



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: January 26, 2015
Contact: Susan Haid
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VanRIMS No.: 08-2000-20
Meeting Date: February 3, 2015

TO: Vancouver City Council
FROM: General Manager of Planning and Development Services
SUBJECT: CD-1 Rezoning - 2095 West 43rd Avenue

RECOMMENDATION

- A. THAT the application by Rositch Hemphill Architects, on behalf of 0964707 B.C. Ltd. (Bogner Development Group), to rezone 2095 West 43rd Avenue [*PID 006-838-146; Lot B of Lot 3, Block 15, District Lot 526, Plan 20159*] from RM-3A (Multiple Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 1.35 to 2.30 and the building height from 10.7 m (35 ft.) to 14.6 m (48 ft.) to permit the development of a four-storey mixed-use building containing commercial space at grade and 17 dwelling units, be referred to a Public Hearing, together with:
- (i) plans prepared by Rositch Hemphill Architects, received July 31, 2014;
 - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A; and
 - (iii) the recommendation of the General Manager of Planning and Development Services to approve the application, 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 the Public Hearing.

- B. THAT, if the application is referred to a Public Hearing, the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule "B" to the Sign By-law [assigning Schedule "B" (C-2)], generally as set out in Appendix C be referred to the same Public Hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law, generally as set out in Appendix C, for consideration at the Public Hearing.

- C. THAT, subject to enactment of the CD-1 By-law, Schedule A to the Parking Meter By-law be amended to extend the parking meter zone "F", as shown on the map of Kerrisdale, to include the 5800 block of East Boulevard and the 2000 block of West 43rd Avenue between East Boulevard and the lane east of East Boulevard, thereby allowing parking meters to be installed in front of the proposed development;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Parking Meter By-law at the time of enactment of the CD-1 By-law.

- 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 and any expenditure of funds or incurring of costs is at 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 by-law 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.

REPORT SUMMARY

This report evaluates an application to rezone a site located at 2095 West 43rd Avenue from RM-3A (Multiple Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of a four-storey mixed-use building containing commercial space at grade and 17 dwelling units with a proposed floor space ratio (FSR) of 2.30. The site is located within the Kerrisdale shopping area as identified in the Arbutus Ridge/Kerrisdale/Shaugnessy Community Vision, that was approved by Council in 2005.

Staff have assessed the application and support the uses and form of development, subject to design development and other conditions outlined in Appendix B. Staff recommend that the application be referred to a Public Hearing, with the recommendation of the General Manager of Planning and Development Services to approve it, subject to the Public Hearing, along with the conditions of approval outlined in Appendix B.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Relevant Council policies for this site include:

- Arbutus Ridge/Kerrisdale/Shaugnessy Community Vision (2005).
- C-2 District Schedule and Guidelines (2003)
- Green Building Rezoning Policy (2010).
- High-Density Housing for Families with Children Guidelines (1992).

REPORT

Background/Context

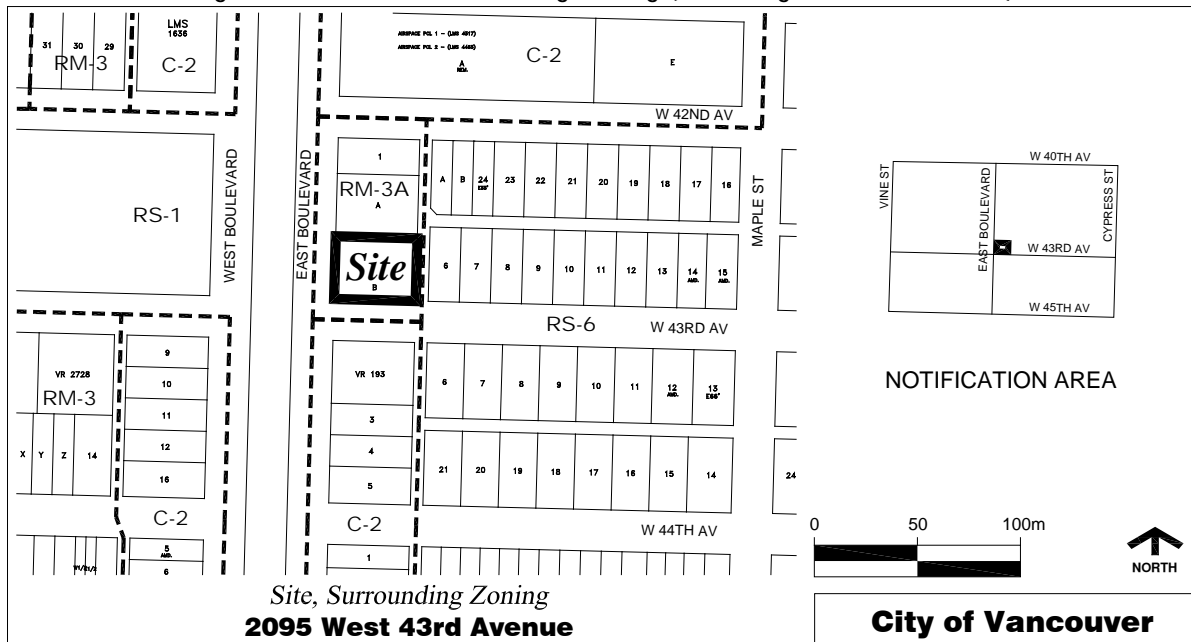
1. Site and Context

This 1,207 m² (12,992 sq. ft.) site is located at the northeast corner of East Boulevard and West 43rd Avenue, within the Kerrisdale shopping area. It has a frontage of 30.4 m (99.7 ft.) along East Boulevard and 39.6 m (129.9 ft.) along 43rd Avenue.

The site is zoned RM-3A and is currently developed with a two-storey, wood-frame church building that is currently vacant. Directly to the north of the site is an existing three-and-half-storey apartment building and a two-storey, two-family dwelling zoned RM-3A. Further to the north, across 42nd Avenue, sites are zoned C-2 and developed with mixed-use buildings up to five storeys. Sites to the east are zoned RS-6 and developed with detached houses. On both East and West Boulevard, sites are zoned C-2 and developed with a variety of residential apartments and mixed-use buildings. Directly across East Boulevard is the Arbutus Corridor rail line that is owned by Canadian Pacific Railway (CPR). Directly across the rail line on West Boulevard are the Kerrisdale Library, Community Centre and Seniors Centre, and Kerrisdale Centennial Park. There are four bus routes serving the area with two local bus routes (#41 along 41st Avenue and #16 along West Boulevard), one express bus route to UBC (#43 along 41st Avenue) and one regional bus route extending from UBC to the Bridgeport Canada Line Station in Richmond (#480 along 41st Avenue).

