

SUMMARY AND RECOMMENDATION

5. REZONING: 508 West 28th Avenue and 4439-4461 Cambie Street

Summary: To rezone 508 West 28th Avenue and 4439-4461 Cambie Street from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey residential building with lane-fronting two-storey townhouses, containing a total of 65 dwelling units all over two levels of underground parking. The proposed floor space ratio (FSR) is 2.58 and height is 22.5 m (74 ft.).

Applicant: RDG Management Ltd.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of June 10, 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 RDG Management Ltd., on behalf of 0935280 B.C. Ltd. and Leon Cohen, to rezone 508 West 28th Avenue and 4439-4461 Cambie Street [*Lots 8 to 10, Block 740 District Lot 526 Plan 6539; PIDs 010-865-527, 006-743-897 and 008-254-931 respectively*] from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.70 to 2.58 FSR and the height from 10.6 m (35 ft.) to 22.5 m (74 ft.) to permit the development of a six-storey residential building, as well as lane-fronting two-storey townhouses, containing a total of 65 dwelling units, generally as presented in Appendix A of the Policy Report dated May 29, 2014, entitled "CD-1 Rezoning: 508 West 28th Avenue and 4439-4461 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 RDG Management Ltd. and stamped "Received Planning and Development Services, January 21, 2014", 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:

Design Development

1. Design development to reduce the building massing along 28th Avenue by removing or reducing by a measure of approximately 6 m (20 ft.) that westerly portion of Unit "E1" located on level 3.

Note to Applicant: The above condition will improve the scale and transition along 28th Avenue towards the adjacent existing residential context across the lane.

2. Design development to revise the townhouse massing along the lane to adhere to the following criteria:
 - (a) consolidate the laneway townhouse blocks into a single building with a building length not to exceed 25 m (82 ft.);
 - (b) increase the setback between the townhouse building and the ramp to support access and service of the courtyard space;
 - (c) increase the setback between the townhouse building and the two-storey portion of the main building; and
 - (d) increase the setback between the townhouse building and the property line at the lane in order to provide for enhanced landscape opportunities contributing to the lane environment.
3. Design development to create ground-oriented open spaces suitable for children's play with adjacent common amenity room. Refer to the *High-Density Housing for Families with Children Guidelines* for more information.
4. Provision of high quality and durable exterior finishes proposed in this rezoning submission will be carried forward and remain through the development permit process.
5. 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 submission 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.

Crime Prevention through Environmental Design (CPTED)

6. 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 alcoves and vandalism, such as graffiti.

Sustainability

7. Provision of a Deconstructed Building Material Recycling and Reuse Plan, for demolition of existing buildings on site, to recycle/reuse at least 75% of demolition waste (excluding materials banned from disposal).

Note to Applicant: The Deconstructed Building Material Recycling and Reuse Plan should be provided at the time of development permit application.

8. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving Gold certification under LEED® for Homes Midrise with a minimum of nine energy and atmosphere points in the "EAc1 Optimize Energy" credit, 1 water efficiency point and 1 storm water point or surface water management point

Note to Applicant: Provide a LEED® for Homes Midrise checklist confirming that the project will achieve Gold level and a detailed written description of how the minimum target points will be achieved. Both checklist and description should be incorporated into the drawing set and significant LEED® features detailed on the plans.

9. The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with a future City-designated Neighbourhood Energy System to supply all heating and domestic hot water requirements. Design provisions related to Neighbourhood Energy compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The applicant shall refer to the *Neighbourhood Energy Connectivity Standards - Design Guidelines* for general design requirements related to Neighbourhood Energy compatibility at the building scale. The applicant is also encouraged to work closely with City staff during mechanical design to ensure compatibility with a neighbourhood-scale system. A declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied will be required as a pre-condition to building permit.

10. Building-scale space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat, distributed heat generating equipment, including gas fired make-up air heaters or heat producing fireplaces, unless otherwise approved by the General Manager of Engineering Services;
11. Detailed design of the building HVAC and mechanical heating system must be to the satisfaction of the General Manager of Engineering Services.

Housing Policy

12. That the proposed unit mix including 36 two-bedroom and eight three-bedroom units be included in the Development Permit drawings.

Note to Applicant: Any changes in unit mix shall be to the satisfaction of the Chief Housing Officer.

Landscape

13. Site utilities and vents located onto private property and integrated discreetly into the building, avoiding landscaped and common areas.

