

## SUMMARY AND RECOMMENDATION

**2. REZONING: 8444-8480 Oak Street**

**Summary:** To rezone 8444-8480 Oak Street from RT-2 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of a six-storey residential building containing a total of 40 market residential units. A height of 21.3 m (70 ft.) and a floor space ratio (FSR) of 2.50 are proposed.

**Applicant:** AVR P 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 AVR P Architecture Inc., on behalf of Shinbound Holdings Inc., the registered owner, to rezone 8444-8480 Oak Street [*Lots K-N, Except the East 10 Feet and the West 7 Feet, Now Highways of Lot 32, Block B, District Lots 319, 323 and 324, Plan 2010; PIDs: 014-110-342, 007-461-861, 014-110- 555, 014-110-571, respectively*], from RT-2 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.75 to 2.50 and to increase the height from 9.2 m (30 ft.) to 21.3 m (70 ft.), to permit the development of a six-storey residential building containing a total of 40 market residential units, generally as presented in Appendix A of the Policy Report dated May 1, 2018, entitled "CD-1 Rezoning: 8444-8480 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 AVR P Architecture Inc., on behalf of Shinbound Holdings Inc. and stamped "Received Planning & Development Services, September 15, 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 the approval of 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 minimize the undercut on the north, south, and east sides of the building to improve the daylight of the ground floor units.

Note to Applicant: This may also contribute to more ground-oriented units with direct access to the street, lane, and mid-block pedestrian walkway.

2. Design development to reduce the apparent massing resulting from the corner enclosed balconies.

Note to Applicant: The building width is 107 ft., which is slightly longer than the building width suggested in the Plan. This refinement will ensure no greater increase in building width and bulk as viewed from the street.

3. Design development to increase the outdoor amenity space on the roof deck.

Note to Applicant: An increase is sought by providing an approximately 1,000 sq. ft. roof deck outdoor amenity space. The intent is to provide overall outdoor amenity space no less than 1,400 sq. ft. This can be achieved in one or more locations. This condition may result in a reduction of the private patio areas or mechanical area on the roof.

4. Design development to improve the identity and distinctiveness of the main entrance of the building.

Note to Applicant: The intent is to create an inviting residential entrance and contribute to pedestrian visual interest and interaction. It may be achieved by reducing the notch depth at the entrance door and developing distinguished architectural expression for the entrance canopy.

5. Design development to the landscaping, planter, and retaining wall of the site edges to ensure a pedestrian-friendly interface at the street, lane, and mid-block pedestrian connection.

Note to Applicant: Avoid excessive height of retaining wall and provide an outboard landscape to reduce the exposure of the retaining wall. Explore solutions to limit the height of the retaining wall of the planters while accommodating proposed trees above the parkade structure.

6. Design development to orient primary living spaces to face the street or lane to be better compliant with the HAD requirement.

7. Design development to coordinate the two halves of the mid-block connection should be included in the Development Permit drawings.

8. The proposed unit mix, including 19 one-bedroom units (47%), 12 two-bedroom units (30%), and nine three-bedroom units (23%), is to be included in the Development Permit drawings.

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.

9. Submission of a bird-friendly strategy for the design of the building is encouraged in the application for a development permit.

Note to Applicant: Refer to the *Bird-Friendly Design Guidelines* for examples of built features that may be applicable. For more information, see the guidelines at

<http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>.

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

10. 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**

11. Integration of grades, retaining walls, walkways and structural design with the architecture to ensure adequate soil volumes.

Note to Applicant: Soil depths should exceed BCLNA Landscape Standard. To avoid raised planters above grade, at the perimeter of the building angle the corner of the underground slab downward (1 m across and 1.2 m down) to maximize contiguous soil volumes. Wherever possible, planted landscapes on slab should be designed to maximize soil depths.

12. Resolution of the conflict with the proposed development and tree #OS01.

Note to Applicant: The submitted arborist report defers certainty in regard to the offsite neighbour tree. It is located very near to the property line and excavation line. It will be very challenging to retain the tree without design development to accommodate the roots and canopy setbacks. Tree removal may be considered with a written neighbour consent letter. In the event the neighbour's consent cannot be given, design development must occur to retain the tree in a safe and responsible manner. Further comments may be outstanding.

13. 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.

14. Provision of a detailed Landscape Plan illustrating soft and hard landscaping.

Note to Applicant: The plans should be at 1/8":1' scale minimum. The Plant list should include the common and botanical name, size, and quantity of all existing/proposed plant material. Plant material should be clearly illustrated on the Plan and keyed to the Plant List. The landscape plan should include the public realm treatment (to the curb) and all existing or proposed street trees, adjoining walkways, surface materials, PMT/Vista transformers and public utilities such as lamp posts, hydro poles, fire hydrants.

