the approval or pending approval of 575 rental units since the STIR program was initiated. Another 487 STIR rental units are currently under application and are expected to be considered by Council in the near future; if those are approved, the STIR program will have generated a total of 1062 rental units.

STATUS UPDATE - SHORT-TERM INCENTIVES FOR RENTAL (STIR) PROGRAM Processed Applications (approved or pending Council approval)

| Project Address | Units | Date | Project Status |
|------------------------------|------------|--------------------|---|
| 1215 Bidwell Street | 49 | Dec 15/09 | Approved w/Conditions - Permits pending |
| 1240 Howe Street | 20 | Jan 6/10 | Approved w/Conditions - Permits pending |
| 1142 Granville Street | 106 | Jun 22/10 | Under construction |
| 3522 Porter Street | 192 | Jan 18/11 | Approved w/Conditions - Permits pending |
| 8495 Granville Street | 31 | May 17/11 | Approved w/Conditions |
| 1650 Quebec Street | 91 | Jun 16/11 | Approved w/Conditions |
| <i>8440 Cambie Street</i> | <i>46</i> | <i>July 19/11*</i> | <i>Approval pending</i> |
| <i>2730 East 41st Avenue</i> | <i>40</i> | <i>Sept 20/11*</i> | <i>Approval pending</i> |
| TOTAL | 575 | | |

* Date of scheduled Public Hearing

Proposal: The applicant has proposed that all 40 housing units in the building be for profit affordable rental tenure under the STIR program. The public benefit accruing from these units is their contribution to the city's rental housing stock for the life of the building or 60 years, whichever is greater. This would be secured through a STIR Housing Agreement with the City, and would be subject to the conditions noted in Appendix B.

STIR Incentives: Under the STIR Program various levels of incentives are provided to stimulate the development of purpose-built rental housing. The incentives represent a mixture of construction cost savings through regulatory relaxations and forgone revenues from DCLs. The applicant is requesting an incentive package consisting of a DCL waiver on 40 affordable market rental units. The floor space proposed for the STIR rental housing is 27,124 sq. ft., for which there would be no DCLs.

Affordability: The development includes a variety of units from studios to 2-bedrooms ranging in size from 400 to 920 sq. ft. The developer estimates that the units will rent on average for \$1.65 per square foot. Staff have reviewed the finishing, unit size and design features in this location in comparison with industry standards of construction and conclude that the project is basic quality construction. Staff find the rent levels proposed for this project to be below affordable market rents in this location and estimate that \$1.95 per square foot would be more realistic and meet the STIR program criteria for "for profit affordable rental housing." The City Manager, pursuant to the Vancouver Development Cost Levy By-law, has determined this rental housing project to be affordable.

Conclusion: As was noted in the June 2, 2009 Council report that detailed the STIR program, the program is not revenue neutral and it was recognized that the program prioritizes rental housing ahead of other potential City priorities and amenities (i.e., rental housing is provided as a public benefit in the place of a community amenity contribution which is used to help address growth costs, area deficiencies, and/or other community needs and impacts). There is currently no housing on this site and the opportunity to create 40 new rental units for no less than sixty years, in this location, is significant.

9. Public Input

A notification letter, dated March 16, 2011, was mailed to 624 surrounding property owners. One phone call was received followed by three e-mails and one neighbour who came to speak to staff at City Hall. All five residents were concerned that the project was too large and would generate additional traffic. Staff explained that the current zoning permits the proposed amount of commercial development which is a more significant traffic generator than residential.

The proposed conditions of approval in Appendix B respond to concerns regarding the scale of the building.

PUBLIC BENEFITS

In response to City policies which address changes in land use and density, this rezoning application offers the following public benefits.

Development Cost Levies (DCLS): DCLs apply to all new construction and help pay for facilities made necessary by growth, including parks, child care facilities, replacement housing (social/non-profit housing) and various engineering infrastructure. This site is located

in the Vancouver (city-wide) DCL District where the rate for new residential or commercial floor space is \$112.16 per m² (\$10.42 per sq. ft.). It is anticipated that the three new commercial units will generate DCLs of approximately \$54,500 (based on the current DCL rate). DCLs are payable at building permit issuance and are subject Council approval of an annual inflationary adjustment which takes place on September 30th of each year. Under the provisions of the STIR Program, the applicant has requested that DCLs be waived for the rental housing component of this development.

Short Term Incentives for Rental Program (STIR): The applicant, under the negotiated stream of the STIR program has offered to provide 40 for profit affordable market rental housing units for the life of the building or 60 years, whichever is greater. Staff reviewed the applicant's development proforma to ensure that the STIR program incentives provided no undue profit.

Community Amenity Contribution (CAC): Staff reviewed the applicant's development proforma to identify whether the rezoning generated a sufficient increase in land value or land lift, to warrant a Community Amenity Contribution (CAC) offering. Staff concluded that after factoring in the costs associated with the development of market rental housing units, there was no land lift and, therefore, no CAC offering was appropriate.

FINANCIAL IMPLICATIONS

The applicant has applied to have the rental housing component of the project considered under the Short Term Incentives for Rental Housing (STIR) Program, approved by Council on June 18, 2009, to facilitate the development of new residential affordable market rental housing. Under the STIR Program, the City will waive the DCLs applicable to the rental component of the development estimated at \$282,600. The net DCLs received after the waiver is estimated to be approximately \$54,500 and would be collected prior to building permit issuance.

CONCLUSION

Staff assessment of this rezoning application has concluded that the proposed form of development can be supported at this location. Further, the public benefits of this project will contribute to the City's housing goals in the form of a net increase of 40 affordable long-term market rental units. The Director of Planning recommends that the application be referred to a public hearing, together with a draft by-law generally as shown in Appendix A. The Director of Planning also recommends that, subject to a public hearing, the rezoning be approved, along with conditions listed in Appendix B, including approval in principle of the form of development as shown in plans attached as Appendix E.

* * * * *

2730 East 41st Avenue
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 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 north wall of the building and extending across its full width shall be used for residential purposes except for entrances to the residential portion;
- Cultural and Recreational Uses, limited to Fitness Centre;
- Office Uses;
- Retail Uses;
- Services Uses, limited to animal clinic, barbershop or beauty salon, beauty and wellness centre, catering establishment, laboratory, laundromat or dry cleaning establishment, neighbourhood public house, photofinishing or photography laboratory, photofinishing or photography studio, print shop, repair shop - class B, restaurant - class 1, school - arts or self-improvement, school - business, school - vocational or trade;
- Accessory Uses customarily ancillary to any of the uses listed in this section.

Density

- Maximum floor space ratio of 2.41 FSR.
- For the purpose of computing floor space ratio, the site is deemed to be 1 247 m², being the site size at time of application for rezoning, prior to any dedications.
- Computation of floor space ratio must include:
 - all floors, including earthen floors, to be measured to the extreme outer limits of the building;
 - stairways, fire escapes, elevator shafts and other features which the Director of Planning considers similar, to be measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.
- Computation of floor space ratio must exclude:
 - open residential balconies, sundecks, porches 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 provided residential floor area;
 - 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, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; or

- are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length;
- amenity areas, including recreation facilities and meeting rooms provided that:
 - the total area being excluded for amenity areas shall not exceed 10 percent of the permitted floor space;
- areas of undeveloped floors which are located:
 - above the highest storey or half-storey and to which there is no permanent means of access other than a hatch; or
 - adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- floors located at or below finished grade with a ceiling height of less than 1.2 m;
- 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;
- Computation of floor space ratio may exclude, at the discretion of the Director of Planning or Development Permit Board:
 - 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:
 - 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
 - no more than fifty percent of the excluded balcony floor area may be enclosed.

