# **P3**



# CITY OF VANCOUVER

# POLICY REPORT DEVELOPMENT AND BUILDING

Report Date:April 17, 2007Author:A. Riley/D. DrewittPhone No.:604.873.7699RTS No.:06667VanRIMS No.:11-3600-10Meeting Date:May 15, 2007

TO: Vancouver City Council

FROM: Director of Planning

SUBJECT: CD-1 Rezoning - 6111-6161 Oak Street and 1007 West 46th Avenue

#### RECOMMENDATION

- A. THAT the application by Listraor Development Corporation, to rezone 6111-6161 Oak Street and 1007 West 46th Avenue (Lots 12-15 of Lot 16, Block 10, DL 526, Plan 7908) from RS-1 to CD-1, to permit Multiple Dwelling use consisting of 30 townhouses at a floor space ratio of 1.0, be referred to a Public Hearing, together with:
  - (i) plans received January 15, 2007, February 20, 2007, and March 1, 2007;
  - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A; and
  - (iii) the recommendation of the Director of Planning to approve, 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 Public Hearing.

B. THAT, subject to approval of the rezoning at a Public Hearing, the Subdivision By-law be amended as set out in Appendix B; and

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law at the time of enactment of the Zoning By-law.

#### **GENERAL MANAGER'S COMMENTS**

The General Manager of Community Services RECOMMENDS approval of A and B.

#### COUNCIL POLICY

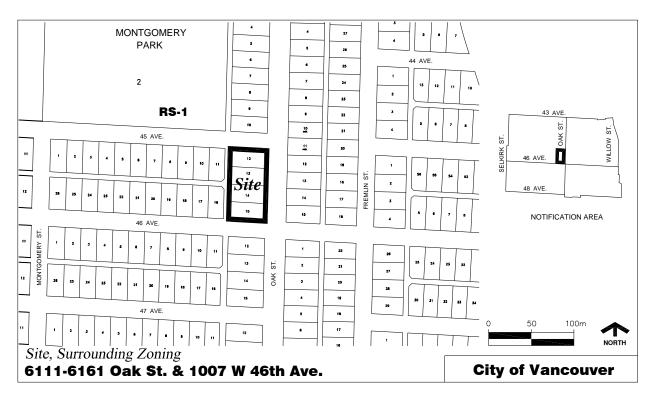
Relevant Council Policies for this site include:

- Oakridge Langara Policy Statement, approved by Council on July 25, 1995.
- Arbutus Ridge/Kerrisdale/Shaughnessy Community Visions, approved by Council on November 1, 2005.

#### PURPOSE AND SUMMARY

This report assesses an application to rezone four single-family lots from RS-1 (Residential Single-Family) to CD-1 (Comprehensive Development) to permit development of Multiple Dwelling use consisting of 30 townhouses at a 1.0 floor space ratio (FSR). The site is located within an area identified in the Oakridge Langara Policy Statement (OLPS) where rezoning to this use and density is supported.

Staff recommend that the application be referred to a Public Hearing and be approved with conditions.



#### BACKGROUND

With the exception of unique large sites, the OLPS identifies lands in three general categories related to their rezoning potential: (a) high-priority sub-areas, which are considered suitable for rezoning; (b) reserve sub-areas, where unanimous support is required of property owners or proximity within 500 m (1,600 ft.) of a planned transit station; and (c) remaining areas where no changes are supported.

The subject site is located in a sub-area designated as a high priority for rezoning. This subarea includes the west side of Oak Street between 43<sup>rd</sup> and 46<sup>th</sup> Avenues, and the east side of Oak Street between the lane south of 41<sup>st</sup> Avenue and 46<sup>th</sup> Avenue. It is intended to serve as a transition between the commercial, institutional, and higher density residential uses located around the intersection of Oak Street and 41<sup>st</sup> Avenue and the single-family neighbourhood area to the south, which is to remain as an RS-1 District. (Refer to Appendix D for site and surrounding zoning and development information).

#### DISCUSSION

**Use:** The proposed Multiple Dwelling use in a townhouse form is consistent with what the OLPS anticipates for this sub-area.

**Density:** The policy applicable to this sub-area supports townhouse development at 0.8 to 1.0 FSR with the ability to achieve an increase of up to 20% for the provision of City desired public benefits. The applicant proposes 30 townhouse units at 1.0 FSR with no additional bonus density; this results in a total floor area of 3 487 m<sup>2</sup> (37,531 sq. ft.).

**Form of Development:** (Plans in Appendix E). The proposed form of development consists of four rows of townhouses organized around a semi-private courtyard. All townhouses are either two storeys or two and one-half storeys in height. All townhouse units directly face the public streets of Oak Street, West 45<sup>th</sup> and West 46<sup>th</sup> Avenues, with the exception of one set of townhouses parallel to the rear lane that faces the semi-private courtyard. All units are ground-oriented and are accessed either directly from a public street or the courtyard, which in turn is accessed via several gated pathways leading from Oak Street or the rear lane. Secondary access stairs from the underground parking lot are also provided.

