

SUMMARY AND RECOMMENDATION

8. REZONING: 3819 Boundary Road (3680-3684 East 22nd Avenue)

Summary: To rezone 3819 Boundary Road (3680-3684 East 22nd Avenue) from C-1 (Commercial) District to CD-1 (Comprehensive Development) District, to permit the development of a four-storey multiple dwelling building with 23 secured for-profit affordable rental housing units. A height of 12.5 m (41 ft.) and a floor space ratio (FSR) of 1.63 are proposed.

Applicant: W.T Leung Architects Inc.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of April 28, 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 W.T. Leung Architects Inc., on behalf of 0944881 B.C. Ltd., to rezone 3819 Boundary Road [*Lot 1 and the North 20.583 Feet of Lot 2, Both of Lot 1, Block A, North East ¼ of Section 51, THSL Plan 1722; PIDs: 014-371-707 and 014-371-723 respectively*] from C-1 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 1.20 to 1.63 and the height from 10.7 m (35 ft.) to 12.5 m (41 ft.) to permit the development of a four-storey multiple dwelling building with 23 secured for-profit affordable rental housing units, generally as presented in Appendix A of the Policy Report dated April 20, 2015, entitled "CD-1 Rezoning: 3819 Boundary Road (3680-3684 East 22nd 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 W. T. Leung Architects Inc. and stamped "Received City of Vancouver Community Services Development Services, June 23, 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. Significant design development to provide an accessible, semi-private rooftop outdoor amenity space, including garden plots, hose bibs, a

storage shed for gardening implements and areas for sitting and eating. The location of the rooftop amenity should take into consideration the potential impact of overlook to the properties located due west.

2. Significant design development to visually integrate the elevator penthouse with the remainder of the building, using an architectural treatment that reduces the obtrusiveness of this element.
3. Significant design development to improve the visual transition to the property located due south, along the south property line, including:
 - (i) Visual masking of the parking spaces located along the property line.
 - (ii) Improved architectural treatment to the proposed retaining walls along the south property line, such as providing a facing of brick.
 - (iii) Provision of at-grade planting strips along the south property line, where possible.
 - (iv) Improved security to the parking area with a higher physical gate element, rather than the proposed balustrade.
4. Design development of the public realm interface at Boundary Road and 22nd Avenue to provide substantial greenery around the property edges by:
 - (i) Placement of substantial green setbacks adjacent to semi-private residential near to grade patios located adjacent to the public sidewalk;

Note to Applicant: Shift planter edge walls in-board of property line by a minimum of 2.0 ft., to accommodate a row of shrubs and trees, where possible, on private property. City property should be planted in lawn.
 - (ii) Locate new trees at grade wherever possible; and
 - (iii) Incorporate spreading shrubs to cascade over landscaped planters.
5. Further design development to the near to grade private patio at the corner of 22nd Avenue and Boundary Road to maximize the potential for a landscape buffered edge adjacent to Boundary Road.

Note to Applicant: This can be achieved by deleting the patio at the east side of the dwelling unit to expand the length of the landscaped planter to meet 22nd Avenue. Shift patio gate and enclosed patio door.

Sustainability

6. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving

BuiltGreen™ BC Gold and a minimum of score of Energuide 82, as required by the *Green Buildings Policy for Rezoning*s.

Note to Applicant: Provide a BuiltGreen™ BC scorecard confirming that the project will achieve Gold level and a minimum score of Energuide 82. Both the scorecard and description should be incorporated into the drawing set and significant BuiltGreen™ BC features detailed on the plans.

Crime Prevention Through Environmental Design (CPTED)

7. Design development to respond to CPTED principles, having particular regards for:
 - (i) theft in the parking area;
 - (ii) residential break and enter;
 - (iii) mail theft; and
 - (iv) mischief in alcove and vandalism, such as graffiti.

Landscape Design

8. Provision of new street trees, where applicable, to be provided adjacent to the development site, to be shown on the development permit plans and confirmed prior to the issuance of the building permit.

Note to Applicant: Contact Eileen Curran, Streets Engineering, (604.871.6131) to confirm tree planting locations and Park Board for tree species selection and planting requirements.

9. Design development of the public realm interface to maximize greenery at property edges.
10. Provision of in-ground planting opportunities for new trees within private landscape setbacks along street frontages, where possible.
11. Provision of a common roof deck with access and open, programmable space to accommodate a flexible children's play area, urban agriculture and social gathering space for use by building residents.

Engineering

12. The legal description on page 1.00 is in error. It should be corrected to read "Lot 1 and the North 20.583 Feet of Lot 2, Both of Lot 1, Block A, North East ¼ of Section 51, THSL, Plan 1722".
13. Provision of the correct size of disability parking space.

