

## SUMMARY AND RECOMMENDATION

## 5. REZONING: 755-795 West 41st Avenue

**Summary:** To rezone 755-795 West 41st Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit two six-storey apartment buildings and two-storey townhouses with a total of 74 residential units. A floor space ratio (FSR) of 2.87 and a building height of 19.5 m (64 ft.) are proposed.

**Applicant:** Arno Matis Architecture Inc.

**Recommended Approval:** By the 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 Arno Matis Architecture Inc., on behalf of Buffalo Investment (Canada) Ltd., to rezone 755-795 West 41st Avenue [*Lots 1 to 5 of Lot 2, Block 998, District Lot 526, Plan 8455; PIDs: 010-074-759, 010-074-783, 010-074-821, 010-074-864 and 010-074-881 respectively*] from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.70 to 2.87 and the height from 10.60 m (35 ft.) to 19.50 m (64 ft.) to permit the development of two six-storey residential buildings and two-storey townhouses containing a total of 74 residential units, generally as presented in Appendix A of the Policy Report dated July 9, 2013, entitled "CD-1 Rezoning - 755-795 West 41st 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 Arno Matis Architecture Inc., on behalf of Buffalo Investment (Canada), and stamped "Received City Planning Department, September 21, 2012", 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. Provision of a rear yard of at least 0.6 m (2 ft.) to accommodate landscaping and a transition to the residential lane.

Note to Applicant: The setback from the lane should be increased around building entries to accommodate hand rails, steps, landings, and similar features.

2. Design development to dwelling units to accommodate a more usable entrance area and patio, and to reduce blank wall conditions at the rear of the site.

Note to Applicant: The intent is to provide a safe, active and green interface around unit entries and townhouses. In particular, avoid designs that create an abbreviated or abrupt transition from the suite into the public realm. In some cases this can be improved by reorienting outdoor stairs, by providing more landing or patio area, or by providing more buffer space in the form of planted setbacks. See also Landscape Conditions.

3. Design development to meet the *Cambie Corridor Draft Public Realm Plan* including lane, side yard and front yard treatments.

Note to Applicant: The applicant is encouraged to convene with Planning, Landscape and Engineering staff prior to the preparation of a Development Permit submission to ensure technical compliance with the anticipated design intent, including CPTED performance, and with a design focus on hardscape, softscape, design elements, lighting, stormwater management, wayfinding and public art/interpretive opportunities.

4. Design development to create more distinctive and visually notable common entryways for the two main buildings.

Note to Applicant: Some creativity will be needed to distinguish the public entries within each street-facing façade, given the variety of exterior treatments proposed. See Section 5 of the *Cambie Corridor Plan* for more information.

5. Design development to mitigate privacy and overlook issues for new and existing residents.

Note to Applicant: This can be accomplished by further development of landscape drawings, enlarged sections, and other drawings that illustrate the specific built features needed to balance access to natural light with privacy concerns.

6. Provision of a universally accessible ramp connection between West 41st Avenue and the children's play space in the Amenity Terrace.

7. Design development to create open spaces suitable for children's play with adjacent common amenity rooms.

Note to Applicant: Staff commend the applicant for providing a wide range of units, and recommend that the various amenity areas and open spaces be rearranged to improve the functionality of these common areas for families with children. See the *High-Density Housing for Families with Children Guidelines* for more information.

8. Consideration to provide a better visual connection through the site from south to north.

Note to Applicant: Intent is to augment the visual and physical openness of the site created by building separation. This can be accomplished by reducing or relocating the structure over the parkade ramp, by providing through pathways, or other measures.

9. Provision of enlarged building details at ½" = 1'-0" scale or better for the various positions and intersections of the exterior fins and frames.

Note to Applicant: Staff commend the architect for the distinctive expression and solar shading created by these elements. Intent is to show how the quality and variety of the exterior design proposed at rezoning will be achieved in detail. Drawings should be in plan and section.

10. Provision of high quality and durable exterior finishes.

Note to Applicant: Intent is to maintain the proposed architectural quality, including the material palette of wood veneer, metal frames, white concrete and glass.

11. Revision of the plans to remove habitable rooms from the underground parkade level;

Note to Applicant: Direct access to the suite, including stairways and elevators, and storage rooms up to 3.7 m<sup>2</sup>, may be retained and excluded from floor area.

