

SUMMARY AND RECOMMENDATION

5. REZONING: 1396 Richards Street

Summary: To rezone 1396 Richards Street from DD (Downtown) District to a CD-1 (Comprehensive Development) District. The proposal is for a 42-storey mixed-use building with 269 residential units, of which up to 130 would be rental units, and a 37-space childcare facility. A height of 127.4 m (418 ft.), a floor space ratio (FSR) of 8.87, a residential floor area of 24,543 m² (264,192 sq. ft.), and a retail floor area of 163 m² (1,753 sq. ft.) are proposed.

Applicant: Alan Boniface, DIALOG

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 Richards Street Management Corp. (Onni Group) to rezone 1396 Richards Street [*PID: 006-070-914, Lot C, Block 115, District Lot 541, Plan 5210*] from DD (Downtown) District to a CD-1 (Comprehensive Development) District, to increase the floor area from 5.0 to 8.87 to allow for a 42-storey residential tower with a nine-storey podium containing up to 130 secured market rental units with retail use and a 37-space childcare facility at grade, generally as presented in Appendix A of the Policy Report dated May 6, 2013, entitled “CD-1 Rezoning - 1396 Richards Street”, 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 DIALOG, and stamped “Received City Planning Department, August 23, 2012”, 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:

Urban Design

1. Design development to reduce the overall height and scale of the podium to better reflect the streetwall scale and massing anticipated within the Downtown South Guidelines by:
 - (a) a reduction in the overall podium height to a maximum height of 25.5 m (84 ft.);
 - (b) an emphasis of the streetwall massing cornice line (level 7) to a maximum height of 22.1 m (72.67 ft.);
 - (c) provision of 3.7 (12 ft.) setback for level 9 (amenity) measured from the Richard Street facing façade of level 8; and

(d) a reduction in overall length of level 9 massing (amenity) to a maximum length of 50 % of the Richards Street podium frontage.

2. Design development to improve the podium massing to better transition between the proposed building and the adjacent property to the north.

Note to applicant: This can be achieved by terracing levels 7 and 8 to better respond to the scale of the adjacent podium. A minimum of a 3.1 m (10 ft.) setback at level 7 and a 6.1 m (20 ft.) setback at level 8, measured from the shared property line should be provided.

3. Design development to the upper portion of the building to further refine and enhance its architectural contribution to the city skyline and the public view cone.

Note to applicant: Service equipment including window washing infrastructure and cellular tower and antennae elements are not supportable incursions into the public view cone.

4. Design development to provide variety and interest to the architectural expression of the tower and podium building with high quality durable materials that will contribute to the character and quality of the area.

Note to applicant: A high quality development that establishes a robust, compatible character with the existing neighbourhood fabric is sought. The use of masonry on the street level facades of the mid-rise and podium portions of buildings is strongly encouraged.

5. Design development to provide for a more seamless interface between the Richard's Street public sidewalk and the residential tower entry and lobby.

Note to applicant: This can be achieved by increasing the main floor elevation of the tower residential lobby and eliminating the change of grade and need for stairs.

6. Design development to the ground-oriented storefront, display and weather protection systems to ensure variety and pedestrian interest in the expression of the tenancies along the street frontages.

Note to applicant: Weather protection for commercial and cultural amenity frontages and primary residential entrances should be provided.

7. Design development to the balconies within the podium overlooking the children's play area to minimize opportunities of elements falling.

Note to applicant: This can be achieved by providing high guards and railings that do not support the placement of objects.

8. Design development to minimize the visual impact of exposed mechanical vents.

Note to applicant: Mechanical vents should not be located within the public realm setback along Richards or Pacific Street.

Crime Prevention Through Environmental Design (CPTED)

9. Design development to respond to CPTED principles, having particular regards for:
 - (a) theft in the underground parking;
 - (b) residential break and enter;
 - (c) mail theft; and
 - (d) mischief in alcove and vandalism, such as graffiti.

Sustainability

10. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold, including a minimum of 63 points in the LEED® rating system, and, specifically, a minimum of 6 points under Optimize Energy Performance.

Note to applicant: Provide a LEED® checklist confirming the above and a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development, and notation of the features on the plans and elevations. The checklist and description should be incorporated into the drawing set. Confirmation of LEED® registration of the project is also required under the policy.

Landscape

11. Design development to improve accessibility to the corner plaza at Richards Street and Pacific Boulevard. The grade of the plaza should be raised to the level of the adjacent public sidewalk in order to create a seamless transition across the property line between the public realm sidewalk and the plaza.

Note to applicant: The plaza should meet the building grades along Richard and will need to angle downwards to meet the sloping grade of the Pacific Boulevard sidewalk.

12. Provision of additional visual amenity and interest to the corner plaza through the provision of seating and additional low shrub planting.
13. Provision of access for all condominium residents to the 10th floor amenity patio located adjacent to the urban agriculture plots.
14. Provision of adequate solid volumes for all trees planted on slab, in order to ensure good health and longevity. Recommended soil depth for medium to large trees is between 36 and 48 inches.

