

SUMMARY AND RECOMMENDATION

3. REZONING: 4099 Cambie Street

Summary: To rezone 4099 Cambie Street from C-2 (Commercial) District to CD-1 (Comprehensive Development) District to permit the development of an eight storey mixed-use building, with commercial uses on the ground floor and a total of 65 dwelling units on floors two to eight. A height of 28.7 m (94 ft.) and a floor space ratio (FSR) of 3.51 are proposed.

Applicant: Yuanheng CKE Station Developments Ltd.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of March 11, 2014.

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 Yuanheng CKE Station Developments Ltd., to rezone 4099 Cambie Street [*PID: 027-575-926; Parcel 1, Block 660, District Lot 526, Group 1 New Westminster District, Plan BCP37294*] from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 2.50 to 3.51 and the height from 13.8 m (45 ft.) to 28.7 m (94 ft.) to permit the development of an eight-storey mixed-use building, with commercial uses on the ground floor and a total of 65 dwelling units on floors two to eight, generally as presented in Appendix A of the Policy Report dated February 21, 2014, entitled "CD-1 Rezoning: 4099 Cambie 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 W. T. Leung Architects Inc., on behalf of Yuanheng CKE Developments Ltd., and stamped "Received City Planning Department, July 9, 2013", provided that the General Manger of Planning and Development Services may allow minor alterations to this form of development when approving the detailed scheme of development at 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 of the west lane elevation to substantially reduce the top of parapet height along the second floor and in particular towards the north end of the site.

Note to Applicant: The bulk and mass of the laneway interface needs to be improved in terms of visual scale, laneway activation, as well as a neighbourly interface towards adjacent sites.

2. Design development of the proposed setbacks from the property line shall remain consistent with the rezoning application submission unless conditions state otherwise.

Note to Applicant: The proposed building setbacks submitted can be considered as a minimum setback but could be increased if warranted by the design development process.

3. Design development to meet the *Cambie Corridor Draft Public Realm Plan* including lane, side yard and front yard treatments.

Note to Applicant: The applicant is encouraged to convene with Planning, Landscape and Engineering staff prior to the preparation of a Development Permit application to ensure technical compliance with the anticipated design intent, including CPTED performance, and with a design focus on hardscape, softscape, design elements, lighting, stormwater management, wayfinding and public art/interpretive opportunities.

4. Design development to create open spaces suitable for children's play, located adjacent to common amenity rooms.

Note to Applicant: Amenity areas and open spaces should be arranged to improve the functionality of these common areas for families with children. See the *High-Density Housing for Families with Children Guidelines* for more information.

5. Provision of high quality and durable exterior finishes.

Note to Applicant: The high quality of finishes proposed at the rezoning phase should be carried forward to the development permit application.

Crime Prevention Through Environmental CPTED

6. Design development to respond to CPTED principles, having particular regards for:
 - (i) theft in the underground parking;
 - (ii) residential break and enter;
 - (iii) mail theft; and
 - (iv) mischief in alcoves and vandalism, such as graffiti.

Sustainability

7. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving

LEED® Gold equivalency, as required by the *Green Buildings Policy for Rezonings*, including a minimum of 63 points in the LEED® rating system, including at least six optimize energy performance points, one water efficiency point, and one storm water point.

Note to Applicant: Provide a LEED® checklist confirming the above; 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. Registration and application for certification of the project are also required under the policy.

8. The building heating and domestic hot water system shall be designed to be easily connectable and compatible with a future District Energy System to supply all heating and domestic hot water requirements. Design provisions related to district energy compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The applicant shall refer to the *District Energy Connectivity Standards* for specific design requirements, which include provisions related to the location of the mechanical room, centralization of mechanical equipment, pumping and control strategy, and other hydronic heating and domestic hot water system minimum requirements. The applicant is encouraged to work closely with Staff to ensure adequate provisions for District Energy compatibility are provided for in the mechanical design. A declaration signed by the registered professional of record certifying that the district energy connectivity requirements have been satisfied will be required as a pre-condition to building permit.

9. Space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat or distributed heat generating equipment including gas fired make-up air heaters.
10. Detailed design of the building HVAC and mechanical heating system must be to the satisfaction of the General Manager of Engineering Services.