12. Confirmation that:
  - (i) the courtyard width between the main buildings and the townhouse buildings, and
  - (ii) the setbacks (at ground level and above the 4th level) and building separation for the two six-storey buildings,

as shown on Drawing Numbers A.202 and A.206 (submitted as part of the rezoning application on September 21, 2012), have been maintained;

Note to Applicant: Intent is to ensure consistency of the development permit with the upper floor step back and open spaces around the proposed buildings that were proposed at rezoning.

#### **Crime Prevention Through Environmental Design (CPTED)**

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

14.
  - (i) theft in the underground parking;
  - (ii) residential break and enter;
  - (iii) mail theft; and
  - (iv) mischief in alcoves and vandalism, such as graffiti.

## Sustainability

15. Provision of a deconstruction strategy for demolition of existing buildings on site to divert at least 75% of demolition waste (excluding materials banned from disposal) from the landfill.

Note to Applicant: The deconstruction strategy should be provided at the time of development permit application.

16. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold as required by the *Green Buildings Policy for Rezoning*, including a minimum of 63 points in total, six optimize energy performance points, one water efficiency point, and one storm water point.

Note to Applicant: Provide a LEED® checklist confirming the above; a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development, and notation of the features on the plans and elevations. The checklist and description should be incorporated into the drawing set. Registration and application for Certification of the project are also required under the policy.

17. The building heating and domestic hot water system shall be designed to be easily connectable and compatible with a future District Energy System to supply all heating and domestic hot water requirements. Design provisions related to district energy compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The applicant shall refer to the *District Energy Connectivity Standards* for specific design requirements, which include provisions related to the location of the mechanical room, centralization of mechanical equipment, pumping and control strategy, and other hydronic heating and domestic hot water system minimum requirements. The applicant is encouraged to work closely with Staff to ensure adequate provisions for District Energy compatibility are provided for in the mechanical design. A declaration signed by the registered professional of record certifying that the district energy connectivity requirements have been satisfied will be required as a pre-condition to building permit.

18. Space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat or distributed heat generating equipment including gas fired make-up air heaters.
19. Detailed design of the building HVAC and mechanical heating system must be to the satisfaction of the General Manager of Engineering Services.

## Landscape Review

20. Provision of urban agriculture in the form of edible landscaping and including some areas (planters or plots) suitable for urban agriculture activity. The necessary supporting infrastructure, such as tool storage, hose bibs and a potting bench should be provided. The design should reference the *Urban Agriculture Guidelines for the Private Realm* and should maximize sunlight, integrate into the overall design and provide universal access.
21. Provision of a high quality public realm adjacent the site, including a double row of street trees along the West 41st Avenue frontage.
22. Design development to improve the edge condition at the site perimeter, within semi-private patio spaces and between buildings.

Note to Applicant: Attention will be needed to ensure that common areas (walkways, breezeway, patios, corridors) are pedestrian friendly and visually clear, avoiding dead ends and ambiguous way finding. Ground oriented semi-private residential patios and areas between buildings should be more clearly delineated, respecting CPTED principles (security, ownership, safety). Grade resolution at the lane should be resolved on private property (unit access stairs are shown to encroach into the lane). Self-supporting architectural walls exposed to the public realm should be surfaced or screened with landscaping to mitigate opportunities for graffiti.

23. Design development to provide substantial greening of the roof deck, including permanent planters, seasonal tree canopy cover and adequate soil volumes/ irrigation.
24. Design development to locate site utilities and vents on private property and integrate them discreetly into the building, avoiding landscaped and common areas.
25. Provision of high efficiency irrigation for all planted areas and hose bibs for all patios and common areas greater than 100 sq. ft.
26. At time of development permit application:

- (i) Provision of a detailed Landscape Plan illustrating common and botanical names and the size and quantity of all existing and proposed plant material.

Note to Applicant: Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. The landscape plan should include all exterior hard and soft surface elements, the public realm treatment (to the curb) and all existing or proposed street trees, adjoining landscaping/grades and public utilities such as lamp posts, hydro poles, fire hydrants.

- (ii) Provision of a detailed "Tree Removal/ Protection/ Replacement Plan" (refer to Protection of Tree by-law, sec.4.3).

