

## SUMMARY AND RECOMMENDATION

**3. REZONING: 2109 West 35th Avenue**

**Summary:** To rezone 2109 West 35th Avenue from RS-5 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of a three-storey residential building containing a total of 12 for-profit affordable rental units. A height of 11.09 metres (36.38 feet) and a floor space ratio (FSR) of 0.86 are proposed.

**Applicant:** b Squared Architecture Inc.

**Referral:** This item was referred to Public Hearing at the Regular Council Meeting of June 19, 2018.

**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 b Squared Architecture Inc., on behalf of Tamanna Concept Ltd., the registered owner, to rezone 2109 West 35th Avenue [*Lot 7 of Lot 3 Blk 19, DL 526, Plan 4855; PID 011-298-766*] from RS-5 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.70 to 0.86 FSR and the height from 10.70 m to 11.09 m to permit the development of a three-storey residential building containing a total of 12 for-profit affordable rental units, generally as presented in Appendix A of the Policy Report dated June 5, 2018 entitled "CD-1 Rezoning: 2109 West 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 b Squared Architecture Inc., on behalf of Tamanna Concept Ltd., and stamped "Received Planning & Development Services (Rezoning Centre), November 9, 2017", 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 of by the Director of Planning, who shall have particular regard to the following:

**Urban Design**

1. Design development to incorporate parkade exit stairs inside the building massing.

Note to Applicant: This condition may result in reduction in floor space, and may be achieved by moving the northern stair east, shifting the parkade wall to the setback line, and reconfiguring the south stairs within the southwest corner at parking stall #1.

2. Design development to retain existing mature trees around building, including those located within the road widening dedication.

Note to Applicant: Setbacks may need to be adjusted. Existing City street trees must not be compromised by exit stairs and surface parking.

3. Design development to improve functionality of site servicing at the lane, as follows:

- (i) Relocate disability parking stall;
- (ii) Relocate Pad Mounted Transformer (PMT);
- (iii) Enclose recycling and garbage and access from inside the site; and
- (iv) Incorporate hard and soft landscaping to give a better sense of entry.

Note to Applicant: This could be achieved by relocating the surface parking adjacent to the walkway and treating this as a courtyard space with special paving, adjacent to a screened and enclosed garbage area immediately east, and shifting the PMT furthest east away from view.

4. Design Development of site grading and configuration of entry stairs along east facade to better relate to the streetscape.

Note to Applicant: This may be achieved by terracing, stepped landscaping, enclosing stair bases, incorporating landings, turning some taller stairs parallel to the building face, partially separating grouped stairs, as well as relocating entries and lower level windows if necessary.

5. Consideration to improve expression and neighbourliness as per RS-5 Guidelines, as follows:

- (i) Further study of materials, colour, character and detailing;
- (ii) Address roof deck overview of neighbour; and
- (iii) Resolve retaining wall treatment.

Note to Applicant: Consider using a darker base, lighter walls above, thinner fascia profiles, higher quality cladding materials including wood trims, and other means to reinforce residential character. Consider shifting rooftop patios east to lessen overview of adjacent residence, especially units #10 and #11. Consider special treatment for large exposed concrete retaining walls along vehicular ramp and around site.

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

6. Design development to consider the principles of CPTED, 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. Design development to the front yard public-private realm treatment to be pedestrian friendly and visually open.
8. Provision of the following in regard to the tree retention strategy (applicable to trees #72-74, 59-64, offsite trees # A, B, C ):
  - (i) An addendum arborist report that confirms the arborist has reviewed and concurs with the most recent architectural and landscape drawings in terms of what was understood to be reasonable design measures within known site conditions and acceptable tolerances to impacts. Any above or below grade design conflicts must be brought to the attention of the City and the applicant at earliest convenience may be subject to further design development. Provide specific recommendations that inform private and public realm landscape design and methods for tree retention. Include any construction limitations such as the location of construction storage materials, temporary structures, utility conflicts, site access, development phasing and temporary irrigation requirements;
  - (ii) Landscape Plan revisions to be informed by the revised arborist report with specific recommendations for optimal tree retention;
  - (iii) Reductions in the amount of re-landscape activity proposed within the dripline of trees;  
  
Note to Applicant: All site disturbance associated with soft and hardscaping in proximity to the trees should be relocated outside the radial dripline, to the greatest extent practicable. There should be none or very limited soil disturbance proposed in the driplines and a band of bark mulch of at least 3x diameter of each tree trunk. Further comments may be outstanding at time of development permit review.
  - (iv) Further coordination with City staff and the project arborist at the development permit stage to protect tree roots associated with public realm improvements;

Note to Applicant: This will require further attention by the landscape architect and project arborist to anticipate and reduce unnecessary root disturbances, wherever possible. Retention of the existing public sidewalk/boulevard in the critical root zone may be necessary.

