

SUMMARY AND RECOMMENDATION

6. REZONING: 5430-5450 Oak Street

Summary: To rezone 5430-5450 Oak Street, from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of two four-storey residential buildings containing a total of 12 dwelling units. A height of 12.2 m (40 ft.) and a floor space ratio (FSR) of 1.20 are proposed.

Applicant: Listraor (West 38th) Homes Ltd.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of January 20, 2015.

Recommended Approval: By the General Manager of Planning and Development Services, subject to the following conditions as proposed for adoption by resolution of Council:

- A. THAT the application by Listraor (West 38th) Homes Ltd., to rezone 5430-5450 Oak Street [*Lots 2 and 3, Block 865, District Lot 526, Plan 8170; PIDs 006-445-454 and 009-432-566 respectively*] from RS-1 (Single-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.70 to 1.20 and the building height from 10.7 m (35.1 ft.) to 12.2 m (40 ft.) to permit the development of two four-storey residential buildings, containing a total of 12 dwelling units, generally as presented in Appendix A of the Policy Report dated January 6, 2015, entitled "CD-1 Rezoning: 5430-5450 Oak Street", 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 Raymond Letkeman Architects Inc. and stamped "Received Planning Department, April 11, 2014", provided that the General Manager of Planning and Development Services 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 General Manager of Planning and Development Services, who shall have particular regard to the following:

Design Development

1. Design development to provide a clearer distinction between the public and private realm at the front entries along Oak Street.

Note to Applicant: This may be achieved by providing an elevated main floor and entry and/or a more robust fence detail. The fence should not be entirely solid, but should incorporate transparent panels to provide

views through and contribute to pedestrian visual interest. Fence height at the front yard is limited to 4 feet.

2. Design development to provide improved animation and articulation of the lane edge by providing entries to the patios at the rear units.

Note to Applicant: The rear patio walls should be further articulated to add visual interest and a sense of scale. At-grade landscaping and planters should continue to be incorporated into the wall design. A section and elevation detail should be provided to illustrate the lane entry and wall treatment for a typical townhouse module.

3. Design development to the semi-private courtyard to provide improved opportunities for social interaction and informal children's play.

Note to Applicant: This may be achieved by creating areas of special interest and focus along common pathways as part of the overall landscape design.

Crime Prevention through Environmental Design (CPTED)

4. Design development to response to CPTED principles, having particular regards 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.

Sustainability

5. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving BuiltGreen BC Gold™ with a source of Energuide 82.

Note to Applicant: Provide a BuiltGreen BC checklist confirming Gold level achievement and a detailed written description of how the score of Energuide 82 will be achieved. Both checklist and description should be incorporated into the drawing set and significant Built Green features keyed to the plans.

Housing Policy

6. That the proposed unit mix including ten three-bedroom units and two two-bedroom units be included in the Development Permit drawings.

Note to Applicant: Any changes in unit mix shall be to the satisfaction of the Chief Housing Officer.

Landscape

7. Responsible resolution of any conflict with neighboring trees and vegetation which are proximate to the proposed excavation.

Note to Applicant: There are neighbour-owned tree(s) and vegetation identified in the arborist report that will likely conflict with the excavation. In order to resolve the conflict, a tree removal permit may be applied for, accompanied by a letter of neighbor consent. Where consent cannot be given, design development must ensure the safe and responsible retention of the tree or vegetation.

8. Site utilities and vents on private property and integrate them discreetly into the building, avoiding landscaped and common areas.

Note to Applicant: Every effort should be made to screen PMT transformers that are open to the lane with lockable gates (further coordination with BC Hydro is required).

9. Provision of high efficiency irrigation for all planted areas and individual hose bibs for all patios and common areas greater than 100 sq. ft.
10. Provision of adequate soil depths for all planted areas.

Note to Applicant: Soil depths should meet or exceed BCLNA Landscape Standard.

11. Provision of a detailed Landscape Plan illustrating common and botanical name, size and quantity of all existing/proposed plant material.

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

12. Provision of large-scale landscape sections (typical) through planted areas, including the slab-patio-planter relationship, the lane interface, common areas and upper levels.

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

13. Provision of new street trees, to be provided adjacent to the development site.

Note to Applicant: 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."

Engineering

14. Clearly show first step risers a minimum of 1'-0" back from the ultimate property line on the site and landscape plans (i.e. following the dedication along Oak Street).
15. Clearly show the dedication line on the landscape plan and ensure there are no landscaping features or encroachments other than those that meet with the boulevard landscaping guidelines shown beyond the dedication line and they do not interfere with the proposed sidewalk widths.
16. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The following items are required to meet provisions of the Parking By-law and the Parking and Loading Design Supplement:

- (i) Provision of an improved plan showing the design elevations on both sides of the ramp at all breakpoints and within the parking area to be able to calculate slopes and cross-falls. Provision of elevations on sections drawings is required.
- (ii) The security gate is recommended to be relocated to the top of the parkade ramp.
- (iii) Consider providing a 22 ft. wide overhead gate as a 22 ft. wide maneuvering aisle is being provided.
- (iv) Provision of a 2 ft. column setback from the end of the stall.

Note to Applicant: A column 2 ft. in length must be set back 2 ft. from either the opening to or the end of the parking space.

- (v) Provision of Class A bicycle spaces for Units C and C1.
- (vi) Number all parking stalls.

Note to Applicant: The location of the proposed wall-mounted bike racks, encroaching into the parking stalls, is not approvable under the Parking By-law. They should be relocated.

Note to Applicant: A complete tech table is required showing the calculations for the minimum required parking, loading, bicycle spaces and the number of spaces being provided.

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 and to the General Manager of Planning and Development Services, 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

1. Consolidation of Lots 2 and 3, Block 865, DL 526, Plan 8170 to create a single parcel and subdivision of that site to result in the dedication of the west 2.5 feet for road purposes.

Note to Applicant: The dedication area is to be free and clear of all existing and proposed structures and features.

2. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided:

- (i) Provision of a new 2.0 m wide concrete sidewalk adjacent the Oak Street frontage of the site.

- (ii) Provision of new asphalt lane paving for the lane east of Oak Street from 38th Avenue to 93 m south of 38th Avenue. Improvements to include drainage and speed humps where necessary. The proposed length of lane paving ties into the southerly rezoning proposal.

Note to Applicant: Speed hump installation is subject neighbourhood notification.

- (iii) Provision of street trees adjacent the site where space permits.

- (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 applicants' 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.

- (v) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project. The current application lacks the details to determine if sewer main upgrading is required. Please supply project details including floor area, projected fixture counts and other details as required by the City Engineer to determine if sewer system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of

the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any sewer system upgrading that may be required.

3. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

Soils

4. If applicable:
 - (i) Submit a site profile to Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
 - (ii) As required by the Manager of Environmental Planning 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 Planning 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 Planning, 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, including all dedicated lands, issued by the Ministry of Environment, has 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 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, 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 the amendment to the Subdivision By-law, generally as set out in Appendix C of the Policy Report dated January 6, 2015, entitled "CD-1 Rezoning: 5430-5450 Oak Street".
- C. THAT Recommendations A and B be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; and expenditure of funds or incurred costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a bylaw rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the 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 - 5430-5450 Oak Street]