

## SUMMARY AND RECOMMENDATION

**5. REZONING: 357, 375 and 391 West King Edward Avenue**

**Summary:** To rezone 357, 375 and 391 West King Edward Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of a four-storey residential building with townhouses on the lane, containing a total of 42 dwelling units. A height of 14.8 m (48.5 ft.) and a floor space ratio (FSR) of 1.82 are proposed.

**Applicant:** Ramsey Worden Architects, on behalf of Pennyfarthing King Edward Developments Ltd.

**Referral:** This item was referred to Public Hearing at the Regular Council Meeting of July 22, 2014.

**Recommended Approval:** By the General Manager of Planning and Development Services:

- A. THAT the application by Ramsey Worden Architects, on behalf of Pennyfarthing King Edward Developments Ltd., to rezone 357, 375 and 391 West King Edward Avenue [*Lots 28 to 30, Block 662, District Lot 526, Plan 2913; PIDs 011-792-485, 013-343-432, and 011-036-915 respectively*] from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.70 to 1.82 and the height from 10.7 m (35.1 ft.) to 14.8 m (48.5 ft.) to permit the development of a four-storey residential building with townhouses on the lane, containing a total of 42 dwelling units, generally as presented in Appendix A of the Policy Report dated June 5, 2015, entitled "CD-1 Rezoning: 357, 375 and 391 West King Edward Avenue", 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 Ramsey Worden Architects and stamped "Received Planning and Development Services, January 24, 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 height of the proposed four-storey apartment building, maintaining a maximum floor-to-floor height of 3.05 m (10 ft.).

Note to Applicant: The above condition will reduce the height of the four-storey apartment building from 15.4 m (50.5 ft.) to 14.8 m (48.5 ft.).

2. Design development to improve the quality of the built form and the interface with the public realm including:

- (i) Building setbacks are to be consistent or greater than those proposed at the rezoning stage, prior to any dedications, and are to be at a minimum:
- 1.3 m (4 ft.) from the north property line on the lane,
  - 3.6 m (12 ft.) from the east property line,
  - 3.6 m (12 ft.) from the south property line on King Edward Avenue, and
  - 3.0 m (10 ft.) from the west property line on Yukon Street.

Note to Applicant: Proposed setbacks may be increased through the design development process.

- (ii) Animate the north elevation of the Yukon Street townhouse along the lane, with fenestration or some other appropriate means.
- (iii) Reduce the extent of roof overhang on the primary building along Yukon Street and above the Level Four roof deck.

Note to Applicant: The goal is to clarify and reinforce the building shoulder setback.

- (iv) Clarify the relationship of the pitched roof element to the grid element present on the east-west elevations at the northwest corner of the building.

Note to Applicant: Consider the comments of the Urban Design Panel in this area.

- (v) At the entry to the courtyard, consider the introduction of a complement 'scrim' panel to that found at the building lobby.
- (vi) Bring a similar rigor of expression found in the primary building to the townhouse form and massing.

Note to Applicant: Consider the comments of the Urban Design Panel in this area.

3. Design development to revise the townhouse massing along the lane to adhere to the following criteria:

- (i) Introduce a break in the proposed townhouse building to conform to the Cambie Corridor Plan guidelines, which recommend a maximum laneway townhouse frontage of 24.3 m (80 ft.).

Note to Applicant: Consider moving the parking entry to the west along the lane, to provide a break in the proposed townhouse building.

- (ii) Delete massing over the parking entry to reduce density, to improve unit livability and to enhance the quality of the children's play area.
- (iii) Maintain a 3.6 m (12 ft.) setback along the east property line.
- (iv) In response to concerns expressed by neighbours regarding overlook and with a desire for consistency in the application of the Cambie Corridor guidelines, delete rooftop access in the townhouse units.

Note to Applicant: The above condition will reduce the height of the townhouses from 9.5 m (31.1 ft.) to approximately 8.1 m (26.5 ft.).

- 4. 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.
- 5. Provision of high quality and durable exterior finishes, as proposed in the rezoning submission, are to be carried forward and remain through the development permit process.
- 6. 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)**

- 7. 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**

- 8. 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.

9. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance as required by the Green Buildings Policy for Rezoning, including at a minimum 63 points in the LEED® rating system, six optimize energy performance points, one water efficiency point, and one storm water point.

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. Registration and application for certification of the project is also required under the policy.

10. 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.

11. 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;
12. Detailed design of the building HVAC and mechanical heating system must be to the satisfaction of the General Manager of Engineering Services.

