

## SUMMARY AND RECOMMENDATION

**1. REZONING: 5475 Dunbar Street, 3625-3641 West 39th Avenue**

**Summary:** To rezone the site from RS-5 (single family residential) to CD-1 (Comprehensive Development) to allow the development of a 10-unit rowhouse, a 4-unit multiple dwelling and an infill two-family dwelling under the Neighbourhood Housing Demonstration Project Program at a floor space ratio of 1.1 FSR.

**Applicant:** Robert Cadez, Formwerks Architectural Inc.

**Recommended Approval:** By the Director of Planning, in consultation with the Director of the Housing Centre and the Director of Real Estate Services

- A. THAT the application by Robert Cadez of Formwerks Architectural Inc. to rezone 5475 Dunbar Street, 3625 and 3641 West 39<sup>th</sup> Avenue (the East 55 feet of Lot 5, the West 55 feet of Lot 6 and Lot 6, except the east 7 feet now road, all of Block 15, D.L. 2027, Plan 5043) from RS-5 to CD-1 to permit a 10-unit rowhouse, a 4-unit multiple dwelling and an infill two-family dwelling under the Neighbourhood Housing Demonstration Project Program at a floor space ratio of 1.1, generally as represented in Appendix A to Policy Report "CD-1 Rezoning - 5475 Dunbar Street, 3625 and 3641 West 39th Avenue" dated March 27, 2007, 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 Formwerks Architectural Inc. and stamped "Received City Planning Department, June 30, 2006 and revised 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 enclose and combine exit stairs with the building structure and to relocate stair exit from the front property line and main pedestrian entry along West 39<sup>th</sup> Avenue;

**(Note to Applicant:** Open stair wells to the underground parking are not supported. Consider a second means of egress via the parking ramp, possibly eliminating one of the two exit stairs).

- (ii) design development to the south yard setback at West 39<sup>th</sup> Avenue of the southeast dwelling unit, increasing the yard setback by a minimum of one foot;

**(Note to Applicant:** A more compatible yard setback along West 39<sup>th</sup> Avenue between the proposed four-plex and the rowhouses is sought).

- (iii) design development to re-align the pedestrian pathway to provide a minimum three foot clearance along the east elevation of the four-plex;

**(Note to Applicant:** Provide landscaping between the pathway and the four-plex).

- (iv) Design development to minimize the size and visibility of the parking ramp as seen from the neighbour;

**(Note to Applicant:** Provide detail sections of the ramp slope and at the property line indicating maximum permitted slope and minimum required height clearances. Parking ramp should be well integrated with the landscaping and screened at the side yard [see also condition (b)(v)].

- (v) design development to provide a detailed landscape plan, with particular regard to side yard conditions and maintaining privacy between neighbours;

**(Note to Applicant:** Landscaping along the west side yard should be layered and densely planted to provide screening between neighbours. Provide a strongly defined landscaped edge for the rear patios of the rowhouses immediately adjacent to the pedestrian entry and path off of West 39<sup>th</sup> Avenue).

- (vi) design development for the provision of a corner bulge, adjacent to the corner of Dunbar Street and West 39<sup>th</sup> Avenue, to the satisfaction of the General Manager of Engineering Services;

- (vii) design development to ensure that guest parking at a minimum of 4 visitor (Class B) bicycle spaces is provided in a convenient, visible location;

- (viii) provide clarification on the drawings, indicating the location of the windows of the adjacent building on the west side elevation of the proposed four-plex;

**(Note to Applicant:** Windows should not have direct overlook with neighbours).

- (ix) submit an acoustical consultant's report which assesses noise impacts on the site and recommends noise mitigating measures.

## Landscape

- (x) design development to retain existing trees as a visual amenity for the neighbourhood wherever possible;  
  
(**Note to Applicant:** if retention is not possible, a written rationale is to be provided outlining reasons for removal).
- (xi) provide replacement trees to replace trees removed for development;
- (xii) provide an ISA Certified Arborist written assessment of all existing site trees and neighbouring trees located within 2 m (6.6 ft.) of the development site. The report should include reasons for removal of trees and the arboricultural measures required for the safe retention of site trees and neighbouring trees during and following construction;
- (xiii) provide gated front yards;
- (xiv) provide a legal survey illustrating existing trees 20 cm calliper or greater on the development site, 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;
- (xv) provide, at the development permit stage, full Landscape Plan illustrating proposed plant materials (common and botanical names), including size and quantities, paving, walls, fences and other landscape elements including site grading;
- (xvi) provide a Tree Management Plan clearly illustrating all existing tree to be removed and retained, including dimensioned tree protection barriers around all existing trees 20 cm calliper or greater located within 2 m (6.6 ft.) of the property line and around all existing street trees located adjacent to the development site as per City guidelines;
- (xvii) provide written permission from the neighbour confirming agreement on the removal of any jointly owned property line trees in conflict with proposed construction;
- (xviii) obtain permission from the General Manager of Engineering Services for the removal of City-owned trees and for new planting on City property.  
  
(**Note to Applicant:** For further information, contact Kevin Cavell, Streets Engineering at 604.873.7773);
- (xix) provide a high efficiency irrigation system in all landscape common areas and hose bibs in all private landscaped patio areas;
- (xx) 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;

- (xxi) provide on the Landscape Plan an outline of the proposed parking garage; and
- (xxii) provide a notation on the Landscape Plan confirming the provision of night lighting.

#### Crime Prevention through Environmental Design (CPTED)

- (xxiii) design development to take into consideration the principles of CPTED having particular regard for:
  - theft in the underground by relocating and re-orienting exit stairs with full enclosure at ground level; and
  - cutting through the site by providing definition at the street and lane setbacks.

#### AGREEMENTS

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall:
  - (i) consolidate the East 55 feet of Lot 5, the West 55 feet of Lot 6 and Lot 6, except the east 7 feet now road, all of Block 15, D.L. 2027, Plan 5043;
  - (ii) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of standard public sidewalks on Dunbar Street and West 39<sup>th</sup> Avenue, adjacent to the site;  
  
(Note to Applicant: 1.8 m (5.9 ft.) wide sidewalks are the current standard.)
  - (iii) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of a standard concrete lane crossing at the lane south of West 38<sup>th</sup> Avenue on the west side of Dunbar Street, adjacent to the site;
  - (iv) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of standard curb ramps at the corner of West 39<sup>th</sup> Avenue and Dunbar Street;
  - (v) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of street trees adjacent to the site, where space permits;
  - (vi) make arrangements, to the satisfaction of the General Manager of Engineering Service and the Director of Legal 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 review and approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged; and

- (vii) make arrangements, to the satisfaction of the Director of Legal Services for a voluntary cash contribution of \$210,000 to the Affordable Housing Fund.

Where the Director of Legal Services 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 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 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, the Subdivision By-law be amended as set out in Appendix B to Policy Report "CD-1 Rezoning - 5475 Dunbar Street, 3625 and 3641 West 39th Avenue" dated March 27, 2007; 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.

(CD-1 RZ. - 5475 Dunbar Street, 3625-3641 West 39th Avenue)