

## SUMMARY AND RECOMMENDATION

5. **REZONING/HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT (HRA):**  
3205-3221 West 41<sup>st</sup> Avenue and 5590 Balaclava Street

**Summary:** To rezone from RS-5 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to allow development of a 4-storey multiple dwelling designed for seniors; to designate, rehabilitate and preserve the heritage B-listed Knox Church; and to replace the church annex building

**Applicant:** Laurie Schmidt, Brook and Associates Planning Consultants

**Recommended Approval:** By the Director of Planning, subject to the following conditions as proposed for adoption by resolution of Council:

A. THAT, the application by Brook and Associates on behalf of Emaar Canada and the Trustees of the Knox United Church, to rezone 3205-3221 West 41st Avenue and 5590 Balaclava Street (PID 013-006-797, 010-297-723, 007-352-735, 010-297-766, 003-500-233, Lot A, Plan 3269 and Lots 1-4, Plan 7918, of Block 12, DL 2027, NWD and that portion of lane north of 41st Avenue, east from Balaclava Street and dedicated by Plans 4098 and 7918) from RS-5 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to allow:

- development of a 4-storey multiple dwelling designed for seniors,
- designation, rehabilitation and long-term preservation of the heritage B-listed Knox Church, and
- replacement the church annex building,

generally in accordance with Appendix A to the Policy Report, *"CD-1 Rezoning/Heritage Revitalization Agreement/Heritage Designation: 3205-3221 West 41st Avenue and 5590 Balaclava Street"*, dated September 22, 2009, be approved subject to the following conditions:

**PROPOSED CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT**

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Adrian Smith and Gordon Gill Architecture and CEI Architecture, and stamped "Received City Planning Department, March 13, 2009", 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:

**Design Development**

The following is to apply to Sub-Area 2 (the residential site):

- (i) Provision of a significant indoor amenity space not devoted to offices or pool use, for the general enjoyment of residents;

Note to Applicant: The design is unusually free of interconnected hallways and indoor lobby areas, which often provide space for casual social interaction, and does not have a general purpose meeting room as typically seen in multiple dwellings or the dedicated dining and areas as typically seen in seniors' supported and assisted housing. Alternatives to the pool and outdoor courtyard should be provided.

- (ii) Design development to increase the distinctions between facades, noting the differing acoustic, built form, open space and solar conditions in each direction;

- (iii) Clarification of the long-term maintenance of the exterior balcony planters, if these are intended to provide a visually consistent and permanent exterior feature;

Note to Applicant: The use of plant material as a building-wide visual motif, accessed through individually owned strata titled apartments on multiple levels is somewhat novel in this building type and merits further information. This feature should also be detailed in enlarged drawings and the landscape design.

- (iv) Refinement to the rooftop areas to reduce the potential for overlook and to reduce the apparent visual height of the building as it relates to Balaclava Street;

Note to Applicant: For example, consider moving accessible surface areas and vertical features away from the western edge of the roof.

- (v) Consideration to relocating the parkade entry and driveway away from the east edge of the site along West 41st Avenue to improve the visual and landscape amenity of the east area, including tree retention;

Note to Applicant: See also Landscape and Engineering conditions.

- (vi) Consideration to reduce the extent of exterior glazing on the multiple dwelling;

Note to Applicant: Intent is to mitigate potential privacy impacts, especially across the courtyard; to improve the thermal insulation performance of the building; and to vary the glassy expression of the exterior.

- (vii) Design development to provide even and glare-free exterior illumination;

Note to Applicant: Avoid fixtures which create unwanted light toward residential areas both on and off site, especially with regard to the backlit elevator towers shown in renderings and the arrangement of living units around the courtyard.

- (viii) Identification on the building plans and details of the proposed design standards for seniors to be included on the plans and elevations;

Note to Applicant: Use of the SAFERHOMES standard was identified in the rationale as a part of the building's design for seniors and should be reflected on the development permit, where relevant. For example, hallway and door widths should be noted on the plans. Reference should also be made to the standards in note form, so that additional information which is relevant to building permit drawings is applied at that stage.

