

SUMMARY AND RECOMMENDATION

3. REZONING: 1037 West King Edward Avenue

Summary: To rezone 1037 West King Edward Avenue from FSD (First Shaughnessy) District to CD-1 (Comprehensive Development) District to permit the development of a four-storey residential building, containing a total of 36 secured rental dwelling units. A height of 12.2 metres (40 feet) and a floor space ratio (FSR) 1.48 are proposed.

Applicant: Shape Architecture

Referral: This item was referred to Public Hearing at the Regular Council Meeting of May 31, 2016.

Recommended Approval: By the Acting General Manager of Planning and Development Services, subject to the following conditions as proposed for adoption by resolution of Council:

- A. THAT the application by Shape Architecture on behalf of Wescorp Development Inc., the registered owner, to rezone 1037 West King Edward Avenue [*PID 008-577-625; Lot 8, Block 73, District Lot 526, Plan 4502*] from FSD (First Shaughnessy) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.45 to 1.48 FSR to permit the development of a four-storey residential building, containing a total of 36 secured rental dwelling units, generally as presented in Appendix A of the Policy Report dated May 24, 2016, entitled "CD-1 Rezoning - 1037 West King Edward Avenue", be approved subject to the following conditions:

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 Shape Architecture, on behalf of Wesgroup Development Inc., and stamped "Received Planning Department, July 17, 2015", provided that the General Manager of Planning and Development Services 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 General Manager of Planning and Development Services, who shall have particular regard to the following:

Urban Design

1. Design development to increase the front yard depth.

Note to Applicant: The intent is to facilitate the layering of landscape features consistent with First Shaughnessy's landscape principles. This can be accomplished by increasing the front yard depth to 4 m to

facilitate additional soft landscape area. In addition, setting back the fourth storey 15.25 m from West King Edward Avenue, consistent with the required front yard depth in the First Shaughnessy District, will lessen the view impacts on the eastern neighbours.

2. Design development to increase the west side yard setback.

Note to Applicant: The intent is to reduce massing adjacent to the western single family neighbour. The setback should be increased consistently to a 4 m minimum.

3. Design development to reduce massing adjacent to the eastern neighbour.

Note to Applicant: This can be achieved by setting back the fourth storey to 1.5 m from the eastern property line and to allow for integrated landscaping to mitigate privacy impacts on the adjacent neighbour. It is understood that a portion of the third storey will also have to shift west to accommodate the increased setback. The area of courtyard open to the sky should not be reduced.

4. Design development to reduce the massing in the rear yard by relocating the Garbage and Recycling and Bike Storage below grade.

Note to Applicant: Above grade bike parking cannot be excluded from FSR.

5. Design development to increase the connectivity to the social space.

Note to Applicant: This can be achieved through provision of a pedestrian link between the primary courtyard from the main western pedestrian route. All units should have access to the main social space by way of pedestrian paths internal to the site. The courtyard could be further activated through the reconfiguration of the units on the western edge of the courtyard, locating the primary living areas off the courtyard.

6. Design development to ensure all habitable rooms meet minimum horizontal angle of daylight (HAD) regulations.

Note to Applicant: As proposed, bedrooms on the fourth floor do not have windows and therefore do not meet HAD requirements.

7. Design development to improve the livability of the third floor studio units.

Note to Applicant: The third level studio units as proposed do not meet the standard of livability required by to the Director of Planning to support the unit size relaxation. As no outdoor area is allotted to these units and the access to natural daylight and ventilation is limited to one window. This condition can be satisfied through provision of a private outdoor area and/or additional access to daylight and ventilation.

8. Design development to improve unit privacy within the development.

Note to Applicant: The two ground level Type C units flanking the center courtyard have large windows exposing their living room to each other and the primary courtyard.

9. Design development to assess and alleviate potential privacy impacts on the eastern neighbours.

Note to Applicant: During detailed design development, provision of an elevational study of the interface between the proposed development and the C-2 development(s) to the east will be required to identify where improvements can be made.

10. Provision of authentic, high-quality, durable exterior finish materials consistent with the First Shaughnessy Design Guidelines.

