

SUMMARY AND RECOMMENDATION

2. REZONING: 8599 Oak Street

Summary: To rezone 8599 Oak Street from RM-3A (Multiple Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey residential building containing a total of 36 for-profit affordable rental housing units. A height of 20.0 m (66 ft.) and a floor space ratio (FSR) of 2.5 are proposed.

Applicant: NORR Architects Planners Inc.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of April 17, 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 NORR Architects Planners Inc. on behalf of Maiway Investment Ltd., the registered owner, to rezone 8599 Oak Street [*Lots 15 and 16, except the east 7 feet now road, of Lot 33, Block B, District Lots 319, 323 and 324, Plan 1685; PIDs:014-424-223 and 014-424-231 respectively*] from RM-3A (Multiple Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 1.35 to 2.50 and to increase the height from 10.7 m (35 ft.) to 20.0 m (66 ft.), to permit the development of a six-storey residential building, containing a total of 36 for-profit affordable rental housing units, generally as presented in Appendix A of the Policy Report dated April 3, 2018 entitled "CD-1 Rezoning: 8599 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 NORR Architects Planners Inc., on behalf of Maiway Investment Ltd., and received on December 12, 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 by the Director of Planning who shall have particular regard to the following:

Urban Design

1. Design development to acknowledge the prominent corner location by providing an enhanced architectural expression at the corner of Oak Street and 70th Avenue.

Note to Applicant: Entrance to the building should reflect the hierarchy of the streets, in particular the more pedestrian oriented 70th Avenue. This can be achieved with entry location or an enhanced entry sequence from 70th Avenue. Enhanced corner expression in terms of massing and pedestrian pathway should be provided.

2. Design development to improve ground-oriented units at the street interface, as follows:
 - (i) Unit entries and patios facing Oak Street should include robust planting to allow delineation (as well as a green buffer) of the public and private realm.

Note to Applicant: Ceiling height can be reduced at parking level 1 below the patios to ensure adequate soil volumes for robust planting.
 - (ii) At 70th Avenue interface, raised patio entry can be integrated with building entry landing.
3. Design development to the building elevation as follows:
 - (i) Incorporate passive measures at the south facade.
 - (ii) Provide quality and durable exterior finishes, in particular, parking access should be carefully detailed at the street interface.
4. Design development to enhance visual connection from amenity room to the roof deck by providing additional windows facing the deck.
5. Design development to improve the livability of dwelling units by providing closets in all bedrooms.
6. Design development to show transformer location.
7. The proposed unit mix, providing 23 one-bedroom units, seven two-bedroom units and six three-bedroom units, is to be included in the Development permit drawings. The two and three bedroom units account for 36% of the units.

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 35% of the dwelling units designed to be suitable for families with children.

8. Identification on the architectural and landscape drawings of any built features intended to create a bird friendly design.

Note to Applicant: Refer to the *Bird Friendly Design Guidelines* for

examples of built features that may be applicable, and provide a design rationale for the features noted. 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 the following in regard to the tree retention strategy (applicable to trees #643, OS #1, OS #2, OS #3):
 - (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 a 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 dripline of tree # 643. 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 Engineering, Planning and Park Board (Urban Forestry) 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, shoring and forming methods, grading and re-landscaping in any tree protection zones. Further comments may be forthcoming to mitigate impacts, such as utility relocation, 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.

- 11. Design development to improve public realm expression along Oak Street and 70th Avenue. Delete any portions of the private open space that are encroaching on the required 14 ft. public realm.

Note to Applicant: A double row of trees are required within the front-yard setback, one row on private property and a second row on public property. See *Marpole Community Plan* 7.2.2, 7.2.3 and 7.2.19 for further detail. Where existing trees are being retained, integrate into the design. For 70th Avenue frontage, further road design work will need to be completed to determine the ultimate public realm design due to the building line dedication.

12. Provision of maximized tree growing medium and planting depths for tree and shrub planters to ensure long term viability of the landscape.

Note to Applicant: Underground parking slabs and retaining walls may need to be altered to provide adequate depth and continuous soil volumes. Growing mediums and planting depths should exceed BCLNA standards.

13. Provision of rooftop planting and presence of vegetation through extensive green roofs, and large planters in combination with small species tree canopy.

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

14. 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.

15. Provision of detailed architectural and landscape cross sections (minimum 1/4" inch scale) through common open spaces, semi-private patio areas and the public realm.

Note to Applicant: In tree areas, the sections should illustrate the slab design and location, the soil profile, tree root ball, tree canopy and any associated landscaping. For private patios and amenity areas, illustrate and dimension planters on slab, planter sizes (inside dimension), soil, root ball, retaining walls, steps, patios and portions of the adjacent building, such as residential units or amenity rooms.

16. 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.

17. Provision of plan details and documentation/calculations that support achievement of LEED storm water credit(s) and integrated rainwater management, including absorbent landscapes, soil volumes and detention systems.

Note to Applicant: Landscape-related solutions and detention systems should be shown on the plan. The LEED consultant should provide detailed calculations to describe how the various best management practices contributed to the quality and quantity targets.

18. Design development to locate, integrate and fully screen parking garage vents in a manner which minimizes their impact on the architectural expression and the project's open space and public realm.
19. Provision of new street trees adjacent to the development site, where applicable.

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*".

20. Provision of high efficiency irrigation for all planted areas and hose bibs for all patios and common areas greater than 100 sq. ft.

Note to Applicant: Hose bibs are requested to encourage patio gardening and hand watering in amenity decks. Any limitations to the installation of hose bibs on private decks should be brought to the attention of staff in the written response.