The existing church was originally built in 1912 in Port Coquitlam as a Baptist Sunday School and was moved to its current location in 1921. The church opened as the Kerrisdale Baptist Church and was modified in 1929 and 1947. In 1956, it became the Fourth Church of Christ Scientist, which it remained until it was vacated in 2012. Staff are not aware of any faith-based organizations or community groups wanting to use this space. The applicant submitted a draft Heritage Statement of Significance (SOS) that indicates that the building could be considered a candidate for the Vancouver Heritage Register in the 'C' evaluation category. The draft SOS was reviewed by the Vancouver Heritage Commission, which recommended that the building be added to the Heritage Register and requested updates to the SOS. The updates were completed by the applicant's heritage consultant and were reviewed by staff. Given the limited size of the site, the location of the church building, and the lack of a proposal for reuse, staff feel that retention of the existing building is not feasible or practical in the context of the subject application.

Figure 1: Site and surrounding zoning (including notification area)



2. Previous Rezoning Application

The applicant previously submitted a rezoning application for the site in December 2013 for a six-storey mixed use building that included commercial uses at grade and 56 secured market rental housing units. An open house was held and comments were received from the surrounding community. Comments opposed to the application focussed on concern about the proposed six-storey height not being compatible with the adjacent single-family character of the neighbourhood to the east, the perceived precedent that the rezoning would set and concern that the proposal would exacerbate existing traffic and parking problems in the area. After review of the public feedback and staff commentary, the applicant decided to withdraw the rezoning application in May 2014. In July 2014 a new application for a four-storey mixed-use development was submitted which is the subject of this report.

3. Policy Context

Arbutus Ridge/Kerrisdale/Shoughnessy Community Vision – In November 2005, Council adopted the Arbutus Ridge/Kerrisdale/Shoughnessy (ARKS) Community Vision. The subject site is within the boundary of the Kerrisdale Village Neighbourhood Centre as illustrated in the Vision. The Vision rezoning policy allows for consideration of applications for the reuse of institutional sites, such as this one, in advance of additional area planning (*Table 2.1*). The Vision also includes a variety of approved directions that provide support for a four-storey mixed-use proposal in this location including:

- Direction 16.5 Allow New Housing Types On or Near Arterial Roads
- Direction 16.6 Allow New Housing Near Shopping Areas
- Direction 18.1 Enhance Kerrisdale Village as an Important Shopping Area
- Direction 18.2 Ensure Continuity of Shops and Services.

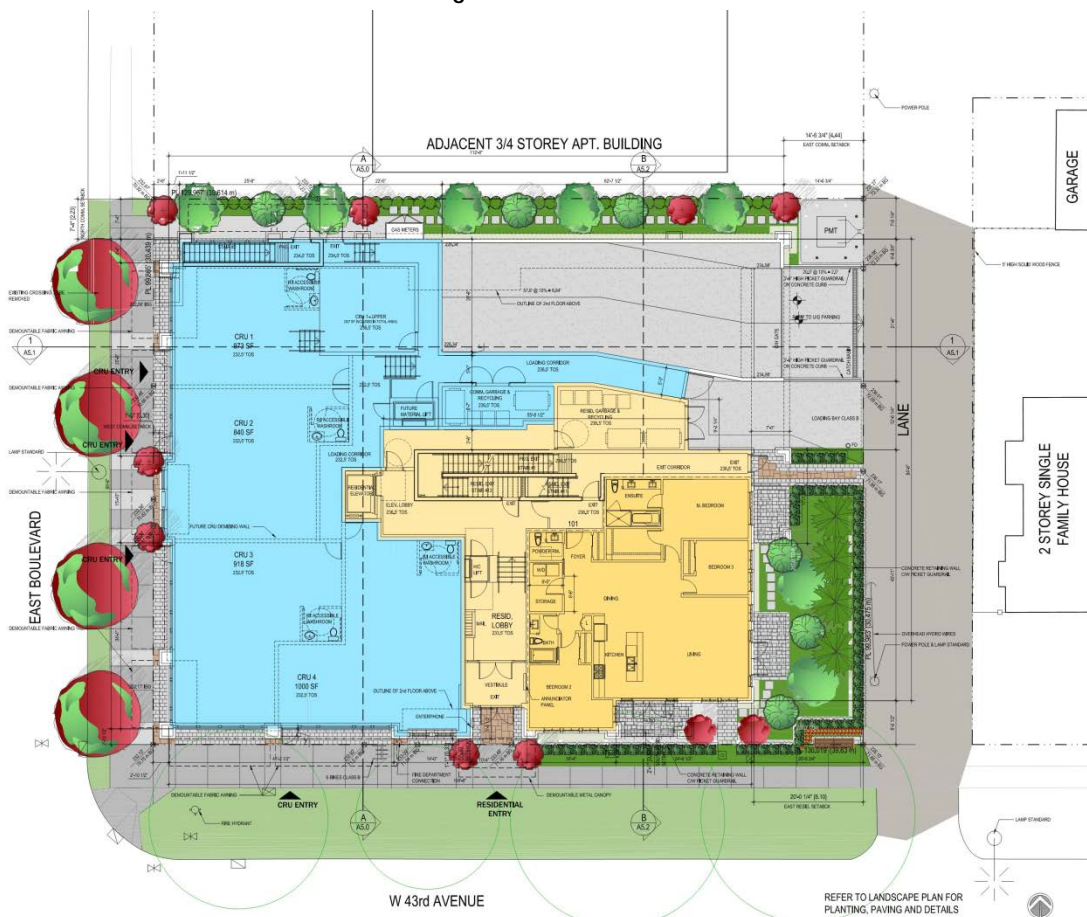
While direction 15.7, Allow More Four Storey Apartments, did not receive formal support through the Vision process, more people agreed with this direction than disagreed, so it remains an option for consideration.

Strategic Analysis

1. Proposal

The current application proposes a four-storey, mixed-use building containing commercial space at grade and a total of 17 market strata residential units (see Figure 2). The application would achieve 100% of the total units as suitable for families, with 14 two-bedroom units and 3 three-bedroom units. Appendix B contains a condition of approval to ensure that this unit mix is maintained in the proposal. The proposal includes approximately 396 m² (4,260 sq. ft.) of commercial space at grade level. There is one-level of underground parking proposed to be accessed from the rear lane. A total of 27 parking stalls are proposed including 22 residential stalls and five commercial stalls.

Figure 2: Site Plan



2. Land Use

The application is proposing four commercial units and one residential unit at grade and 16 residential units on levels two to four. While this site is located within a block that is zoned RM-3A, permitting residential apartment buildings, most properties in the vicinity of the site fronting along both West Boulevard and East Boulevard are zoned C-2 requiring commercial units at grade. Commercial uses provide for a wide range of goods and services, maintaining commercial vibrancy and serving the larger neighbourhood. The addition of the proposed commercial units on the subject site responds to the ARKS Community Vision direction to enhance the Kerrisdale shopping area and provide continuous shops and services at street level. The proposed retail and service uses are an extension of those found within the adjacent Kerrisdale shopping area (C-2 District Schedule).