Height

- A maximum of 15.4 m.

Horizontal Angle of Daylight

- All habitable rooms must have at least one window on an exterior wall which complies with the following:
 - the window shall be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, shall be unobstructed over a distance of 24.4 m; and
 - the plane or planes shall be measured horizontally from the centre of the bottom of the window.
- The Development Permit Board or the Director of Planning, as the case may be, may relax the horizontal angle of daylight requirement of this section provided he first considers all the applicable policies and guidelines adopted by Council and providing that a minimum distance of 6.1 m of unobstructed view is maintained.
- For the purpose of calculation of the horizontal angle of daylight, the following are considered as obstructions:
 - the largest building permitted under the zoning on any adjoining sites; and
 - part of the same building including permitted projections.
- A habitable room referred to in this section does not include:
 - a bathroom; or
 - a kitchen whose floor area is the lesser of:

- less than 10% of the total floor area of the dwelling unit, or
- less than 9.3 m².

Parking, Loading and Bicycle Parking

- Parking, loading, and bicycle spaces shall be provided and maintained in accordance with the requirements of the Parking By-law, including those concerning exemption and relaxation.

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 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 |

* * * * *

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.

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by W G Architecture Inc. and stamped "Received City Planning Department, January 13, 2011", subject to the following conditions, 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

1. Revision to the massing and expression of the west façade to improve the transition to the residential area to the west.

Note to Applicant: This can be accomplished by stepping back the fourth floor and by improving the articulation and variety of the wall, especially on upper levels, comparable to the treatment of the east façade facing Rhodes. Improved landscaping should be provided at grade, and some degree of the East 41st Avenue treatment from the ground floor wrapped around the corner, especially for those portions that are visible from the street.

2. Provision of higher quality materials on the ground floor façade.

Note to Applicant: This can be accomplished through the use of brick or other masonry consistently along the ground floor.

3. Provision of substantial landscaping throughout the public realm interface.

Note to Applicant: Trees, shrubs, and ground cover should be employed on both public and private property wherever possible, minimizing concrete and lawn area. Confirm with Engineering and Parks staff the permitted plant species in this area.

4. Provide an evaluation of the feasibility of improving the lane dedication.

Note to Applicant: Consider how this area can be developed to improve the transition to the single-family lot to the south and provide a local amenity such as more attractive landscaping or urban agriculture opportunities. Where feasible in the opinion of the Director of Planning, these improvements should be provided.

Coordinate with Engineering staff, especially regarding surface treatments and plant choices.

5. Notation on the elevation drawings of all colours, finishes, and materials.

Note to Applicant: Attach colour samples to the drawings.

6. Provision of enlarged details at $1/2" = 1'-0"$ scale or similar for significant exterior features.

Note to Applicant: Include trim, rails, guards, masonry work, wall caps, lighting, soffits and similar features. Materials should be durable, high quality choices.

Crime Prevention Through Environmental Design (CPTED)

7. Design development to consider the principles of CPTED, having particular regard for security in the underground parking.

Note to Applicant: Show how lighting and glazing will be used to improve perceived safety in underground areas. Residents and operators should be consulted to determine whether any other risks exist in the area, and specific design response noted on the plans. Design features that address CPTED principles should be noted in the development permit application.

Landscape Design

8. Design development to provide sufficient soil depth and volume to ensure long term plant health.

Note to Applicant: Soils should meet or exceed the latest edition of the BCLNA Landscape Standards.

9. Provision of high efficiency irrigation for all common and permanent planter areas; and, hose bibs for all private patios greater than 100 sq. ft., including common areas with urban agriculture component.

10. Provision of a detailed Landscape Plan illustrating soft and hard landscape treatment.

Note to Applicant: the Landscape plan should include a planting plan listing common and botanical name, size and quantity of all existing/proposed plant material. Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. Illustrate and clarify all outdoor surface/paving materials, site furniture, lighting, trash receptacles, hose bibs, signs, retaining wall treatment, anti-skateboard guards (where applicable), parking vents, at-grade utilities, and public realm (building edge to the curb, street trees, lamp posts, fire hydrants, sidewalk treatment).

11. Design development to provide a detailed Landscape Plan that satisfies the requirements of a Tree Plan, including required tree removal quantities, and dimensioned tree protection barriers, and/or arborist supervision assurances where applicable.

Note to Applicant: Refer to *Protection of Trees Bylaw* (sec. 4.0, 4.3).

12. Illustration of spot elevations to all outdoor areas (including top/bottom walls), including offsite context spot elevations in proximity (such as the lane, for example).
13. Provision of new street trees to be provided adjacent to the development site, to be shown on the development permit plans and confirmed prior to the issuance of the building permit.

Note to Applicant: Contact Eileen Curran, Streets Engineering (604.871.6131) to confirm tree planting locations and Park Board (604.257.8587) for tree species selection and planting requirements. Provide a notation on the plan, "Final spacing, quantities and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6 cm calliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 ft long and 18 inches in. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion".

Engineering

14. Provision of a minimum 22 ft. wide parking ramp entry between the property line and the drain grate due to the proposed car reader and an additional widening or flare of the driveway at Porter Street to improve turning access and conflicts between entering and exiting vehicles.
15. Provision of garbage storage space to accommodate a minimum of 4 (5x8 ft.) spaces for garbage bins and multiple totters' for recycling purposes or confirmation of the provision of a low-profile garbage compactor and recycling space designed to meet the site's needs. (Confirmation is required from a waste hauler of the compactor's adequacy and that the hauler can and will pick up from the location shown without reliance on the lane for storage of bins or containers).
16. Some of the units appear to propose entries that lead into the back of the existing bus shelter on Victoria Diversion. Please review access points to ensure adequate access is available to affected units.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That prior to enactment of the CD-1 By-law, arrangements on terms and conditions satisfactory to the Director of Planning, General Manager of Engineering Services, the Managing Director of Social Development and the Director of Legal Services be made for the following:

Engineering

1. Arrangements are to be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for:
 - a. Consolidation of Lots 19 to 22 of Lot A, Block 2, DL 50, Plan 2509 to create a single parcel and subdivision of that site to result in:
 - (i) Dedication of the northerly portion of the site on 41st Avenue for road purposes;

Note to Applicant: the ultimate northerly property line of the site shall be determined by producing a straight line from the northeast corner of the property at 5710 Wales Street to the northwest corner of the property as 2750 East 41st Avenue.
 - (ii) Dedication of a 10'x10' corner-cut in the southwest corner of the site for road purposes;
 - b. Release of Easement & Indemnity Agreement 314942M (for 4 commercial crossings);
 - c. Provision of a standard concrete lane entry at the lane west of Rhodes on the south side of 41st Avenue;
 - d. Provision of improved sidewalks to standard commercial treatments on 41st Avenue adjacent the site;
 - e. Provision of street trees adjacent the site where space permits;
 - f. 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 as determined by the applicants mechanical consultant 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 to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.

