

## SUMMARY AND RECOMMENDATION

**7. REZONING: 151-157 West 41st Avenue**

**Summary:** To rezone 151-157 West 41st Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of two townhouse buildings at three and four storeys, containing 15 dwelling units. A height of 14.3 m (47 ft.) and a floor space ratio (FSR) of 1.86 are proposed.

**Applicant:** DYS Architecture Inc.

**Referral:** This item was referred to Public Hearing at the Regular Council Meeting of November 15, 2016.

**Recommended Approval:** By the General Manager of Planning, Urban Design and Sustainability, subject to the following conditions as proposed for adoption by resolution of Council:

- A. THAT the application by DYS Architecture Inc., on behalf of Nextpacific Woodstock Development Limited, the registered owner, to rezone 151-157 West 41st Avenue [*Amended Lot 9 (See 210183L), Except the South 10 Feet Now Road, and Amended Lot 11 (See 210184L), Except Part in Explanatory Plan 5881; All of Lot 2, Block 1003A, District Lot 526, Plan 4381; PIDs: 007-766-726, and 011-572-728 respectively*] from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.70 to 1.86 and the height from 10.7 m (35 ft.) to 14.3 m (47 ft.) to permit the development of a courtyard townhouse residential building containing a total of 15 dwelling units, generally as presented in Appendix A of the Policy Report dated November 1, 2016 entitled "CD-1 Rezoning: 151-157 West 41st 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 DYS Architecture, on behalf of the Nextpacific Woodstock Development Limited, and stamped "Received Planning Department, December 11, 2015", provided that the Director of Planning 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 Director of Planning, who shall have particular regard to the following:

**Urban Design**

1. Design development to increase setbacks from property lines as follows:
  - (i) Min. 10 ft. from side property lines;

- (ii) Min. 10 ft. from Woodstock Avenue; and
- (iii) Min. 14 ft. from W 41st Avenue.

Note to Applicant: Increasing the setbacks will improve the performance and open space to minimum standards found in the Cambie Corridor Plan. This condition is also consistent with initial staff advice to the applicant on the initial rezoning enquiry.

- 2. Design development to remove the rooftop access and deck on the Woodstock Avenue building.

Note to Applicant: This is to improve the massing and overall bulk of the building at the Woodstock Avenue elevation. A partial third storey is supportable to preserve the livability of these units.

- 3. Design development to reduce and lower the design elevation of the courtyard by a minimum of 5 ft.

Note to Applicant: Staff recognize that this will entail a substantial re-design of the parking ramp and related below grade circulation. However, the present build-up of the courtyard presents an unneighbourly relationship to adjacent sites.

- 4. Design development to remove stairs located in the side yard.

Note to Applicant: Stairs may be considered if they substantially follow existing grades.

- 5. The proposed unit mix, including 1 one-bedroom (7%), 3 two-bedroom units (20%) and 11 three-bedroom units (73%), is to be included in the Development Permit drawings.

Note to Applicant: Any changes in the unit mix from the rezoning application may only 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 designed to be suitable for families with children.

#### **Crime Prevention through Environmental Design (CPTED)**

- 6. Design development to respond to CPTED principles, having particular regard 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.

#### **Landscape Design**

- 7. Provision of street trees in a boulevard directly adjacent to West 41st Avenue and Woodstock Avenue.

Note to Applicant: Pages A0.07 and A0.09 propose street trees in a boulevard directly adjacent to 41st Avenue while Page L-1 does not. Liaise with the Park Board and Engineering Services in order to introduce a row of boulevard street trees directly adjacent to West 41st Avenue (i.e. north of 41st/south of the sidewalk) and Woodstock Avenue (i.e. north of the proposed sidewalk/south of Woodstock). Street Tree species to be approved and/or determined by the Park Board. Boulevard width to be width to be determined by Park Board and Engineering Services.

8. Design development to improve the relationship of the inner courtyard; Note to Applicant: There is a lack of privacy from within the inner courtyard to adjacent sites. Any screening that is used shall have a planted green presence when viewed from within the site and from adjacent sites. The presence of the concrete structure that elevates the inner courtyard must be softened for the eastern/western neighbours. This solution must be a year-round solution.

