

SUMMARY AND RECOMMENDATION

5. REZONING: 5733 Alberta Street and 376-392 West 41st Avenue

Summary: To rezone 5733 Alberta Street and 376-392 West 41st Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of a six-storey residential building with 54 dwelling units. A height of 21 metres (69 feet) and a floor space ratio (FSR) of 2.63 are proposed.

Applicant: GBL Architecture Inc.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of May 16, 2017.

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 GBL Architecture Inc. on behalf of 1011066 B.C. Ltd., the registered owners, to rezone 5733 Alberta Street and 376-392 West 41st Avenue [*Amended Lot 13 (See 231390L), Amended Lot 14 (See 231389L) and Amended Lot 15 (see 337852-L), all of: Block 857, District Lot 526, Plan 7737; PIDs: 010-337-512, 010-337-521, and 004-951-883 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 2.63 and the height from 10.7 m (35 ft.) to 21.0 m (69 ft.) to permit the development of a six-storey residential building, containing a total of 54 dwelling units, generally as presented in Appendix A of the Policy Report dated May 2, 2017 entitled "CD-1 Rezoning: 5733 Alberta Street and 376-392 West 41st Avenue", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the prepared form of development be approved by Council in principle, generally as prepared by GBL Architecture Inc., on behalf of iFortune Homes, and stamped "Received Planning Department and Development Services (Rezoning Centre), November 4, 2016", 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 for the following:

Urban Design

1. Design development to clearly delineate between the public and private (residential) realms.

Note to Applicant: The first floor should be raised approximately 2 ft. above finished grade and complemented with landscaping features that further enhance this transition. Care should be taken on sloped sites to ensure this relationship does not create a blank wall condition at the rear of the site.

2. Design development to ensure that secondary crossing (Alberta Street) provides moderate enhancements to help increase overall neighbourhood connectivity.

Note to Applicant: Primary and secondary crossings help identify connections and links to parks and other community amenities and can be achieved with high-quality streetscape treatments such as street trees, special paving, street furniture, etc. Refer to Diagram 6.3 and Section 6.3.3 of the Cambie Corridor Plan.

3. Design development to ensure a minimum of 2 ft. along the lane between the rear property line and private architectural elements (i.e. stairs, porches, etc.) on the subject site to improve the lanescape through enhancements such as landscaping, public benches, etc.
4. Design development to provide a significant landscaped buffer between the west property line and the parkade ramp.
5. Design development to ensure adequate screening is provided along the rooftop decks of the two-storey townhouse units along the lane to mitigate overlook onto private rear yards across the lane and improve privacy.
6. Design development to meet the requirements of the "Roof-Mounted Energy Technologies and Green Roofs" administration bulletin, including:
 - (i) Ensure the roof design incorporates the minimum percentage of green roof area as recommended by the bulletin;
 - (ii) Support resident access to rooftop amenities; and
 - (iii) Minimize projections above the roof line as much as possible (i.e. no trellises), noting that resident access is limited to roof hatch access and that elevator/stair access is supported on the condition of common resident and/or public access.
7. The proposed unit mix, including 17 one-bedroom units (31%), 23 two-bedroom units (43%), and 14 three-bedroom units (26%), 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% two-bedroom and 10% three-bedroom units.

8. Submission of a bird-friendly strategy for the design of the building is encouraged in the application for a development permit.

Note to Applicant: Refer to the Bird-Friendly Design Guidelines for examples of built features that may be applicable. For more information, see the guidelines at <http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>.

Crime Prevention through Environmental Design (CPTED)

9. 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

10. Provision of a row of trees on private property on the residential lane interface.
11. Design development to the integration of the architecture, grades, retaining walls, walkways and structural elements, such as underground parking, to provide maximum plant growing depth (to exceed BCLNA Landscape Standard).

Note to Applicant: 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 planter near property lines, the underground parking should angle downward near the corner (1 m in width and 1.2 m in depth).

12. Design development to locate site utilities and vents onto private property and integrated discreetly into the building, avoiding landscaped and common areas.

Note to Applicant: This includes the exploration of opportunities to screen the pad mounted transformer at the lane with a trellis and gates. Further coordination with BC Hydro will be necessary.

13. Provision of a detailed Landscape Plan illustrating soft and hard landscape treatment.

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

14. Provision of a Tree Plan.

Note to Applicant: Provide a Tree Plan that is 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 off-site trees and any necessary tree protection barriers. Tree replacements can be shown on the proposed landscape planting plans.

15. Illustration of any measures that support integrated rainwater management, including absorbent landscapes, soil volumes and detention technology.