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.

Housing

2. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services, to secure all 40 housing units as for profit affordable rental housing pursuant to the Short Term Incentives for Rental Housing (STIR) Program for 60 years or life of the building, whichever is greater, subject to a no separate-sales covenant and a non-stratification covenant through a STIR housing agreement, and subject to such rentals being made available as rental housing units.

Sustainability

3. Registration for LEED® certification and identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold equivalency, including at least 6 optimize energy performance points, 1 water efficiency point and 1 storm water point to the satisfaction of the Director of Planning.

Soils

4. Submit a site profile to the Environmental Protection Branch (EPB).
5. The property owner shall, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter.
6. Enter into a remediation agreement for the remediation of the site and any contaminants which have migrated therefrom on terms and conditions satisfactory to the Manager of Environmental Protection, City Engineer and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until a Certificate of Compliance(s) satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Water, Land and Air Protection, has been provided to the City.

Note: 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 are 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 the form and content satisfactory to, the Director of Legal Services.

DRAFT CONSEQUENTIAL AMENDMENTS

DRAFT AMENDMENTS TO THE SIGN BY-LAW NO. 6510

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

"5711 Rhodes Street [CD-1#] [By-law #] B (C-2)"

DRAFT AMENDMENTS TO THE NOISE BY-LAW NO. 6555

Amend Schedule A (Activity Zone) by adding the following:

"[CD-1 #] [by-law #] 5711 Rhodes Street"

* * * * *

ADDITIONAL INFORMATION/COMMENTARY OF REVIEWING BODIES

Comments - General Manager of Engineering Services: The General Manager of Engineering Services has no objection to the proposed rezoning, provided that the arrangements and conditions as shown in Appendix B are satisfactorily concluded.

Urban Design Panel Comments: The Urban Design Panel reviewed this proposal on May 4, 2011 and supported (6-4) the proposed use, density and form of development:

Introduction: Grant Miller, Rezoning Planner, introduced a concurrent rezoning and development permit application for a C-1 site at the corner of East 41st Avenue and Rhodes Street. The rezoning is to allow the development of a 4-storey mixed-use building with commercial at grade and guaranteed market rental residential units above. Mr. Miller described the Policy Context noting that the site falls within the Victoria Fraserview Killarney Vision Area and the application was made under STIR (Short Term Incentives for Rental Program). The STIR program was adopted by Council in June 2009 and provides incentives for the private development of guaranteed rental units. These incentives include: DCL waiver for rental units; parking requirement reductions, and additional density granted when consistent with policy and demonstrated attention to urban design.

Mr. Miller noted that the application was received in January of this year and at the date of application, the City's Green Buildings Policy requires LEED® Gold equivalency with a minimum of sixty-three points, including six energy points, one water efficiency point, one stormwater management point, and registration of the development.

Sailen Black, Development Planner, further described the project, noting that the site is immediately south of the Norquay community boundary and one block west of Earles Park, on the southwest corner. There is a lane dedication along the south edge with an open lane to the west.

Mr. Black noted that it is a complete application for a 4-storey building with retail on the ground floor and three floors of multi-family residential above. The existing zoning is intended to support small-scale convenience shopping for the local neighbourhood. Mr. Black described the context for the area noting that there aren't any plans to change the zoning on the south side of East 41st Avenue.

Advice from the Panel on this application is sought on the following:

- Interface with the public realm and private properties nearby;
- Transition along the Rhodes side to the single family house neighbourhood; and
- Architectural expression such as articulation, details, colour, and materials.

Mr. Miller and Mr. Black took questions from the Panel.

Applicant's Introductory Comments: Wojciech Grzybowicz, Architect, further described the proposal noting the building steps down towards the single family homes across the lane. They have proposed some screening along the ramp to the parkade as well vines on top of the ramp screening elements. The commercial uses are facing East 41st Avenue.

Mr. Grzybowicz described the materials and the colour palette. He noted that they are using horizontal elements to break down the scale of the building. The proposal consists of three storeys of apartments for a total of 33 units.

Jenny Liu, Landscape Architect, described the proposed plant selection for the project including the landscape treatment on the trellis element alongside of the ramp to the parkade.

The applicant team took questions from the Panel.

Panel's Consensus on Key Aspects Needing Improvement:

- Design development to the architectural expression to improve the transition of the other three facades onto the west façade, such as making the west facade less two-dimensional;
- Consider replacing a CRU space for an indoor amenity space at grade;
- Consider making the undeveloped laneway part of the project through cleaning up and re-landscaping with urban agricultural or planting with native plants;
- Consider adding street trees along East 41st Avenue and perhaps in the dedicated laneway as well; and
- Consider higher quality materials at grade to improve the public realm.

Related Commentary: The Panel supported the proposal and thought the density and height was well handled.

The Panel had some concerns regarding the viability of the retail noting that the use and expression on the street implies that it would be small scale retail and the Panel didn't see that working very well. They felt the applicant needed to clarify how the retail informs the public realm along the street. One Panel member suggested turning one of the spaces into an amenity space for the residents, especially given the retail viability concerns. They liked the simplicity of the plan but felt there was an abrupt two-dimensional transition to the west and suggested having the residential qualities on the south continue around to the west. Several Panel members thought the architectural expression seemed heavy and thought it could be less commercial looking.

The Panel liked that the building stepped down to the single family residential neighbourhood and thought the transition was successful. Some of the Panel liked the elevation on Rhodes Street but thought some trees should be added in the boulevard.

There was some concern regarding the livability of the residential units along the lane as they thought they might be dark. One Panel member suggested some more attention to the outdoor space was needed. Another Panel member supported the residential unit on the main floor but suggested the bedroom should face south. The Panel thought the ramp was reasonably well handled but there were some concerns regarding access to the loading. One Panel member noted that it was a small spot and might be hard to have vehicles move in and out of the area.

The Panel thought the landscaping was working well with the buffer to the residential on the lane although there was some concern regarding the undeveloped lane becoming a "no man's land". One Panel member noted that considering the amount of density being asked for,

whether there could be some way of landscaping or handling the lane to improve it, and to see that it was maintained. Another Panel member suggested using the undeveloped lane for urban agriculture as a community benefit. Also, the transition planting on the south needed to be native plants or plants that could support a bird habitat. A couple of Panel members suggested additional vertical landscaping on East 41st Avenue and thought some street trees would be appropriate. One Panel member thought the separated sidewalk was a mistake and would reduce the viability of the retail. Also, landscaping on the decks needed work as the planters on level two should be completely filled in to make for a privacy screen between the units.

Some of the Panel liked the red colour palette but a couple of Panel members thought the blues were too dark and could be lightened up a bit. However, there was some concern with the materials especially the Hardi panels with most of the Panel stating that the aluminium transition was a poor way to detail the panels. It was suggested that higher quality materials be used at grade to help with the public realm.

The Panel was disappointed with the sustainability strategy and suggested additional shading devices on the south and west facades as the solar heat gain had not been addressed.