9. 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: Where possible, trees on site and on city property should be planted at grade and not placed in above grade planters to achieve soil depth. Variations in the slab may be required in combination with appropriate growing medium. In the horizontal plane, soils should be continuous, wherever possible.

10. Final coordination of the public realm landscape treatment to meet the intent of the Cambie Corridor Public Realm Plan.

Note to Applicant: Aspects to consider at time of Development Permit application include paving, lighting, planting, pedestrian pathways, safety and way finding, permanent site furniture, weather protection, garbage storage, recycling and loading.

11. Provision of high efficiency irrigation for all planted areas and hose bibs for all patios and common areas greater than 100 square feet.

12. Provision of a Rainwater Management Plan that utilizes sustainable strategies such as infiltration, retention, treatment and utilization of rainwater.

Note to Applicant: Strategies could include high efficiency (drip) irrigation, the use of drought tolerant plants and mulching. Proposed plantings should be consistent with the City of Vancouver Water-wise Planting Guidelines.

13. Design development to incorporate the principles of the City of Vancouver Bird- Friendly Design Guidelines for the protection, enhancement and creation of bird habitat, in addition, reduce potential threats to accommodate birds in the city.

Note to Applicant: Incorporate a diversity of native and non-invasive plants within the planting scheme. Use of high visibility glass for windows, reduce reflection and dangers for attractants at building facades is encouraged.

<http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>

14. At the time of development permit application, provision of:
- i) A legal survey.
  - ii) A fully labelled Landscape Plan, Sections and Details. 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.
  - iii) Provision of larger-scale section drawings at  $\frac{1}{4}''=1'-0''$  / 1:50 or better, to illustrate the public realm interface landscaping from the building face to the street and lane edge, lane interface, and courtyard plaza areas.
  - iv) Provision of larger-scale architectural details  $\frac{1}{2}''=1'-0''$  or 1:25 or better to illustrate proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other landscape features applicable to proposal. Planter sections details to confirm depth of proposed planting on structures.
  - v) Provision of an external lighting plan for pedestrian routes and courtyards, to ensure that adequate lighting levels are achieved for CPTED performance while minimizing glare for residents and birds.
  - vi) Design consideration to increase the livability of the inner courtyard.

Note to Applicant: As per comments from the Urban Design Panel, there is concern regarding the width of the inner courtyard. Please ensure that the space is being used most efficiently (i.e. two separate stairways into the parkade, storage/bike lockers within parkade, etc.)

- vii) Provision of large scale, dimensioned, architectural and landscape sections [typical] through planted areas, including the slab-patio-planter relationship, the lane interface, common areas and upper levels.

Note to Applicant: the sections should include the slab, planters, planter materials, tree stem, canopy and root ball.

## Sustainability

15. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving BuiltGreen BC Gold™ with a minimum of EnerGuide 84, or a 20% improvement over a Natural Resources Canada Reference House if using the new EnerGuide GJ scale.

Note to Applicant: Provide a BuiltGreen BC checklist confirming Gold level achievement and a detailed written description of how the score of EnerGuide 84 will be achieved. Both checklist and description should be incorporated into the drawing set and significant Built Green features keyed to the plans. Proof of enrolment from Built Green Canada must also be provided and the project address registration must be incorporated into the drawing submission.

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

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

## Engineering Services

17. Design and location of all crossings to the satisfaction of the General Manager of Engineering Services. Provision of the sloped portion for the parkade access on Woodstock Street to be located fully within the front boulevard and the sidewalk crossing the parkade access to be flat while still having the driving crossing score lines to indicate to people who are blind or partially sighted that they are crossing a driveway.

Note to Applicant: Proposed crossing location conflicts with existing hydro pole on the boulevard. Submission of a crossing application is required.

18. Deletion of the proposed second row of street trees on Woodstock Avenue.
19. Provide automatic door openers on the doors providing access to the bicycle room(s) and note on plans.
20. Clarify garbage pick-up operations. Confirmation that a waste hauler can access and pick up from the location shown is required. Pick up operations should not require the use of public property for storage, pick up or return of bins to the storage location.
21. 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 ramp at all breakpoints, within the parking area, and at all entrances.