The OLPS provides that the building height maximum for the sub-area in which the site is located should be generally 9.2 m (30 ft.). The policy also encourages new development to use pitched roofs, consistent with the neighbourhood character. The surrounding RS-1 District has an outright height limit of 9.2 m (30 ft.) and a discretionary limit of 10.7 m (35 ft.). This application proposes a maximum building height of 10.7 m (35 ft.) to accommodate the grade change at the north end of the site. Staff support the proposed maximum height as it enables a pitched roof form which creates a better fit with the residential character of the surrounding neighbourhood. A height differential between the City boulevard and the base of the development along the site's street frontages will be managed with low-profile retaining walls and generous landscaping. Recommended design development conditions will ensure an attractive grade transition and enhanced landscaping along Oak Street. Staff have reviewed shadow analyses and are satisfied that there will be limited impact on the properties to the west across the rear lane.

The Urban Design Panel unanimously supported the application in its review of March 14, 2007 (see minutes in Appendix D). Staff support the proposed form of development and recommend that it be approved subject to conditions which seek additional design development at the development application stage (see draft By-law provisions in Appendix A and design development conditions in Appendix C).

**Parking:** The proposed parking satisfies the recommended parking standard, with 57 parking spaces provided in a below-grade parkade under the proposed development and accessed by a ramp from the rear lane.

**Public Benefit:** Oakridge-Langara has an area-specific Development Cost Levy (DCL) By-law: a DCL of \$18.84 per square metre is required to be paid toward public benefits at the building permit stage. The Oakridge/Langara Public Benefits Strategy anticipates that proposals on smaller rezoning sites with limited redevelopment potential (i.e., 1.0 FSR or less) are not economically able to offer a Community Amenity Contribution (CAC), and therefore no CAC for this project is anticipated.

**Public Input:** On January 15, 2007, a notification letter was sent to property owners within the notification area (shown on the map on p. 2 of this report), and rezoning information signs were posted on the site. One letter and one email were received, from nearby residents who expressed concern that the neighbourhood could not handle any further increase in density or traffic (refer to Appendix D for further discussion of Public Input). No phone calls were received and no one came to City Hall to view plans.

#### FINANCIAL IMPLICATIONS

There are no financial implications with respect to City budget, fees, or staffing.

#### CONCLUSION

Planning staff conclude that the application is consistent with the OLPS in terms of achieving a compatible and liveable ground-oriented townhouse development in this high-priority subarea for rezoning. The Director of Planning recommends that the application be referred to Public Hearing and approved with conditions outlined in Appendix C.

\* \* \* \* \*

# 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 Uses, limited to Multiple Dwelling.
- Accessory Uses customarily ancillary to Multiple Dwellings.

#### Density

- The number of dwelling units on the site must not exceed 30.
- A maximum floor space ratio of 1.00.
- The following shall be included in the computation of floor space ratio:
  - (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, to be measured to the extreme outer limits of the building;
  - (b) 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.
- The following shall be excluded in the computation of floor space ratio:
  - (a) open residential balconies or sundecks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing;
  - (b) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;
  - (c) 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
  - (d) amenity areas, including day care facilities, recreation facilities, and meeting rooms, to a maximum total of 10 percent of the total permitted floor area;
  - (e) areas of undeveloped floors which are located:
    - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch; or
    - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m.
  - (f) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m<sup>2</sup> per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit;
  - (g) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls

exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000.

#### Height

• A maximum of 10.7 m (35 ft.), measured from base surface.

#### Setbacks

- A minimum setback of 4.2 m (13.8 ft.) from the east front-yard property line.
- A minimum setback of 4.0 m (13.1 ft.) from the south and north side-yard property lines.
- A minimum setback of 4.0 m (13.1 ft.) from the west rear-yard property line.

#### Parking

Any development or use of the site requires the provision and maintenance, in accordance with the requirements of, and relaxations and exemptions in, the Parking By-law, of off-street parking spaces and bicycle spaces, all as defined under the Parking By-law, except that there must be a minimum of 0.5 space for each dwelling unit that has less than 50 m<sup>2</sup> of gross floor area; and, for each dwelling unit that has 50 m<sup>2</sup> or more of gross floor area, a minimum of 0.6 space for every dwelling unit plus one space for each 200 m<sup>2</sup> of gross floor area, except that no more than 1.5 spaces for every dwelling unit need be provided. For sites smaller than 500 m<sup>2</sup> or with a maximum of 1.0 floor space ratio, the minimum shall be the lesser of: a) the requirement set out in the preceding sentence; or b) one space for every dwelling unit.

#### Acoustics

• A development permit application for dwelling uses shall require evidence in the form of a report and recommendations prepared by persons trained in acoustics and current techniques of noise measurements, demonstrating that the noise levels in those portions of the dwelling units listed below shall not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units. For the purposes of this section the noise level is the A-weighted 24-hour equivalent (Leq) sound level and will be defined simply as the noise level in decibels.

Portion of Dwelling Unit	Noise Level (Decibels)
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

# SUBDIVISION BY-LAW AMENDMENT

A consequential amendment is required to delete Lots 12-15 of Lot 16, Block 10, DL 526, Plan 7908 from the RS-1 maps forming part of Schedule A of the Subdivision By-law.

