

SUMMARY AND RECOMMENDATION

3. REZONING: 3365 Commercial Drive and 1695-1775 East 18th Avenue

Summary: To rezone 3365 Commercial Street and 1695-1775 East 18th Avenue from RS-2 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District. The rezoning proposal is to create two sub-areas with a combined floor space ratio (FSR) of 2.40. Sub-area 1 proposes 110 secured market rental units, with a maximum building height of 18.3 m (60 ft.) and an FSR of 2.70. Sub-area 2 would contain the heritage house currently located at 3365 Commercial Drive, restored and converted into two units, and a two-unit infill building. The heritage house would be relocated to face 18th Avenue and be added to the Vancouver Heritage Register. A maximum height of 9.4 m (30 ft.) and an FSR of 0.96 are proposed in Sub-Area 2.

Applicant: Cressey 18th Avenue Holdings Ltd. (Inc. No. 0969486)

Referral: This item was referred to Public Hearing at the Regular Council Meeting of April 19, 2016.

Recommended Approval: By the Acting 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 Cressey 18th Avenue Holdings Ltd. (Inc. No. 0969486), to rezone 3365 Commercial Drive [*Lot 4, Blocks A and B, District Lot 753, Plan 8865; PID: 009-908-056*], 1695 East 18th Avenue [*Lot 5, Blocks A and B, District Lot 753, Plan 8865; PID: 009-649-123*], 1707 East 18th Avenue [*Lot 3 Except the South 7 feet, Now Road Block A, District Lot 753, Plan 1795; PID:014-282-810*], and 1775 East 18th Avenue [*Lot 1, Block A, District Lot 753, Plan 1795; PID: 005-338-115*], together with City-owned land at 1733 East 18th Avenue [*Lot 2, Block A, District Lot 753, Plan 1795; PID: 009-908-200*], from RS-2 (Residential) District to CD-1 (Comprehensive Development) District to among other things, increase the floor space ratio (FSR) to 2.40 to permit the construction of a 3½- to six-storey residential building containing 110 secured for-profit affordable rental units, and to restore, rehabilitate and designate the exterior of a heritage building known as the Myers Residence on the westerly portion of the site into two strata residential units adjacent to a new two-unit strata infill building, generally as presented in Appendix A of the Policy Report dated April 11, 2016, entitled "CD-1 Rezoning - 3365 Commercial Drive and 1695-1775 East 18th 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 Yamamoto Architecture Inc. and stamped "Received December 2, 2015", 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. Architectural expression will employ an improved palette of high quality durable materials and a refined detail finish throughout the buildings.

Note to Applicant: Materials and architectural expression at detailed design stage should ensure legibility of the buildings as residential rather than institutional use.

2. Provision of extensive green roof to the 3½-storey rental block to improve sustainability measures.

Note to Applicant: This will also provide visual relief to the occupants of the six-storey rental block.

3. Design development to provide a 2.1 m setback to the north corner of the six-storey building to improve the transition to the neighbouring site.

Note to Applicant: Adjustments to the form should be in-keeping with the overall design, noting that the angled corner should be maintained. Staff do not anticipate a reduction in floor area as a consequence of this condition.

4. Design development to mitigate direct overlook between the infill building and adjacent development to the west.

Note to Applicant: Detailed design development should include reflected elevations of the building at 1665 East 18th Avenue.

5. Design development to substantially enclose the upper level of the infill building within a pitched roof form to improve compatibility with the adjacent development.

6. Design development to mitigate direct overlook from upper levels of the six-storey building to existing adjacent development to the west.

Note to Applicant: This can be accomplished with the use of translucent glazing to a 36 inch height at the balcony guard rail or similar measures.

7. Consideration design development to the bridge component on the rental building to add visual interest and improve lobby entrance legibility.

8. Design development to emphasize townhome scale massing of Levels 1-3 on the 3½-storey rental block fronting East 18th Avenue.

9. Design development to mitigate solar heat gain on the south elevation.

Note to Applicant: This can be accomplished through the provision of external solar shading devices.

Crime Prevention through Environmental Design (CPTED)

10. Design development to take into consideration the principles of CPTED (Crime Prevention Through Environmental Design) having particular regard to reducing opportunities for:
 - (i) theft in the underground,
 - (ii) break and enter,
 - (iii) mischief and vandalism such as graffiti, and
 - (iv) mitigate possible CPTED concerns in the parking area.