### Landscape

13. Design development to the resolve grade changes near property lines using a terraced, landscape approach.

Note to Applicant: Any necessary transition to raised patios should be done by setting patio retaining walls 0.6 m (2 ft.) minimum away from the property line with planting at grade in front. Walls higher than 0.9 m (3 ft.) should be avoided. Exposed walls should have high quality surfacing and be softened with planting.

14. Design development to locate the site utilities and vents on private property and integrated discreetly into the building, avoiding landscaped and common areas.
15. Provision of high efficiency irrigation for all planted areas and hose bibs for all patios and common areas greater than 9.3 m<sup>2</sup> (100 sq. ft.).
16. Design development for 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 trees in planters near property lines, the underground parking to angle downward at the corner (1 m across and 1.2 m downward).

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

Note to Applicant: There may be trees and plants that are either owned or co-owned by the adjacent neighbor that could be affected by proposed excavation near the property line. All neighbor and co-owned trees should be safely retained with the necessary arborist services and/or design development; or, submit a tree permit application to remove/replace the trees accompanied by owner(s) consent in writing.

18. At time of development permit application:

- (i) 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.

- (ii) 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.

- (iii) 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.

- 19. 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*".

### Housing Policy

- 20. The proposed unit mix including 27 two-bedroom and one three-bedroom units are to 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.

### Engineering

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

Note to Applicant: 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.

- 22. Please place the following notes on the landscape plan:
  - (i) "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."

### 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 28 to 30, Block 662, DL 526, Plan 2913 to create a single parcel.

Note to Applicant: Restrictive Covenants 10966M, 14807M and 16189M on title require the approval of the CPR Company for any new houses proposed and that they have a minimum dollar value. The applicant may wish to have these charges released from title as these Restrictive Covenants are no longer a requirement for redevelopment of these properties. The charges are not in favour of the City. The applicant would need to contact the Royal Trust Corporation of Canada, 155 Wellington Street West, 20th Floor, Toronto, Ontario M5V 3K7.

2. Dedication of the south 0.75 m of the site for road purposes. A subdivision application is required.
3. Provision of a Statutory Right-of-Way (SRW) along the north edge of the site (lane edge) to accommodate the installation of regulatory signs and sign poles on the site's property. The proposed regulations would limit parking and/or stopping along the edge of the lane to ensure townhouse units that face the lane are not blocked by vehicles that choose to park along the lane edge. Engineering recommends a blanket SRW agreement that would be refined at building occupancy to reflect the final locations of any regulatory signs.
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 new street trees adjacent the site where space permits.
  - (ii) Provision of improvements to the Yukon Street bicycle route on the east side of Yukon Street from the lane north of King Edward Avenue to King Edward Avenue and on the north side of King Edward Avenue from Yukon Street to the southerly alignment of Yukon Street including where it crosses King Edward Avenue at the median.

The improvements will consist of the following:

- a. Provision of new curb, gutter, a raised cycle track, sidewalk and treed boulevard with the following cross section: 0.15 m curb/ 2.35 m raised asphalt cycle track/ 0.15 m curb/ 1.2 m sod grass boulevard with trees/ 1.8 m concrete sidewalk with saw cut joints and a 0.3 m sod building strip.

Note: The installation of this feature will result in the removal of the on street parking.

- b. Provision of LED street lighting and LED pedestrian scale lighting.
  - c. Provision of new curb ramps and curb returns where necessary at the intersection of Yukon Street and King Edward Avenue, west of the site, crossing both Yukon Street and King Edward Avenue.
  - d. Provision of curb ramp on King Edward Avenue at the east end of the site crossing King Edward Avenue.
- (iii) Provision of a standard concrete lane entry at the lane north of King Edward Avenue on the east side of Yukon Street.
  - (iv) 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.

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 services being underground.

### **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:

- (i) require buildings within the development to connect to the City-designated Neighbourhood Energy System at such time that the system becomes available;
- (ii) 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
- (iii) 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 other than conventional electricity and natural gas services, unless otherwise approved by the General Manager of Engineering Services.

## Soils

7. If applicable:

- (i) Submit a site profile to Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
- (ii) 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
- (iii) 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 202 m<sup>2</sup> (2,176 sq. ft.) of heritage density (which has a value of \$141,409) 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 cash component of the Community Amenity Contribution of \$1,272,681 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:
  - (i) \$707,045 to the Affordable Housing Reserve.
  - (ii) \$150,000 for traffic calming east of Cambie Street between King Edward Avenue and 16th Avenue.
  - (iii) \$415,636 for community facilities serving the Cambie Corridor Plan 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 June 5, 2014, entitled "CD-1 Rezoning: 357, 375 and 391 West King Edward Avenue".

- C. THAT Recommendations A to 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 - 357, 375 and 391 West King Edward Avenue]**