

2. REZONING: 458-476 West 41st Avenue

Summary: To rezone 458-476 West 41st Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to allow for a six-storey residential building, with two-storey lane-fronting townhouses, containing a total of 50 dwelling units to be secured as market rental housing. A height of 20.1 m. (66 ft.) and a floor space ratio (FSR) of 2.55 are proposed.

Applicant: GBL Architects Inc.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of February 18, 2014.

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 GBL Architects Inc., on behalf of Qualex-Landmark Residences Inc., to rezone 458-476 West 41st Avenue [*Lots 19 and 20, Block 857, DL 526, Plan 7737; PIDs 010-337-407 and 010-337-423 respectively*] from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.70 to 2.55 FSR and the height from 10.6 m (35.0 ft.) to 20.1 m (66.0 ft.) to permit the development of a six-storey residential building, as well as lane-fronting two-storey townhouses, containing a total of 50 dwelling units to be secured as market rental housing, generally as presented in Appendix A of the Policy Report dated February 6, 2014, entitled "CD-1 Rezoning: 458-476 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 GBL Architects Inc. and stamped "Received City Planning Department, October 3, 2013", 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:

Design Development

1. Provision of on-site access from 41st Avenue to the rear dwelling units.

Note to Applicant: Access should provide a safe and secure pathway for visitors and residents that is not reliant on service lanes or exposed to

vehicle movements. Consideration should also be given to fire department, addressing and building code requirements before a development permit application is made.

2. Design development to the upper storeys facing south to reduce their apparent visual scale.

Note to Applicant: Consider the use of materials, detailing, colour and composition to reduce the visual weight of the top levels and to introduce a distinctive change of expression from the middle of this façade.

3. Improvement in access to natural light and openness between the two buildings on the site.

Note to Applicant: This can be accomplished providing an interior courtyard dimension of at least 7.9 m (26 ft.) measured at all levels and consideration of exterior finishes and landscaping.

4. Provision of a more notable setback at the fifth storey;

Note to Applicant: This can be accomplished providing a 2.4 m (8 ft.) set back.

5. Design development to mitigate privacy and overlook issues to other residential properties.

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

6. 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.

7. Design development to create open spaces suitable for children's play and an adjacent common amenity room.

Note to Applicant: Amenity areas and open spaces should be designed to work as common areas for families with children as well as other residents. See the *High-Density Housing for Families with Children Guidelines* for more information.

8. Provision of high quality and durable exterior finishes.

Crime Prevention Through Environmental Design (CPTED)

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

- a. theft in the underground parking;
- b. residential break and enter;
- c. mail theft; and
- d. mischief in alcoves and vandalism, such as graffiti.

Sustainability

10. 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.

11. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold equivalency, as required by the *Green Buildings Policy for Rezonings*, including a minimum of 63 points in the LEED® rating system, including at least six optimize energy performance points, one water efficiency point, and one stormwater 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.

12. 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.

13. 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.

14. Detailed design of the building HVAC and mechanical heating system must be to the satisfaction of the General Manager of Engineering Services.

Landscape

15. Design development to expand programming and improve sustainability by including opportunities for urban agriculture and expanded common green amenity areas.

Note to Applicant: Shared gardening areas should be designed to adhere to the *Urban Agriculture Guidelines for the Private Realm* and should provide maximum solar exposure, universal accessibility and provided with amenities such as raised beds, water for irrigation, potting bench, tool storage and composting.

16. Design development to insure achievability of design intent and future viability of trees and shrubs by increasing the depth of soil (growing medium) over structure to be at least (preferably more) than that of standard industry practice of effective depth. Refer to current edition of the British Columbia Landscape and Nursery Association (BCLNA) Landscape Standard.
17. Provision of a pedestrian friendly experience at the lane edges by the use of down lighting and more substantial planting at grade.

Note to Applicant: The lane edge planting should be protected from vehicles by an 8" high curb.

18. Provision of improved sustainability by the provision of edible plants, in addition to urban agriculture plots.

Note to Applicant: Edible plants can be used as ornamentals as part of the landscape design. Shared gardening areas should reference and be designed to adhere to the *Urban Agriculture Guidelines for the Private Realm* and should provide maximum solar exposure, universal accessibility and provided with amenities such as, raised beds, water for irrigation, potting bench, tool storage and composting.

