

SUMMARY AND RECOMMENDATION

1. REZONING: 106 - 116 East 35th Avenue

Summary: To rezone 106-116 East 35th Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of a five-storey residential building, containing a total of 18 dwelling units. A height of 16.9 m (56 ft.) and a floor space ratio (FSR) of 2.30 are proposed.

Applicant: Ankenman Marchand Architects

Referral: This item was referred to Public Hearing at the Regular Council Meeting of June 14, 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 Ankenman Marchand Architects on behalf of Forrester & Godfrey Homes (Little Mountain) Ltd., the registered owners, to rezone 106-116 East 35th Avenue [*Amended Lot 53 (See 26284L) and Lot 52, both of Block 4, District Lot 637, Plan 3774; PIDs 010-798-439 and 012-214-124, respectively*] from RS-1 (One-Family Dwelling) to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.70 to 2.30 FSR and the building height from 10.7 m (35 ft.) to 16.9 m (56 ft.) to permit the development of a five-storey residential building, containing a total of 18 dwelling units, generally as presented in Appendix A of the Policy Report dated June 7, 2016, entitled "CD-1 Rezoning: 106-116 East 35th 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 Ankenman Marchand Architects on behalf of Forrester & Godfrey Homes (Little Mountain) Ltd., the registered owners, and stamped "Received Planning Department, October 16, 2015", 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 introduce higher quality materials such as masonry at the lower levels to enhance the durability and street level experience of the building.
2. Design development to strengthen the verticality and simplify the expression along Quebec Street.

Note to Applicant: The orange stepping frame weakens the strength and simplicity of the vertical elements present in the building design. Further consideration should also be given to the simplification of the design of some of the larger upper level units to combine some of multiple balconies into larger more usable balconies.

3. Design development to strengthen the legibility of the front entry, which is currently downplayed by the orange stepping frame expression.
4. Design development to the south exposure to take advantage of the outlook to the future plaza on the main Little Mountain site.
5. The proposed unit mix including 8 two-bedroom and 5 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% two-bedroom and 10% three-bedroom units.

Landscape

6. Grades, retaining walls, walkways and structural elements, such as underground parking, designed to provide maximum plant growing depth (exceed BCLNA Landscape Standard).

Note to Applicant: Public and private trees should be planted at grade and not placed in above grade planters to achieve soil depth, wherever possible. Variations in the slab may be required in combination with appropriate growing medium. In the horizontal plane, soils should be contiguous, wherever possible. To accommodate trees in planters near property lines, the underground parking shall angle downward at the perimeter (1 m across and 1.2 m downward).

7. Responsible resolution of any conflict with neighbour trees and vegetation in proximity to proposed work.

Note to Applicant: The Protection of Trees By-law seeks the retention of healthy trees, wherever possible. All neighbour and co-owned trees should be responsibly retained with the necessary arborist services and/or design development. Written consent is required by the neighbour in regard to all decisions effecting the status of tree(s) and vegetation located on neighbour sites, as identified in the arborist

report. The arborist may need to carry out exploratory hand digging or air spade work at the proposed limit of excavation and submit a revised arborist report at time of development permit application. In addition, there should be further information by way of detailed photos and analysis of the anticipated canopy clearance pruning. Further comments and design development may be necessary at the development permit stage.

8. Site utilities and vents located onto private property and integrated discreetly into the building, avoiding landscaped and common areas.
9. Submission of a bird friendly strategy for the design of the building is encouraged in the application for a development permit.

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

10. At time of development permit application:
 - (i) Provision of a detailed Landscape Plan illustrating common and botanical name, size and quantity of all existing/ proposed plant material.

Note to Applicant: Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. The landscape plan should include all exterior hard and soft surface elements (site furniture, gates, fences, surfaces, screens, walls), the public realm treatment (to the curb) and all existing or proposed street trees, adjoining landscaping/ grades and public utilities such as lamp posts, hydro poles, fire hydrants.

- (ii) Application of universal design principles in the outdoor spaces, such as wheelchair accessible walkways and site furniture.
- (iii) 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.

- (iv) Provision of an outdoor Lighting Plan.

Note to Applicant: Consider "CPTED" principles and avoid any lighting that can cause glare to residential uses.

- (v) Provision of a Tree Management Plan.

Note to Applicant: The plan is to be separate from the landscape plan and consistent with the survey and arborist report. The scaled plan should be accurate and clearly illustrate all trees to be removed and retained, including offsite trees and any tree protection barriers. Tree replacements can be shown on the proposed landscape planting plans.

- (vi) Provision of an arborist report addendum.

Note to Applicant: The offsite trees are to be addressed in further analysis.

- (vii) 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.

- (viii) 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.

Crime Prevention through Environmental Design (CPTED)

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

Sustainability

12. Provision of a Recycling & Reuse Plan for Green Demolition/ Deconstruction, for demolition of existing buildings on site, to recycle/reuse at least 75% of demolition waste (excluding hazardous materials).

Note to Applicant: The Recycling & Reuse Plan for Green Demolition/ Deconstruction should be provided at the time of development permit application.

13. Confirmation that the application is on track to meeting the Green Buildings Policy for Rezoning including a minimum of 63 points (LEED® Gold rating), with 1 point for water efficiency and stormwater management; or LEED Gold if using LEED for Homes midrise or another LEED Rating System and a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, along with registration and application for certification of the project.