Landscape Design

11. Design development to retain trees nos. 1646, 1647, 1648, 1649, 1650 and 1678.

Note to Applicant: The analysis will require additional arborist reporting and details of construction work near trees. Explore opportunities to retain additional healthy trees, with special consideration to companion trees. Retention of tree no. 1678 will require modifications to the underground parkade and open space plan including the child's play area. To optimize tree protection, employ special construction methods, such as vertical shoring and setback and limit excavation outside the dripline. The proposal should not rely on canopy encroachments or surface disturbances (such as intensive re-landscaping). Avoid landscape or grading proposals that may cause unnecessary compaction of roots and changes to the existing growing conditions (i.e. water availability and drainage).

12. Design development to grades, retaining walls, walkways and structural design, such as underground parking, to maximize soil volumes (exceed BCLNA Landscape Standard) to accommodate new and existing trees and landscaping.

Note to Applicant: Wherever possible, take advantage of natural soils and the water table by locating new trees at grade beyond the edge of the underground slab. To avoid raised planters above grade, angle the corner of the underground slab downward (1 m across and 1.2 m) to maximize contiguous soil volumes. Planted landscapes on slab should be designed to maximize soil depths by lowering the slab, wherever possible, or providing tree wells, if necessary.

13. Design development to location of utilities.

Note to Applicant: Avoid the awkward placement of utilities (pad mounted transformers, "Vista" junctions, underground venting) visible to the public realm. Where utilities must be located near a street or sidewalk, a secondary circulation route is the preferred location. Every

effort should be made to integrate utility access into structures and behind lockable, decorative gates or screened with landscaping.

14. Consideration to explore design options that respect the City of Vancouver, Bird Friendly Design Guidelines; Note to Applicant: refer to <http://www.vancouver.ca/commsvcs/guidelines/B021.pdf>
15. Provision of a detailed Landscape Plan illustrating soft and hard landscaping.

Note to Applicant: The plans should be at 1/8": 1 ft. scale minimum. The Plant list should include the common and botanical name, size and quantity of all existing/ proposed plant material. Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. The landscape plan should include the public realm treatment (to the curb) and all existing or proposed street trees, adjoining walkways, surface materials, PMT/Vista transformers and public utilities such as lamp posts, hydro poles, fire hydrants.

16. Provision of a "Tree Management Plan".

Note to Applicant: Provide a large scale tree plan that is separate from the landscape plan. The plan should clearly illustrate all trees to be removed and retained, including dimensioned tree protection barriers and important construction management directives drawn out of the arborist report(s) such as clearly illustrating the limit of excavation and footing design strategy (i.e. vertical shoring, shotcrete).

17. Provision of detailed architectural and landscape cross sections (minimum 1/4" inch scale) through tree protection zones, all proposed common open spaces and semi-private patio areas.

Note to Applicant: In tree protection areas, the sections should illustrate and dimension the limit of excavation, the slab design and location, the soil profile, tree root ball, tree canopy and any associated landscaping. For private patios and amenity areas, illustrate and dimension planters on slab, planter sizes (inside dimension), soil, root ball, retaining walls, steps, patios and portions of the adjacent building, such as residential units or amenity rooms.

18. Application of universal design principles in the outdoor spaces, such as wheelchair accessible walkways and site furniture.
19. Provision of the necessary infrastructure to support urban agriculture, such as tool storage, hose bibs and potting benches at all common amenity locations.
20. Provision of a partial irrigation plan.

Note to Applicant: Provide high efficiency irrigation for all planted areas, including urban agriculture areas and individual hose bibs for all private patios of 100 square feet (9.29 sq. m). On the plan, illustrate hose bib symbols accurately and provide a highlighted note to verify the irrigation is to be designed and constructed.

21. Provision of an outdoor Lighting Plan.

Note to Applicant: Consider “CPTED” principles and avoid any lighting that can cause glare to residential uses.
22. Provision of an updated, detailed arborist report.

Note to Applicant: The expanded arborist report should inform design. Include any construction limitations such as the location of construction materials, temporary structures, utility conflicts, site access, development phasing and temporary irrigation requirements.
23. Provision of a registered biologist report, where applicable.

Note to Applicant: The report is a cautionary measure should tree removals be scheduled from Mar. 15-Aug. 15, the period generally accepted as the bird nesting window.
24. Provision of a letter of assurance for arborist supervision.

