

SUMMARY AND RECOMMENDATION

5. CD-1 REZONING: 2402 EAST BROADWAY

Summary: To create a new CD-1 (Comprehensive Development District) By-law to permit a four-storey, mixed-use development with underground parking.

Applicant: Joe Minten, JMArchitecture

Recommended Approval: By the Director of Planning

A. THAT the application by Joe Minten of JMA Architecture to rezone 2402 East Broadway (Lot 1, Southwest Quarter of Section 34, Town of Hastings Suburban Lands, Plan LMP 9305, P.I.D. 018-159-168) to amend CD-1 By-law No. 5836 to create a new CD-1 By-law to permit a four-storey, mixed-use development at 2.4 FSR (floor space ratio) with two levels of underground parking, generally as presented in Appendix A, to policy report "CD-1 Rezoning - 2402 East Broadway" dated May 9, 2008 be approved, subject to the following conditions:

1. PROPOSED 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 JMA Architecture, and stamped "Received City Planning Department, December 12, 2005 and revised December 14, 2007", provided that the Director of Planning may allow minor alterations to the 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 the building massing to enhance the architectural expression and improve neighbourliness in the following manner:
- further architectural emphasis on the street corner;

(**Note to Applicant:** Consider a more vertical expression and/or alternative material treatment to strengthen the corner expression).
 - reduce the size and scale of the cornice/roof overhang and street canopy;

(**Note to Applicant:** Reduce or eliminate the cantilevered roof condition and re-detail cornice face, substituting an alternative material, to the proposed metal finish. The canopy should be constructed of metal and glass to achieve a lighter appearance. Relocate the sign band from the canopy to the top of the storefront window).

- reduce and step the massing of the top floor away from the side property lines and re-orientate the stairwell to improve neighbourliness;

(Note to Applicant: The top floor should step back approximately 1.2 m (4 ft.). Turning the stairwell will reduce the building mass at the side property lines and better integrate the stairwell into the building).

(ii) design development to the building character in the following manner:

- add more brick masonry to the building façade;

(Note to Applicant: The 2nd and 3rd floors should be predominately brick with brick columns at the base. Reduce the height of the third floor handrails, extending the brick wall at the top of the bay window projections.

- revise colour and material selections to achieve a lighter looking material palette;
- window systems to be of a high quality, providing specifications.

(Note to Applicant: Operable windows to be either casement or awning. "Sliding" operable windows are not supported).

(iii) provide a 0.6 m (1.97 ft.) building setback on Nanaimo Street;

(iv) design development to screen all visible utilities;

(Note to Applicant: Provide a recessed enclosure and screening for the electrical transformer and gas metre connection. Indicate location on the drawings, providing details).

(v) design development to provide a water closet and wet bar in the amenity room and to improve access to the common outdoor amenity space;

(Note to Applicant: The amenity room should be sized to adequately host a strata council meeting. Consider relocating amenity room to an exterior wall to allow direct access to the outdoor patio.)

Engineering

(vi) ensure the drawings accurately reflect the required 0.6 m (1.97 ft.) Nanaimo Street statutory right of way;

(Note to Applicant: The existing property lines and right of way lines are to be clearly shown on the plans).

(vii) design development to ensure that canopies are fully demountable and not part of the building structure (the design shown may prevent strata titling of the property);

(Note to Applicant: The canopy design shown may not be approvable. Clarification of the canopy reference shown on the roof plan (A-101.4 is required, it is not consistent with the main floor plan A101.1). The sections also show portions of an angled brace within the minimum overhead clearance of 2.75 m (9.02 ft.).

- (viii) design development to ensure that the size of the commercial garbage room is adjusted to hold an appropriate number of containers and recycling bins for the commercial units;

(Note to Applicant: Clarification needs to be provided from a waste management firm that the space is adequate and that access and pick up from the locations shown will work).

- (ix) design development to ensure that doors do not swing over the property line (i.e., Unit 104);
- (x) design development to ensure that the paving patterns and finishes on public property meet the approval of the General Manager of Engineering Services;

(Note to Applicant: Street furniture and non-standard treatments, if approved, will require appropriate maintenance agreements. Please submit a copy of the landscape plan directly to Engineering Services for review).

- (xi) provide design elevations on both sides of all breakpoints on the parkade ramps and throughout the parking levels to clearly show grading;

Landscape

- (xii) provide a Landscape Plan illustrating 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, parking vents, public realm (building edge to the curb, trees, lamp posts, fire hydrants, sidewalk treatment);

(Note to Applicant: A detailed landscape plan has been provided with the December 14, 2007 submission. At the development permit stage, ensure that the detailed landscape plan is resubmitted to include any revisions reflected in the rezoning process).

- (xiii) provide street trees adjacent to the development site, where space permits. New street trees should be noted "Final species, quantity and spacing to the approval of the City Engineer, and Park Board";

(Note to Applicant: Contact Eileen Curran (604-871-6131) of Engineering Streets Division regarding street tree spacing and quantity. Contact Bill Stephen (604-257-8587) of Park Board regarding tree species).

- (xiv) provide spot elevations to all outdoor areas (including top/bottom wall);

(xv) provide an efficient irrigation system for all common outdoor planters and individual hose bibs to be provided for all patios of 9.3 m² (100 sq. ft.) or greater. Specification notes and irrigation symbols to this affect should be added to the drawing;

(xvi) provide pedestrian friendly benches to the corner plaza area;

(Note to Applicant: Substitute the concrete benches for street furniture that is pedestrian friendly, "off the shelf", durable and graffiti resistant. Consider warmer materials and a lighter bench design (i.e., metal or metal/wood slat) that is quick drying and easy to maintain. Strategic orientation of benching can maximize pedestrian interest).

Crime Prevention through Environmental Design (CPTED)

(xvii) design development to take into consideration the principles of CPTED, having particular regard to reduce opportunities for:

- theft in the underground parking by separating commercial and residential circulation;
- mischief by minimizing the setback at the south property line;
- break and enter; and
- graffiti.

Sustainability

(xviii) provision of a LEED scorecard, and consideration to achieve a LEED Silver equivalent rating in the project's sustainability performance.

2. PROPOSED CONDITIONS OF BY-LAW ENACTMENT

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

(i) make arrangements, to the satisfaction of the Director of Legal Services, to modify the easement agreement registered in the Land Title Office under BG079431 to add the City as a party to the agreement to not permit the discharge of the agreement without City consent;

(ii) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for a 0.6 m (1.97 ft.) wide statutory right of way along the Nanaimo Street frontage of the site;

(Note to Applicant: All portions of the building above grade except balconies and canopies/awnings should be deleted from these areas).

(iii) make arrangements, to the satisfaction of the Director of Social Planning and the Director of Legal Services for the delivery of \$680,000 Community Amenity Contribution (CAC) to be allocated towards an off-site hub child day care facility in

the vicinity of the development site, and credited to the Child Care Endowment Reserve Account GL320040, company code 2000, business area 9200; and

- (iv) 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 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.

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 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 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 to include this CD-1 District in Schedule "B".

(CD-1 RZ. - 2402 East Broadway)