- (ix) For the northwest portion of the residential building, the setback from the west property line, should be approximately 9 m (comparable to the front yard dimension of neighbouring properties to the north including the Knox Church), for a length of approximately 16 m from the north edge of the residential site;
- (x) For the northwest portion of the residential building, the setback from the west property line should be approximately 6 m for the next 12 m of the site (from 16 m to 28 m) along the west property line;

Note to Applicant: The setbacks described in (b) (ix) and (x) may aid with efforts to retain trees located on the western edge of the site in front of the residential building. An equivalence to these setbacks which reduces the massing on upper floors and lessens the visual impact through the choice of building materials and building articulation may also be considered.

The following is to apply to Sub-Area 1 (the church site):

- (xi) Design development to the massing and location of the new church annex building to provide substantial improvement with regard to shadowing, privacy and visual impact on the neighbouring property to the north;

Note to Applicant: The two storey meeting space should be relocated and/ or the roof redesigned to minimize shadowing impact. Impact of the rooftop outdoor play area in the north east corner should also be minimized by pulling the building as far back as possible from the north property line as well as by employing planters or other screening which are not visually intrusive.

- (xii) Evaluation of the feasibility of relocating the rooftop play area to the south, to reduce the potential for acoustic and privacy impacts to the single family dwelling immediately adjacent;

Note to Applicant: If the relocation is feasible, the play area should be moved.

- (xiii) Design development to soften the visual impact of the new church wall, as seen from the adjacent single-family property to the north;

Note to Applicant: As shown on sheet number A1.09, the impression is somewhat institutional in character.

The following is to apply to both Sub-Areas:

- (xiv) Notation on the elevations of all finishes, materials, dimensions and colours;

Note to Applicant: Include where relevant texture, spacing, and other details. Attach colour samples to the drawings.

- (xv) Enlarged drawings for all significant exterior features;

Note to Applicant: Where not shown on the elevation drawings, include finish, materials and dimensions. A scale of ½" = 1'-0" or better is recommended.

## Heritage

- (xvi) Design development to provide increased separation between the new church annex building from the existing Knox United Church;
- (xvii) Design development to the new church annex building to eliminate elements which directly reference or replicate features on the heritage church;

Note to Applicant: While the overall design and expression of the new building are acceptable, features such as the "capped pilasters" and similar elements on the church are not to be replicated on the new building so that it is clear that the new building is contemporary but stylistically sympathetic to the heritage church.

- (xviii) Provision of a finalized Statement of Significance, a complete Heritage Conservation Plan, and drawings indicating the scope of rehabilitation work for The Knox United Church located at 5590 Balaclava Street;

Note to Applicant: See condition (c)(xxxviii)(1) below concerning the Heritage Revitalization Agreement. The Conservation Plan is to be completed prior to proceeding to public hearing for Council's approval of any by-laws. The purpose of the plan is to identify the scope of the work for the heritage building and to identify the proposed rehabilitation work. The proposed heritage work should be included on the development permit drawings as a series of construction notes, and

supported by current photos of the building. The rehabilitation drawings are to be lodged in development permit application number DE413271 and any outstanding fees are to be paid on this application prior to proceeding to public hearing.

### **Sustainability**

- (xix) Identification on the building plans and elevations of sustainable design features;

Note to Applicant: Measures which will reduce building energy and water consumption are especially encouraged. Note in particular those built features which relate to the LEED™ checklist provided, and the EcoDensity rezoning policy.

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

- (xx) Design development to improve security and visibility in the underground parking level in accordance with Section 4.13 of the Parking By-law and by painting the walls and ceiling of the parking garage white;

Note to Applicant: More use of interior glazing, especially around the exit stairwells, and exterior lighting must be shown on the drawings. Consider noting design features to meet the Vancouver Building By-law Section 3.3.6.7 as well.

- (xxi) Design development to improve defensibility and reduce opportunities for break and enter;

Note to Applicant: Show how the space around the private outdoor space will be clearly defined by gates or fences and effectively lit at night. Lighting must not cross the property line.

