

## SUMMARY AND RECOMMENDATION

**5. REZONING: 2095 West 43rd Avenue**

**Summary:** To rezone 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 a total of 17 dwelling units. A height of 14.6 m (48 ft.) and a floor space ratio (FSR) of 2.30 are proposed.

**Applicant:** Rositch Hemphill Architects

**Referral:** This item was referred to Public Hearing at the Regular Council Meeting of February 3, 2015.

**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 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, generally as presented in Appendix A of the Policy Report dated January 26, 2015, entitled "CD-1 Rezoning - 2095 West 43rd 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 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-inch 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

- 15. 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).
- 16. 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).

17. 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.

18. 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. (1.2 m) 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.

19. 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 ft.).
  - (iii) Provision of speed humps on the 2000 block of 43rd Avenue.
  - (iv) Provision of new minimum 1.8 m 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 ft. wide exposed aggregate band at the curb with 4 piece concrete tree surrounds and broom-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.

- B. THAT 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 [assigned Schedule "B" (C-2)], generally as set out in Appendix C of the Policy Report dated January 26, 2015, entitled "CD-1 Rezoning - 2095 West 43rd Avenue", be approved.
- 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 Parking Meter By-law 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.
- 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.

[RZ - 2095 West 43rd Avenue]