#### 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.

#### FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Formwerks Architectural Inc., Architect, and stamped "Received City Planning Department", January 15, 2007 and March 1, 2007, 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 setback the retaining walls a minimum of 1'-0" from the property lines along Oak Street, West 45<sup>th</sup> and West 46<sup>th</sup> Avenues, with appropriate planted landscaping within this setback.
- (ii) Design development to achieve a maximum height of 3'-0" (measured from bottom to top of wall) for all retaining walls that directly face the public realm.
- (iii) Design development to address all changes in grade between the public sidewalk and the front yards of dwelling units with alternating flat terraces and retaining walls.

Note to Applicant: The proposed berms are excessively steep and will inhibit proper maintenance for the planted landscaping. Furthermore, flat terraces will ensure soil retention during heavy rainfall.

(iv) Material treatment of all retaining walls facing the public realm with stacked masonry of either quarried stone or true brick.

Note to Applicant: Considering that these retaining walls will face the street and sidewalk for the entire site length and width, the proposed poured concrete finish would be visually monotonous.

(v) Material treatment of all exterior stairs accessed from the public realm to be in true brick or smooth-finished concrete.

(vi) Design development to improve dwelling unit identity through minor variations in architectural detailing.

Note to Applicant: Provide small differences in detailing at entries, porches, etc. that distinguish and define dwelling unit individuality.

(vii) Design development to the semi-private courtyard, creating areas of special interest and focus, providing more variety and opportunities for social interaction.

Landscape:

(viii) Design development to provide a soft landscaped edge bordering Oak Street.

Note to Applicant: Planter walls should be kept to a minimum height and softened with plantings.

(ix) Design development to ensure adequate planting depth for courtyard trees while maintaining a maximum height of 6 in. for raised planter walls.

Note to Applicant: Drop the slab wherever possible to provide tree planting depressions in the slab rather than relying on raised planters to hold soil.

- (x) Provide a legal survey illustrating the following information:
  - existing trees 20 cm calliper or greater on the development site; and
  - the public realm (property line to curb) including existing street trees, street utilities such as lamp posts, fire hydrants, etc. adjacent to the development site.
- (xi) Provide at the development permit stage a full Landscape Plan illustrating proposed plant materials (common and botanical names), including sizes and quantities, paving, walls, fences, and other landscape elements including site grading. The Landscape Plan should include notation to confirm all existing trees to be removed and an outline of the proposed underground parking garage.
- (xii) Provide section details at a minimum scale of ¼"=1'-0' scale to illustrate proposed landscape elements including planters on building structures, benches, fences/gates, arbours and trellises, posts and walls, and water feature. Planter section details should confirm depth of proposed planting on structures.
- (xiii) Provide notation on the Landscape Plan to read:
  - for new street tree planting: "Final species, quantity and spacing to the approval of the General Manager of Engineering Services and Park Board. Contact Eileen Curran, ph: 604.871.6131, Engineering Services, about street tree spacing and quantity. Contact Bill Stephen, ph: 604.257.8587, Park Board, about tree species".
  - for City tree removal: "City tree removal with permission of the General Manager of Engineering Services".

CPTED (Crime Prevention through Environmental Design):

(xiv) Design development to take into consideration the principles of CPTED having particular regard for reducing opportunities for graffiti on the stair walls on Oak Street; theft in the underground; and residential break and enter.

#### AGREEMENTS

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City:
  - (i) Provide to the Director of Legal Services a title charge summary in accordance with her specifications.
  - (ii) Make arrangements to the satisfaction of the General Manager of Engineering Services and Director of Legal Services for the following:
    - (1) Consolidation of Lots 12 to 15 of Lot 16, Block 10, DL 526, Plan 7908.
    - (2) Provision of concrete sidewalks on West 45<sup>th</sup> and 46<sup>th</sup> Avenues adjacent to the site.
    - (3) Provision of standard concrete lane entries at both ends of the lane adjacent to the site.
    - (4) Provision of speed humps in the lane west of Oak Street from West 45<sup>th</sup> to 46<sup>th</sup> Avenues.
    - (5) Provision of street trees adjacent to the site where space permits.
    - (6) 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.

#### ADDITIONAL INFORMATION

**Site**, **Surrounding Zoning and Development**: This 3 495 m<sup>2</sup> (37,622 sq. ft.) site is comprised of four single-family lots on the west side of Oak Street, extending the full block face between 45<sup>th</sup> and 46<sup>th</sup> Avenues (refer to the map on p. 2 of this report). The site has a frontage of 82.0 m (269 ft.) and a depth of 42.7 m (140 ft.). The site is presently surrounded by RS-1 single-family development. To the north across 45<sup>th</sup> Avenue is Montgomery Park, an open field park of approximately 1.6 ha (4 ac), and Sir William Osler Elementary School.