3. Density, Height and Form of Development

Existing Neighbourhood Character – The built-form context along East Boulevard at 43rd Avenue is mostly three-storey apartment buildings, although the C-2 zoning on most sites would require grade-level commercial units and will allow up to four storeys. There is one five-storey building a block north at 42nd Avenue. Across the lane to the east are single-family dwellings.

Density, Height and Form of Development

This application proposes a maximum building height of four storeys and 14.6 m (48 ft.). The proposed building's relationships with adjacent streets, lane, and the property to the north varies. During schematic design, staff recommended setbacks comparable to those provided in the C-2 zone, reduced heights adjacent to neighboring residential properties for a compatible transition. The resulting stepped form transitions effectively to the adjacent lower buildings.

At East Boulevard the building meets the sidewalk with commercial units at grade. These continue the commercial uses that exist to the south and one block to the north. A reduction of solid wall and corresponding increase in glazed area is recommended to improve this street elevation. At 43rd Avenue, the building steps back from the corner commercial unit to provide a small front yard to the residential unit that faces the street and to provide a transition to the single-family dwellings across the lane. At the lane, to the east of the subject site, the building steps back from the property line to provide a green planted area which serves as a privacy screen and to reduce shadowing impacts on the adjacent property.

The north property line is shared with an existing three-and-a-half-storey apartment building. This existing apartment building was constructed closer to the shared property line than would be permitted under existing zoning. This necessitates careful design to minimize shadowing to provide appropriate light, views and privacy for both properties. This has generally been achieved, but revisions to the proposed balconies and decks at the north side are recommended to improve these conditions (see proposed Urban Design conditions in Appendix B). Outdoor private space is provided for all units including an at-grade patio and balconies. As the residential units are generous in size and may accommodate families, it is recommended that some decks be increased in size where privacy impacts are not a concern (see proposed Urban Design conditions in Appendix B).

The Urban Design Panel reviewed this application on December 3, 2014, and supported it (see Appendix D). Staff conclude that the design responds well to the character of the area and support the application, subject to the design development conditions noted in Appendix B, which will further improve the building design through the development permit process.

4. Transportation and Parking

The application proposes one level of underground parking accessed from the lane as well as one at-grade loading space. A total of 27 parking stalls are proposed including 22 residential stalls and five commercial stalls. Twenty-four Class A and six Class B bicycle parking spaces are also proposed, meeting the Parking By-law requirements.

A traffic study has been prepared by the applicant and reviewed by staff. Staff are satisfied with the findings of the study which concludes that additional traffic impacts that may be generated by this development would be well within the capacity of the adjacent street system. Engineering Services has reviewed the rezoning application and have no objections to the proposed rezoning, provided that the applicant satisfies the rezoning conditions in Appendix B including the installation of speed humps on 43rd Avenue.

Since the proposal includes commercial uses and is adjacent to an existing commercial area with parking meters, staff recommend that the Parking Meter By-law be amended to allow for parking meters to be installed adjacent to the site on East Boulevard and 43rd Avenue. For consistency with the adjacent metered area, staff recommend that the initial rate be \$2/hour. Installing parking meters adjacent to the site will help ensure on-street availability for short term parking and minimize unnecessary cruising for parking.

5. Environmental Sustainability

The Green Building Rezoning Policy (amended by Council on June 25, 2014) requires that rezoning applications achieve a minimum of LEED® Gold rating, with targeted points for water efficiency and stormwater management and a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, along with registration and application for certification of the project. The applicant submitted a preliminary LEED® scorecard, which generally conforms to the Rezoning Policy, indicating that the project could attain the required LEED® points and energy efficiency and, therefore, would be eligible for a LEED® Gold rating.

PUBLIC INPUT

Public Notification – Prior to submitting a rezoning application, the applicant met with adjacent property owners, the Arbutus Ridge/Kerrisdale/Shaghnessy (ARKS) Community Vision Implementation Committee and the Kerrisdale Business Improvement Area (BIA) to discuss the proposal. The Kerrisdale BIA submitted a letter in support of the rezoning application.

A rezoning information sign was installed on the site on August 27, 2014. A total of 778 notifications were distributed within the neighbouring area on or about September 8, 2014. In addition, notification and application information, as well as an online comment form, was provided on the City Rezoning Centre webpage (vancouver.ca/rezapps).

A community open house was held on Thursday, September 11, 2014 at the site of the application - 2095 West 43rd Avenue. Staff, the applicant team, and a total of approximately 45 people attended the Open House.

Public Response and Comments – The City received a total of 30 public responses to this application as follows:

- In response to the September 11, 2014 open house, a total of 26 comment sheets were submitted from individuals.
- A total of four e-mails were submitted from individuals.

Of the total of 30 submitted responses from individuals, including comment sheets and online correspondences, the majority was in support while some were unsure or presented some concerns.

Overall, comments from those who supported the application gave the following key commentary:

- **Design, Character and Form** – That the proposed scale and character of the proposal was appropriate for and complemented the area. Comments identified the higher level of residential density is needed in the area.
- **Commercial Space** – That the commercial component of the proposal was supported as necessary for adding shops and services, attracting more people and general revitalization to the area.
- **Housing Type** – That the proposed apartment units could allow residents to age in place in Kerrisdale.
- **Location** – That the proposal will promote a reduction in car usage.
- **Parking** – Some comments indicated that the proposed parking was adequate while other comment indicated that the parking could be increased.

Comments from those unsure of their support for the application gave the following key concerns:

- **Parking** – Concern that the parking would be inadequate for the proposed development. Staff note that the proposal meets the Parking By-law.
- **Adjacent Lane** – Concern about the width of the lane for accommodating vehicles and access to the underground parking. Staff note that the lane width (20 ft.) and configuration is typical.
- **Housing Units** – Concern at the missed opportunity for providing rental housing in the neighbourhood with the withdrawal of the previous proposal.
- **Commercial Units** – Concern about the viability of the commercial units. The provision of continuous retail is supported in the ARKS Community Vision.
- **Existing Church** – Concern regarding the demolition of the existing church building. Given the limited size of the site, the location of the church building, and the lack of a proposal for reuse, staff feel that retention of the existing building is not feasible or practical.