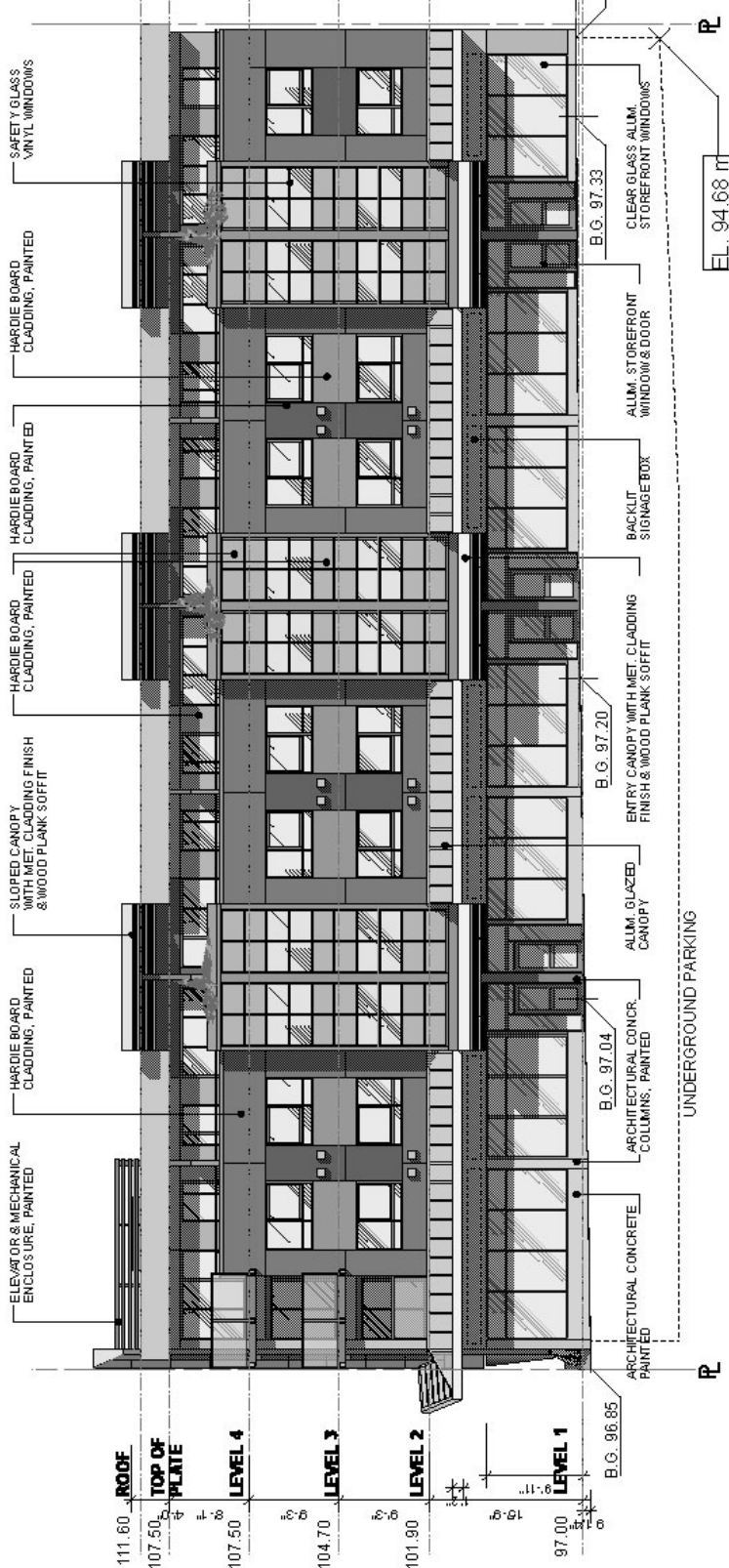
Applicant's Response: Mr. Grzybowicz thanked the Panel for their comments and said he agreed with them regarding the approach to colour. He noted that there are a number of commercial buildings across the street and thought the retail would be viable in the proposal.

Comments of the Applicant: The applicant has been provided with a copy of this report and has provided the following comments:

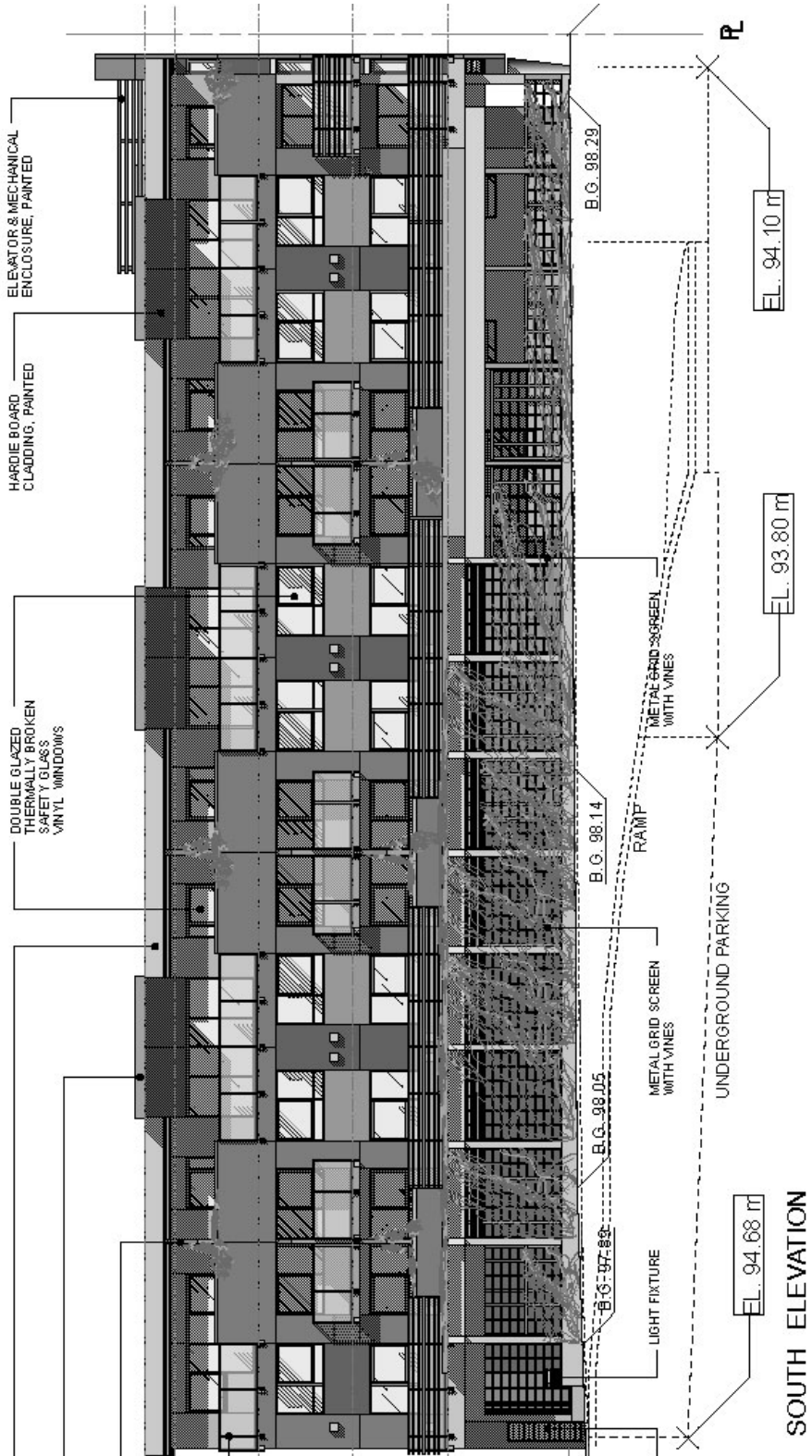
"We have reviewed the report and understand the recommendations and conditions."