Coordination will be needed with City staff, design team and project arborist for the final public realm landscape design submitted for development permit and construction phase.

- (v) Accurate illustrations, notations, dimensions on the appropriate plans and sections (engineer, architectural and landscape) to show all proposed utility locations, limit of excavation, grading and re-landscaping in any tree protection zones. Further comments may be forthcoming to mitigate impacts, such as utility relocations, for example;

- (vi) Provision of a Tree Management Plan;

Note to Applicant: It is preferred that the arborist tree management plan become the primary document for tree removal/ protection related matters. The landscape architectural tree management plan provides useful information with regard to important cross sections and other landscape design elements. While both documents should be made consistent and submitted at large scale with the revised submission package, the landscape architects version should change its title label to differentiate it from the arborist tree plan.

- (vii) Provision of an arborist “letter of undertaking” to include signatures by the owner, contractor and arborist;

Note to Applicant: The signatures confirm that all parties are aware of the roles and responsibilities and that the project is on track to satisfy the steps and recommendations outlined by the arborist. For example, advanced planning will be needed to ensure that certain works, such as site supervision checkpoints, are coordinated.

9. Refinements to the Landscape Plan, as follows:

- (i) Provision of additional new trees on private property to the perimeter of the building;
- (ii) Extension of the front yard foundation planting to the future road dedication line;
- (iii) Provision of maximized tree growing medium (topsoil) and planting depths for tree and shrub planters to ensure long term viability of the landscape;

- (iv) Explore drought tolerant landscape plantings that will reduce or negate the need for irrigation (Note: the landscape planting environment benefits from access to natural continuous soils and water table. Every effort should be made to minimize irrigation requirements or limit to a 2 year establishment period).

10. Provision of a detailed Landscape Plan.

Note to Applicant: The Landscape Plan should include the project site and the public realm to the street curb and a minimum 1:100 or 1/8" scale. Illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), and hardscaping such as paving, walls, railings, light fixtures, site grading and vertical structures. Plants listed in a Plant List should be clearly keyed to the Landscape Plan.

11. Provision of a detailed grading plan.

12. Provision of 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. The location of the underground parking slab should be included in the section.

13. Provision of new street trees adjacent to the development site, where applicable.

Note to Applicant: This is a standard condition. Coordinate further with Engineering staff. New street trees to be shown on the development permit plans and confirmed prior to the issuance of the building permit. Contact Eileen Curran, Streets Engineering (604.871.6131) to confirm tree planting locations and Park Board (604.257.8587) for tree species selection and planting requirements.

*Provide a notation on the plan as follows, "Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches in. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion".*

14. Clarification of any irrigation requirements for all planted areas.

Note to Applicant: Where irrigation is proposed, provide a partial irrigation plan showing hose bib and automatic irrigation 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.

15. Provision of a Landscape Lighting Plan.

Note to Applicant: Lighting details can be added to the landscape drawings. All existing light poles should be shown.

### **Engineering Services**

16. 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 & construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time for any major crane erection / removal or slab pour that requires additional street use beyond the already identified project street use permissions.
17. Provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right of way.
18. Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (Street Restoration Manual section 02596 and Encroachment By-law (#4243) section 3A) and access around existing and future utilities adjacent your site. Current construction practices regarding shotcrete shoring removals have put City utilities at risk during removal of encroaching portions of the shoring systems. Detailed confirmations of these commitments will be sought at the building permit stage with final design achievements certified and confirmed with survey and photographic evidence of removals and protection of adjacent utilities prior to building occupancy. Provision of written acknowledgement of this condition is required. Please contact Engineering Services for details.
19. Clarify garbage storage and pick-up space. Please show containers and totes on plans for recycling and garbage needs and refer to the Engineering garbage and recycling storage facility design supplement for recommended dimensions and quantities of bins.

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.

20. A review of the existing street tree locations and scale/size of tree to determine if the proposed building location will have a negative impact on retention of the trees and a review to determine a construction methodology that will ensure the protection of the trees and tree canopies during the construction period and post occupancy.
21. Please place the following statement on the Landscape Plan: "This plan is "NOT FOR CONSTRUCTION" and is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and

related permits are issued. Please contact Engineering, Development Services and/or your Engineering, Building Site Inspector for details.”