The lots located north of the subject site on Oak Street to 43<sup>rd</sup> Avenue, and between 42<sup>nd</sup> and 46<sup>th</sup> Avenues on the east side of Oak Street, are located in the same high-priority sub-area as the subject site. A rezoning application for townhouse development has been received for five lots at 5909-5989 Oak Street and was referred by Council on March 15, 2007, to a Public Hearing. The remaining lots in the sub-area have not been subject to any rezoning applications.

**Public Input:** On January 15, 2007, a notification letter was sent to 302 property owners within the notification area (shown on the map on p. 2 of this report), and rezoning information signs were posted on the site. One letter and one email were received, from nearby residents who expressed concern that the area presently struggles with parking and traffic issues related to Montgomery Park, Sir William Osler Elementary School, and Oak Street, and felt that the neighbourhood could not handle any further increase in density or traffic.

The proposed density and form of development are consistent with the Oakridge-Langara Policy Statement. The subject site is located on a major arterial (Oak Street) at the edge of the singlefamily area. It is anticipated that the site's peripheral location and adjacency to a major arterial will minimise traffic impacts on the surrounding community. Adequate on-site parking is provided for the development's residents, as well as visitors, in the proposed below-grade parkade.

No phone calls were received and no one came to City Hall to view plans.

**Comments of the General Manager of Engineering Services**: The General Manager of Engineering Services has no objection to the proposed rezoning, provided that the applicant complies with conditions as shown in Appendix C.

**Fire Department Comments:** The Fire Department has reviewed the application and made the following comments:

- 1. The preliminary review of this application shows Fire Department access to the north, south, and east buildings may be acceptable. The west building must meet the intent of Article 3.2.5.5 of the Vancouver Building By-law (VBBL).
- 2. The lane is not considered a Fire Department access route.
- 3. The new VBBL states that a City Fire Hydrant must be within 100 m of the principal entrance.
- 4. The applicant, in discussion with the Fire Department, must determine the location of the CACF for this site prior to issuance of a building permit.

**Urban Design Panel Comments:** The Urban Design Panel reviewed this proposal on March 14, 2007, and unanimously supported the proposed use, density, and form of development. The panel offered the following comments:

"The Panel agreed that the overall form of development was supportable with respect to use, height, density and massing as they felt it was appropriate for the site. The Panel had no concerns regarding shadow impacts, the overlook and privacy on the existing neighbouring properties. The Panel also supported the rezoning for the site.

One Panel member had some concerns regarding the landscaping in the public realm and would like to see the edges finished properly. One Panel member suggested the landscape architect revisit the species of trees planned for the courtyard. One Panel member suggested the applicant look at the nature of the interior courtyard space as there might be an opportunity for gatherings or barbeques.

The Panel agreed that the proposed setbacks were appropriate and were needed to make the grade transition from the site to the sidewalk level.

One Panel member felt there was minimal urban context and that it was more a suburban context noting that the context and character of the neighbourhood was more post war bungalows and monster houses than the Tudor forms used in the architectural expression in the proposal. It was suggested that the project will set a precedent for this type of development that will occur on Oak Street in the future.

The Panel supported the unit density and floor space and thought it was achievable noting that Oak Street is a busy corridor and was a good location for this type of project.

The Panel thought the general palate of materials was appropriate given the reference to heritage architecture with one Panel member suggesting using materials that closely referenced the Tudor revival with stucco being the most appropriate material.

Regarding sustainability initiatives, one Panel member encouraged the applicant to look at geothermal or other sources of energy that would be sustainable.

The Panel agreed that they would like to see the proposal come back to the Panel at the Development Permit stage.

Motion

Mr. Francl moved and Mr. Ostry seconded and was the decision of the Panel to have the submission come back to the Urban Design Panel at the Development Permit stage.

CARRIED UNANIMOUSLY"

"Panel's Consensus on Key Aspects:

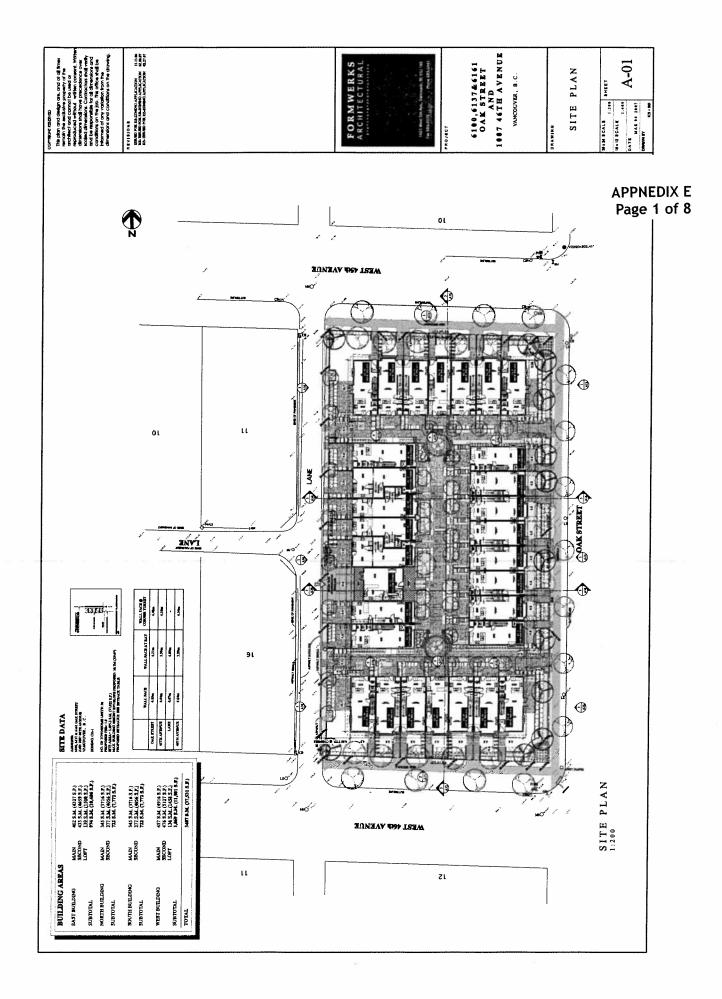
- consider detailing of the landscaping and how the transition will work with the grade change from the entry gardens to the sidewalk level;
- consider a more civic formality for the Oak Street Elevation;
- consideration of the interior space for potentially more social or communal uses; and
- consider more sustainability initiatives."