* * * * *

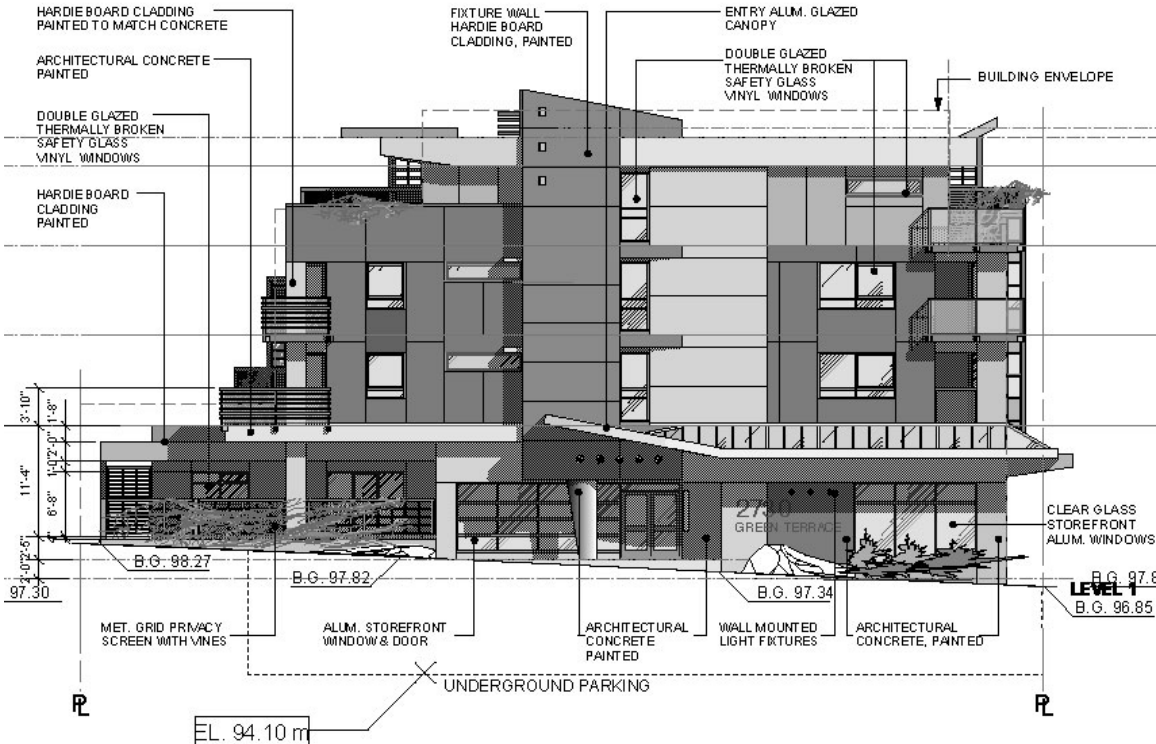
2730 East 41st Avenue (5711 Rhodes Street)
FORM OF DEVELOPMENT



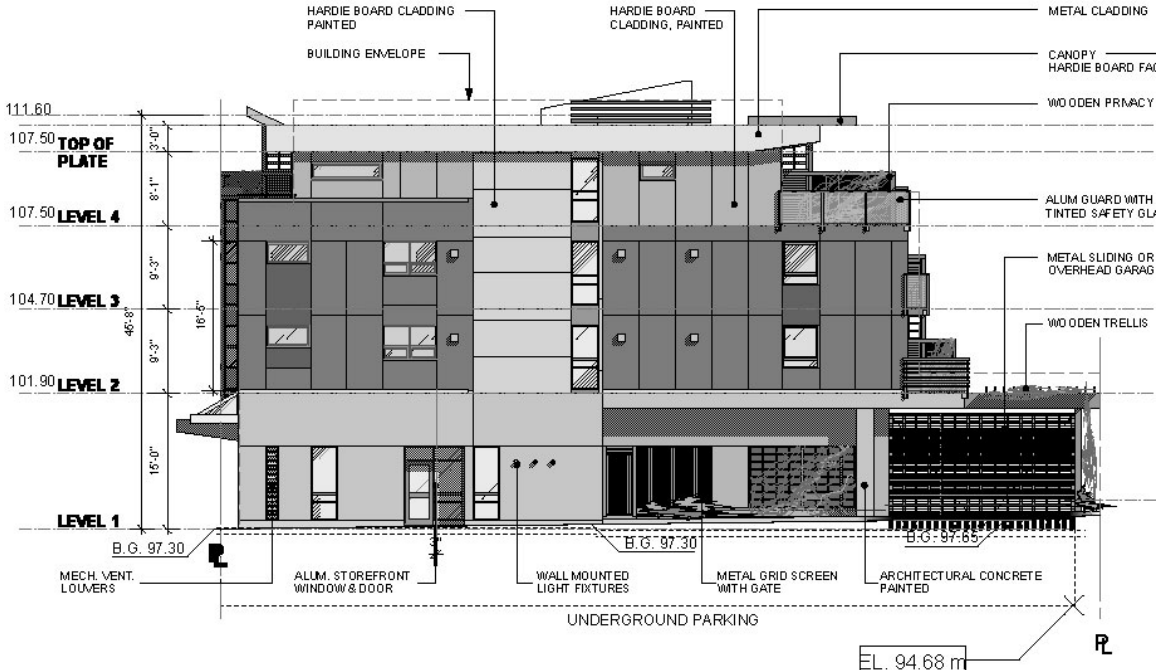
NORTH ELEVATION (41st. AVE.)