Note to applicant: The two tree planters located at the pond edge along Richards Street may need to be enlarged in order for the trees to survive.

15. Provision of a new public realm along Richards Street and along Pacific Boulevard. The Richards Street public realm should match the Downtown South Design Guidelines. Details of the public realm must be to the approval of the General Manager of Engineering. Consideration should be given to removing the

concrete from the sidewalk bulge on Richards Street and providing a low planting of mixed shrubs.

Note to Applicant: Contact Eileen Curran, Streets Engineering (604.871.6131) to confirm tree planting locations and public realm details and the Park Board (604.257.8587) for tree species selection and planting requirements.

16. Provide large scale sections ($\frac{1}{4}''=1'$) through illustrating the soil depths for the planters on the amenity decks, the children's play area, the tower roof deck and the lane edge planters.
17. Design development to locate, integrate, and fully screen any lane edge emergency generators, transformers, gas meters and any parking garage vents in a manner which minimizes their impact on the architectural expression and the building's open space and public realm.
18. Provide a detailed Landscape Plan, at the time of full development permit of the street level, the 8th floor, the 9th floor, the 10th floor and the 43rd floor decks. The Landscape Plan should illustrate proposed plant materials (common and botanical names), sizes and quantities; notation of existing trees (to be removed or retained); paving, walls, fences, light fixtures and other landscape elements; and site grading. Proposed plant material should be clearly illustrated on the Landscape Plan. The Landscape Plan should be at 1:100 ($\frac{1}{8}'' = 1'-0''$) minimum scale.

Housing

19. Design development to ensure that a minimum of 25 percent of the proposed rental units be designed to be suitable for families with children, including some three bedroom rental units.

Childcare

20. Design development to address safety issues posed by balconies located directly above the childcare outdoor play area.

Note to applicant: The balconies proposed for the façade located above the outdoor playground pose a potential hazard resulting from objects falling into the outdoor play area. Consider design development to provide for protection from objects falling from the balconies while recognizing the requirement of Community Care Facilities Licensing (CCFL) and the City's Childcare Design Guidelines for a majority of the outdoor space to remain uncovered.

21. Design development to ensure that the childcare is licensable by CCFL and meet the intent of the City's Childcare Design Guidelines and Childcare Technical Guidelines.

Note to applicant: The Guidelines call for a gross indoor area of between 401 m^2 and 429 m^2 (4,316 and 4,618 sq. ft.) and between 390.2 m^2 and 520.2 m^2 (4,200 and 5,600 sq. ft.) of outdoor area. This proposed facility is approximately 520.2 m^2 (5,600 sq. ft.) for the gross indoor area and 401.3 m^2 (4,320 sq. ft.) of outdoor area. Design development is required to ensure that the indoor and outdoor spaces are designed to maximize opportunities for

healthy child development while ensuring a financially sustainable facility for the non-profit operator.

Sunlight on outdoor play areas must comply with the intent of the City's Childcare Design Guidelines. The Guidelines state that sunlight should penetrate into the outdoor area for a minimum of three hours per day at the winter solstice, two hours of which should occur during the typical playtimes of 9:30 to 11:30 am or 1:30 to 4:00 pm.

The proposed location of the exit stairs is in the middle of the childcare space. The location of the stairway must not impede supervision of the childcare's program areas, which require clear sight lines.

Engineering

22. 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:

- Provision of a second Class B loading space as required by the Parking By-Law.
- Provision of wheel ramps on the main tower stair for ease of egress by bicyclists.
- Provision of truck turning swaths which demonstrate the ability of an MSU design vehicle to drive into the residential drop-off and to back into the proposed Class B loading space.
- Provision of all bicycle storage to be on the P1 parking level.
- Confirm the provision of a rollover or barrier free access on the southerly edge of the residential drop-off to enable trucks to easily access the Class B loading space.
- Modify the location of the Class B loading space or the structural elements shown within this space to ensure its functionality.

Note to Applicant: the current level 1 plan appears to show a large structural column within the loading space.

- Relocate residential disability parking spaces into the secured residential parking area to the satisfaction of the GMES.

Note to applicant: These are primarily intended for residents as per the Parking By-Law, thus the majority should be located behind the residential security gate.

23. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown.

Note to applicant: With the exception of waste from the childcare facility, pick up operations should not rely on bins being stored on the street or lane for pick up. Bins are to be returned to storage areas immediately after emptying. Provision of an on-site alcove or storage area for childcare waste adjacent the lane may offer a solution that avoids on lane storage of the bins.

24. Provision of additional Class B bicycle facilities (bike racks) adjacent the daycare and commercial entries.
25. Show Downtown South sidewalk treatments along the Richards Street frontage of the site (leaf pattern and specialty tree surrounds).

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. Subdivision of the site to result in the dedication of the south 0.4 metres of the site plus an additional 3.5 metre by 3.5 metre corner-cut truncation in the southwest corner of the site, both for road purposes.

Note to applicant: Delete all building structures above and below grade from the dedication areas.