Note to Applicant: The proposed high-quality materials, including brick and wood, contribute to the design of the proposal and should be included in the Development Permit application.

11. Submission of a bird friendly strategy for the design of the building is encouraged in the application for a development permit. Incorporate the principles of the City of Vancouver Bird-Friendly Design Guidelines for the protection, enhancement and creation of bird habitat, in addition, reduce potential threats to accommodate birds in the city.

Note to Applicant: Incorporate a diversity of native and non-invasive plants within the planting scheme. Use of high visibility glass for windows, reduce reflection and dangers for attractants at building facades is encouraged.

<http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>

12. The proposed unit mix including 13 two-bedroom and 3 three-bedroom units are to be included in the Development Permit drawings, which may be varied under the discretion of the Director of Planning Development Permit Board provided that it does not go lower than 25% of the dwelling units.

Crime Prevention through Environmental Design (CPTED)

13. Design development to respond to CPTED principles, having particular regards for:

- (i) theft in the underground parking;
- (ii) residential break and enter;
- (iii) mail theft; and
- (iv) mischief in alcoves and vandalism, such as graffiti.

Landscape

14. Protection of existing healthy off-site and on-site trees wherever possible.

Note to Applicant: Existing trees at the west property boundary to be accommodated, wherever possible, as part of the final Landscape Plan. Proposed excavation should be maintained clear of tree protection zones. Architectural and Landscape Plans to be fully coordinated with the arborist report.

15. Design development of the public realm landscape treatment to maintain substantial (layered) greenery as a planted buffer around property edges.
16. Provide a varied mix of trees and shrubs placed within an expanded width landscape buffer at the residential front yards facing King Edward Avenue to create a cohesive a distinctive green finish to the street in keeping with the First Shaughnessy Heritage Conservation Area Design Guidelines.

Note to Applicant: The intent is to consider the designed landscape to incorporate the principles of enclosure, screening, layering, filtering of views using soft landscape materials. A wider building setback is intended to achieve this (Refer to Urban Design Condition 2).

17. Provide high-quality, liveable and secure common outdoor open spaces with at-grade pedestrian access for residents to gather and relax.

Note to Applicant: Patios should incorporate a balanced mix of landscaped planters for trees and shrubs and hard surface paving. Patios areas located adjacent to the lane should be gated.

18. Provide fully landscaped setbacks adjacent to lane edges.
19. Final coordination of the overall landscape treatment to meet the intent of the First Shaughnessy Heritage Conservation Area Design Guidelines.

Note to Applicant: Aspects to consider at time of Development Permit application include landscape principles of enclosure, screening, layering, filigree, filtering, revealing and skyline; style; retention of trees and landscape.

20. Provide maximized plant growing medium volumes for trees and shrubs within landscaped planter areas on structure to ensure long term viability of plant species.

Note to Applicant: Soil volumes for landscape planters should exceed BC Landscape Standard (latest edition) with the goal to provide a minimum 4 ft. depth of growing medium for large species trees planted in ground, and 3 ft. depth for trees on structure. Where possible, alter (drop) slab to achieve soil depths to accommodate substantial trees and shrubs

below the level of courtyards and pedestrian pathways. Where possible, angle edge of parkade slab to expand below grade planting area for tree roots without compromising headroom requirements in the parking garage. Trees planted on structures should be consolidated within a continuous trench, where possible, to improve planting condition. Consider use of structural soil for street level trees at Kingsway.

21. Provide a flexible Child's Play Space incorporating forms for children to engage in active and passive social play within an at-grade common outdoor open space area.

Note to Applicant: Recommend the use of solid natural elements including soft landscaping arranged for the enjoyment of people. Refer to the High-Density Housing for Families with Children Guidelines for further features that are recommended.