### **Landscape Design**

- (xxii) Design development to retain healthy trees located outside the building envelope where possible;

Note to Applicant: The expansive treed edges, to be noted on a legal survey and to be assessed in an arborist report (see conditions below), bordering West 41st Avenue and Balaclava Street, should remain to effectively screen the new development as viewed from the street and neighbouring properties to the west. Setbacks along West 41st Avenue should be carefully considered to provide adequate root protection zones for the two existing mature trees located at the southeast edge of the site. Consideration should be given to relocation of the existing Dogwood located at the rear of the church site within the proposed building envelope. For trees that cannot be retained or relocated, replacement with a specimen of equal or greater value will be required.

- (xxiii) Design development to relocate the driveway crossing on West 41st Avenue westward in order to retain the 2 significant trees at the southeast corner of the site;

Note to Applicant: Design development regarding this condition should be coordinated with redesign of the site plan relating to the Engineering condition requiring relocation of the driveway located on West 41st Avenue for the residential site.

- (xxiv) Design development to the church driveway and front yard setbacks of the residential building facing Balaclava Street to safely retain as many trees as possible;

Note to Applicant: All site existing site trees should be illustrated on the Landscape Plan submitted with the Development Permit Application.

- (xxv) Design development to expand programming and include opportunities for shared-gardening in the common outdoor open space including rooftop gardens;

Note to Applicant: Shared gardening areas should be designed to adhere to Council's Urban Agriculture Guidelines for the Private Realm and should provide maximum solar exposure, universal accessibility and provided with amenities such as, raised beds, water for irrigation, potting bench, tool storage and composting.

- (xxvi) Provision of a full Landscape Plan illustrating proposed plant materials (common and botanical names), including sizes and quantities; paving, walls, fences, and other landscape elements including existing site trees and site grading with labels;

Note to Applicant: Consider incorporating hardy drought-tolerant plantings into the planting scheme within the site to reduce use of water in the landscape.

- (xxvii) Provision of a comprehensive and detailed Certified Arborist report on the assessment of all site trees feasibility of retaining trees located close to excavation for the proposed building, including risks to, and methods for, the safe retention of existing trees. The report must also contain commentary regarding risk to the trees on City property and on the Kerrisdale Elementary School property to the east;

Note to Applicant: The report must include specific details about the method of protecting the trees listed as being retained. It is important for the trees to be preserved for the long term. Commentary must include risks to the health of trees located close to the excavation with measurable limits to excavation for trees with roots located within the building envelope. As well the report must include a written assessment by a professional tree mover or Certified Arborist on the feasibility of,

risks and methods involved in the successful relocation of trees as noted on the Tree Preservation Plan.

(xxviii) Provision of a Construction Management Plan for tree retention

Note to Applicant: The plan should consider excavation and building materials storage, construction access and vehicle maneuvering during the construction process. For more details refer to Section 3.3, Tree Retention, Relocation and Replacement Guidelines, Private Property Tree By-law.

(xxix) Provision of a legal survey illustrating the following information:

- (1) Existing trees 20 cm caliper or greater on the development site; and
- (2) The public realm (property line to curb) including existing street trees, street utilities such as lamp posts, fire hydrants, etc. adjacent to the development site.

(xxx) Provision of section details at a minimum scale of 1/4"=1'-0" scale to illustrate proposed landscape elements including planters on building structures, benches, fences, gates, arbours and trellises, posts and walls and water features. Planter section details must confirm depth of proposed planting on structures;

(xxxi) Provision of a high-efficiency irrigation system in all landscape common areas and hose bibs in patio areas as needed (illustrated on the Landscape Plan);

#### **Acoustics**

(xxxii) Design development to provide a high standard of noise mitigation including provision for ventilation so that residents are able to close their windows during the summer months.

Note to Applicant: Include in your response an indication of how the construction has been modified to reflect the noise mitigation required for the higher noise levels resulting from proximity to 41st Avenue and adjacent playing field.

#### **Proximity to Kerrisdale School Playing Fields**

(xxxiii) Arrangements to the satisfaction of the Director of Planning to demonstrate that all disclosure statements for prospective purchasers include acknowledgement that the building is located adjacent to an Elementary School playing field that is electrically illuminated and is actively used until 10 p.m. on weekdays, and that the school users and the school should not be subject to complaints for any use that conforms to the relevant regulation, including noise and light.