PUBLIC BENEFITS

In response to City polices which address changes in land use, this application offers the following public benefits:

Required Public Benefits

Development Cost Levies (DCLs) – DCLs collected from development help pay for facilities made necessary by growth, including parks, childcare facilities, replacement housing (social/non-profit housing) and engineering infrastructure. This site is subject to the City-wide DCL rate which is currently \$138.53 per m² (\$12.87 per sq. ft.) for new residential or commercial floor space. On this basis, a DCL of approximately \$384,581 is anticipated. DCLs are payable at building permit issuance and are subject to an annual inflationary adjustment which takes place on September 30. For this project to be eligible for in-stream DCL rate protection, a building permit related to this rezoning must be issued within 12 months from the date of by-law rate amendment. See the City's DCL Bulletin for details on DCL rate protection.

Public Art – The Public Art Policy for Rezoned Development requires that rezonings involving a floor area of 9,290.0 m² (100,000 sq. ft.) or greater allocate a portion of their construction budgets to public art as a condition of rezoning. The proposed floor area is below this threshold therefore there is no public art requirement.

Offered Public Benefits

Community Amenity Contributions (CACs) – Within the context of the City's Financing Growth Policy, an offer of a Community Amenity Contribution to address the impacts of rezoning can be anticipated from the owner of a rezoning site. CAC offers typically include either the provision of on-site amenities or a cash contribution toward other public benefits and they take into consideration community needs, area deficiencies and the impact of the proposed development on City services. The subject site is within the City-wide CAC Policy Area and the rezoning application is considered a "standard rezoning". Standard rezonings have a fixed rate target CAC of \$32.29 per m² (\$3.00 per sq. ft.) that applies only to the net increase in floor space allowed by the rezoning. Accordingly, the applicant has offered a CAC of \$37,029 and staff are recommending that it be allocated towards playground improvements for Centennial Park.

Staff note that the city-wide \$3.00 per sq. ft. fixed rate CAC is currently under review. In order to ensure fairness to applicants in process, staff have continued to process in-stream rezoning applications under current City-wide CAC Policy. Staff have been advising that a possible change to this Policy is being considered and could affect future applications.

IMPLICATIONS/RELATED ISSUES/RISK

Financial

As noted in the section on Public Benefits, the applicant has offered a CAC of \$37,029 to be allocated towards playground improvements for Centennial Park.

Approval and timing of specific projects will be brought forward as part of the Capital Plan and Budget processes.

The site is within the City-wide DCL District. It is anticipated that the project will generate approximately \$384,581 in DCLs.

CONCLUSION

Staff have reviewed the application to rezone the site at 2095 West 43rd Avenue from RM-3A to CD-1 to increase the allowable density and height in order to permit development of a four-storey mixed-use building, and conclude that the application is generally consistent with the Arbutus Ridge/Kerrisdale/Shaugnessy Community Vision. The proposed form of development represents a suitable urban design response to the site and context and is, therefore, supportable.

The General Manager of Planning and Development Services recommends that the rezoning application be referred to a Public Hearing, together with a draft CD-1 By-law generally as set out in Appendix A. Further it is recommended that, subject to the Public Hearing, the application including the form of development, as shown in the plans in Appendix E, be approved in principle, subject to the applicant fulfilling the conditions of approval in Appendix B.

* * * * *

2095 West 43rd Avenue
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.

Zoning District Plan Amendment

1. This By-law amends the Zoning District Plan attached as Schedule D to By-law No. 3575, and amends or substitutes the boundaries and districts shown on it, according to the amendments, substitutions, explanatory legends, notations, and references shown on the plan marginally numbered Z-() attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D, to By-law No. 3575.

[Note: Schedule A, not attached to this appendix, is a map that amends the City of Vancouver zoning map. Should the rezoning application be referred to Public Hearing, Schedule A will be included with the draft by-law that is prepared for posting.]

Uses

- 2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 ().
- 2.2 Subject to Council approval of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within CD-1 (), and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
 - (i) Cultural and Recreational Uses , limited to Artist Studio, Arts and Culture Indoor Event, Billiard Hall, Club, Community Centre or Neighbourhood House, Fitness Centre, Library, and Museum or Archives;
 - (ii) Dwelling Uses, limited to Dwelling Units in conjunction with any of the uses listed in this By-law except that no portion of the first storey of a building to a minimum depth of 10.7 m from the west wall of the building and extending across its full width shall be used for residential purposes except for entrances to the residential portion;
 - (iii) Institutional Uses, limited to Child Day Care Facility;
 - (iv) Office Uses, limited to Financial Institution, General Office, and Health Care Office;
 - (v) Retail Uses, limited to Farmers' Market, Furniture or Appliance Store, Grocery or Drug Store, Liquor Store, Public Bike Share, Retail Store, Secondhand Store, and Small-scale Pharmacy;

- (vi) Service Uses, limited to Animal Clinic, Auction Hall, Barber Shop or Beauty Salon, Beauty and Wellness Centre, Catering Establishment, Laundromat or Dry Cleaning Establishment, Neighbourhood Public House, Photofinishing or Photography Studio, Print Shop, Repair Shop - Class A, Repair Shop - Class B, Restaurant - Class 1, Restaurant - Class 2, School - Arts or Self-Improvement, School - Business, School - Vocational or Trade, and Wedding Chapel; and
- (vii) Accessory uses customarily ancillary to the uses permitted in this Section 2.2.

Conditions of Use

- 3.1 No portion of the first storey of a building, to a depth of 10.7 m from the front wall of the building along East Boulevard and extending across its full width, shall be used for residential purposes except for entrances to the residential portion of the building.
- 3.3 All commercial uses permitted by this By-law shall be carried on wholly within a completely enclosed building except for:
 - (a) Farmer's Market, and
 - (b) Public Bike Share, and
- 3.3 The design and lay-out of at least 25% of the dwelling units must:
 - (a) be suitable for family housing;
 - (b) include two or more bedrooms; and
 - (c) comply with Council's "High Density Housing for Families with Children Guidelines".

Floor Area and Density

- 4.1 Computation of floor space ratio must assume that the site consists of 1,207.0 m², being the site size at the time of the application for the rezoning evidenced by this By-law.
- 4.2 The floor space ratio for all uses must not exceed 2.30.
- 4.3 Computation of floor area must include all floors of all buildings, having a minimum ceiling height of 1.2 m, including earthen floors and accessory buildings, both above and below ground level, to be measured to the extreme outer limits of the building.
- 4.4 Computation of floor area must exclude:
 - (a) open residential balconies or sun decks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed 8% of the residential floor area being provided;

- (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 m;
- (d) amenity area and meeting rooms accessory to a residential use, to a maximum total area of 10 % of the total permitted floor area; and
- (e) all residential storage area above or below base surface, except that if the residential storage area above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage area above base surface for that unit.

4.5 The use of floor area excluded under section 4.4 must not include any purpose other than that which justified the exclusion.