15. Provision of detailed architectural and landscape cross sections (minimum 1/4 in. 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 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.

17. 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 architect's version should change its title label to differentiate it from the arborist tree plan.

18. 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.

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

Note to Applicant: Street trees are 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 6 cm caliper, and installed with approved root barriers, tree guards, and appropriate soil. Root barriers shall be 8 feet long and 18 inches in depth. 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 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. Provision of an outdoor Lighting Plan.

Note to Applicant: Consider CPTED principles and avoid any lighting that can cause glare to residential uses.

## **Sustainability**

22. All new buildings in the development will meet the requirements of the *Green Buildings Policy for Rezonings* (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>

Note to Applicant: The applicant will be required to demonstrate that 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 bulletin *Green Buildings Policy for Rezonings – Process and Requirements* (amended April 28, 2017 or later).

23. 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.

## **Engineering**

24. 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.
25. 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.
26. 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.
27. The drawings have measured the Oak Street Statutory Right-of-Way (SRW) from the front of the curb (street side), this dimension must be accurately measured from the back of curb (site side) and clearly indicated on the plans with the building setback adjusted accordingly.
28. Correctly label and dimension the 4.27 m SRW line. The dimension labeling and location of the SRW are incorrectly stated.
29. Provide automatic door openers on the doors providing access to the bicycle room and note on drawings.
30. 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.

31. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown without reliance of the lane for extended bin storage. If this cannot be confirmed then an on-site garbage bin staging area is to be provided adjacent the lane
32. Please place the following statements 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.* *"Installation of parking regulatory signage on Oak Street adjacent the site to the satisfaction of the General Manager of Engineering Services."*
33. 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.
34. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:
  - (i) Number, dimension and label all parking spaces.
  - (ii) Dimension overall distance of parking spaces located adjacent to walls to confirm that the additional width is provided.
  - (iii) Provision of columns, column dimensions, and column setbacks to be shown on the drawings.
  - (iv) Provision of 6.6 m (21 ft. 8 in.) wide maneuvering aisles. Dimensions to be shown on drawings.
  - (v) Provision of additional information on the drawings showing dimensions and vertical clearance for the overhead security gate.
  - (vi) 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.
  - (vii) Provision of design elevations on both sides of the parking ramp at all breakpoints and at all entrances clearly showing the entries meet City building grades.

- (viii) Additional design elevations are required to confirm the slope and crossfall within the parking levels do not exceed the requirements. Slope and crossfall to be shown on the drawings.
- (ix) 2.3 m of vertical clearance is required for access and maneuvering to all disability spaces and must be noted on the drawings.
- (x) Dimension the access aisle width in the bicycle storage rooms.
- (xi) Dimension the size of the bicycle spaces.

## **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, Sustainability and Urban Design, 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 K, L, M and N, all Except the West 7 Feet and the East 10 Feet, Now Highways, of Lot 32, Block B, District Lots 319, 323 and 324, Plan 2010 to create a single parcel.
2. Provision of a building setback and a surface Statutory Right-of-Way (SRW) on Oak Street adjacent the site to achieve a 4.27 m (14 ft.) distance from the back of the existing City curb to the building face. The SRW will be free of any encumbrance at grade such as structure, stairs, door swing, parkade vents, walls etc. but the SRW will accommodate portions of P1 & P2 parking within the agreement.
3. Provision of a 3.66 m (12 ft.) wide Statutory Right-of-Way (SRW) adjacent the north end of the site for a mid-block pedestrian connection between Oak Street and the lane.
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) Provision of upgraded sewers as follows:
  - a. Separate 166 metres of 200 mm combined sewer and replace with 300-375 mm storm sewer and 200-250 mm sanitary sewer on Oak Street from manhole adjacent site (MH-FJCL8W) to West 70th Avenue.
  - b. Separate 100 metres of combined sewer to 900 mm storm and 300 mm sanitary sewer on West 70th Avenue from Oak Street to Shaughnessy Street.
  - c. The sewer upgrading costs borne by this project may be reduced should benefiting nearby development proceed concurrently with this project with the said reduction to be determined at the sole discretion of the General Manager of Engineering Services.
  - d. In addition the post-development flow rate discharged to the sewer shall be no greater than the 10 year pre-development flow rate.
  - e. The pre-development estimate shall utilize the 2014 IDF curves where-as the post development estimate shall utilize the 2100 IDF curves 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) Relocation or removal of the existing wood pole in the lane that conflicts with parking access. Written confirmation from all utility companies that use the pole including any City services is required. Should the pole relocation result in the need to provide kiosks, cabinets transformers or other electrical infrastructure to accommodate the pole relocation then space on site is to be provided, appropriate legal arrangements will be required should

on-site space be necessary.

