

SUMMARY AND RECOMMENDATION

4. REZONING: 3203-3229 West 10th Avenue

Summary: To rezone from RS-5 One-Family Dwelling District to CD-1 Comprehensive Development District to permit development of 20 dwelling units on an existing commercial parking lot.

Applicant: Robert Turecki, Robert Turecki Architect

Recommended Approval: By the Director of Current Planning

- A. THAT the application by Robert Turecki, Architect, to rezone 3203-3229 West 10th Avenue (Lots I, J, K and L, Block 59, D.L. 540, Plan 22895) from RS-5 to CD-1, to permit a three and one-half storey multiple dwelling providing 20 dwelling units and a resident manager's office at a floor space ratio of 1.25 plus underground parking for an adjacent commercial use, generally as presented in Appendix A to Policy Report "CD-1 Rezoning: 3203 - 3229 West 10th Avenue" dated May 18, 2006, be approved, subject to the following conditions:

FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Robert Turecki, Architect, and stamped "Received City Planning Department, March 17 and April 6, 2006", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Design Development

- (i) design development to reduce the height of the building, at the northeast corner of the site, to a maximum height of 10.7 m (35.10 ft.);
- (ii) design development to better integrate the upper half storey and roof form to create a more cohesive rhythm and character in keeping with the surrounding single-family context;
- (iii) design development to the detailed architectural character and materials;

(Note to Applicant: This can include wide fascia and window trim, bay window detailing, brick with concrete lintels and wood siding and doors. The use of stucco should be avoided).

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- (iv) design development to relocate the open exit stair proposed in the front yard on West 10th Avenue and replacing it with character landscaping;

(Note to Applicant: This can be achieved by relocating the exit to the lane, by placing an exit walkway adjacent to the parking ramp or by providing an internal exit with a flush door at the lane).

- (v) design development to improve the daylight access to the lower level units by reducing the setback area under the units above;

- (vi) design development to create a more visible and attractive access to the underground public parking spaces, including universal access;

(Note to Applicant: Handicap parking will be required in the public parking area. A glass enclosed stair with an elevator, which is separate and secure from residential users, should be provided at the corner of the lane at Trutch Street).

- (vii) design development to improve the visual appearance of the lane interface and parking ramp;

(Note to Applicant: This can be achieved by enclosing the garbage and hydro/gas services with decorative fencing. A trellis with vines over portions of the ramp and treating the sidewalls of the ramp with architectural concrete and reveals should be provided).

- (viii) design development to provide a small public seating area at the corner of Trutch Street and West 10th Avenue;

(Note to Applicant: This can be achieved by provision of a corner bulge adjacent to the corner, or other similar feature, with landscaping and furnishing to the satisfaction of the General Manager of Engineering Services);

- (ix) design development to explore the possibility of providing an appropriately located, designed and landscaped outdoor child play area;

(Note to Applicant: Use of toxic plants in areas accessed by children should be avoided. Landscape materials including plants should be interesting and safe and of a size and design to withstand use by children);

- (x) provision of a standard concrete lane crossing at the Trutch Street lane entry of the site;

- (xi) provision of setbacks generally as shown on the drawings, notably:
- 2.3 m (7.5 ft.) from West 10th Avenue;
 - 3.8 m (12.5 ft.) from Trutch Street;

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- 1.3 m (4.3 ft.) from the west property line;
 - 2.9 m (9.5 ft.) from the north property line;
- (xii) submission of an acoustical consultant's report which assesses noise impacts on the site and recommends noise mitigating measures;

Landscape

- (xiii) design development to create a residential looking front yard that is contextual with the other one-family dwellings on West 10th Avenue. This can be accomplished by narrowing the entrance walkways to 1.2 m (4 ft.) and deleting one of the ground floor patios;
- (xiv) provision of adequate planting depth for the inner row of trees proposed for West 10th Avenue and for Trutch Street. The underground slab may need to be sloped downwards to accommodate the required planting depth.
- (Note to Applicant:** All inner trees to be planted on private property. Section A shows the underground slab extending at grade to the property line).
- (xv) provision at time of full development permit application of a full Landscape Plan (in the front, sides and rear yard) illustrating proposed plant materials (common and botanical names), sizes and quantities; notations of existing trees to be retained; paving, walls, fences, light fixtures and other landscape elements; and site grading. Proposed plant material should be clearly illustrated on the Landscape Plan. The Landscape Plan should be at 1:100 (1/8" = 1'-0") minimum scale;
- (xvi) provision at the time of full development permit application of large scale sections (1/4" = 1' or 1:50) illustrating the planting depths for the internal courtyard and the private deck planters and also illustrating the detailed treatment of the public realm interface (townhouse, private patio, street, etc.) including planter walls, stairs, gates, guardrails, landscaping, soil depth (indicating any underground structures), patios and privacy screens;
- (xvii) provision of one additional street tree in the outer boulevard of West 10th Avenue where the existing curb cut is to be removed;
- (xviii) provision of a water conserving landscape through the use of a high efficiency irrigation system and drought resistant plants. A note to this effect should be added to the Landscape Plan; and

Crime Prevention through Environmental Design (CPTED)

- (xix) design development to reduce opportunities for theft in the underground parking area.

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(Note to Applicant: This can be achieved by providing secure separation for residential from public parking including circulation and access to services).

AGREEMENTS

(c) That, prior to enactment of the CD-1 By-law, the registered owner shall:

- (i) consolidate Lots I to K, Block 59, D.L. 540, Plan 22895;
- (ii) make arrangements, to the satisfaction of the General Manager of Engineering Services and Director of Legal Services, for the provision of adequate water service for the proposed development

(Note to Applicant: The application does not contain adequate information to determine if water system upgrading is necessary. Please provide fire flow demands for this proposal to determine if system upgrading is necessary);

- (iii) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the modification of the existing off-site parking covenant to require a total of 37 parking spaces for the adjacent restaurant;
- (iv) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of a pedestrian signal at Trutch Street and West 10th Avenue or Trutch Street and West Broadway within 5 years of occupancy of the site. The costs are to be shared equally between the City and the developer;
- (v) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of curb modifications to provide for traffic calming on the south leg of the Trutch Street and West 10th Avenue intersection, if the pedestrian signal is installed. The costs for this are to be shared between the City and the developer;
- (vi) make arrangements, to the satisfaction of the General Manager of Engineering Services, for the 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 approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged;
- (vii) make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for clarification of all charges registered in the Land

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Title Office against title to the lands (a charge summary, including copies of all charges, must be provided) and the modification, extension or release of any charges deemed necessary by the Director of Legal Services, and

HOUSING AGREEMENT

- (viii) Make arrangements to the satisfaction of the Director of the Housing Centre and the Director of Legal Services by way of a Housing Agreement, to secure eight residential market rental units, for a period of ten years; where the Director of Legal Service deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owner, but also as Covenants pursuant to Section 219 of the Land Title Act.

Such agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances effecting the subject site, as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services may, in her sole discretion and on terms she considers advisable, accept tendering of the preceding agreements for registration in the appropriate Land Title Office, 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 and in a form satisfactory to the Director of Legal Services.

The timing of all required payments shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult with other City officials and City Council.

- B. THAT, subject to approval of the rezoning at a Public Hearing, the Subdivision By-law be amended as set out in Appendix B to Policy Report "CD-1 Rezoning: 3203 - 3229 West 10th Avenue" dated May 18, 2006.

(RZ. - 3203 - 3229 West 10th Avenue)