Building Height

5. Building height, measured from base surface, must not exceed 14.6 m.

Horizontal Angle of Daylight

6.1 Each habitable room must have at least one window on an exterior wall of a building.

6.2 The location of each such exterior window must allow a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.

6.3 Measurement of the plane or planes referred to in section 6.2 must be horizontally from the centre of the bottom of each window.

6.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement, if:

- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of the unobstructed view is not less than 3.7 m;

6.5 An obstruction referred to in section 6.2 means:

- (a) any part of the same building including permitted projections; or
- (b) the largest building permitted under the zoning on any site adjoining CD-1 ().

6.6 A habitable room referred to in section 6.1 does not include:

- (a) a bathroom; or
- (b) a kitchen whose floor area is the lesser of:
 - (i) 10% or less of the total floor area of the dwelling unit, or
 - (ii) 9.3 m².

Acoustics

7. 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 measurement, 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.

Portions of dwelling units	Noise levels (Decibels)
Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45

* * * * *

2095 West 43rd Avenue
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.

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 Rositch Hemphill Architects and stamped "Received City Planning Department, July 31, 2014", subject to the following conditions, 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. Design development to improve transition to adjacent residential property along East Boulevard.

Note to Applicant: This can be achieved by increasing the front setback to at least 8 ft. for approximately 12 ft. from the north property line.

- 2. Design development to the commercial façade to maximize visibility into the commercial units.

Note to Applicant: This can be achieved by increasing the amount of glazing facing East Boulevard, while maintaining intermittent solid elements.

- 3. Design development to minimize privacy impacts and overlook to adjacent properties to the north and east.

Note to Applicant: This can be achieved by reducing the extent of balcony for the 3rd floor C2 unit. Translucent guards should be incorporated on north and east decks at the second and third levels to screen overlook to the east neighbour. A planter with a depth of at least 5 ft. should be incorporated at the north and east fourth level deck.

At grade landscape at the north and east property edges should provide filtered views year-round. (refer to Landscape Design conditions)

- 4. Design development to provide usable private outdoor space to all units.

Note to Applicant: While all units have access to private outdoor space, for some units this space is undersized. Increase the deck depth for the west facing units at the second and third levels so their depth is a minimum of 6 ft.

5. Provision of a common amenity room for resident use.

Note to Applicant: Most units are of a modest size, and could benefit from additional flexible space for meetings or socializing. The amenity room should be located on the ground floor and connected to an outdoor amenity area. (refer to Landscape Design conditions)

6. Provision of a vertical vent space to accommodate future proposed restaurant exhaust from the commercial level.

Note to Applicant: Intent is to allow for a wider range of uses without requiring the retrofitting of exhaust ducting on the outside of the building

Crime Prevention Through Environmental (CPTED)

7. Design development to consider the principles of CPTED, having particular regard for security in the underground parking in accordance with section 4.13 of the Parking By-law and by painting the walls and ceiling of the parking garage white.

Sustainability

8. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving a minimum of LEED® Gold rating, with targeted points for water efficiency and stormwater management and a 22% reduction in energy cost as compared to ASHRAE 90.1 2010.

Note to Applicant: Provide a checklist and a detailed written description of how the rating system points have been achieved with reference to specific building features in the development. Both the checklist and description should be incorporated into the drawing set, with significant elements keyed to the building plans and elevations. A letter from the Mechanical consultant shall be submitted outlining how the specified energy performance will be achieved in this building design.

Landscape Design

9. Design development and expanded programming to the southeast corner of the site, to include an added outdoor amenity space.

Note to Applicant: This can be achieved by replacing the dense conifers with a lower hedge surrounding the perimeter, maintaining the privacy buffer, but allowing for other community activities to take place within a shared space.

This could include seating opportunities, BBQ, edible plant cultivation and other activities. (See also Urban Design conditions)

10. Design development to the public/private interface by the provision of a typical section from the sidewalk to the residential unit, which confirms a hierarchical transition from public to private spaces.

Note to Applicant: This can be achieved with plant material which allows hedges for privacy of the patios, yet orienting a friendly, planted layer to the street. Adjustments to the landscape plan should reflect pedestrian access from 43rd Avenue from the first level residential unit. (See also Urban Design conditions)

11. Provision of a pedestrian friendly experience at the lane edge with 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.

12. Provision of maximized tree growing medium and planting depths for tree and shrub planters to ensure long term viability of the landscape.

Note to Applicant: Underground parking slabs and retaining walls may need to be altered to provide adequate depth and continuous soil volumes. Growing mediums and planting depths should be to BCSLA standards or better.

13. Submission requirements at the time of Development Permit application:

- (i) 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.
- (ii) 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.
- (iii) 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.

- (iv) 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.
- (v) 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.
- (vi) 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;
- (vii) 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.

Housing Policy

- 14. The proposed unit mix including 14 two-bedroom and 3 three-bedroom units are to be included in the Development Permit drawings.

Note to Applicant: Any changes in unit mix shall be to the satisfaction of the Chief Housing Officer.

Engineering

- 13. An awning application is required. Awnings must be fully demountable. Awnings are defined as a light detachable structure of fabric, sheet metal or other flexible material supported entirely from the building. (VBBL section 1A.9.7)
- 14. A canopy application is required. Canopies must be fully demountable and drained to the buildings internal drainage system. Canopies are defined as a rigid roof like structure supported entirely from a building and where the canopy deck is constructed of wired or laminated safety glass or metal not less than 0.56 mm in thickness. (VBBL section 1A.9.8)
- 15. Provision of required Class B bicycle parking on private property.

Note to Applicant: A separate application is required for Class B bicycle parking proposed for public property, Class B bicycle parking (bike racks) supplied on

public property cannot be counted towards the on-site by-law requirement that would apply to this project.

16. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services. The following items are required to meet provisions of the parking by-law and the parking and loading design supplement:
 - (i) Provision of a section drawing through the loading bay showing the minimum vertical clearance.

Note to Applicant: Confirm with building code that man door can be incorporated into the overhead gate as shown at gridline PD/P8 on drawing A2.0.
 - (ii) Provision of a painted pedestrian access aisle from the parking area to Stair #2 at gridline A/1 on drawing A2.0.

Note to Applicant: This is to provide a dedicated space for pedestrians to use the exit shown on the ramp. Widening the N-S portion of the ramp 4 ft. (1.2m) and providing a 9 ft. x 9 ft. (2.7 m x 2.7 m) corner cut at gridline PB/4 would achieve this.
 - (iii) Provision of a painted guideline and object marker to delineate the edge of the parking ramp where a shift in the ramp occurs.

Note to Applicant: Guideline is required at elevation 223.07 ft. on the north side of the ramp to the outside corner of the stairs and the object marker is required to highlight the corner of the stairs for the inbound traffic.
 - (iv) Eliminate or improve the shift in the maneuvering aisle at the elevator lobby at gridline PD/P7 on drawing A2.0.