22. Provision requirements at the time of Development Permit application:
 - (i) A legal survey.
 - (ii) A fully labelled Landscape Plan, Sections and Details.
 - (iii) Provision of larger-scale section drawings at $\frac{1}{4}''=1'-0''$ / 1:50 or better, to illustrate the public realm interface landscaping from the building face to the street and lane edge, lane interface, and courtyard patio areas.
 - (iv) Provision of larger-scale architectural details $\frac{1}{2}''=1'0''$ or 1:25 or better to illustrate proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other landscape features applicable to proposal. Planter sections details to confirm depth of proposed planting on structures.
 - (v) Provide an external lighting plan for pedestrian routes and courtyards, to ensure that adequate lighting levels are achieved for CPTED performance while minimizing glare for residents and birds.
 - (vi) Provide an ISA Certified Arborist report for detailed assessment including recommendations for removal and protection for all existing site and off-site trees: existing condition, tree species, critical root zones as a minimum dimension to the edge of excavation, outline best methods for protection and relocation during excavation and construction. Recommend ISA Certified Arborist to perform exploratory digging to determine existing placement of tree roots as a measure to confirm dimensioned setbacks for tree protection. Confirm arborist supervision in writing.

Housing

23. A minimum of 25 % of the proposed units are designed to be suitable for families with children, including some three bedroom units.
24. A common outdoor amenity area is to be provided which includes an area suitable for a range of children's play activity.
25. The rental building is to comply with the High Density Housing for Families with Children Guidelines and include a common amenity room with a kitchenette (and an accessible washroom adjacent to this amenity room).

Sustainability

26. Consider provision of a Recycling and Reuse Plan for Green Demolition/Deconstruction, for demolition of existing buildings on site, to recycle/reuse at least 75% of demolition waste (excluding hazardous materials).

Note to Applicant: The Recycling and Reuse Plan for Green Demolition/Deconstruction should be provided at the time of development permit application.

27. Confirmation of the building's sustainability performance as required by the Green Buildings Policy for Rezoning, including at a minimum 63 points in the LEED® rating system, a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, one water efficiency point, and one storm water point.

Note to Applicant: Submit a LEED® checklist and a sustainable design strategy outlining how the proposed points will be achieved, along with a receipt including registration number from the CaGBC, as a part of the Development Permit application. The checklist and the strategy should be incorporated into the drawing set. A letter from an accredited professional confirming that the building has been designed to meet the policy and application for certification of the project will also be required under the policy.

Engineering Services

28. Clarify the location of any PMT or vista switch that is needed to serve the site and clearly show it on the plans. (Note; the undergrounding condition noted for this rezoning will result in some form of on-site power transformation equipment which must be clearly identified on the plans.)
29. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The following items are required to meet provisions of the parking by-law and the parking and loading design supplement:

30. Provision of design elevations on both sides of the parking ramp at all breakpoints, within the parking area, and at all entrances adjacent the property lines.

Note to Applicant: This is required to calculate the slope and crossfall. The slope must not exceed 10% for the first 20' from the property line. The slope must not exceed 12.5% after the first 20' from the property line. 15% slopes may be acceptable if a 7.5% to 10% transition ramp is provided at the bottom for at least 4m in length. Ramps which have a 15% slope and are exposed to the weather must be heated.

31. Provision of a ramp width of 6.1 m as 5.5 m is shown on drawing A2.00.
32. Provision of a 2.75 m x 2.75 m corner cut at the bottom of the main parking ramp.

Note to Applicant: Removal of the outside radius on the ramp is also required.

33. Provide a 6.6 m (21.66') maneuvering aisle width or provide 2.74 m (9') stall widths.

Note to Applicant: The maneuvering aisle width for stalls 1-16 measures 5.9 m. A minimum aisle width of 6.1 m is required with 2.74 m stall widths.

34. Modify the columns located between stalls 1-10 to align with the end of the parking stalls.
35. Provision minimum vertical clearance for the main ramp, security gates, and loading bays.

Note to Applicant: A section drawing is required showing elevations, and vertical clearances. The minimum vertical clearance should be noted on plans. 2.3m of vertical clearance is required for access and maneuvering to all disability spaces.

36. Label Class A bicycle rooms with a breakdown of the stall types and dimension the stalls and aisle widths.
37. Provision of an improved plan showing the access route from the Class A bicycle spaces to reach the outside.

Note to Applicant: The route must be 'stairs free' and confirm the use of the parking ramp, if required.