Landscape Review

11. Provision of maximized tree growing medium for tree and shrub planters to ensure long term health.

Note to Applicant: Structures such as 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 be better than BCSLA standards.

12. Provision of urban agriculture in the form of edible landscaping and including some areas (planters or plots) suitable for urban agriculture activity. The necessary supporting infrastructure, such as tool storage, hose bibs and a potting bench should be provided. The design should

reference the Urban Agriculture Guidelines for the Private Realm and should maximize sunlight, integrate into the overall design and provide universal access.

13. Submission of a Rainwater Management Plan that utilizes sustainable strategies such as infiltration, retention and reuse of rainwater.

Note to Applicant: Strategies could include high efficiency irrigation, permeable paving, drought tolerant plants and mulching.

14. At time of development permit application:

- (i) Provision of a full Landscape Plan consistent with *Cambie Corridor Draft Public Realm Plan*. 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. The Landscape Plan should be a minimum 1:100 or 1/8" scale.
- (ii) Section details at a minimum scale of 1/4"=1'-0" scale to illustrate typical proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other features. Planter section details must confirm depth of proposed planting on structures is deep enough to accommodate root balls of proposed trees well into the future.
- (iii) 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.

- (iv) 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.

- (v) Design development to locate, integrate and fully screen lane edge gas meters and parking garage vents in a manner which minimizes their impact on the architectural expression and the project's open space and public realm.
- (vi) Provision of a high efficiency irrigation system for all planters, including the upper terrace areas. Hose bibs shall be provided in all private patio that show individual planting pots and small planters. Notations to that effect should be added to the drawings.

Note to applicant: The irrigation system design and installation system shall be in accordance with the Irrigation Industry of B.C. Standards and Guidelines.

- (vii) New proposed street trees should be noted "Final species, quantity and spacing to the approval of City Engineer and Park Board". Contact Eileen Curran (604-871-6131) of Engineering Streets Division regarding street tree spacing and quantity. Contact Cabot Lyford (604-257-8587) of Park Board regarding tree species.
- (viii) Provision of the following notation on the Landscape Plan; "all public realm details to the approval of the General Manager of Engineering."

Engineering

- 15. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown.
- 16. Note to Applicant: 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. Consideration for a rollup door to access the commercial and residential garbage rooms as it appears that the opened doors as drawn will prevent clear access to the storage spaces.
- 17. Bicycle racks proposed for public property require a separate application to the General Manager of Engineering Services.

Note to Applicant: Class B bicycle parking (bike racks) supplied on public property cannot be counted towards the on-site by-law requirement that would apply to this project.

- 18. The proposal to insert exposed aggregate concrete banding into the existing concrete treatments may not be possible, either retention of existing sidewalk treatments or replacement of the entire sidewalks may be required to achieve the Cambie Corridor sidewalk standards.
- 19. Clarify if a new canopy is proposed over the King Edward Avenue property line and if so please submit a canopy application directly to Engineering Services.
- 20. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

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

- (i) Confirmation if the development approval for the transit station includes an obligation to provide on-site space for Handi-Dart use, if so then this function must be incorporated into the development.

- (ii) Clarification of Translink related parking/loading needs such as ticket machine maintenance and other similar transit related uses is required and incorporation of space within the development to accommodate them is required.
- (iii) Provision of internal access from the commercial units to the back of the Class B loading space to ensure that trucks can back into the space and drive out in a forward direction.

Note to Applicant: As designed, the truck must front in and back out.

- (iv) Provision of parking ramp slopes in compliance with the requirements of the Parking and Loading Design Supplement.

Note to Applicant: The drive aisle between grid lines G6 to G8 calculates at 6.5% rather than 5% as noted, and the ramp between grid lines D5/6 and G5/6 calculates at 15.4% rather than the 11.69% as noted. Other ramps are also incorrect.

- (v) Provision of a section drawing through the commercial loading space demonstrating a vertical clearance of 3.5 m (11.5 ft.).
- (vi) Design development for direct and convenient means of access to the Class A bicycle parking rooms on intermediate UG1 through either a ramp or a dedicated elevator to the outside.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the General Manager of Planning and Development Services, the General Manager of Engineering Services and the Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Dedication of the west 1.524 m (5 ft.) of the site for lane purposes.
2. Dedication of the easterly, jogged-out, 3.048 m (10 ft.) wide building line area for road purposes. A subdivision plan and application to the Subdivision and Strata Group is required to achieve both dedication requirements.