Note to Applicant: Consider providing access from the elevator lobby to the north corridor.
 - (v) Relocate the bike room door to the west side, across from the residential elevator.
 - (vi) Provision of an improved plan showing additional design elevations on the P1 level and the loading bay at grade to be able to calculate slopes and cross falls.

Note to Applicant: Confirm loading throat is hardscape as drawing A3.0 shows landscaping within the throat.
17. Include the following note 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." Update the landscape and site plans to reflect the changes indicated in the design development conditions including the following:

- (i) Delete proposed trees on public property at both East Boulevard and 43rd Avenue entries.
- (ii) Relocate the proposed bench on 43rd Avenue to be fully on private property.
- (iii) Provision of parking meter location plan to be shown on the landscape plans. (Contact Engineering Services for details).

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, 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. Release of Easement & Indemnity Agreement 270940M (commercial crossing) prior to building occupancy.

Note to Applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition.

At time of release the applicant is to supply a written request to the City to discharge the documents, a current title search and a copy of the agreement along with executable discharge documents to affect the release.

2. Provision of a Services Agreement to detail the on-site 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 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.

- (ii) Provision of new asphalt pavement in the lane from 43rd Avenue north to the eastbound leg of the "T" lane south of 2000 block of 42nd Avenue (Approximately 120 feet).
 - (iii) Provision of speed humps on the 2000 block of 43rd Avenue.
 - (iv) Provision of new minimum 1.8 metre wide concrete sidewalk on 43rd Avenue adjacent the site.
 - (v) Provision of new concrete sidewalk to commercial standards for the East Boulevard frontage of the site. (A typical 4 feet wide exposed aggregate band at the curb with 4 piece concrete tree surrounds and broomed finished saw cut sidewalk behind is required.)
 - (vi) Provision of new curb ramps and a new curb return to current standards at the northeast corner of 43rd Avenue and East Boulevard.
 - (vii) Provision of a standard concrete lane crossing at the lane entry east of East Boulevard on the north side of 43rd Avenue. (Work to include replacement of the curb returns on both sides of the lane and the curb ramps to meet current standard.)
 - (viii) Provision of automatic door openers for the bike room.
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.

Soils

4. If applicable:
- (i) Submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);

- (ii) 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
- (iii) 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 Protection, 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: 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 are 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, and letters of credit, and provide for the withholding of permits, as deemed appropriate by, and in the form and content satisfactory to, the Director of Legal Services.

* * * * *

2095 West 43rd Avenue
DRAFT CONSEQUENTIAL AMENDMENTS

SIGN BY-LAW NO. 6510

Amend Schedule E (Comprehensive Development Areas) by adding the following:

"2095 West 43rd Avenue [CD-1#] [By-law #] B (C-2)"

2095 West 43rd Avenue
ADDITIONAL INFORMATION/COMMENTARY OF REVIEW BODIES

Urban Design Panel (December 3, 2014)

EVALUATION: SUPPORT (7-0)

Introduction: Michelle McGuire, Rezoning Planner, introduced the proposal for a rezoning application on a site located at East Boulevard and West 43rd Avenue. The site is a single parcel that is zoned RM-3A and currently includes an existing church building. Ms. McGuire described the context for the area and noted the adjacent development within the block is zoned RM-3A and is developed with low-rise residential apartment buildings. Directly across the street is the CPR right-of-way as well as the Kerrisdale Community Centre and Library. The sites across the lane are single family homes zoned RS-6 and further to the north across West 42nd Avenue are mixed-use developments at 5 storeys.

Ms. McGuire mentioned that a previous application for the site was reviewed by the Panel in March of this year. That application was for a 6-storey mixed-use development that included commercial at grade and approximately 55 units of secured market rental housing. The applicant has decided to withdraw that application after review from the public and staff. The proposal now is a 4-storey mixed-use development with commercial units at grade and 17 units on level one through four. As well there are 27 vehicle parking spaces that include 5 commercial and 22 residential spaces.

Ms. McGuire described the applicable policy noting that the proposal was being considered under the ARKS Community Vision that allows consideration of rezoning applications for institutional sites in order to accommodate downsizing, expansion or reuse of sites. The Vision also contains a variety of directions supporting the strengthening of the Kerrisdale Neighbourhood Centre including the provision of additional housing and continuous retail in the commercial areas.

Ann McLean, Development Planner, further described the proposal and mentioned that north of the site is a medium-density apartment zone. The proposal is comprised of a 4-storey building with commercial units facing East Boulevard. There are seventeen dwelling units of which one is facing West 43rd Avenue at grade. The current RM-3A zone allows for modestly scaled building with a height of 35 feet and significant setbacks at the front. The adjacent C-2 zone is the prevailing context and has heights of 45 feet at the street stepping to 20 feet at the lane. Ms. McLean noted that staff are recommending that the C-2 zone be used as a guide for this proposal, with the exception of the north side where some flexibility could be entertained. The proposed height is 48 feet and increasing setbacks are proposed adjacent to the residential properties to the north and east, similar to the C-2 envelope. The project is required to achieve LEEDTM Gold.

Advice from the Panel on this application is sought on the following:

- As this is a rezoning, the Panel was asked for general comments on the building form, use and density proposed through the rezoning, and further, for comments on:
- The approach of the transition of building massing to the adjacent lower scale neighbours;
- The at-grade transition between commercial and residential uses; and

- As information, moving forward to the development permit, the proposed material expression.

Ms. McGuire and Ms. McLean took questions from the Panel.

Applicant's Introductory Comments: Bryce Rositch, Architect, gave a brief background on the proposal. He reminded the Panel that originally there was to be a 6-storey building on the site however they did not get support from the Kerrisdale Business Improvement Association and other groups. They withdrew the application and now have a 4-storey building with commercial along East Boulevard and one residential unit at grade. He noted that they increased the setbacks on the fourth floor to respect the penthouse. He described the material palette noting the terracotta and cementitious paneling and a copper roof over the entrance.

The applicant team took questions from the Panel.

Panel's Consensus on Key Aspects Needing Improvement:

- Design development with respect to the cornice line;
- Design development to provide clarity in architectural expression improving its legibility;
- Design development to refine the grade condition in the lobby;
- Consider improving the colour palette;
- Consider adding an amenity space, indoor or outdoor, in the proposal.

Related Commentary: The Panel supported the proposal and agreed that since the existing building is not a heritage building, it is a candidate for rezoning.

The Panel supported the use, height, form of development and density. They thought the scale of the project was in keeping with the surrounding context. Although the building has a slight intrusion into the height limits, they thought that was minor and supportable. The Panel agreed that setbacks were appropriate for the situation.