## Engineering

(xxxiv) Arrangements to the satisfaction of the General Manager of Engineering Services for the following:

- (1) Access to the residential parking on the site shall be taken from 41st Avenue and for the Knox United Church and proposed annex building from Balaclava Street. A redesign of the proposed crossing is required, and must be located a minimum of 12 m west of the extension of westerly curb of the south leg of Balaclava Street;
- (2) Any church or condominium passenger drop-off/pick-up area must be designed to allow one vehicle to pull out and pass another, which is stopped;  
Note to Applicant: the proposed design is inadequate.
- (3) Parking spaces for the child care staff and daycare drop-off spaces should be identified on plans and listed within the tech table;  
Note to Applicant: Child care drop-off spaces must be regular full size spaces.
- (4) Provision of additional parking stall width is required when adjacent to walls, fences or other structure as by the Parking By-law;  
Note to Applicant: Child care parking stall #1 requires a minimum 2.7 m stall width.
- (5) Provision of a minimum 6.1 m wide parking entrance with an overhead security gate;  
Note to Applicant: The proposed 5.7 m wide parking entrance and 5.8 m wide driveway is not sufficient.
- (6) A separate room for bicycles must be provided; and
- (7) Garbage and recycling facilities should be supplied for both buildings and clarification of pick up operations is required. Please contact Engineering, Solid Waste Branch regarding recycling and garbage space needs.

Note to Applicant: If desired, a review can be conducted to determine if the existing ROW over the east 5 feet of Lot 4 can be discharged.

## Childcare Facility

(xxxv) Further design development to the configuration and site plan for the 20-space preschool childcare facility to be in accordance with the Provincial Community Care Facilities Licensing requirements and the City of Vancouver Childcare Design Guidelines;

Note to Applicant: Prior to commencing any redesign work with regard to the childcare facility it is suggested that you arrange to meet with Community Care Facilities Licensing and Social Development staff to discuss space configurations. Consider relocating the childcare facility on the main of the church annex building to provide contiguous play space at grade where a more natural outdoor environment can be provided. Consider providing a kitchen for food preparation for the childcare facility. If the kitchen on the first floor of the church annex is

to be used by the childcare facility, clarification will be needed as to plans for the shared kitchen facility. Consider providing a designated "quiet room" or space as prescribed by Council's Childcare Design Guidelines. Consider providing a secured vestibule for the elevator and secure access for the stairway entrance to improve security within the childcare facility. Consider providing space for an art sink within the activity area.

### Seniors Non-profit Service Provision Society

(xxxvi) Arrangements to the satisfaction of the Managing Director of Social Development and the Director of Planning for the provision of an Operations Management Plan (OMP) for the non-profit seniors society to provide services to residents within the residential development (for the life of the building) and to seniors in the Dunbar neighbourhood, with particular regard to the following:

- (1) Minimum levels of service provision for members including information and referrals, educational programs and services, community events, etc.;
- (2) Provision of an operating budget for the society demonstrating a sufficient endowment, and fee structure to sustain operations through the start up phases, and continued operation for a minimum of two years;
- (3) Establishment of a Community Advisory Committee (CAC) to monitor impacts and provide advice with regard to the seniors non-profit society;  
Note to Applicant: The CAC would be used to involve groups such as the Dunbar Seniors Housing Trust, the Dunbar Vision Implementation Committee, the Dunbar Residents Association and the Southlands Ratepayers group in formulating programs and services that would serve the larger community.that meets regularly to discuss issues that may arise from the operation of the housing project. Prior to issuance of the occupancy permit, the CAC is to meet to establish its terms of reference, including protocols for dispute resolution, all to the satisfaction of the Managing Director of Social Development. The final Operational Management Plan will be reviewed by the CAC prior to issuance of the occupancy permit.
- (4) Provision of membership for low-income seniors in the broader community, through reduced or waived fees, based on income;
- (5) Protocols for the preparation of an annual report to the Managing Director of Social Development, with specific focus on the effects of the project within the local community and assessment of the CAC and its continuance. As well, minimum staffing levels would be reviewed at the end of the first year of occupancy; and
- (6) A community liaison who will work with the community to respond to community enquiries and requests;

Note to Applicant: Conditions (xxxiv) (1) to (5) will need to be satisfied prior to issuance of a development permit.