21. A Landscape Lighting Plan to be provided for security purposes.

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

Sustainability

22. 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.

23. Any new building in the development will meet the requirements of the preceding *Green Buildings Policy for Rezoning*s (as amended up to January 14, 2016), 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.

24. In lieu of the requirements outlined in Condition 23, the applicant may choose to meet the requirements of the *Green Buildings Policy for Rezoning*s amended 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>.

Engineering

25. 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 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.
26. 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.
27. 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.

28. Delete the private patios, gates and privacy screen shown within the building line area to be dedicated.
29. A crossing application is required and design approval of the crossing is required prior-to development permit issuance.

Note to Applicant: Show standard concrete crossing from curb to new property line.
30. Deletion of the proposed landscape in the front boulevard on Oak Street and 70th Avenue.
31. Provision of a minimum 1 ft. setback between the edge of first stair riser and the statutory right-of-way (SRW) on Oak Street.
32. Provide automatic door openers on the doors providing access to the bicycle room and note on drawings.
33. 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.
34. Provision of bike racks to be installed entirely on private property.

Housing

35. Provide a completed Tenant Relocation Application Form which includes a list outlining the name of each tenant, the number of the tenant's unit, the size of unit, the type of unit, and their rent, as per Section 6.1(a) of the Tenant Relocation and Protection Guidelines.

Note to Applicant: An updated list of tenants must be submitted at the time of development permit application.
36. Provide a letter stating the property address and legal description of the site, and providing the names and mailing addresses of all tenants.
37. Provide a notarized declaration, prior to issuance of a development permit which demonstrates that each tenant has been given written notice of the intent to redevelop the property; that indicates the number of units occupied on the date of the notice; includes information on posting of notice regarding the intent to redevelop as per Section 6.1(c); and includes copies of a letter addressed to each tenant summarizing the Tenant Relocation Plan offer and signed as received by each tenant.
38. Provide a final Tenant Relocation Report to be submitted prior to issuance of the occupancy permit which outlines the names of tenants; indicates the outcome of their search for alternate accommodation;

summarizes the total monetary value given to each tenant (moving costs, rent, any other compensation); and includes a summary of all communication provided to the tenants.

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:

1. Consolidation of Lots 15 and 16, Both Except the East 7 Feet Now Road, of Lot 33, Block B, District Lots 319, 323 and 324, Plan 1685 to create a single parcel and subdivision of that site to result in:
 - (i) the dedication of the southerly 17 ft. (the building line area) for road purposes; and
 - (ii) the dedication of a 11.5 ft. x 11.5 ft. corner-cut truncation in the ultimate southeast corner of the site for road purposes.

Note to Applicant: A subdivision plan and application to the Subdivision and Strata Group is required.

2. Provision of a surface statutory right-of-way (SRW) for public pedestrian use over an area measured 2.2 m wide adjacent to the east property line.

Note to Applicant: Please delete what appears to be a planter encroaching into the 2.2 m width.

3. Release of Easement & Indemnity Agreement 331868M (commercial crossing) prior to building occupancy.

Note to Applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition.

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 projected 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) Separate and upgrade the sewers on Oak Street from the manhole in line with the north property line to the separated manholes south of 70th Avenue, approximately 85 m. Final pipe sizes and locations are to be determined through the detailed civil design process.
- (iii) 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 BC 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.

- (iv) 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.

- (v) Provision of upgraded street lighting on 70th Avenue and Oak Street to current standards including a review of the existing lighting to determine its adequacy and a lighting design as required.
- (vi) Provision of upgraded lighting for the signal at Oak Street and 70th Avenue (LED lighting is to be provided for all 4 corners of the intersection).
- (vii) Provision of sod grass within the 17 ft. road dedication on 70th Avenue with a minimum 2 to 3% crossfall between the new building line and the top of the curb on the north side of 70th Avenue and deletion of the proposed second row of trees, landscape, and basalt blocks.

Note that an existing mature tree is recommended for retention within the new road dedication on 70th Avenue. Further evaluation of the tree, existing grade of the tree and surrounding lands will be needed to be determined final acceptance.

- (viii) 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 70th Avenue with some adjustment around the existing tree.
- (ix) Provision of a 2.44 m (8 ft.) CIP light broom-finish sidewalk with saw-cut joints and a minimum 1.83 m (6 ft.) wide sod grass front boulevard on Oak Street.
- (x) Provision of new curb ramps and curb return at the northwest corner of Oak Street and 70th Avenue.
- (xi) Provision of a bus shelter on Oak Street adjacent to the site. Shelters are supplied and installed by the City of Vancouver street furniture contractor with the foundation and any electric connections and drainage provided for by the applicant.

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 for-profit affordable rental housing units pursuant to Section 3.1A of the Vancouver Development Cost Levy By-law for the longer of 60 years or 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 rents 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	8599 Oak Street Proposed Average Starting Rents
1-bedroom	\$1,843
2-bedroom	\$2,293
3-bedroom	\$2,866

- (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.
- (vii) Compliance with the City-approved Tenant Relocation Plan, including provision of a final Tenant Relocation Report prior to issuance of the occupancy permit.
- (viii) Such other terms and conditions as the General Manager of Arts Culture and 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 this site constructed pursuant to this rezoning until separate Certificates of Compliance satisfactory to the City for the onsite and off-site contamination, issued by the Ministry of Environment, have been issued 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, if Council approves in principle this rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated April 3, 2018, entitled "CD-1 Rezoning: 8599 Oak Street", 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 property owner and their mortgagee(s) and prior to enactment of the CD-1 By-law contemplated by this report.
- C. THAT 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 any expenditure of funds or incurring of 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 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 – 8599 Oak St]