Most of the Panel thought the colour palette could be improved as they wanted to see more contrast in the expression. A couple of Panel members suggested having a darker colour on the upper floors to help it to recede. As well a number of Panel members thought the line along the roof could be better articulated. They also thought the cornice line needed some clarity and that the mid cornice line seemed to block the classical look of the building.

One Panel member noted that there was a slight problem with the overlook in the interface with the building next door. As well a number of Panel members noted that the grade condition in the entrance lobby was not acceptable.

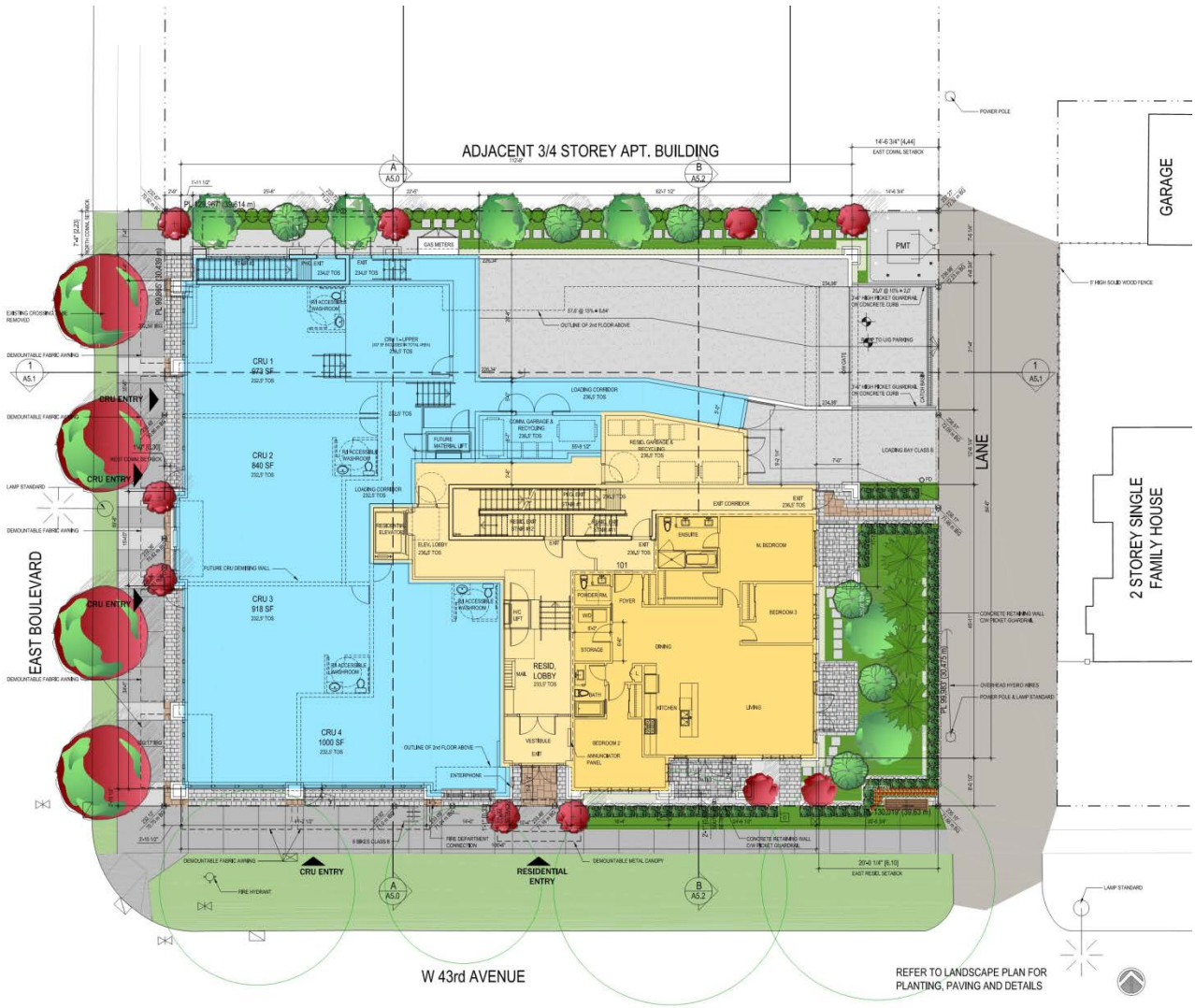
The Panel thought there needed to be an amenity room or at the very least an outdoor amenity space for the residents.

The Panel thought the landscaping was well handled but thought the fir trees in the lane would make it darker and imposing over time.

Applicant's Response: Mr. Rositch thanked the Panel for their good comments.