Note to Applicant: An amendment to the Vancouver Access Agreement may be required if requested by Translink. The owner may be required to supply any plans for changes to the Vancouver Access Agreement.

3. Release of Easement & Indemnity Agreement 85431M (crossings) 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. Registration of a No-Build Covenant, in favour of the City, that requires the owner to provide confirmation, including confirmation from the South Coast British Columbia Transit Authority (SCBCTA), that:
 - (i) arrangements are in place to secure the bicycle facility; and
 - (ii) SCBCTA has approved the Drawings and Specifications and entered into an Integration Agreement with the owner.

Notes to Applicant:

- (i) Section 219 Covenants BB4022369-70 (in favour of SCBCTA) require the developer to build a retail bike repair facility attached to the station, and must subdivide the development site by way of strata plan or air space plan and convey to the SCBCTA the fee simple title to either the strata lot or air space parcel. Section 219 Covenant BB4022370 is a no-occupancy covenant in favour of SCBCTA that requires the bicycle facility to be provided to SCBCTA prior to occupancy.
 - (ii) The covenants also require approval by SCBCTA of the design and specifications of the Owners Development and require an Integration Agreement between SCBCTA and the owner.
5. Registration of a No-occupancy covenant to ensure that the Right of Way Area, as defined in the SRW and Section 219 Covenant registered as BB4022366-67 (for the operation and maintenance of transit facilities), is reduced to a volumetric statutory right of way plan in accordance with that agreement.

Note to Applicant: BB4022366-67 provides that the owner may request to SCBCTA that the Right of Way Area be reduced to an area depicted by a registrable volumetric plan.

6. 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.
 - (i) Paving of that portion of the site that is to be dedicated as lane (west 5 ft. of the site) and any additional paving and lane re-grading required to integrate the dedication area into the existing lane pavement.

- (ii) Adjustment of the lane/curb returns and curb ramps on the north side of King Edward at the lane west of Cambie to match the dedicated lane width.
 - (iii) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicants' mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.
7. 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) 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. 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 underground services.

Sustainability

8. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a District Energy System, if and when the opportunity is available and in accordance with the City's policy for low carbon district energy, which may include but are not limited to agreements which:
- (i) require buildings on site to connect to a District Energy System through a deferred services agreement, or otherwise, at such time that one becomes available;
 - (ii) grant the operator of the District Energy System access to the building mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling District Energy System connection and operation, on such terms and conditions as may be reasonably required by the Applicant; and
 - (iii) provide for adequate and appropriate space to be utilized for an energy transfer station.

Soils

9. If applicable:
- (i) Submit a site profile to the Environmental Protection Branch (EPB);
 - (ii) 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; and
 - (iii) 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 satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

Heritage Density Transfer

10. Secure the purchase and transfer of 607 m² (6,538 sq. ft.) of heritage density (which has a value of \$425,000) 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, 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(s) of the subject site, also referred to as the receiver site, and the owner of the donor(s) site, and submitted to the City prior to enactment of the CD-1 by-law together with receipt(s) for the heritage density purchase, including the amount, sale price, and total cost of the heritage density.

Community Amenity Contribution (CAC)

11. Pay to the City the Community Amenity Contribution of \$1,575,000 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 \$1,575,000 is to be allocated as follows:

- (i) \$1,000,000 to the Affordable Housing Reserve;

- (ii) \$500,000 to community facilities serving the Cambie Corridor Plan area; and
- (iii) \$75,000 for traffic calming near Emily Carr Elementary.

Note to Applicant: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as Covenants pursuant to Section 219 of the Land Title Act.

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT 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 [assigning Schedule "B" (C-2)], generally as set out in Appendix C of the Policy Report dated February 21, 2014, entitled "CD-1 Rezoning: 4099 Cambie Street", be approved.
- C. THAT, subject to the enactment of the 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 February 21, 2014, entitled "CD-1 Rezoning: 4099 Cambie Street".
- D. THAT Recommendation A to 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 - 4099 Cambie Street)