14. Provision of high efficiency irrigation for all planted areas and hose bibs for all patios and common areas greater than 100 square feet.
15. Grades, retaining walls, walkways and structural elements, such as underground parking, designed to provide maximum plant growing depth (exceed BCLNA Landscape Standard).

Note to Applicant: Public and private trees should be planted at grade and not placed in above grade planters to achieve soil depth. Variations in the slab may be required in combination with appropriate growing medium. In the horizontal plane, soils should be contiguous, wherever possible. To accommodate a second row of street trees near property lines, the underground parking to angle downward at the corner (1.0 m across and 1.2 m downward) to allow trees to be planted at grade and maximize growing conditions.

16. Responsible resolution of any conflict with a neighbour-owned tree(s) and vegetation in proximity to proposed excavation.

Note to Applicant: There is a neighbour-owned tree identified in the arborist report that will require root pruning in advance of demolition. At time of development permit, the arborist should submit a letter of substantial completion of the root pruning, or a confirmation letter for the scheduling and assurance of the work.

17. At time of development permit application:

- a. Provision of a detailed Landscape Plan illustrating common and botanical name, size and quantity of all existing/ proposed plant material.

Note to Applicant: Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. The landscape plan should include all exterior hard and soft surface elements (site furniture, gates, fences, surfaces, screens, walls), the public realm treatment (to the curb) and all existing or proposed street trees, adjoining landscaping/ grades and public utilities such as lamp posts, hydro poles, fire hydrants.

- b. Provision of a Tree Plan.

Note to Applicant: Provide a tree plan that is separate from the landscape plan and consistent with the survey and arborist report. The scaled plan should be accurate and clearly illustrate all trees to be removed and retained, including offsite trees and any tree protection barriers. An arborist report addendum may be necessary for offsite trees and vegetation. Tree replacements can be shown on the proposed phased landscape planting plans.

- c. Provision of large scale landscape sections [typical] through planted areas, including the slab-patio-planter relationship, the lane interface, common areas and upper levels.

Note to Applicant: The sections should include the planter materials, tree stem, canopy and root ball.

- d. Provision of new street trees to fill in gaps in the street trees, where applicable, to be provided adjacent to the development site.

Note to Applicant: Street trees to be shown on the development permit plans and confirmed prior to the issuance of the building permit. Contact Eileen Curran, Streets Engineering at 604.871.6131 to confirm tree planting locations and Park Board at 604.257.8587 for tree species selection and planting requirements. Provide a notation on the plan as follows, "*Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches in depth. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion*".

Engineering

18. Clarification of garbage pickup operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown.

Note: Pickup operations should not rely on bins being stored on the street or lane for pickup; bins are to be returned to storage areas immediately after emptying.

19. Please place the following notes on the landscape plan:
 - a. "Sidewalks are to be reconstructed from curb to property line fully at the applicant's expense."
 - b. A landscape plan 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 Frank Battista at 604.873.7317 or Kevin Cavell at 604.873.7773 for details."
 - c. Provision of all landscaping in the lane to be on private property and maintain a minimum 6.0m wide paved lane driving surface free of landscape or other obstructions.
 - d. Provision of the second row of trees shown along Cambie Street and on W 28th Avenue in the back boulevard to be located on private property.
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:

- a. Modify the parking ramp to start from the PL and to have a maximum slope of 12.5% after the first 20 ft. from the PL.

Note to Applicant: A 12.5% slope is desirable for bicycle access where a ramp is exposed to weather.

- b. Provision of column placement and stall widths to comply with the requirements of Engineering Parking and Loading Design Supplement.

Note to Applicant: The column adjacent to stall 55 on P2 is set back more than 4 ft. from the end of stall and requires additional width. Stall 3 on P1 is adjacent to a fence and requires additional width. Refer to the Parking and Loading Design Guidelines at the following link:

<http://former.vancouver.ca/engsvcs/parking/admin/developers.htm>

- c. Provision of an improved section drawing A3.00 of the ramp showing as minimum 2.3 m of vertical clearance and note on plans.
- d. Clarification is required that the parking access ramp retaining walls do not encroach over the west property line as appears to be indicated on page A2.04.

Note to Applicant: An application for charge release for Royal Trust Company Restrictive Covenant R22072 (See 90879L) is currently pending at the Land Titles office.