38. Provide automatic door openers on the doors providing access to the bicycle room(s) and note on plans.

39. Engineering Landscape comments:

- (i) Delete proposed sidewalk and curbing from lane and 10'x10' corner truncation.

- (ii) Please include the following statements on the landscape plans;
- (iii) "All sidewalks between the curb and property line are to be reconstructed fully at the applicant's expense."
- (iv) "A landscape plan is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Kevin Cavell at 604.873.7773 for details."

Note to Applicant: An interconnected water service is required for this development. Please contact Engineering, Water Design branch for details.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services, the General Manager of Planning and Development Services, the General Manager of Engineering Services and the Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

- 1. Dedication of a 10'x10' corner-cut truncation in the northeast corner of the site for lane purposes.

Note to Applicant: A Subdivision Plan is required to effect the dedication. A subdivision plan and application to the Subdivision and Strata Group is required.

- 2. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "Services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the Services are provided. No development permit for the site will be issued until the security for the Services are provided.
 - (i) Provision of a 1.83 m CIP concrete broom finish sidewalk with saw cut joints on King Edward Avenue adjacent the site.
 - (ii) Provision of a standard concrete lane crossing, curb ramps and new curb returns on the north side of King Edward Avenue at the lane west of Oak Street.
 - (iii) Provision of street trees where space permits.

- (iv) 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 applicant's 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.
 - (v) Provision of a storm water storage system and storm water storage covenant for the site. Please contact Engineering, Sewers Design Branch for details on the storm water storage requirements.
 - (vi) Relocation or removal of the existing wood pole and connected services for the pole located at the south west intersection of the 2 lanes that serve the site and the wood pole that obstructs access to the parking entry. Written confirmation from all affected utility companies, including City of Vancouver Electrical Design branch is required. Should removal of the poles result in a reduction or elimination of existing lane lighting then new lane lighting must be provided to the satisfaction of the General Manager of Engineering Services which may include space on-site for poles and bases, appropriate legal arrangements to allow for the placement of the lighting on the site will be required.
3. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

Housing

4. Make arrangements to the satisfaction of the Chief Housing Officer and the Director of Legal Services to enter into a Housing Agreement securing all residential units as for-profit affordable rental housing units pursuant to Section 3.1A of the Vancouver Development Cost Levy By-law for the longer of the life of the building or 60 years, subject to the following additional conditions:
- (i) No separate-sales covenant.

- (ii) A non-stratification covenant.
- (iii) None of such units will be rented for less than one month at a time.
- (iv) At least 25% of the units must have two or more bedrooms and be designed to meet the City's "High Density Housing for Families with Children Guidelines".
- (v) A rent roll indicating the proposed initial monthly rents for each rental unit.
- (vi) A covenant from the owner to, prior to issuance of an occupancy permit, submit a finalized rent roll to the satisfaction of the Chief Housing Officer and the Director of Legal Services that reflects the initial monthly rents as of occupancy in accordance with the Housing Agreement on either a per unit or a per square foot basis.
- (vii) Such other terms and conditions as the Chief Housing Officer and the Director of Legal Services may in their sole discretion require.

Note to Applicant: This condition will be secured by a Housing Agreement to be entered into by the City by By-law enacted pursuant to section 565.2 of the Vancouver Charter.

Soils

5. If applicable:
 - (i) Submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
 - (ii) As required by the Manager of Environmental Planning 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; and
 - (iii) If required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Protection, the General Manager of Engineering Services 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 separate Certificates of Compliance satisfactory to the City for the on-site and off-site contamination, including for the dedicated lands, issued by the Ministry of Environment, have been provided to the City.

Note to Applicant: 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 registerable charges pursuant to 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, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, 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.

- B. THAT, subject to approval in principle of the rezoning an the Housing Agreement described in section (c) of Appendix B of the Policy Report dated May 24, 2016 entitled "CD-1 Rezoning - 1037 West King Edward Avenue", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, after the Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s) and prior to enactment of the CD-1 By-law contemplated by the same report.
- 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 and the expenditures of funds of incurring of costs is at the sole risk of the person making the expenditures 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 sole 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.

[RZ - 1037 West King Edward Avenue]