2. Provision of on-site space to accommodate a Public Bike Share Station (PBS). The proposed PBS is to be a minimum of 14.0 m x 3.6 m in dimension and should be located such that it is directly accessible to PBS users and is generally graded at five percent crossfall and three percent slope. The location is to have good access to sunlight (units may be solar powered) and should also have electrical power readily available should it be necessary for the operation of the PBS.
3. Provision of a statutory right of way to allow the public access to and from the PBS station and for the development site to supply power for the PBS should it be necessary.
4. Release of Easement & Indemnity Agreements N77482 (for current building encroachments) and 159357M (for commercial crossings).

Note to applicant: A simple letter of commitment is required for rezoning enactment with full discharge prior to issuance of the buildings occupancy permit.

5. Provision of a Services Agreement to detail the on 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.

- (a) Modify the existing curb alignment on Richards Street for the entire length of the site and on Pacific Street in order to provide an improved pedestrian and cycling environment. Work to include modification/adjustment to all pavement markings on Richards Street and Pacific Street, all affected utility poles, lamp standards and related street features to accommodate any curb or sidewalk adjustments.

Note to applicant: The detailed design of the curb adjustments are to be finalized following local area consultation. Detailed designs are expected to be completed in 2013.

- (b) Provision of countdown timers and audible signals at the intersection of Pacific Street and Richards Street.
 - (c) Provision of standard concrete lane entry and improved curb ramps at the lane east of Richards Street on the north side of Pacific Avenue.
 - (d) Provision of street trees adjacent the site where space permits.
6. 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.

Note to applicant: Consideration to underground the services attached to the existing wood poles on Richards Street between Pacific Street and the north side of Drake Street. The existing wood poles appear to serve only this development site, as a result of the project these services will likely be discontinued and the wood poles would no longer be necessary. Please give strong consideration to removing these wood poles and undergrounding the associated utilities as part of this project.

7. 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 applicant's 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.

Heritage Density Transfer

8. Secure the purchase and transfer of 1,393.5 m² (15,000 sq. ft.) of heritage density (which has a value of \$975,000) 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 square foot 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 square foot 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 prior to enactment together with receipt(s) of heritage density purchase, including the amount, sale price, and total cost of the heritage density.

Housing

9. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services to enter into a Housing Agreement securing up to 130 residential units with a minimum total area of 8,604 m² (92,618 sq. ft.) and related parking and other amenity space, for 60 years or the life of the building, whichever is greater, as rental housing, and subject to the following additional conditions in respect of those units:
 - (a) that all such units will be contained within a separate air space parcel;
 - (b) that such air space parcel may not be subdivided by deposit of a strata plan;
 - (c) that none of such units may be separately sold;
 - (d) that none of such units will be rented for less than one month at a time; and
 - (e) on such other terms and conditions as the Managing Director of Social Development 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.

Childcare Facility

10. Make arrangements to the satisfaction of the Director of Legal Services, in consultation with the Director of Real Estate, Managing Director of Social Development and Director of Facility Planning and Development, for the provision of an Air Space Parcel comprising a fully fit, finished, equipped and supplied, childcare facility of no less than 520 m² (5,600 sq. ft.) of at-grade indoor space with adjacent outdoor space of approximately 401 m² (4,320 sq. ft.), and seven dedicated parking stalls, all to meet the intent of the City of Vancouver Childcare Design Guidelines and Technical Guidelines, as part of the development at 1396 Richards Street. This childcare facility must also be licensable by meeting Childcare Licensing Regulations of Community Care Facilities Licensing.

The agreement between the City and the owner will include an option to purchase the air space parcel in favour of the City, which may be exercised by

the City upon acceptance of the childcare facility by the City in turn-key condition. The City will pay its contribution of \$2,581,116 to the owner upon acceptance of the childcare facility and transfer of the air space parcel to the City.

11. Prior to enactment, provide the City a \$1,174,000 cash contribution, of which \$74,000 shall go to operational start-up costs of the childcare facility, \$550,000 to the Childcare Reserve, and \$550,000 to the Facility Reserve.

Public Art

12. Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Public Art Program Manager (a checklist will be provided).

Note to applicant: Please contact Bryan Newson, Program Manager, 604.871.6002, to discuss your application

Soils Agreement

13. If applicable:
 - (a) Submit a site profile to the Environmental Protection Branch (EPB).
 - (b) As required by the Manager of Environmental Protection 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.
 - (c) If required by the Manager of Environmental Protection 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 Protection, City Engineer 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 a Certificate of Compliance(s) satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

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 of the Policy Report dated May 6, 2013, entitled “CD-1 Rezoning - 1396 Richards Street”, be approved.
- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated May 6, 2013, entitled “CD-1 Rezoning - 1396 Richards Street”.
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law, generally as set out in Appendix C of the Policy Report dated May 6, 2013, entitled “CD-1 Rezoning - 1396 Richards Street”.
- E. THAT Recommendations A through D 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 - 1396 Richards Street]