Note to Applicant: Arborist supervision is typically necessary when any work is required within a minimum root protection zone of a retained tree. The arborist should discuss the details of any supervision requirements within the arborist report, particularly if the plans depict any work that encroaches into a minimum root protection zone. Typically, an assurance letter will outline up to four key construction points where the arborist shall be contacted to attend the site. The letter must be signed by the owner, the contractor and the arborist.
25. Submission of a bird friendly strategy for the design of the building and landscape is encouraged in the application for a development permit.

Note to Applicant: The strategy should identify any particular risks with regard to the Bird Friendly Design Guidelines and propose design features or measures to reduce these risks. For more information, refer to attached Guidelines
<http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>.

Housing

26. The proposed unit mix including 30 two-bedroom and 11 three-bedroom units are to be included in the Development Permit drawings, which may be varied under the discretion of the Director of Planning or Development Permit Board provided that it does not go lower than 25% of the dwelling units.
27. Design development to ensure that a minimum of 25 percent of the proposed market strata units are designed to be suitable for families with children, including some three bedroom units.
28. A common outdoor amenity area is to be provided which includes an area suitable for a range of children’s play activity.

29. The rental building is to comply with the High Density Housing for Families with Children Guidelines and include a common amenity room with a kitchenette (and an accessible washroom adjacent to this amenity room).

Sustainability

30. Confirmation of the building's sustainability performance as required by the Green Buildings Policy for Rezoning, including achieving Gold certification under LEED® For Homes - Multi-family Mid-rise with a minimum of 14 Energy and Atmosphere (EA) points, 1 water efficiency point and 1 storm water point or surface water management point.

Note to Applicant: Submit a LEED® checklist and a sustainable design strategy outlining how the proposed points will be achieved, along with a receipt including registration number from the CaGBC, as a part of the Development Permit application. The checklist and strategy should be incorporated into the drawing set. A letter from an accredited professional confirming that the building has been designed to meet the policy and application for certification of the project will also be required under the policy.

Heritage Conservation

31. Revise the Statement of Significance (SOS) for the building at 3365 Commercial Drive to reflect advice from the Vancouver Heritage Commission SOS Sub-Committee.

Engineering

32. Provision of crossings to the satisfaction of the General Manager of Engineering Services, please show a standard commercial crossing design on site and landscape plans. A crossing application is required.
33. Clarification of the garbage pick-up operations for the heritage building. It appears residents must travel through unsecured portions of the parkade to access the garbage room.
34. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown.

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

35. Make arrangements for provision of additional street trees between the property line and back of city sidewalks to the satisfaction of the General Manager of Engineering Services in consultation with the General Manager Vancouver Board of Parks and Recreation.
36. Update landscape and site plan to reflect the change in sidewalk locations and size sought by this rezoning application. Show front boulevard trees and offset sidewalk along the Commercial Drive frontage of the site.

37. Delete pavers and special sidewalk treatments from public property and show standard concrete treatments. Note to applicant: An interconnected water service will be required for this development. Please contact Water Design branch for details.
38. Parking, loading, and bicycle spaces shall be provided and maintained according to the provisions of the Vancouver Parking By-law except that a minimum of 2 Class A loading spaces shall be provided for the site.
39. Compliance with the Bicycle Parking and Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: Please refer to the Bicycle Parking and Parking and Loading Design Guideline and Supplements for details.

Bicycles:

- (i) Clearly label the path intended to be used by residents to bring bikes to and from the bicycle rooms to outside the building.
- (ii) Provision of horizontal bicycle spaces not located within a bicycle room to be within a hard shell locker.
- (iii) Provide automatic door openers on the doors along routes providing access to the bicycle room(s).

Parking Spaces:

- (iv) Any column 2' in length must be set back 2' from either end of the parking space.
- (v) Dimension all columns encroaching into parking stalls.
- (vi) Provide additional parking stall width for stalls adjacent to walls or stalls with columns set back more than 4' from the end of the stall.

Parking Ramps and Drive Aisles:

- (vii) Relocate loading space to a more typical stall configuration, its current location obstructs maneuvering for passenger vehicles.
- (viii) Provision of design elevations on both sides of the parking ramp at all breakpoints.
- (ix) Provision of a minimum 20' wide overhead security gate between the visitor parking area and the secured residential parking.
- (x) Note to Applicant: if it is not possible to provide a 20' opening, then a 12' gate should be provided to prevent the possibility of vehicle conflict when two cars are passing through the gate.