Note to Applicant: This is not a performance requirement. The Integrated Rainwater Management Plan (IRMP) is an emerging policy that supports rain water management on development sites. Provide a brief written rationale to describe the approach to rainwater management.

16. Provision of large-scale, dimensioned landscape sections through planted areas.

Note to Applicant: The sections should include the planter materials, tree stem, canopy and root ball, including the slab-patio-planter relationship, the lane interface, common areas and upper patios.

17. Provision of high-efficiency irrigation for all planted areas and individual hose bibs for all private patios of 9.29 sq. m (100 sq. ft.) or larger.

Note to Applicant: Provide a separate partial irrigation plan (one sheet size only) that illustrates symbols for hose bib and stub out locations. There should be accompanying written notes on the same plan and/or landscape plan describing the intent and/or standards of irrigation.

Sustainability

18. 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.

19. 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 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 rezoning policy. Proof of registration of 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.

Engineering

20. The owner or representative is advised to contact Engineering to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation and construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum of 60 days lead time for any major crane erection/removal or slab pour that requires additional street use beyond the identified project street use permissions.
21. Remove the curb in the lane from the City right-of-way.
22. Remove the landscaping shown in the lane.
23. Provision of a 1.5 ft. (0.46 m) sod grass strip between the sidewalk and any proposed planting in the back boulevard on 41st Avenue and/or Alberta Street.
24. Relocate the tree proposed in the bulge at the intersection of Alberta Street and 41st Avenue to maintain sightlines.
25. Provision of inverted U bike racks on private property located a minimum of 36 in. from each other, any wall, pole, walkway or sidewalk. Each bike rack should be located to comfortably accommodate two bicycles without the bicycles encroaching onto the SRW or sidewalk.
26. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown without reliance of the lane for extended bin storage. If this cannot be confirmed then an on-site garbage bin staging area is to be provided adjacent to the lane.
27. Compliance with the Parking By-law and the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:

- (i) Number and dimension all parking spaces including dimensions for all parking stalls, column dimensions and stall clearances to walls or columns.
- (ii) Provision of design elevations on both sides of the parking ramp sections at all breakpoints, throughout the parking levels, and at all entrances. The slope and length of the ramp sections must be shown on the submitted drawings.
- (iii) Provision of a 4 ft. x 4 ft. corner cut on the inside radius at the bottom of the main ramp to improve two-way traffic flow.
- (iv) Provision of parabolic mirrors to be installed at the bottom of the main ramp and the ramp from P1 to P2.
- (v) Provision of updated plans showing the width of the knockout panel.

Note to Applicant: Minimum width should be provided to align with the east-west manoeuvre aisle and to accommodate a corner cut at the bottom of the ramp for maneuvering into the adjacent parcel.

- (vi) Provision of section drawings showing elevations and vertical clearances for the main ramp and for all security gates in the parking levels.

Note to Applicant: Minimum 2.3 m clearance is required for disability spaces.

- (vii) 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.

- (viii) Provide automatic door openers on the doors providing access to the bicycle room.

Neighbourhood Energy Utility

- 28. The proposed approach to site heating and cooling, developed in collaboration with the City and the City-designated NES Utility Provider, shall be provided prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.
- 29. The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with Neighbourhood Energy to supply all heating and domestic hot water requirements. Design provisions related to Neighbourhood Energy compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The applicant shall refer to the *Neighbourhood Energy Connectivity Standards - Design Guidelines* for general design requirements related to Neighbourhood Energy compatibility at the building scale. The applicant is also encouraged to work closely with City staff during mechanical design to ensure compatibility with a neighbourhood-scale system. As a pre-condition to building permit, a declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied will be required.

30. Building-scale space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat or distributed heat generating equipment (including but not limited to gas fired make-up air heaters, heat producing fireplaces, distributed heat pumps, etc.) unless otherwise approved by the General Manager of Engineering Services.
31. Provide for adequate and appropriate dedicated space to be utilized for an energy transfer station connecting the building(s) to the City-designated Neighbourhood Energy System, as outlined in the *Neighbourhood Energy Connectivity Standards - Design Guidelines*, at development permit.
32. Detailed design of the building HVAC and mechanical heating system at the building permit stage must be to the satisfaction of the General Manager of Engineering Services.

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 13 (See 231390L), Amended Lot 14 (See 231389L) and Amended Lot 15 (see 337852-L), all of: Block 857, District Lot 526, Plan 7737 to create a single parcel.

Note to Applicant: Restrictive Covenants GB25051 and GB25052 (See 201266L and 191912L) 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 redevelopment of the properties; however the applicant may wish to pursue having these charges released from title.