Note to Applicant: This is required to calculate the slope and crossfall.

- (ii) Dimension all stall lengths, the maneuvering aisle width, and all column encroachments into parking spaces on drawing A2.01.

- (iii) Modify column placement to comply with the requirements of the Engineering Parking and Loading Design Supplement. A column 2 ft. in length must be set back 2 ft. from either the opening to or the end of the parking space.

- (iv) Provision of an improved section drawing for the main ramp showing the security gate.

Note to applicant: A section drawing is required showing elevations, O/H gates and vertical clearances. The minimum vertical clearance should be noted on plans. Provide 2.3 m of vertical clearance on the ramp and within the parking area if disability stalls are required as 2.1 m is shown on section drawing A4.01.

- (v) Provision of an improved landscape plan L-1 showing the existing pole locations along Woodstock Avenue to confirm that the poles do not conflict with the proposed parking and sidewalk access.

- (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.

- (vii) Provision of all bicycle spaces as per the Parking By-Law and the parking and Loading Design Supplement.

Note to Applicant: The six bicycle spaces shown on the landscape plan are not Class A spaces and would count as Class B spaces. 19 Class A bicycle spaces are required and 13 spaces are shown on P1. Engineering recommends that all Class A spaces be provided on P1. Class B bicycle noted in tech table are not shown on plans.

## 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, Urban Design and Sustainability, 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 Services

1. Consolidation of Amended Lot 9 (See 210183L), Except the South 10 Feet Now Road, and Amended Lot 11 (See 210184L), Except Part in Explanatory Plan 5881; All of Lot 2, Block 1003A, District Lot 526, Plan 4381 to create a single parcel.

Note to Applicant: Restrictive Covenants R49249 & GB94636 (See 86184L) on title prescribe a minimum value of any new dwellings on the properties, and stipulate that the siting and architectural design of any such dwelling requires the approval of the CPR Company. As these charges are not in favour of the City, adherence is not a requirement for re-development of the properties; therefore the applicant may wish to pursue having these charges released from title.

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 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 for future road re-construction on 41st Avenue adjacent to the site to generally include: new concrete curb and

gutter, 2.5 m (8.2 ft.) raised cycle track, (Note: this may require the removal of on-street parking on West 41st Avenue in front of the site), 1.2 m (3.9 ft.) sod grass front boulevard, new street trees where space permits, 1.83 m (6 ft.) concrete sidewalk with saw cut joints, 0.3 m (1 ft.) sod grass building strip, improved street and pedestrian LED lighting, and adjustments to all existing infrastructure to accommodate the proposed street improvements.

Note to Applicant: Specific public realm improvements are subject to completion and adoption of the Cambie Corridor Public Realm Plan.

- (iv) Provision of a 1.83 m (6 ft.) concrete sidewalk with saw cut joints, new street trees where space permits on Woodstock Street and improved street and pedestrian LED lighting.
  - (v) Provision of street trees adjacent the site where space permits.
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.

#### Environmental Contamination

4. If applicable:
- (i) Submit a site profile to Environmental Services (Environmental Protection);
  - (ii) As required by the Manager of Environmental Services 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 Services 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 Services, 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 separate Certificates of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, have been provided to the City.

### Community Amenity Contribution

5. Pay to the City a Community Amenity Contribution of \$786,492 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. The \$786,492 is to be allocated as follows:
  - (i) \$393,246 to the Affordable Housing Reserve to increase the City's affordable housing supply in and around the Cambie Corridor Plan area;
  - (ii) \$314,597 towards childcare facilities serving the community in and around the Cambie Corridor Plan area; and
  - (iii) \$78,649 towards the Heritage Conservation Reserve to increase heritage conservation in the City of Vancouver.

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 and at no cost to the City.

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 Subdivision By-law be amended generally as set out in Appendix C of the Policy Report dated November 1, 2016 entitled "CD-1 Rezoning: 151-157 West 41st Avenue";

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

- C. THAT 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 sole risk of the person making the expenditures 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 - 151-157 West 41st Avenue]