- (xi) Mark hatchings on the floor in the gap between two parking spaces at the southwest corner of the main parkade to identify this as pedestrian space.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the General Manager of Planning and Development Services, the General Manager of Engineering Services, the Chief Housing Officer and the Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Consolidation of Lots 1, 2, and 3 (Except the South 7 Feet Now Road), Block A, Plan 1795; Lots 4 and 5, Blocks A and B, Plan 8865; All of DL 753 to create a single parcel.
2. Dedication of a 2.1 m x 2.1 m corner-cut at the 18th Avenue and Commercial Drive intersection of the site for road purposes. (The 2.1 meters is to be measured along the edge of each of the street frontages).
3. Provision of a natural watercourse agreement. Records indicate a natural watercourse passes through this site, a legal agreement ensuring that should the watercourse be discovered or impact the site during development and beyond that its flow will not be obstructed. On-site management of the watercourse is required.
4. 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 minimum 1.8 m wide concrete sidewalk broom finish with saw cut joints and a minimum 1.2 m sod front boulevard with street trees on both Commercial Drive and East 18th Avenue adjacent the site. Note; a modified sidewalk design will be required to address a conflict with the existing traffic signal controller kiosk and the new sidewalk location.
 - (ii) Provision of a concrete curb and gutter on East 18th Avenue for the full length of the development including asphalt paving to centerline of the road. Work to include adjustment of all utilities necessary to accommodate the installation of the new curb and pavement.
 - (iii) Provision of improved street lighting on East 18 Avenue. Work to include a review of adequacy of existing lighting and addition of lighting should it be determined and upgrading of the existing

lighting to meet current standards which may include LED lighting.

- (iv) Provision of new curb ramps at the intersection of Commercial Drive and East 18 Avenue to current City standards. Work to include replacement of the curb return at this location to accommodate the new ramps should it be necessary.
 - (v) Provision of audible signals at the intersections of Commercial Drive and East 18 Avenue and at Commercial Street and Victoria Diversion.
 - (vi) 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 applicant's 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.
 - (vii) Provision of upgraded storm and sanitary sewer to serve the site. Sub-area 2 (Rental Site) places additional load on the combined system, as a result, approximately 40m of existing combined sewer on Commercial Dr. from the manhole adjacent to 3365 Commercial Dr. to the downstream manhole must be upgraded to a minimum 200 mm sanitary sewer and 250 mm storm sewer at the applicant's cost. The work is currently estimated at \$110,000 (2015 dollars).
5. 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

6. Make arrangements to the satisfaction of the Chief Housing Officer 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 Chief Housing Officer 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 Chief Housing Officer 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.

Heritage

7. The owner enters into a Heritage Restoration Covenant for the rehabilitation, registration and long-term protection of the heritage building. The agreement is to be completed and registered in the Land Title Office to the satisfaction of the Director of Planning and the Director of Legal Services prior to the enactment of the rezoning by-law.

Note to Applicant: The agreement must be signed by the owner and any party with a financial charge on the title to give priority. The purpose of the agreement is to secure the protection of the heritage building during and after construction and ensure its rehabilitation in a timely manner consistent with a conservation plan, in addition to allowing the City to place a commemorative plaque on the building or lands, and related matters. Please contact the heritage planner to receive a copy of the draft agreement for review.

8. Designation of the exterior of the heritage building as a protected heritage property, pursuant to sections 593 and 594 of the Vancouver Charter and enactment of the Heritage Designation By-law by Council.

9. Submit a finalized copy of the Conservation Plan for the heritage building as prepared by the heritage consultant.

Soils

10. 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 Planning, the General Manager of Engineering Services and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until a Certificate of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

Note to Applicant: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as Covenants pursuant to Section 219 of the Land Title Act.

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT, subject to approval in principle of the rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated April 11, 2016, entitled "CD-1 Rezoning - 3365 Commercial Drive and 1695-1775 East 18th Avenue", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, prior to enactment of the amending by-law contemplated by the same report, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the Managing Director of Social Development.

- C. THAT, subject to approval in principle of the rezoning, the existing building, known as "The Myers Residence" at 3365 Commercial Drive [Lot 4, Blocks A and B, District Lot 753, Plan 8865; PID: 009-908-056], be added to the Vancouver Heritage Register in the 'C' evaluation category.
- D. THAT, subject to approval in principle of the rezoning, Council instruct the Director of Legal Services to bring forward for enactment, pursuant to Sections 593 and 594 of the *Vancouver Charter*, a by-law to designate the exterior of the heritage building as protected heritage property.
- E. THAT Recommendations A through D 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 the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a 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 - 3365 Commercial Drive and 1695-1775 East 18th Avenue]