Note to Applicant: A Sustainable Design Strategy must be submitted as part of the Development Permit that articulates which credits the applicant will be pursuing and how their building application, as submitted, incorporates strategies, features or technologies that will help achieve these credits. The strategy, along with the LEED checklist must be incorporated into the drawing submission. A letter from a LEED Accredited Professional or Administrator must confirm that the proposed strategy aligns with the applicable goals of the Green Buildings Policy for Rezoning. Proof of registration from the CaGBC must be provided with the application and the project registration number incorporated into the drawings. Application for Certification will be required at a subsequent stage.

Housing Policy

14. Design development to ensure that a minimum of 35% of the proposed market strata units are designed to be suitable for families with children, including 10% three bedroom units.
15. Design development of indoor and outdoor common amenity space to demonstrate ability for proposal to meet the common amenity needs of a family-oriented building, as per the *High Density Housing Guidelines for Families with Children*.

Engineering

16. Provision of additional cycling amenities on site, to the satisfaction of the Director of Planning in consultation with the General Manager of Engineering Services, reflecting Section 6.5 of the Little Mountain Adjacent Area Rezoning Policy which seeks the building design to

accommodate and encourage bicycle use through measures which may include enhanced bike storage and facilities, wheel ramps, a wash station, automatic door openers, repair facilities or identified storage space for trailers or unusually sized bikes.

Note to Applicant: Given the scale of the project, provision of 6 covered Class B bicycle spaces on private property will address this requirement.

17. Provision of a 1.5 m x 1.5 m view corridor on the southwest corner of the site at Quebec Street and the east-west lane. Remove any fencing, tall planting etc. that may provide a visual obstruction within this area.

Note to Applicant: This is to improve visibility and sightlines for pedestrians crossing the lane.

18. Provide automatic door openers on the doors providing access to the bicycle room(s) and note on plans.
19. Confirmation that a waste hauler can access and pick up from the location shown or an on-site area for garbage container storage at grade that will allow for the waste hauler to pick up without reliance or storage of the containers on the lane or street.
20. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The following items are required to meet provisions of the parking by-law and the parking and loading design supplement:

- (i) Provision of design elevations on both sides of the parking access and additional design elevations within the parking area to calculate the slope and crossfall.

Note to Applicant: The slope and crossfall must not exceed 5%.

Note to Applicant: Confirm if an overhead gate is required. The minimum overhead gate width shall be 20 ft. and noted on plans.

- (ii) Modify the door swing for the 'refuse room' to be clear of the maneuvering aisle.
- (iii) Provision of the required vertical clearance for the parking level and security gates.

Note to Applicant: A section drawing is required showing elevations, and noting 2.3 m of minimum vertical clearance as this is required for access and maneuvering to all disability spaces. Also note with shading on drawing A110 where 2.3 m of vertical clearance is being provided.

(iv) Provision of an improved basement and ground floor plan on drawing A110, showing the parking ramp on the adjacent site with design elevations and clearly meeting the proposed grades for this parkade.

(v) Provision of an improved plan showing any required columns located within the parking level.

Note to Applicant: All column placements to comply with the requirements of the Engineering Parking and Loading Design Supplement.

(vi) Provision of an improved plan showing the access route from the Class A bicycle spaces to reach the outside.

Note to Applicant: The route must be 'stairs free' and confirm the use of the parking ramp, if required.

21. Revision to the proposed landscaping on public property as follows:

(i) Remove landscaping and concrete pad shown within the lane on drawing L0.01.

(ii) Deletion of community garden beds proposed for the front boulevard on Quebec Street.

Note to Applicant: Community gardens located on City property are approved by a separate application process to the General Manager of Engineering Services.

(iii) Please contact the Vancouver Park Board regarding relocation of the tree on Quebec Street to determine if there is a suitable location on public property and that the Park Board is agreeable to the relocation.

(iv) Updating of the landscape and site plans to reflect the improvements sought by this rezoning.

Note to Applicant: Engineering Services will provide the road geometric for Quebec Street.

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 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 52 and Amended Lot 53 (See 26284L), both of Block 4, District Lot 637, Plan 3774 to create a single parcel.
2. Confirmation that a shared access agreement between this site and the development site to the east is fully registered in Land Titles Office and provides for the required access or provision, modification or replacement of an agreement to allow for the proposed access arrangement.
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) 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.
 - (ii) 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.
 - (iii) Provision of a 2.13 m wide concrete sidewalk with saw cut joints on East 35th Avenue adjacent to the site.
 - (iv) Provision of road re-construction on Quebec Street including new concrete curb and gutter, a corner bulge on the 35th Avenue/Quebec Street corner of the site, concrete sidewalk minimum 1.8 m wide with saw cut joints, asphalt pavement for

the width of the Quebec Street right of way, upgraded street lighting to serve the site, concrete lane crossing where applicable, drainage including any sewer extension necessary to drain Quebec Street and traffic regulatory signs as needed.

- (v) Provision of asphalt lane paving adjacent the site and connection with the proposed lane paving for the development immediately east of the site. Work is to include any improvements necessary to allow for drainage of the lane.
- (vi) Provision of street trees adjacent the site where space permits.

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.

Soils

5. If applicable:
- (i) Submit a site profile to the Environmental Protection Branch (EPB);
 - (ii) As required by the Manager of Environmental Protection 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 Protection 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, City Engineer 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.

Community Amenity Contribution (CAC)

6. Pay to the City the cash component of the Community Amenity Contribution of \$293,319 which the applicant has offered to the City. Payment is to be made prior to enactment of the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services, and is allocated to the Affordable Housing Reserve.

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 registerable charges pursuant to 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 the enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law, generally as set out in Appendix C of the Policy Report dated June 7, 2016, entitled "CD-1 Rezoning: 106-116 East 35th Avenue".
- 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 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 sole 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 - 106-116 East 35th Avenue]