- (v) Provision of a new 1.83 m (6 ft.) sod grass front boulevard and 2.44 m (8 ft.) light broom finish saw cut concrete sidewalk on Oak Street adjacent the site.
  - (vi) Provision of a new 1.53 m (5 ft.) light broom finish saw cut concrete sidewalk adjacent the north property line of the site connecting the sidewalk on Oak Street to the lane. The remaining 7 ft. of the SRW is intended for public realm amenities including benches, landscape and pedestrian lighting.
  - (vii) Provision of upgraded street lighting adjacent to the site to current LED standards including a review of the existing lighting to determine its adequacy and a lighting design as required.
  - (viii) Provision of new curb return and improved curb ramps at the southeast corner of Oak Street & 67th Avenue.
  - (ix) Provision of street trees adjacent the site where space permits.
5. 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.

### **Green Infrastructure**

6. Provision of a Rainwater Management Plan (RMP) that details how the rainwater management system meets the Citywide Integrated Rainwater Management Plan (IRMP) requirements for retention, cleaning and safe conveyance, prepared by a subject matter expert (Engineer), subject to review, which will address the following:
- (i) In this instance of a zero lot line design, staff will consider:

- a. The first 24 mm of rainfall within 24 hours as a retention volume for runoff reduction instead of infiltration volume;
  - b. Retention can be achieved through rainwater reuse, in green roofs and planter boxes, or slow release detention such as lined permeable pavement systems; and
  - c. The second 24 mm of rainfall within 24 hours as a water quality volume to be treated.
- (ii) Staff do not accept the principle that distinct site areas that have large infiltration and/or storage capacity in some way compensate for those areas of the site that are impervious, without the first and second 24 mm of runoff being directed towards these absorbent areas, and this being clearly demonstrated. The subsequent safe conveyance of rainfall surpassing 48 mm in 24 hours will also need to be demonstrated.
- a. The drawings indicate that much of the growing medium is above the level of adjacent paving. In such cases staff do not accept that these elevated growing medium volumes contribute to the storage and/or treatment of rainwater that has been directed towards these areas from adjacent surfaces.
  - b. The drawings do not show the bioswales that are proposed as a water treatment feature along the north perimeter of the site. The applicant must clearly demonstrate that any treatment facility/bioswale in this location will not affect neighbouring buildings.
- (iii) Submit a plan illustrating how rainfall is directed from impermeable surfaces into planted or other storage/treatment areas.
- (iv) Provide outline area/volume calculations to support the overall rainwater management strategy. Include the area measurement for all pervious/impervious areas and demonstrate that each of the receiving infiltration/treatment areas can accommodate the proposed runoff volumes without being inundated.
- (v) Vegetated areas on slab, while not infiltration, will be considered as rainwater retention/runoff reduction and water quality practices.
- a. Planters designed as flow-through planters can be used to meet the treatment volume requirement.
  - b. Consider increasing the depth of soil throughout planted areas and shallow ponding depth within the planted areas as part of the calculations.

- (vi) The building/public realm should be designed to show leadership in the City's commitment to Green Building systems including an integrative approach to rainwater management to minimize potable water use and encourage the use of alternative water sources in areas such as toilet flushing and irrigation.

Note to Applicant: The applicant will enter into such legal agreements with the City, on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services, to ensure on-going operations of certain stormwater storage, rainwater management and green infrastructure systems.

### **Sustainability**

- 7. The applicant will enter into an agreement with the City, on terms and conditions acceptable to the Director of Sustainability and the Director of Legal Services, that requires the future owner of the building to report energy use data, on an aggregated basis, for the building as a whole and certain common areas and building systems. Such an agreement will further provide for the hiring of a qualified service provider to assist the building owner for a minimum of three years in collecting and submitting energy use data to the City.

### **Environmental Contamination**

- 8. 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 on-site and off-site contamination, issued by the Ministry of Environment, have been issued to the City.

### **Community Amenity Contribution (CAC)**

9. Pay to the City a Community Amenity Contribution of \$1,573,759 which the applicant has offered to the City. Payment is to be made prior to enactment of the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services. The \$1,573,759 is to be allocated as follows:
- (i) \$786,879 (50%) to the Affordable Housing Reserve to increase the City's affordable housing supply in and around the Marpole area;
  - (ii) \$708,192 (45%) toward childcare and community facilities in and around the Marpole area;
  - (iii) \$78,688 (5%) to the Heritage Conservation Reserve to enable heritage conservation in the City of Vancouver.

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 A 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 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 – 8444-8480 Oak Street]**