Note to Applicant: Please update the Landscape and/or Site Plan to reflect the public realm changes including all of the off-site improvements sought for this rezoning, where a design or detail is not available please make note of the improvement on the Site and/or Landscape Plans. Please submit a copy of the updated plan to engineering for review.

Note to Applicant: Add note to Landscape Plans “Installation of parking regulatory signage on Arbutus Street, the lane, and 35th Avenue adjacent the site to the satisfaction of the General Manager of Engineering Services”.

22. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:
- (i) Provision of column sizes, and column setback dimensions to be shown on the drawings.
  - (ii) Provision of additional dimensions on the section drawings showing vertical clearance within the parking levels. Ensure adequate vertical clearance is provided for mechanical projections, utilities and other services.
  - (iii) Provision of design elevations on both sides of the parking ramp at all breakpoints and at all entrances.
  - (iv) Design development to improve access and maneuverability from the parking ramp leading into the parkade. Clarify operation of ramp entry, additional width may be required. Provide turning tracks with DP submission.
  - (v) Provision of a warning system for the single ramp – a qualified transportation engineer must provide details on the system and locations of all lights, signs and detection devices on the plans.
  - (vi) Parking space number 10 requires adjustment so that the entire space is adjacent the maneuvering aisle.
  - (vii) Provision of additional information showing the access route for the accessible space number 13 at grade.
  - (viii) Additional design elevations are required to confirm the slope and cross-fall within the parking levels do not exceed the requirements. Slope and cross-fall to be shown on the drawings.
  - (ix) Dimension the size of the bicycle spaces in the bike room.
  - (x) Provision of automatic door openers on the doors providing access to the bicycle room and note on drawings.

- (xi) Provision of a 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.

Note to Applicant: Refer to the Parking and Loading Design Guidelines at the following link:

<http://vancouver.ca/home-property-development/parking-policies-guidelines.aspx>

### **Sustainability**

- 23. All buildings in the development shall meet the requirements of the *Green Buildings Policy for Rezoning*s (amended to February 7, 2017), including all requirements for Near Zero Emissions Buildings (i.e. Passive House certified or alternate near zero emissions standard approved by the Director of Sustainability), or Low Emissions Green Buildings. The requirements for Low Emissions Green Buildings are summarized at <http://guidelines.vancouver.ca/G015.pdf>.

Note to Applicant: The applicant will be required to demonstrate the development is on track to achieve the above requirements at each stage of permit. For more detail on the above requirements and what must be submitted at each stage, refer to the most recent *Green Buildings Policy for Rezoning*s – *Process and Requirements* (amended April 28, 2017 or later) bulletin.

### **Housing**

- 24. Prior to issuance of development permit, applicant to display a sign on the site, throughout construction, that acknowledges that secured market rental housing is being provided as part of the City of Vancouver's initiatives. Sign design, format, and location to be approved by the City.

## **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, make arrangements for the following:

### **Engineering Services**

- 1. Dedication of the easterly 5.182 m (17 ft.) of the site (the building line area) for road purposes. Deletion of all encroachments shown to extend over the dedication line including the proposed walls, fences, gates and gate swings, landscape, etc.

Note to Applicant: A Subdivision Plan and application to the Subdivision and Strata Group is required to effect the dedication. For general information see the subdivision website at: <http://vancouver.ca/home-property-development/apply-to-subdivide-or-join-properties.aspx>. Further, note some low planting may be considered and should be reflected in the Landscape Plan provided at the development permit stage.

2. Arrangements should be made for release of the secondary suite covenant (CA5171423) registered as a condition of DB452341 in 2016 for an earlier proposal by the same owner.
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 is provided.
  - (i) Provision of adequate water service to meet the fire flow demands of the project. Based on an estimate of the development’s water demands, the water system is inadequate to service the development. The following upgrade is required:
    - a. Upgrade approximately 140 m of water main on Arbutus Street, from 34th Avenue to 35th Avenue.
    - b. Supply project details including confirmed average day domestic water demands, peak hour domestic water demands, and fire flow calculations based on the Fire Underwriter’s Survey’s document, Water Supply for Public Fire Protection to confirm the water system analysis. Once confirmed fire flows are submitted, the City will re-evaluate this condition to confirm whether it still applies.
  - (ii) Upgrade approximately 37 m of existing combined sewer to 250 mm storm sewer main and 200 mm sanitary sewer main in the lane north of West 35th Avenue from the proposed development to the 600 mm diameter combined sewer in Ravine Park.
    - a. The lengths and diameters of these improvements are approximate and subject to detailed design by the developer’s engineer.
    - b. The developer’s engineer is to submit a design brief, calculations and/or model, and design drawings to the City. Submittals to be reviewed and accepted by the City Engineer.