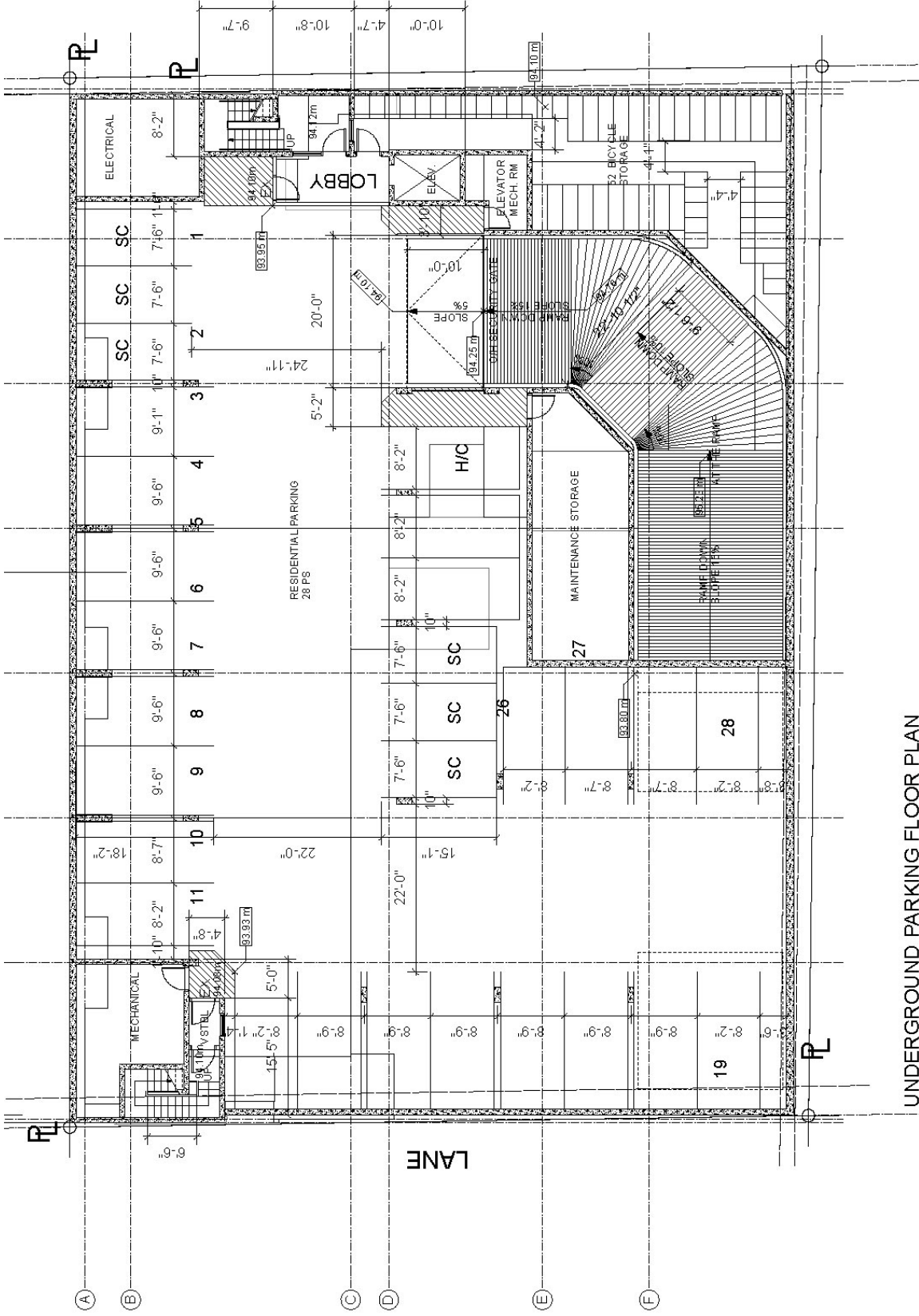
SOUTH ELEVATION



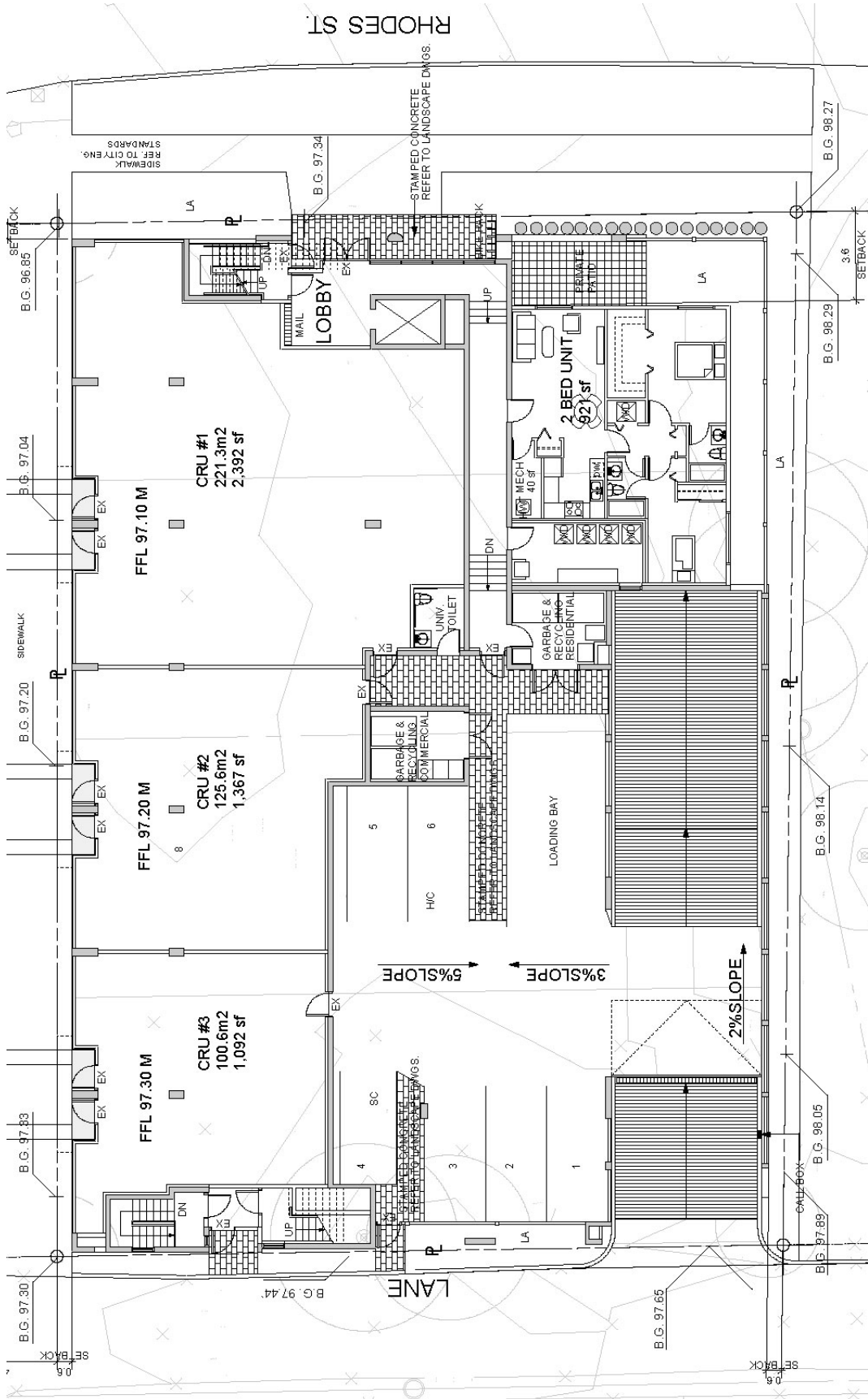
EAST ELEVATION (RHODES ST.)