## PROPOSED CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City:

### Engineering

- (i) Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:
- (1) Closure and sale of the city lane;  
Note to Applicant: An application to the City Surveyor should be made at this time to ensure the closure and sale will coincide with the rezoning enactment.
  - (2) Consolidation of the lots and creation of the 2 parcels;
  - (3) Discharge of Easement & Indemnity Agreement 509802M (Crossing Agreement) on the title of Lot A (a letter of commitment is necessary with discharge prior to building occupancy.);
  - (4) Provision of a reciprocal access agreement to secure the shared parkade access which is proposed to straddle the ultimate common property line;
  - (5) Provision of adequate water service to meet the fire flow demands of the project;  
Note to Applicant: The application lacks the details to determine if water main upgrading is required, please supply project details including projected fire flow demands to determine if water system upgrading is required, should upgrading be necessary then arrangements to the satisfaction of the of the General Manager of Engineering Services and the Director of Legal Services will be required.
  - (6) Undergrounding of all new utility services from the closest existing suitable service point;  
Note to Applicant: All services and in particular electrical transformers to accommodate a primary service must be located on private property. The development site is not to rely on secondary voltage from the existing overhead network. Any alterations to the existing underground / overhead utility network to accommodate the development will require review and approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged. Servicing details may be required at the development and or building permit stages.
  - (7) Provision of street trees adjacent the site where space permits; and
  - (8) Provision of shared vehicles and spaces at a rate of 0.02 per dwelling unit;  
Note to Applicant: Shared vehicle space must be provided in an area with 24-hour accessibility.

## Heritage

- (ii) Make arrangements to the satisfaction of the Director of Planning and the Director of Legal Services for the following:
  - (1) To enter into a Heritage Revitalization Agreement (HRA) which ensures that the rehabilitation of The Knox United Church located at 5590 Balaclava Street is completed in a timely manner and which secures the rehabilitation, long term protection, maintenance and conservation of the heritage building;  
Note to Applicant: The HRA is to be signed by the Owner before any by-laws are brought forward for Council's consideration at a public hearing.
  - (2) To enter into an agreement to be registered against the CD-1 site, to provide assurance that the conservation of the heritage building arrangements are to be made to secure the complete rehabilitation of the Knox United Church prior to occupancy of the multiple dwelling building on the CD-1 site;  
Note to Applicant: Any associated side agreements are to be signed by all the Owners of all the lands before any by-laws are brought forward for Council's approval at a public hearing.

## Childcare Facility

- (iii) Make arrangements to the satisfaction of the Director of Legal Services and the Managing Director of Social Development for the following:
  - (1) Provision of a fully fit, furnished and equipped 20 space licensed preschool facility, including the required outdoor play space and on-site parking, in accordance with the City of Vancouver Childcare Design Guidelines and the Provincial Community Care Facilities licensing requirements, prior to occupancy of the multiple dwelling building on the CD-1 site, at no cost to the City; and
  - (2) To enter into an agreement to be registered against the CD-1 site, that the owner agrees to continuously operate or cause to operate the child care facility.

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 Covenants pursuant to Section 219 of the Land Title Act.

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, and letters of credit, and provide

for the withholding of permits, as deemed appropriate by, and in form and content 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 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, as set out in Appendix C to the Policy Report, *"CD-1 Rezoning/Heritage Revitalization Agreement/Heritage Designation: 3205-3221 West 41st Avenue and 5590 Balaclava Street"*, dated September 22, 2009;
- C. THAT, should the CD-1 rezoning for 3205-3221 West 41st Avenue and 5590 Balaclava Street be approved, Council designate the Vancouver Heritage Register "B" listed building at 5590 Balaclava Street property as municipally-protected heritage; and
- D. THAT, should the CD-1 rezoning for 3205-3221 West 41st Avenue and 5590 Balaclava Street be approved, Council authorize the Director of Legal Services to enter into a Heritage Revitalization Agreement (HRA) to secure the rehabilitation, protection and on-going maintenance of the exterior of the Vancouver Heritage Register "B" listed building at 5590 Balaclava Street;

**(RZ/HD/HRA - 3205-3221 West 41st Avenue and 5590 Balaclava Street)**