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, the Managing Director of Cultural 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 8, 9 and 10, Block 740, DL 526, Plan 6539 to create a single parcel.
2. Provision of appropriate access agreements to allow vehicular access from this site to future redevelopment on the adjacent property to the south (Lot 11, Block 740, DL 526, Plan 6539), and for the potential shared use of 8 visitor parking spaces to be located on the subject site.
3. Provision of a SRW to accommodate a Public Bike Share Station (PBS).
 - a. Size - At minimum, the smallest sized station at 16m x 4m must be accommodated. The physical station with docked bicycles is 2m wide and has a required bicycle maneuvering zone of 2m for a total width of 4m. The 2m maneuvering spaced may be shared with pedestrian space.

- b. Location - The station must be located on private property while still clearly visible to the public with 24/7 public access. The preferred location is along Cambie or 28th Ave to allow easy access to the street.
 - c. Surface Treatment - A hard surface is required with no utility access points within 150mm. Acceptable surfaces include CIP concrete (saw cut or broom finished), asphalt and pavers. Other firm, paved materials are subject to approval.
 - d. Grades - The surface must be leveled with a maximum cross slope of 3% and have a consistent grade (i.e. no grade transitions) along the length with a maximum slope of 5%. At minimum, spot elevations at the four corners of the station must be provided.
 - e. Sun Exposure - No vertical obstructions to maximize sun exposure as station operates on solar power. Ideally the station should receive 5 hours of direct sunlight a day.
 - f. Power - Provision of an electrical service and electrical power is to be available in close proximity to the PBS station with the development responsible for the on-going supply and cost of electricity to the PBS station.
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.
- a. Provision of minimum 1.8 m wide concrete sidewalk on 28th Avenue.
 - b. Provision of minimum 2.1 m wide concrete sidewalk on Cambie Street.
 - c. Provision of Traffic Regulation Signage in lane west of Cambie Street, subject to resident consultation.
 - d. Provision of automatic door openers for all Class A bicycle storage areas.
 - e. Provision of a standard concrete lane crossing and new lane entry on 28th Avenue, including new curb returns and disability ramps on both sides.
 - f. Provision of new street trees adjacent the site where space permits
 - g. Provision of adequate water service to meet 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.

- h. Provision of adequate sewer (storm and sanitary) service to meet the demands of the project. The developer is responsible for 100% of any sewer system upgrading that may be required. Upgrading of the existing sanitary sewer on Ash Street from 21st Avenue to 23rd Avenue is required. The existing main is not adequate for the project. Work is estimated at \$300,000 in 2014 dollars.
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 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 underground services.

Sustainability

6. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a City-designated Neighbourhood Energy System, which may include but are not limited to agreements which:
- a. require buildings within the development to connect to the City-designated Neighbourhood Energy System at such time that the system becomes available;
 - b. grant the operator of the City-designated Neighbourhood Energy System access to the building(s) mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling Neighbourhood Energy System connection and operation, on such terms and conditions as may be reasonably required by the owner; and
 - c. provide for adequate and appropriate dedicated space to be utilized for an energy transfer station connecting the building(s) to the City-designed Neighbourhood Energy System.

Note to Owner: Until a City-designated Neighbourhood Energy System utility provider has been identified, the Applicant will be prohibited from entering into any energy supply contract for thermal energy services, unless otherwise approved by the General Manager of Engineering Services.

Soils

7. If applicable:
 - a. Submit a site profile to Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
 - b. As required by the Manager of Environmental Planning 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
 - c. If required by the Manager of Environmental Planning 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 Planning, 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 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

8. Secure the purchase and transfer 421 m² (4,543 sq.ft.) of heritage density (which has a value of \$294,668) 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 a 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 together with receipt(s) of heritage density purchase, including the amount, sale price, and total cost of the heritage density.

Community Amenity Contribution (CAC)

9. Pay to the City the Community Amenity Contribution of \$2,652,012 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, and is allocated as follows:
 - a. \$1,473,340 to the Affordable Housing Reserve.
 - b. \$589,336 to park acquisition and improvements for the Fraser River waterfront park.

- c. \$589,336 to community facilities serving the Cambie Corridor Area.

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, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law, generally as set out in Appendix C of the Policy Report dated May 29, 2014, entitled "CD-1 Rezoning: 508 West 28th Avenue and 4439-4461 Cambie Street".
- C. THAT Recommendations A and B be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; 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 - 508 West 28th Avenue and 4439-4461 Cambie Street]