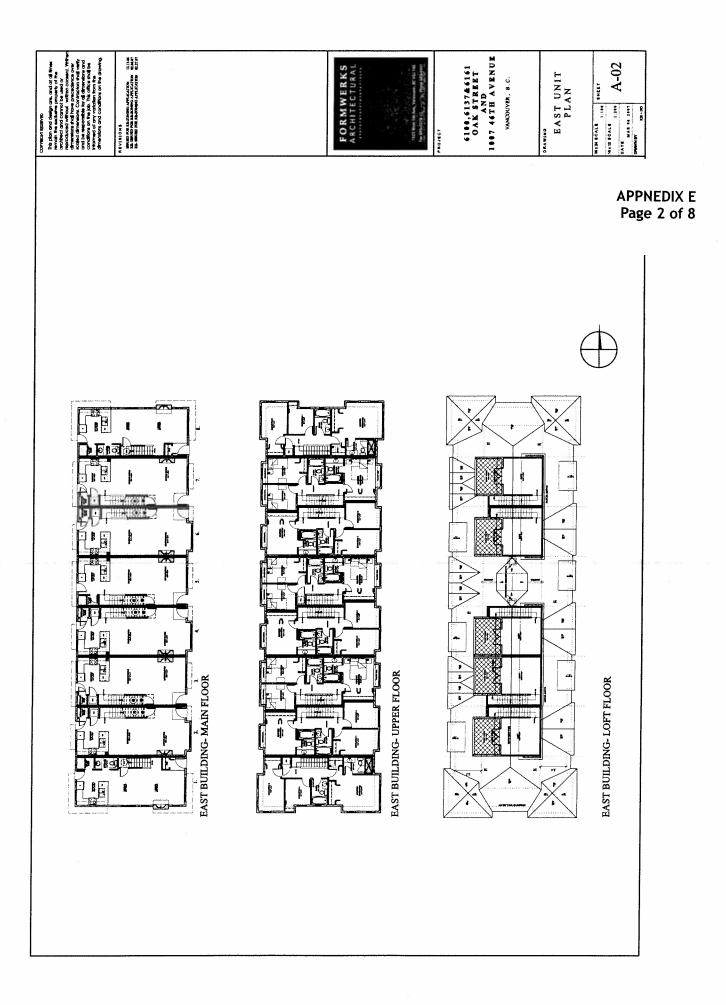
**Environmental Implications:** Nearby access to transit and commercial services may reduce dependence on use of automobiles.

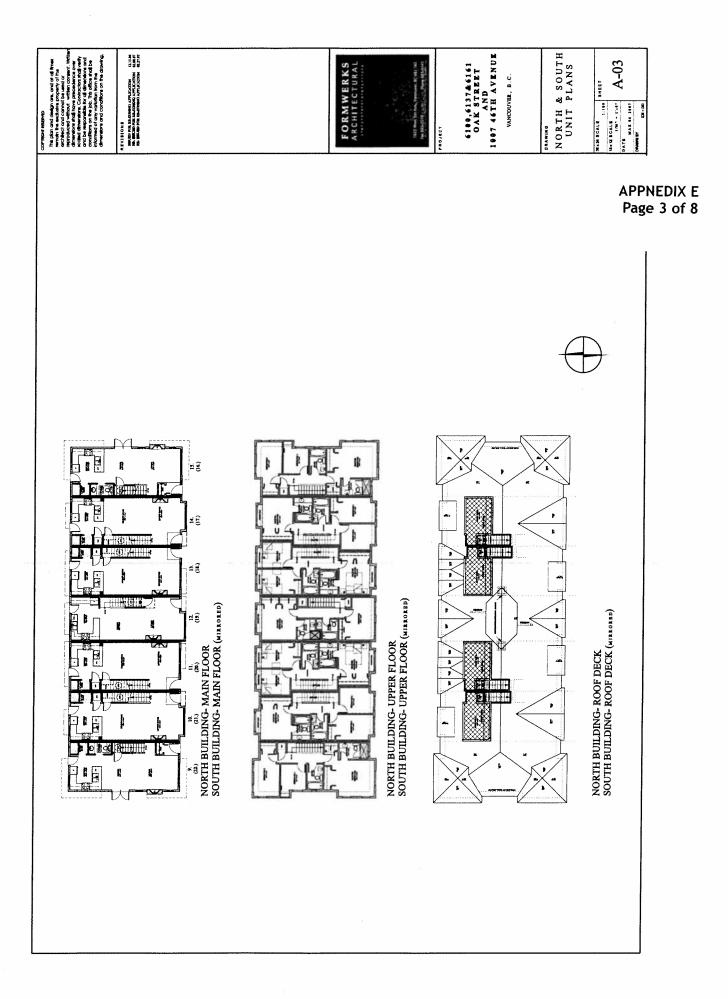
**Social Implications:** There are no major positive or negative social implications to this proposal. There are no implications with respect to the Vancouver Children's Policy or Statement of Children's Entitlements.