Note to Applicant: The disability space should be 4.0 m (13'-½") in width and can be comprised of a standard parking space and an adjacent drive aisle.
14. Provision of a minimum parking space dimension of 2.9 m width and 5.5 m length for the shared vehicle parking space.

Note to Applicant: These increased parking space dimensions are a requirement of the Shared Vehicle Agreement.

15. Provision of automatic door openers that would simultaneously operate both doors to the Class A bicycle storage. This would improve access for cyclists within the small space between the two doors.
16. Provision of a bicycle wheel ramp on the building front stairs between the sidewalk and the building lobby to be clearly noted on plans.
17. Provision of a letter from the property owner confirming that there will not be any restrictions on cyclists' use of the lobby to access the bicycle room.
18. Provision of confirmation that Zip Car continues to remain interested in the placement of a shared vehicle on this site.

Housing Policy and Projects

19. That the proposed unit mix, 74% one-bedroom and studio, and 26% two-bedroom units, be included in the Development Permit drawings.

Note to Applicant: Any changes in unit mix from that set out in the rezoning application must be to the satisfaction of the Chief Housing Officer.

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. Consolidation of Lot 1 and the North 20.583 Feet of Lot 2, Both of Lot 1, Block A, North East ¼ of Section 51, THSL, Plan 1722 to create a single parcel.
2. Enter into a Shared Vehicle Agreement with the City to secure the provision, operation and maintenance of one Shared Vehicle and the provision and maintenance of one Shared Vehicle Parking Space for use exclusively by such Shared Vehicle, (with such parking spaces to be in addition to the minimum parking spaces required by the Parking Bylaw), on terms and conditions satisfactory to the General Manager of Engineering Services and the Director of Legal Services, including the following:
 - (i) Provide one Shared Vehicle to the development for a minimum period of three years.

- (ii) Enter into an agreement with a Shared Vehicle Organization satisfactory to the General Manager of Engineering Services to secure the operation and maintenance of the Shared Vehicle(s).
 - (iii) Provide and maintain the Shared Vehicle Parking Space(s) for use exclusively by such shared vehicles.
 - (iv) Make arrangements to allow members of the Shared Vehicle Organization access to the Shared Vehicle Parking Space(s).
 - (v) Provide security in the form of a Letter of Credit for \$50,000 per Shared Vehicle.
 - (vi) Registration of the Shared Vehicle Agreement against the title to the development, with such priority as the Director of Legal Services may require and including a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, securing these conditions.
 - (vii) Provision of an updated letter of commitment from a car share company indicating their willingness to supply car share vehicles on the site at building occupancy.
3. 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) Should the existing sidewalks on Boundary Road and 22nd Avenue adjacent the site be significantly damaged during construction activities then the sidewalk is to be replaced to current City standards consisting of a minimum of 1.8 m wide concrete walks or wider should space permit, with light broom finish and saw-cut joints. Replacement is to be determined at the sole discretion of the General Manager of Engineering Services.
 - (ii) Provision of a standard concrete lane entry on the south side of 22nd Avenue at the lane west of Boundary Road.
 - (iii) Provision of improved curb ramps at the southwest corner of the Boundary Road and 22nd Avenue intersection adjacent to the site.
 - (iv) Provision of street trees adjacent the site where space permits.
 - (v) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project. The current application lacks the details to determine if sewer main upgrading is required. Please supply project details including floor area, projected fixture counts and other details as required by the City Engineer to

determine if sewer 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 sewer system upgrading that may be required.

4. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

Housing

5. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services to enter into a Housing Agreement securing all residential units as for-profit affordable rental housing units pursuant to Section 3.1A of the Vancouver Development Cost Levy By-law for the longer of the life of the building or 60 years, subject to the following additional conditions:
 - (i) No separate-sales covenant.
 - (ii) A non-stratification covenant.
 - (iii) None of such units will be rented for less than one month at a time.
 - (iv) At least 25% of the units must have two or more bedrooms and be designed to meet the City's "High Density Housing for Families with Children Guidelines".
 - (v) A rent roll indicating the proposed initial monthly rents for each rental unit.
 - (vi) A covenant from the owner to, prior to issuance of an occupancy permit, submit a finalized rent roll to the satisfaction of the Managing Director of Social Development and the Director of Legal Services that reflects the initial monthly rents as of occupancy in accordance with the Housing Agreement on either a per unit or a per square foot basis.
 - (vii) Such other terms and conditions as the Managing Director of Social Development and the Director of Legal Services may in their sole discretion 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:
- (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, subject to approval in principle of the rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated April 20, 2015, entitled "CD-1 Rezoning: 3819 Boundary Road (3680-3684 East 22nd Avenue)", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, after the Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s) and prior to enactment of the CD-1 By-law contemplated by the same report.
- C. THAT Recommendations A and B 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 - 3819 Boundary Road (3680-3684 East 22nd Avenue)]