19. Provision of a Rainwater Management Plan that utilizes sustainable strategies such as infiltration, retention and reuse of rainwater.

Note to Applicant: Strategies could include high efficiency irrigation, permeable paving, drought tolerant plants and mulching.

20. Provision of a Landscape Plan consistent with *Cambie Corridor Draft Public Realm Plan*.

21. At time of development permit application:

- a. A full Landscape Plan for proposed landscape to be submitted. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, railings, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is

clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale.

- b. Section details at a minimum scale of 1/4"=1'-0" scale to illustrate typical proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other features. Planter section details must confirm depth of proposed planting on structures is deep enough to accommodate rootballs of proposed trees well into the future.
- c. Sections (1/4"=1' or 1:50) illustrating the buildings to public realm interface facing the street, confirming a delineated private to public transition of spaces.

Note to Applicant: : The section should include the building façade, as well as any steps, retaining walls, guardrails, fences and planters. The location of the underground parking slab should be included in the section.

- d. Design development to locate, integrate and fully screen lane edge gas meters and parking garage vents in a manner which minimizes their impact on the architectural expression and the project's open space and public realm.
- e. New proposed street trees should be noted "Final species, quantity and spacing to the approval of City Engineer and Park Board". Contact Eileen Curran (604-871-6131) of Engineering Streets Division regarding street tree spacing and quantity. Contact Cabot Lyford (604-257-8587) of Park Board regarding tree species.
- f. A high-efficiency automatic irrigation system to be provided for all planters on parkade slab and minimum of hose bibs to be provided for landscape on grade;
- g. A Landscape Lighting Plan to be provided for security purposes.

Note to Applicant: Lighting details can be added to the landscape drawings; all existing light poles should be shown.

- h. Trellis and vines to be provided over the underground garage access ramp.

Engineering

22. Delete the portion of concrete stairs shown encroaching into the lane corner-cut in the southwest corner of the site.
23. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown.

Note to Applicant: Pick-up operations should not rely on bins being stored on the street or lane for pick up, bins are to be returned to storage areas immediately after emptying.

24. The first risers for all stair access points are to be a minimum of 1 ft. behind the property lines.
25. Provision of the following statement on the landscape plan. "A landscape plan is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such 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."
26. Provision of 6 Class B bicycle parking spaces. The current layout of Class B bicycle parking as proposed will not accommodate 6 bicycles since the rack is designed to be accessed from both sides and the design proposes access from one side only. Re-configuration of the area to comfortably accommodate 6 bicycles is required.

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 Social Development 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 19 and 20, Block 857, DL 526, Plan 7737 to create a single parcel.
2. 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.
 - a. Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicants' mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.
 - b. Provision of new sidewalk adjacent the site on 41st Avenue.

- c. Provision of standard concrete lane crossing and adjustment of curb returns on both sides of the lane entry to match proposed sidewalk re-alignment.
 - d. Provision of street trees adjacent the site where space permits.
3. 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

4. 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:
 - a. require buildings on site to connect to a District Energy System, once available;
 - b. 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
 - c. 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.

Housing

5. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services, to secure all residential units as market rental housing units for 60 years or life of the building, whichever is greater, subject to a no separate-sales covenant and a non-stratification covenant, and subject to all such units being made available as rental housing for a term of not less than one month at a time, and on such other terms and conditions as the Managing Director of Social Development and the Director of Legal Services may require.

Note to Applicant: This condition will be secured by a Housing Agreement to be entered into by the City by by-law enacted pursuant to section 565.2 of the Vancouver Charter.

Soils

6. If applicable:
 - a. Submit a site profile to Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
 - b. As required by the Manager of Environmental Planning 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
 - c. If required by the Manager of Environmental Planning 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 Planning, the General Manager of Engineering Services 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.

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 approval in principle of the rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated February 6, 2014, entitled "CD-1 Rezoning: 458-476 West 41st Avenue", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By law for enactment prior to enactment of the CD-1 By-law contemplated by the same report.
- C. THAT, subject to 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 February 6, 2014, entitled "CD-1 Rezoning: 458-476 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 - 458-476 West 41st Avenue)