

SUMMARY AND RECOMMENDATION

5. REZONING: 1304 Hornby Street

Summary: To rezone 1304 Hornby Street from DD (Downtown) District to CD-1 (Comprehensive Development) District, to increase the density from 5.00 to 12.44 FSR to permit construction of a 31-storey residential building with commercial uses at grade.

Applicant: Farouk Babul, Concert Properties Ltd.

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 Concert Properties Ltd., to rezone 1304 Hornby Street (Lot 1, Amended Lots 2 and 3, and Lot 4, Block 111, DL 541, Plan 210, PID: 007-735-561, 007-735-596, 007-735-634, 007-735-651) from DD (Downtown) District to CD-1 (Comprehensive Development) District, to increase the density from 5.00 to 12.44 FSR to permit construction of a 31-storey residential building with commercial uses at grade, generally as presented in Appendix A, to the Policy Report, "*CD-1 Rezoning - 1304 Hornby Street*", dated September 1, 2010, be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Bingham + Hill Architects, and stamped "Received City Planning Department, February 2, 2010", 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 shadow boxes to enhance and strengthen their overall architectural expression;

Note to applicant: Design development should consider increasing the size of the shadow boxes along with further color refinements; consider roof level refinement including giving consideration to enhancement of translucent shroud and making the green roof plate horizontal;

2. design development to improve livability of the dwelling units to provide usable private outdoor space;

Note to applicant: Balcony dimensions should be increased to accommodate some outdoor seating.

3. consideration should be given to relocating the amenity space from the main floor to the second floor or to the roof in conjunction with green roof treatments;
4. design development to extend the commercial uses fronting Drake Street to the corner;
5. design development to the proposed exterior building materials and detailing to confirm the overall building character;

Note to applicant: Provision of detail sections and elevations (1/2" = 1'-0) of the building and public realm interface is required.

6. identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Silver equivalency, including at least three optimize energy performance points, one water efficiency point, and one storm water point;

Note to Applicant: Provide a LEED® checklist confirming LEED® Silver equivalency and a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development. Both the checklist and description should be incorporated into the drawing set. Pursuit of LEED® Gold rather than Silver is encouraged.

Crime Prevention Through Environmental Design (CPTED)

7. design development to consider the principles of CPTED having particular regard for reducing opportunities for theft in the underground parking;

Landscape

8. provision of urban agriculture garden plots in some of the planters on the second floor;

Note to applicant: The garden plots should be considered as one of the programmed uses of the common amenity deck and should be integrated into the overall landscape design. See the Urban Agriculture Guidelines.

9. reduction in the height of the 3.1 m (10 ft.) high green wall proposed for the lane edge parapet of the second floor terrace, in order to allow more light into the space;
10. provision of a sidewalk public realm treatment with details for tree grates, pavement stamping, scoring lines and other details consistent with the Downtown South Design Guidelines;

11. provision at the time of development permit application of a full Landscape Plan;

Note to applicant: The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, fences, 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. All proposed planters, including the lane edge planter, the fourth floor patio planters and the front entrance planters, should be included. The Landscape Plan should be a minimum 1:100 or 1/8" scale.

12. provision at the time of full development permit application of large scale sections (1/4"=1' or 1:50) illustrating the planters on the 2nd floor terrace and the lane edge planter. Elevation drawings of the entrance planters should also be provided;

Engineering

13. provision of a detailed turning swath for access to the parkade ramp from the lane to ensure vehicles do not conflict with the card reader location or relocation of the car reader to allow for improved access;

Note to Applicant: the reader and vehicle must be on a maximum 10% grade.

14. provision of a direct connection from the commercial loading space to all retail units;

15. provision of an improved connection/route from the residential loading space to the residential lobby;

16. provision of a parking ramp slope not to exceed 10% for the first 6.1 m (20 ft.) from the property line;

Note to Applicant: the northerly side of the ramp (el. 91.92') calculates at 11.2%. Also see #13 above.

17. clearly indicate the provision of bicycle lockers and duplex receptacles for each two Class A bicycle spaces as per the Parking By-law; and

18. provision of wheel ramps on staircases which provide egress for cyclists.