2. Provision of a building setback and a surface statutory right-of-way (SRW) to achieve a 4.5 m distance from the back of the City curb to the building face. A legal survey of the existing dimension from the back of

the City curb to the existing property line is required to determine the final setback and SRW dimension.

Note to Applicant: The SRW is to be free of any encumbrance such as structure, stairs, door swing, landscape and bicycle parking at grade.

3. Provision of a shared access agreement for vehicular traffic onto the adjacent site via the parkade ramp, to a future development on 408 West 41st Avenue (Amended Lot 16, Block 857, District Lot 526, Plan 7737) as indicated by the knockout panel on page A-305 on the applicant's plans.
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 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 project fire flow demands, sprinkler demand, hydrant load, and domestic water demands to determine if water main 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 a report or management plan by a registered professional demonstrating that post development stormwater runoff flowrate will be less than or equal to current site run-off. Legal arrangements may be required to ensure on-going operations of certain stormwater storage systems.
 - (iii) Provisions of improvements on 41st Avenue adjacent to the site to generally include the following:
 - a. New concrete curb and gutter.
 - b. Raised protected bike lane.
 - c. New CIP concrete sidewalk.
 - d. New curb ramps at the Alberta Street/41st Avenue and Alberta Street/lane south of 41st Avenue corners of the site.
 - e. Improved/upgraded street lighting and additional pedestrian scale lighting including adjustment 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 7 ft. (2.13 m) wide CIP broom finish concrete sidewalk with saw cut joints and a 7 ft. (2.13 m) sod grass front boulevard on Alberta Street.
- (v) Provision of a standard concrete lane crossing on the west of Alberta Street at the lane south of 41st Avenue including new curb returns and ramps on both sides of the lane entry.
- (vi) Provision of two corner bulges on the west side of Alberta Street adjacent the site including adjustment of infrastructure required to accommodate construction of the corner bulges.

Note to Applicant: Transportation will provide a geometric for the road works.

- (vii) Provision of a "rain garden/infiltration bulge" adjacent the site. Testing of the soil adjacent the site to determine the adequacy of the soils to accommodate construction of a rain garden/infiltration bulge is required. Should testing prove the soils adequacy the applicant is to construct the garden/bulge to the satisfaction of the City Engineer.
 - (viii) Provision of a cash contribution of \$150,000.00 towards construction of a pedestrian signal at Alberta Street and 41st Avenue.
 - (ix) Provision of speed humps in the lane south of 41st Avenue from Alberta Street to the lane east of Cambie Street.
 - (x) Provision of street trees adjacent the site where space permits.
5. Provisions 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 includes 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.
6. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for

connection to a City-designated Neighbourhood Energy System (NES), if and when the opportunity is available and in accordance with the City's *Neighbourhood Energy Strategy* and Cambie Corridor Plan that may include but are not limited to agreements which:

- (i) Require buildings within the development to connect to the City-designated Neighbourhood Energy System at such time that a system becomes available.
- (ii) Grant access to the mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling NES connection and operation.
- (iii) Grant use of and access to suitable space required for the purpose of an energy transfer station, to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: Until a City-designated NES utility provider has been identified, the Owner will be prohibited from entering into any third party energy supply contract for thermal energy services, other than conventional electricity and natural gas connections, unless otherwise approved by the General Manager of Engineering Services.

The development will be required to connect to a NES prior to occupancy if the General Manager of Engineering Services deems a connection is available and at the time of development permit issuance. If connection to a NES is not available at that time, the agreement will provide for future connection.

At the building permit stage, the applicant will be required to submit final detailed drawings, signed and sealed by a professional engineer where necessary, for review by Engineering Services to confirm final room dimensions and technical information.

Environmental Contamination

7. 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

8. Pay to the City a Community Amenity Contribution of \$2,510,230 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 \$2,510,230 is to be allocated as follows:
 - (i) \$1,255,115 towards the Affordable Housing Reserve to increase the City's affordable housing supply in and around the Cambie Corridor Plan area;
 - (ii) \$1,004,092 towards childcare and community facilities serving the community in and around the Cambie Corridor Plan area; and
 - (iii) \$251,023 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 enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval the amendment to the Subdivision By-law, generally as presented in Appendix C of the Policy Report dated May 2, 2017 entitled "CD-1 Rezoning: 5733 Alberta Street and 376-392 West 41st Avenue".
- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval the amendment to the Parking By-law, generally as set out in Appendix C of the Policy Report dated May 2, 2017 entitled "CD-1 Rezoning: 5733 Alberta Street and 376-392 West 41st Avenue".

- D. THAT A through C be adopted on the following conditions:
- (a) 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;
 - (b) 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
 - (c) 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 - 5733 Alberta Street and 376-392 West 41st Avenue]