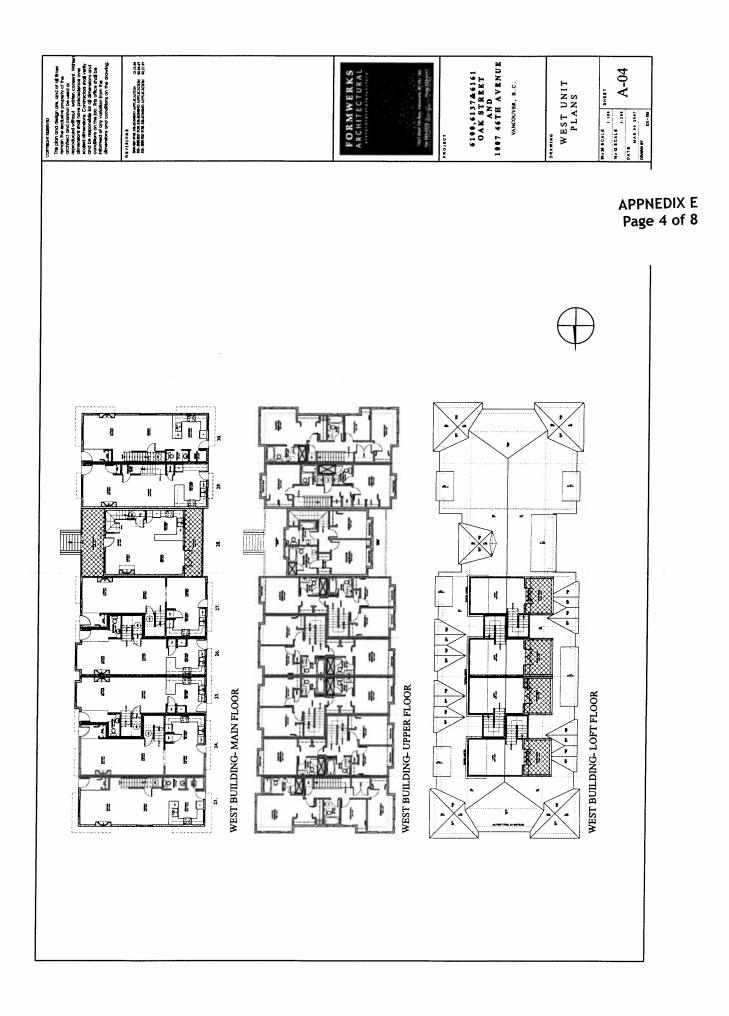
**Comments of the Applicant**: The applicant has been provided with a copy of this report and has provided the following comments:

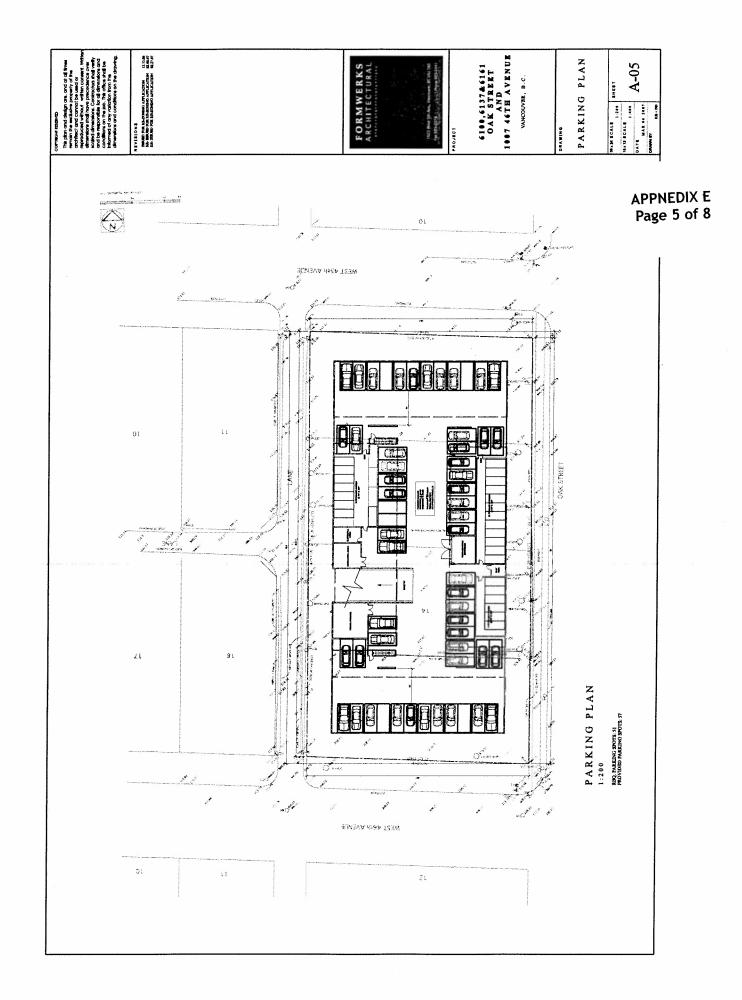
"I have reviewed the report and accept the recommendations and conclusions noted by City Staff."