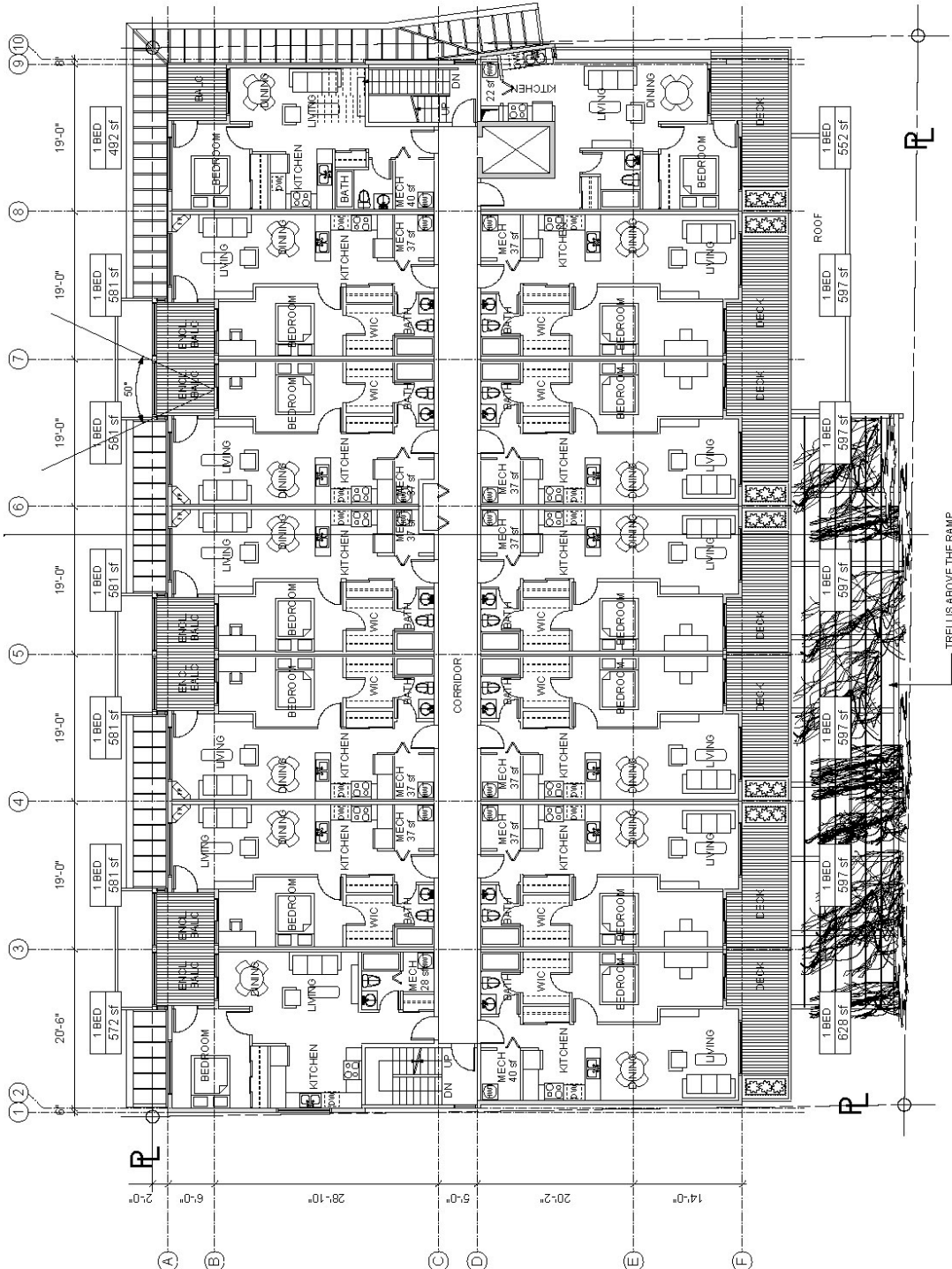


WEST ELEVATION (LANE)