## Engineering

27. 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*:

- (i) Engage the services of a Transportation Consultant to review and modify the Class B loading.  
Note to Applicant: The Class B loading space does not appear to have adequate maneuvering to turn around and exit up the parking ramp.
- (ii) Modify the parking ramp design to provide a smooth transition through the inside radius at the bottom of the main parking ramp that does not exceed 12.5% slope.  
Note to Applicant: The current design appears to show a 2 ft. drop at this inside corner.
- (iii) The provision of parallel visitor parking spaces is not supported.  
Note to Applicant: It is almost impossible to back into visitor space #2 because of the distance between the drive aisle in front of parking spaces 3 to 7 and the position of this space.

28. Correct the legal description on page A.101. It should be corrected to read "Lots 1 to 5 of Lot 2, Block 998, District Lot 526, Plan 8455" .
29. Clarify if steps or pavers are proposed over the property line in the lane. Delete those portions of steps or pavers that encroach onto public property.
30. Modify the landscape plan to reflect the agreed upon improvements on public property and submit a copy of the revised plan directly to Engineering for review.
31. Please add the followings notes to the landscape plan.
- (i) Note: Should construction damage to the City sidewalks result in greater than 50% of the sidewalks needing repairs they are to be reconstructed to the standard in place at the time of sidewalk repairs and will likely be wider than currently shown on the plans.
  - (ii) Note: This plan is Not for Construction of any public property facilities. Prior to the start of any construction on public property a landscape plan must be submitted to Engineering Services and be issued as "For Construction"; 8 weeks' notice is requested. No work on public property may begin until plans receive "for construction" approval and related permits are issued. Please contact Frank Battista at 604.873.7317 or Kevin Cavell at 604.873.7773 for details.

- (iii) Note: This site will require an interconnected water services (2 connection points) please contact water design branch for details.
- (iv) Note: Please confirm with water design branch that the water meter room is located correctly.

- 32. Please clarify garbage pickup operations. Confirmation that a waste hauler can access the garbage area and pick up from the location shown is required.

### Soils

- 33. A qualified environmental consultant must be available to identify, characterize and appropriately manage any environmental media that may be contaminated and may be encountered during any subsurface work at the site.

## 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 and to the General Manager of Planning and Development Services, the General Manager of Engineering Services, the Managing Director of Cultural 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. Consolidation of Lots 1 to 5 of Lot 2, Block 998, District Lot 526, Plan 8455 to create a single parcel.
- 2. Dedication of the south 1.8 m along West 41st Avenue of the site for road purposes.

Note to Applicant: A Subdivision application will be required.

- 3. Provision of a Services Agreement, to detail the on- 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 standard concrete lane entries at the lane north of West 41st Avenue on the west side of Baillie Street and the east side of Willow Street.
  - (ii) Provision of 1.8 m standard concrete sidewalk on Baillie Street adjacent the site.
  - (iii) Provision of improved curb ramps on West 41st Avenue at the Baillie and Willow Street corners of the site.

4. 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.

### Sustainability

5. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a District Energy System, if and when the opportunity is available and in accordance with the City's policy for *District Energy Connectivity Standards* and the *Cambie Corridor Plan*, which may include but are not limited to agreements which:
  - (i) require buildings on site to connect to a District Energy System, once available;
  - (ii) grant access to the mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling District Energy System connection and operation; and
  - (iii) grant access to and use of suitable space required for the purposes of an energy transfer station, to the satisfaction of the General Manager of Engineering Services.

### Soils

6. If applicable:
  - (i) Submit a site profile to the Environmental Protection Branch (EPB);
  - (ii) As required by the Manager of Environmental Protection 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 Protection 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, City Engineer 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 a Certificate of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.



## Community Amenity Contribution (CAC)

7. Pay to the City the Community Amenity Contribution of \$4,080,000 which the applicant has offered to the City. Payment is to be made prior to enactment of the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services. The \$4,080,000 CAC is to be allocated as follows:
  - (i) \$2,040,000 to the affordable housing fund;
  - (ii) \$1,790,000 to childcare facilities in the Cambie Corridor area; and
  - (iii) \$250,000 to construct a portion of the future walking and cycling infrastructure on West 41st Avenue.

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 Covenants pursuant to Section 219 of the 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 enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law, generally as set out in Appendix C of the Policy Report dated July 9, 2013, entitled "CD-1 Rezoning - 755-795 West 41st Avenue".
- C. THAT, at the time of enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law, generally as set out in Appendix C of the Policy Report dated July 9, 2013, entitled "CD-1 Rezoning - 755-795 West 41st Avenue".
- D. THAT Recommendations A to C 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; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a bylaw rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the 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 - 755-795 West 41st Avenue)