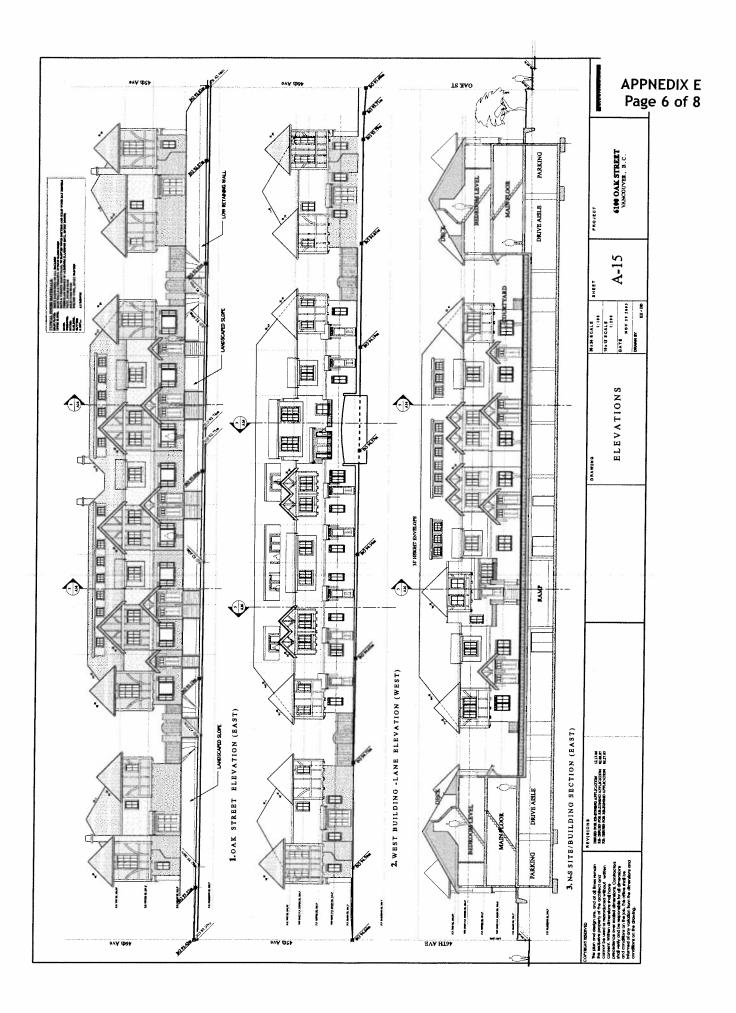


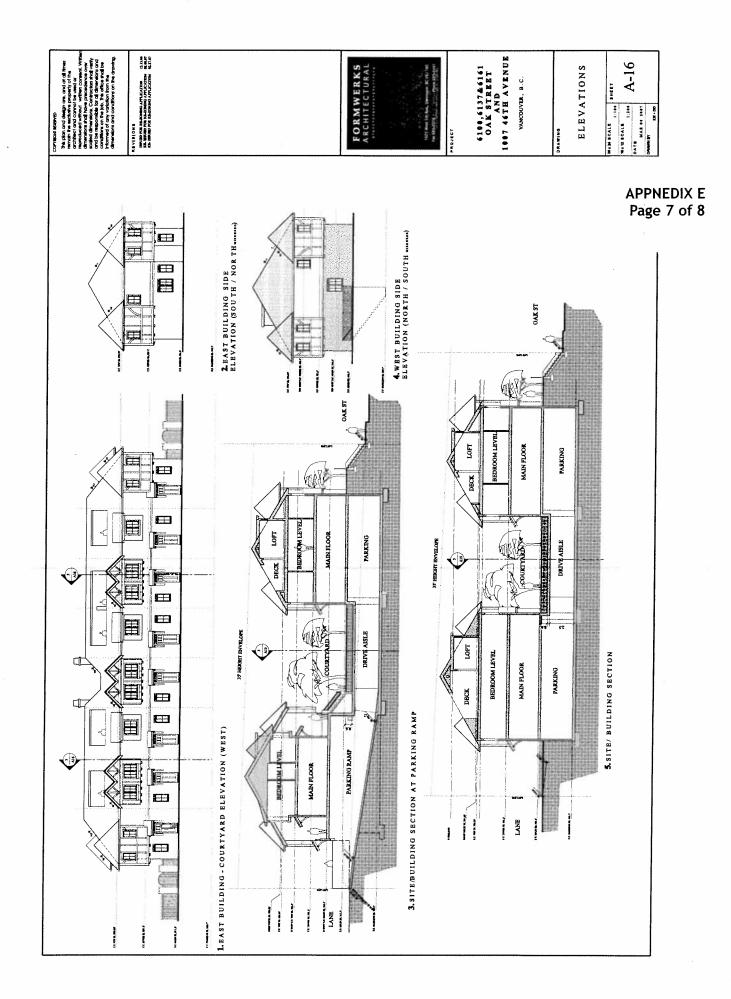


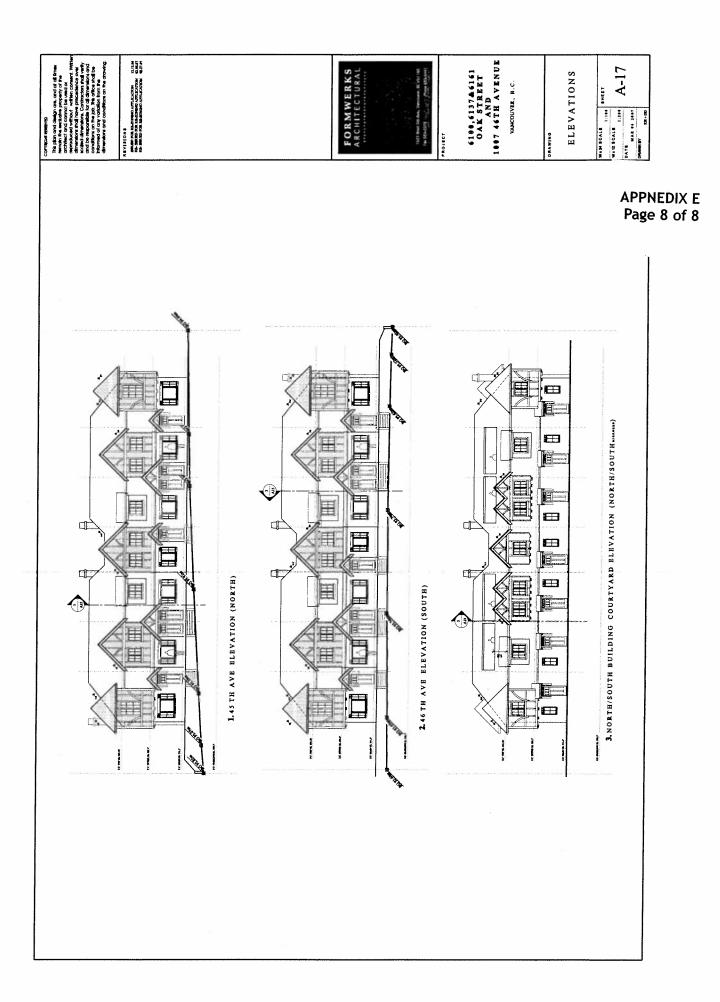












# APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

# APPLICANT AND PROPERTY INFORMATION

Street Address	6111-6161 Oak Street and 1007 West 46 <sup>th</sup> Avenue
Legal Description	Lots 12-15 of Lot 16, Block 10, DL 526, Plan 7908
Applicant	Listraor Development Corporation
Architect	Formwerks Architectural Inc.
Developer	Listraor Development Corporation

#### SITE STATISTICS

	GROSS	DEDICATIONS	NET
SITE AREA	3 495 m² (37,622 sq. ft.)	N/A	No change

#### DEVELOPMENT STATISTICS

	DEVELOPMENT PERMITTED UNDER EXISTING ZONING	PROPOSED DEVELOPMENT
ZONING	RS-1	CD-1
USES	One-Family Dwelling	Multiple Dwellings
MAX. FLOOR SPACE RATIO	0.60 FSR	1.00 FSR
MAXIMUM HEIGHT	9.2 m (30 ft.), relaxable to 10.7 m (35 ft.)	10.7 m (35 ft.)
PARKING SPACES	One per dwelling unit	57 (min. 30 required)
FRONT YARD SETBACK (Oak Street)	8.53 m (28 ft.)	4.2 m (13.8 ft.)
NORTH SIDE YARD SETBACK (West 45 <sup>th</sup> Avenue)	2.04 m (6.7 ft.)	4.0 m (13.1 ft.)
SOUTH SIDE YARD SETBACK (West 46 <sup>th</sup> Avenue)	2.04 m (6.7 ft.)	4.0 m (13.1 ft.)
REAR YARD SETBACK (abuts rear lane)	19.20 m (63 ft.)	4.0 m (13.1 ft.)