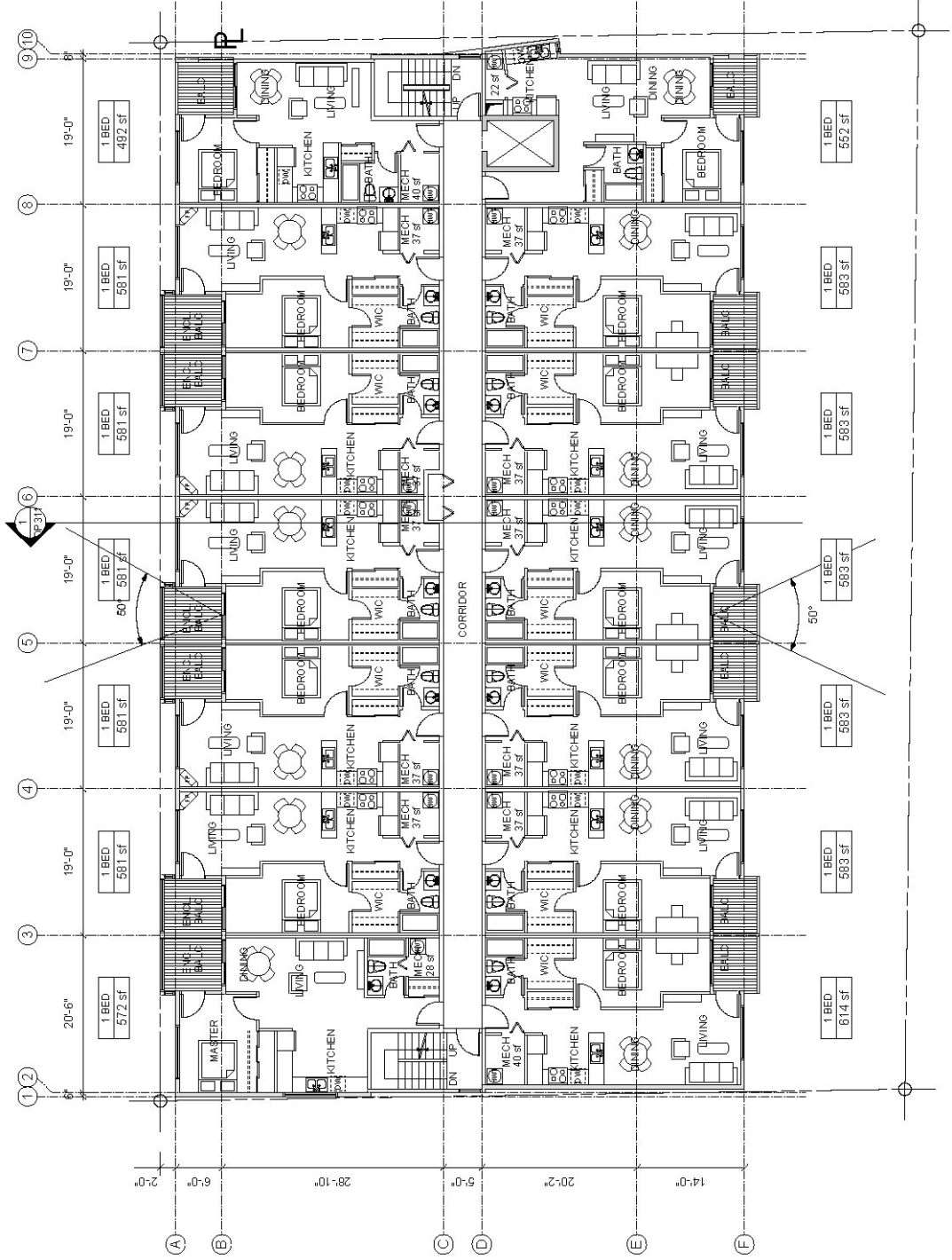


UNDERGROUND PARKING FLOOR PLAN

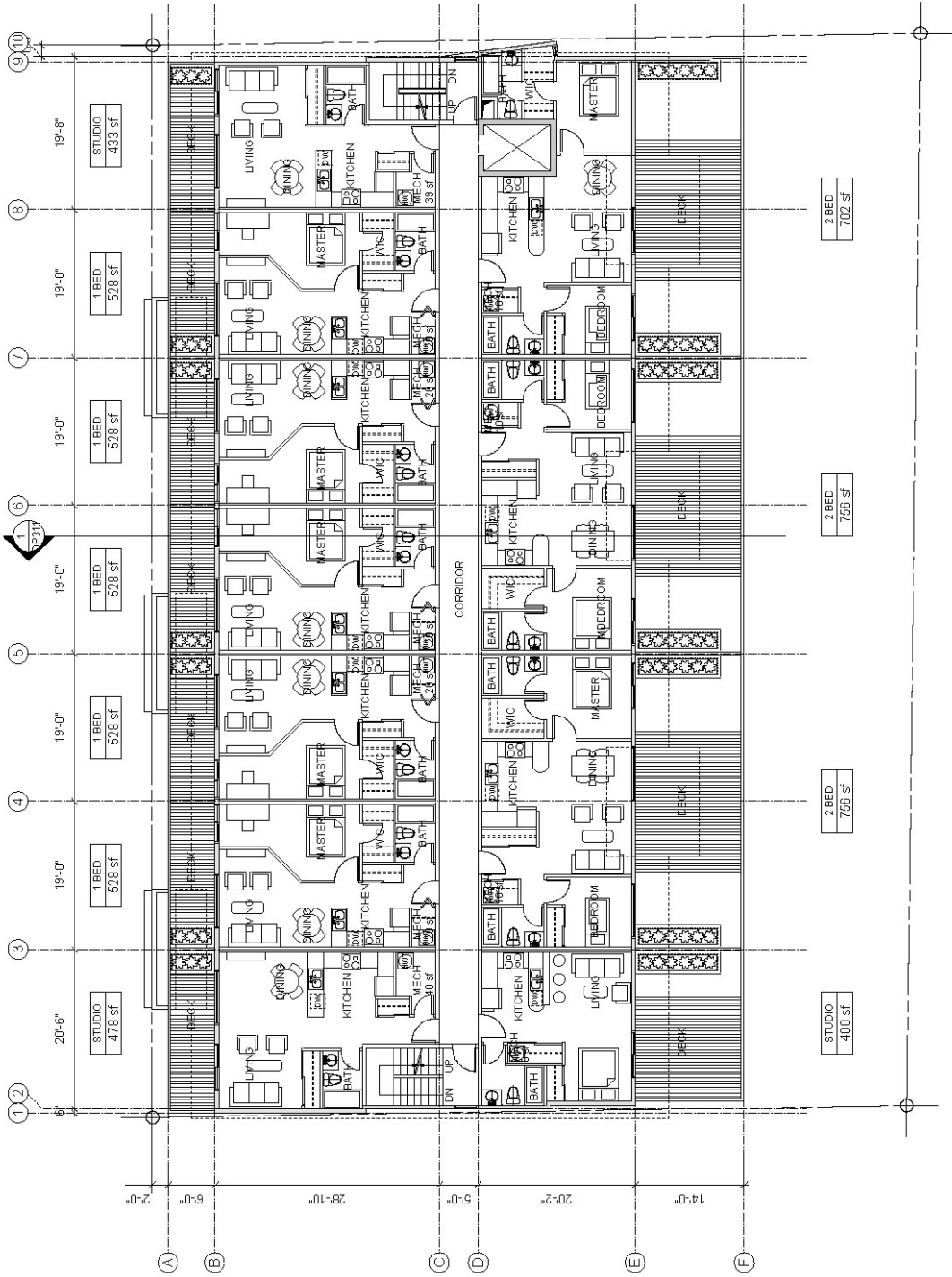




LEVEL 2 - 14 UNITS



LEVEL 3 - 14 UNITS



LEVEL 4 - 11 UNITS

2730 East 41st Avenue
PUBLIC BENEFITS SUMMARY

Project Summary:

A four-storey mixed-use building containing three commercial units and 40 rental dwelling units.

Public Benefit Summary:

The proposal would generate 40 market rental units secured for the life of the building or 60 years, whichever is greater and DCL payments for the commercial floor space.

| | Current Zoning | Proposed Zoning |
|--|----------------|-----------------|
| Zoning District | C-1 | CD-1 |
| FSR (site area = 1 247 m ² /13,415 sq. ft.) | 1.2 | 2.41 |
| Buildable Floor Space (sq. ft.) | 16,098 | 32,356 |
| Land Use | Mixed-use | Mixed-use |

| Public Benefit Statistics | | Value if built under Current Zoning (\$) | Value if built under Proposed Zoning (\$) |
|--|--|--|---|
| Required* | DCL (City-wide) | \$167,700 | \$54,500 |
| | DCL (Area Specific) | | |
| | Public Art | | |
| | 20% Social Housing | | |
| Offered (Community Amenity Contribution) | Childcare Facilities | | |
| | Cultural Facilities | | |
| | Green Transportation/Public Realm | | |
| | Heritage (transfer of density receiver site) | | |
| | Housing (e.g. supportive, seniors) | | |
| | Parks and Public Spaces | | |
| | Social/Community Facilities | | |
| | Unallocated | | |
| | Other | | |
| TOTAL VALUE OF PUBLIC BENEFITS | | \$167,700 | \$54,500 |

Other Benefits (non-market and/or STIR components):

A total of 40 market rental units secured for the life of the building or 60 years, whichever is greater

* DCLs, Public Art and Social Housing may have exemptions and/or minimum thresholds for qualification. For the City-wide DCL, revenues are allocated into the following public benefit categories: Parks (41%); Replacement Housing (32%); Transportation (22%); and Childcare (5%). Revenue allocations differ for each of the Area Specific DCL Districts.

2730 East 41st Avenue
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

| | |
|-------------------|---|
| Street Address | 2730 East 41st Avenue |
| Legal Description | Lots 19 to 22 of Lot A, Block 2, DL 50, Plan 2509 |
| Applicant | West Fraser Collingwood Developments Ltd |
| Architect | W G Architects Inc |
| Property Owner | West Fraser Collingwood Developments Ltd |
| Developer | West Fraser Collingwood Developments Ltd |

SITE STATISTICS

| | GROSS | DEDICATIONS | NET |
|-----------|----------------------|--------------------|----------------------|
| SITE AREA | 1 247 m ² | 186 m ² | 1 061 m ² |

DEVELOPMENT STATISTICS

| | DEVELOPMENT PERMITTED UNDER EXISTING ZONING | PROPOSED DEVELOPMENT |
|------------------------|---|---|
| ZONING | C-1 | CD-1 |
| USES | Mixed-use Residential and Commercial | Mixed-use Residential (STIR) and Commercial |
| MAX. FLOOR SPACE RATIO | 1.2 | 2.41 |
| MAXIMUM HEIGHT | 10.7 m | 15.4 m |