- c. Development to be serviced to the proposed 250 mm STM and 200 mm SAN sewers in the lane north of West 35th Avenue.
- d. The post development flow rate discharged to the sewer shall be no greater than the pre-development flow rate discharged to the sewer, using the 5 year storm event. The pre-development estimate shall utilize the 2014 IDF curve, whereas the post development estimate shall utilize the 2100 IDF curve to account for climate change.

(iii) Provision of new or replacement duct banks adjacent the development site that meet current City standards. Duct banks are to consist of electrical and communication ducts sized to meet City needs in a configuration acceptable by the General Manager of Engineering Services and in conformance with applicable electrical codes and regulations. A detailed design will be required prior to the start of any associated street work.

Note to Applicant: As-constructed documentation will be required that includes photographic and measured evidence of the installed number of conduits, their final locations and depths.

- (iv) Provision of curb ramps at the northwest corner of Arbutus Street and 35th Avenue.
- (v) Provision of measures to restrict left turns out of the lane onto Arbutus Street.
- (vi) Provision of a new 1.83 m (6 ft.) light broom finish saw cut concrete sidewalk and a 1.83 m (6 ft.) sod grass front boulevard on Arbutus Street adjacent the site including curb ramps. Note that the front boulevard width may need to be adjusted at the southern end of the site if all the existing trees are retained.
- (vii) Provision of a new 1.83 m (6 ft.) light broom finish saw cut concrete sidewalk on West 35th Avenue and retention of the existing front boulevard width adjacent the site.
- (viii) Provision of lane re-paving and removal of obstructions within the lane and at the lane entrance to facilitate safe access to and from Arbutus Street.
- (ix) Provision of a standard concrete lane crossing including new curb returns on both sides of the lane.
- (x) Provision of upgraded street lighting adjacent to the site to current standards including a review of the existing lighting to determine its adequacy and a lighting design as required.

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 not limited to System Vista, Vista switchgear, pad mounted transformers, LPT 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.

In addition, 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.

Note to Applicant: Please ensure that in your consultation with B.C. Hydro that an area has been defined within the development footprint to accommodate such electrical plant. Please confirm that this space has been allocated and agreement between both parties has been met.

**Housing**

5. Make arrangements to the satisfaction of the General Manager of Arts, Culture and Community Services and the Director of Legal Services to enter into a Housing Agreement securing all residential units as market rental housing units for the longer of 60 years or the life of the building, subject to the following additional conditions:
  - (i) A no separate-sales covenant;
  - (ii) A no stratification covenant;
  - (iii) That none of such units will be rented for less than one month at a time;
  - (iv) That a rent roll be provided indicating the agreed initial monthly rent for each rental unit when the Housing Agreement is entered into and again prior to Development Permit issuance;
  - (v) That the average initial starting monthly rents for each unit type will be at or below the following proposed starting rents subject to adjustment as contemplated by the Vancouver Development Cost Levy-By-law;

Unit Type	2109 West 35th Avenue Proposed Average Starting Rents
1-bedroom	\$1,903
3-bedroom	\$3,702

- (vi) That a final rent roll be provided, prior to issuance of an occupancy permit, to the satisfaction of General Manager of Arts,

Culture and Community Services and the Director of Legal Services, that reflects the agreed initial monthly rents as of occupancy in order to address potential changes in unit mix and/or sizes between the rezoning and development permit issuance, and to allow for the rents to be increased annually from the time of the public hearing to initial occupancy, as per the maximum increases authorized by the Vancouver Development Cost Levy By-law; and

- (vii) Such other terms and conditions as the General Manager of Community Services 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.

### **Environmental Contamination**

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 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 set out in Appendix C of the Policy Report dated June 5, 2018 entitled “CD-1 Rezoning: 2109 West 35th Avenue”.
- C. THAT, if Council approves in principle this rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated June 5, 2018, entitled “CD-1 Rezoning: 2109 West 35th Avenue”, the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, after the Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s) and prior to enactment of the CD-1 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 General Manager of Community Services.
- D. THAT A through C 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 the 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 – 2109 West 35th Avenue]**