

SUMMARY AND RECOMMENDATION

8. REZONING AND HERITAGE DESIGNATION: 809 West 23rd Avenue

Summary: To rezone 809 West 23rd Avenue from RS-5 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit conversion, rehabilitation, and heritage designation of the existing church building and infill residential development containing six dwelling units (with potential for additional lock-off rental units). A height of 11.4 metres (38 feet) and a floor space ratio (FSR) of 1.14 are proposed.

Applicant: EDG Homes Ltd.

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 EDG Homes Ltd. on behalf of The Lodge on Willow Ltd., the registered owners, to rezone: 809 West 23rd Avenue [*PID 004-516-486; Lot 9 of Lot B, Block 617, District Lot 472, Plan 5325*] from RS-5 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.70 to 1.14 FSR and the height from 10.7 m (35 ft.) to 11.4 m (38 ft.) to permit conversion, rehabilitation and protection of the existing church building and infill residential development containing a total of 6 dwelling units, generally as presented in Appendix A of the Policy Report dated May 2, 2017 entitled "CD-1 Rezoning and Heritage Designation: 809 West 23rd 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 EDG Homes Ltd. and stamped "Received City Planning Department, September 12, 2016", subject to the following conditions, 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 improve the privacy of unit courtyards as follows:

- (i) provide a substantial landscape buffer between the pathway west property line;
- (ii) ensure that landscape species for the above will afford privacy to neighbouring sites; and
- (iii) provide confirmation that timed exterior lights or similar will be used for these western facing units.

Note to Applicant: The foregoing are measures to mitigate impacts and improve privacy to the western neighbour.

2. Design development to improve the privacy and overlook of the proposal by:

- (i) Reduce the family room window of Unit 1 from 14'-0" to 10'-0" in width;
- (ii) Reduce the size and/or number of windows at the upper levels (bedrooms) to the extent possible; and
- (iii) Employ, if possible, translucent glazing.

Note to Applicant: In the case of bedroom windows, in two instances, window widths should be reduced to 2'-6" in width. The above conditions are to improve the privacy and overlook of the proposal to the neighbouring site(s).

3. Design development to ensure and maintain the use of high quality, durable materials.

Note to Applicant: All habitable rooms, including bedrooms should have direct access to a window for provision of light, views and ventilation. Primary living spaces, such as living rooms, of north-facing units on the 2nd and 3rd floors must have a direct outlook to the street or lane. Provision of light and views must be achieved without negative impact on privacy of neighbouring developments.

4. Design consideration to reduce the size of the master bedroom deck, attic level, Unit 5.

Note to Applicant: The above area is not well integrated with the roof design and massing of this structure.

Crime Prevention Through Environmental (CPTED)

5. Design development to consider the principles of CPTED, having particular regard for security in the in between spaces towards the lane.

Landscape Design

6. Design development to grades, retaining walls, walkways and structural design, to ensure neighbouring grades are met and outside private spaces are respected. This should be confirmed by the provision of minimum three east-west sections, from building face to west neighbouring property. The sections should be of sufficient scale to detail fences, walls, walkway, stairs and other landscape elements.
7. Design development to provide a higher quality landscape plan, of similar character to neighbourhood context, to provide a friendly orientation to both streets. This should consist of additional front yard trees, substantial, layered planting beds and open visually accessible front yards.
8. 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. No trenching for utility hook-ups shall take place inside tree protection zones.

9. Provision of further arboricultural information, to discuss in detail methods of safe protection for retained trees, in context of proposed revised footprint, grades and other site constraints. Report to include a scaled and dimensioned tree protection plan and Critical Root Zones. Confirmation of safe tree protection is required. For protection of all retained trees, careful construction methods should be detailed, such alternate methods of tree protection, exploratory digging to determine actual extent of Critical Root Zones, possibility of hydro-vac or other arboricultural measures.
10. Provision of improved sustainability by the provision of edible plants.

Note to Applicant: Edible plants can be used as ornamentals as part of the landscape design.
11. Design development to locate, integrate and fully screen lane edge gas meters and parking garage vents in a manner which minimizes their impact on the architectural expression and the project's open space and public realm.
12. Consideration to explore design options that respect the City of Vancouver Bird Friendly Design Guidelines.

Note to Applicant: Refer to relevant documents -

<http://council.vancouver.ca/20150120/documents/rr1attachmentB.pdf>
and

<http://council.vancouver.ca/20150120/documents/rr1attachmentC.pdf>

13. Provision requirements at the time of Development Permit application:

- (i) A full Landscape Plan for proposed landscape to be submitted. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, railings, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale.
- (ii) Section details at a minimum scale of 1/4"=1'-0" scale to illustrate typical proposed landscape elements including benches, fences, gates, arbours and trellises, and other features.
- (iii) Sections (1/4"=1' or 1:50) illustrating the buildings to public realm interface facing the street, confirming a delineated private to public transition of spaces.

Note to Applicant: The section should include the building façade, as well as any steps, retaining walls, guardrails, fences and planters.

Engineering

- 14. The proposed planting beyond the property lines should be deleted from the plans. When the sidewalks are widened there will not be adequate space to accommodate the plantings without them encroaching over the sidewalks. Lawn should be supplied in the small gap from back of sidewalk to property line.
- 15. Update the landscape plan to reflect the off-site improvements required of this rezoning and submit a copy directly to engineering for review.
- 16. The first risers of all entry walks/stairs are to be 1'-0" behind the property lines. Stairs on drawing A19 show encroaching steps, please pull steps back behind the property line.
- 17. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services. The following items are required to meet provisions of the parking by-law and the parking and loading design supplement:
 - (i) Provision of additional design elevations within the parking area, on both sides of the overhead door and at the property line to calculate the slope and crossfall.
 - (ii) Provision of 5.5 m stall length for all parking spaces and adequate stall width per the parking and loading design guidelines.

Note to Applicant: Additional stall width is required for all stalls adjacent to walls.

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 and the General Manager of Engineering Services, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. 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 new concrete saw cut sidewalks adjacent the site.
 - (ii) Provision of upgraded curb ramps at the corner of 23rd Avenue and Willow Street, adjacent the site.
 - (iii) Provision of a concrete lane crossing on the west side of Willow Street at the lane north of 23rd Avenue.
 - (iv) 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.

Note to Applicant: The development should tie sanitary and storm sewer connections into the existing mains on 23rd Avenue.
2. 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.

Heritage

3. The owner enters into a Heritage Restoration Covenant for the rehabilitation, restoration 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.

4. 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.
5. Submit a finalized copy of the Conservation Plan for the heritage building as prepared by the heritage consultant.

Soils

6. 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.

Note: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as registered 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 sites 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-laws.

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 the existing church building, (the "heritage building") at 809 West 23rd Avenue [PID 004-516-486; Lot 9 of Lot B, Block 617, District Lot 472, Plan 5325] be added to the Vancouver Heritage Register in the 'C' evaluation category.
- C. THAT, pursuant to Sections 593 and 594 of the *Vancouver Charter*, Council approve the designation of the heritage building as protected heritage property.
- D. 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 and Heritage Designation: 809 West 23rd Avenue".
- E. THAT A through D 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 the 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 & HD - 809 West 23rd Avenue]