Note to Applicant: the nine riser stairs leading from the elevator lobby to the parkade exit corridor to the lane should have a wheel ramp.

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 Director of Planning, the Managing Director of Social Development, the General Manager of Engineering Services, the Managing Director of Cultural Services and 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 1, amended lots 2 and 3, and lot 4 is required;
2. release of Easement & indemnity Agreement 205416M (crossing agreement) prior to issuance of building occupancy is required;
3. undergrounding of all new utility services from the closest existing suitable service point. 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;
4. 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 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;
5. upgrading of the sanitary sewers to serve the development (in the lane south of Hornby Street, the lane north of Beach Avenue, and in Hornby Street);

Note to Applicant: The existing sewers are at capacity and must be upgraded to handle the flows from this development.

6. arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for provision of a public bench and bicycle racks to be located adjacent the site, including any adjustments to the sidewalks to accommodate the bench and bicycle rack installation. Maintenance of the bench and bicycle is to be provided by the building owners through a legal agreement;
7. provision of a standard concrete lane entry at the Drake Street entry to the lane;
8. provision of Downtown South sidewalk treatments adjacent the site;
9. make arrangements for:
 - i) the provision, operation, and maintenance of shared vehicles and the provision and maintenance of parking spaces for use exclusively by such shared vehicles, with such parking spaces to be in addition to the minimum parking spaces required by the Parking By-law;

- ii) a professional shared vehicle organization satisfactory to the Director of Planning and General Manager of Engineering Services to manage the shared vehicles;
- iii) the registration against the title to the development, with such priority as the Director of Legal Services may require, and in form and substance satisfactory to the Director of Legal Services, of a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, providing that the shared vehicle spaces in the development must be accessible to members of the car sharing organization who do not reside in the development; and
- iv) the provision of, prior to issuance of any development permit, details on arrangements that will allow members of the shared vehicle organization access to the car share parking spaces;

at the rate of 0.01 shared vehicles and shared vehicle parking spaces per dwelling unit in each development application and any number equal to or greater than 0.5 is to count as one shared vehicle and one shared vehicle parking space;

Heritage Density Transfer

10. that the owner secure the purchase and transfer of 8 292.5 m² (89,260 sq. ft.) of heritage density (which has a value of \$6,131,680) from a suitable donor site;

Note to applicant: Given the stipulated value that the City attributes to the creation of new transferable bonus density, currently \$65.00 per buildable sq. ft. as of this date, the City recognizes that the Owner may negotiate its best price to secure the required density at a lower cost, but in no event shall the City recognize the value of the density above \$65.00 per buildable sq. ft. unless bona fide market conditions demonstrate transactional evidence to the contrary).

Note to applicant: "Letter B" in the City's standard format is to be completed by both the owner of the subject site, also referred to as the "receiver" site, and the owner of the "donor" site, and submitted to the City together with receipt(s) of heritage density purchase, including the amount, sale price, and total cost of the heritage density.

Community Amenity Contribution (CAC)

11. deliver prior to enactment of the rezoning by-law the Community Amenity Contribution of \$1,500,000 which the developer has offered to the City, to be allocated as follows:
 - \$1,265,000 to advance public realm and greenway improvements in the vicinity; and
 - \$235,000 to capital repairs to Quayside and Dorothy Lam childcare centres; and

Public Art

12. provide public art according to the provisions of the Public Art Policies and Guidelines.

Note: 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 sites 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-laws. 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 the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B to the Sign By-law [assigned Schedule "B" (DD)], generally as set out in Appendix C, to the Policy Report "*CD-1 Rezoning - 1304 Hornby Street*", dated September 1, 2010, be approved;
- C. THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law following approval and enactment of the CD-1 By-law to include this CD-1 in Schedule A, generally as set out in Appendix C, to the Policy Report "*CD-1 Rezoning - 1304 Hornby Street*", dated September 1, 2010, be approved;
- D. THAT Recommendations A through C be adopted on the following conditions:
 - i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; 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 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. - 1304 Hornby Street)