2095 West 43rd Avenue
FORM OF DEVELOPMENT

Site Plan

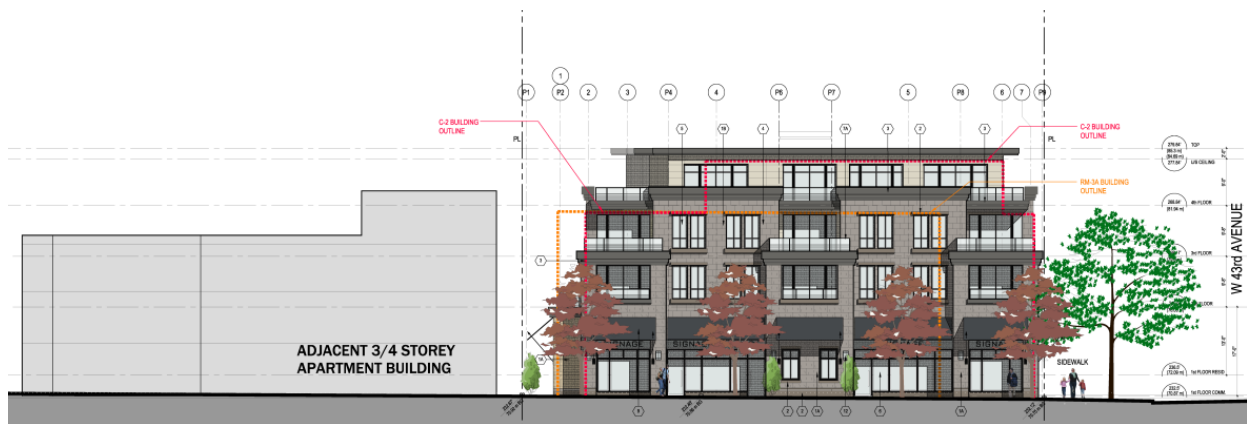


Elevations

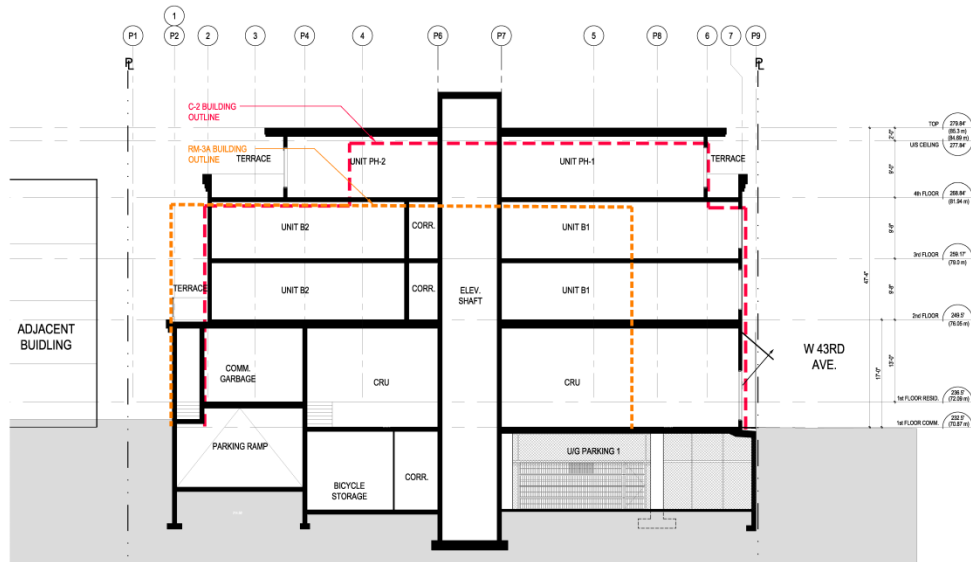
South Elevation (43rd Avenue)



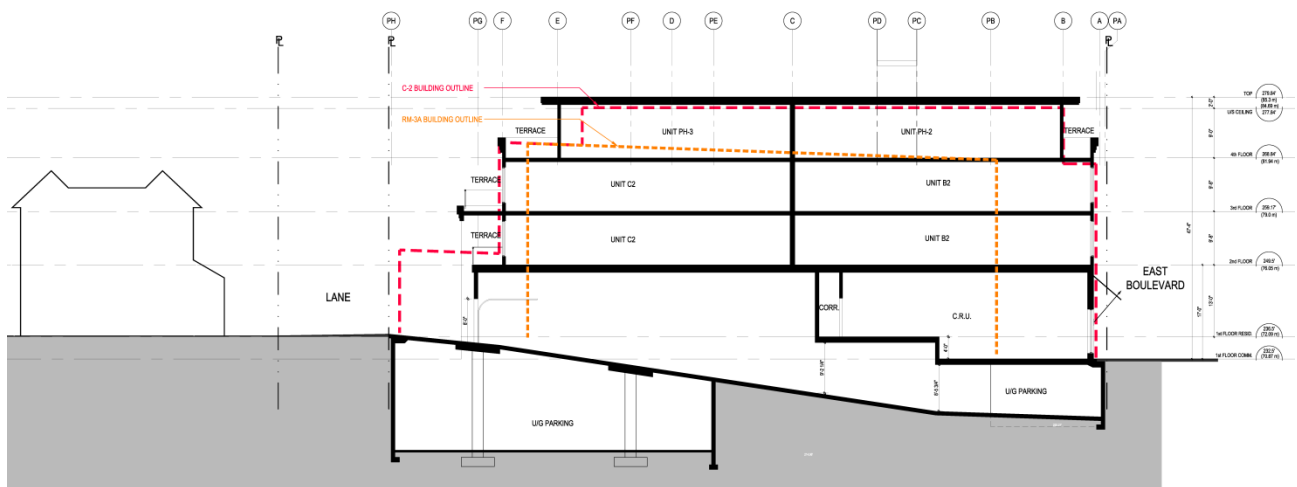
West Elevation (East Boulevard)



Sections



1 SECTION A
SCALE: 1/8" = 1'-0"



Perspective Views

View along East Boulevard to the northeast



View along East Boulevard to the south



2095 West 43rd Avenue
PUBLIC BENEFITS SUMMARY

Project Summary:

Four-storey mixed-use development with 17 dwelling units.

Public Benefit Summary:

The project would generate a DCL payment and a CAC to be allocated to toward parks and recreation upgrades and improvements within the vicinity of the project site (i.e. within 10-15 minute walk).

	Current Zoning	Proposed Zoning
Zoning District	RM-3A	CD-1
FSR (site area = 12,992 sq. ft. / 1,207 m ²)	1.35	2.30
Buildable Floor Space (sq. ft.)	17,539	29,882
Land Use	Residential	Mixed-use

Public Benefit Statistics		Value if built under Current Zoning (\$)	Value if built under Proposed Zoning (\$)
Required*	DCL (City-wide)	225,700	384,581
	DCL (Area Specific)		
	Public Art		
	20% Social Housing		
Offered (Community Amenity Contribution)	Childcare Facilities		
	Cultural Facilities		
	Green Transportation/Public Realm		
	Heritage		
	Housing		
	Parks and Public Spaces		37,029
	Social/Community Facilities		
	Unallocated		
	Other		
TOTAL VALUE OF PUBLIC BENEFITS		225,700	421,610

* DCLs, Public Art and Social Housing may have exemptions and/or minimum thresholds for qualification. For the City-wide DCL, revenues are allocated into the following public benefit categories: Parks (41%); Replacement Housing (32%); Transportation (22%); and Childcare (5%). Revenue allocations differ for each of the Area Specific DCL Districts.

2095 West 43rd Avenue
APPLICANT AND PROPERTY INFORMATION

Street Address	2095 West 43rd Avenue
Legal Description	PID 006-838-146; Lot B of Lot 3, Block 15, District Lot 526, Plan 20159
Applicant/Architect	Rositch Hemphill Architects
Property Owner	0964707 B.C. Ltd.
Developer	Bogner Development Group

SITE STATISTICS

SITE AREA	1,207 m ² (12,992 sq. ft.)
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DEVELOPMENT STATISTICS

	DEVELOPMENT PERMITTED UNDER EXISTING ZONING	PROPOSED DEVELOPMENT
ZONING	RM-3A	CD-1
MAX. FLOOR SPACE RATIO	1.35 FSR	2.30 FSR
MAXIMUM HEIGHT	10.7 m	14.6 m
FLOOR AREA	1,629 m ² (17,539 sq. ft.)	2,776 m ² (29,882 sq. ft.)
SETBACKS	West (East Blvd) - 6.1 m East (lane) - 10.7 m North - 2.1 m South (43rd Ave) - 6.0 m	West (East Blvd) - 0.3 m East (lane) - 4.1 m North - 1.9 m South (43rd Ave) - 0.3 m
PARKING, LOADING AND BICYCLE SPACES	As per Parking By-law	As per Parking By-law