

SUMMARY AND RECOMMENDATION

1. REZONING: 5470-5490 Oak Street

Summary: To rezone 5470-5490 Oak Street from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of two four-storey residential buildings, containing a total of 12 dwelling units. A height of 12.2 m (40 ft.) and a floor space ratio (FSR) of 1.20 are proposed.

Applicant: Listraor (West 38th) Homes Ltd.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of November 17, 2015.

Recommended Approval: By the Acting 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 Listraor (West 38th) Homes Ltd., to rezone 5470-5490 Oak Street [*Lots 4 and 5, Block 865, District Lot 526, Plan 8170; PIDs 010-258-523 and 010-258-540 respectively*] from RS-1 (Single-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.70 to 1.20 and the building height from 10.7 m (35.1 ft.) to 12.2 m (40 ft.) to permit the development of two four-storey residential buildings, containing a total of 12 dwelling units, generally as presented in Appendix A of the Policy Report dated November 3, 2015, entitled "CD-1 Rezoning: 5470-5490 Oak 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 Raymond Letkeman Architects Inc. and stamped "Received Planning Department, March 31, 2015", 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 the semi-private courtyard space, including the pathway at the north side, to enhance the visual and physical connection between the adjacent courtyards, as follows:

- (i) the steps at the pathway at the north side should align with those at the adjacent site, so that they may be shared;
- (ii) a shared outdoor amenity area should be provided between the courtyards.

Note to Applicant: A shared amenity area should be located at the top of the steps at the interface between the courtyards, and provide opportunities for children's play space and informal social interaction. The shared courtyard amenity, pathway and steps should provide a more cohesive expression between the sites and as viewed from the public realm (refer to Landscape Conditions).

- 2. Design development to the pathway at the south side to better identify it as a public pathway, as distinct from the semi-private courtyard entry pathway at the north side.

Note to Applicant: This may be achieved through the careful use of signage, as well as surface materials and landscape treatment, including width of paved paths and landscape borders. The spacing between buildings is acceptable as proposed.

- 3. Design development to maintain the high quality of materials indicated for the building and landscape design.

Crime Prevention through Environmental Design (CPTED)

- 4. Design development to response 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

- 5. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving BuiltGreen BC Gold™ with a source of Energuide 84.

Note to Applicant: Provide a BuiltGreen BC checklist confirming Gold level achievement and a detailed written description of how the score of Energuide 84 will be achieved. Both checklist and description should be incorporated into the drawing set and significant Built Green features keyed to the plans.

Housing Policy

- 6. That the proposed unit-mix including twelve 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

7. Design development to improve a sense of community by connecting and integrating the common central courtyard and sideyard areas. Outdoor space should be consolidated to create more diverse areas. Courtyard programming should be expanded to include more opportunities for a broader range of residents to form a complete community. This should include children's play for families with kids, passive community spaces for socializing and gathering, common green amenity areas. The amount of open space available should allow for more orientation toward common shared spaces, rather than private;
8. Design development to provide a high-quality public realm interface incorporating:
 - (i) safe landscaped open spaces with residential-quality greenery and visual interest to benefit the pedestrian environment along the street and lane edge;

Note to Applicant: Landscape surfaces, planting and other elements should provide a transition from the residential site to the street. Treatment at the lane should be substantial enough to enhance the pedestrian lane experience. The lane edge planting should be protected from vehicles by an 8" high curb.

9. Design development to better delineate public vs. private walkways by a change in width and paving.
10. Design development of landscape surface treatment at property edges to provide substantial greenery for privacy screening to mitigate potential overlook issues for at-grade oriented residential units.
11. Design development to improve the common courtyard experience by provision of planting beds with adequate depth of soil at grade, rather than raised planters.

Note to Applicant: This will require deeper parkade excavation.

12. Design development to ensure locations of hydro kiosk in areas screened by soft landscape, or in internal mechanical room. Any other emergency generators, transformers or gas meters to be located, integrated, and fully screened in a manner which minimizes their impact on the architectural expression and the building's open space and public realm.
13. Provision of maximized tree growing medium and planting depths for tree and shrub planters to ensure long term viability of the landscape.

Note to Applicant: 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 to BCSLA standards or better.

14. At time of the Development Permit application include:

- (i) A full Landscape Plan for proposed landscape to be submitted. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, railings, 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 rootballs 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) New proposed street trees should be coordinated with Engineering and the Park Board, appear on the Plant List as confirmed, and noted:

"Final location, quantity, tree species to the satisfaction of the General Manager of Engineering. Contact Eileen Curran at 604-871-6131 to confirm planting location. New tree must be of good standard, minimum 6 cm calliper and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches deep. Planting depth of root ball must be below sidewalk grade. New street trees to be confirmed prior to issuance of the building permit. Call Cabot Lyford at Park Board at 311 for tree species selection and planting requirements. Park Board to inspect and approve after tree planting completion."

- (v) A high-efficiency automatic irrigation system to be provided for all planters on parkade slab and minimum of hose bibs to be provided for landscape on grade.
- (vi) 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.

- (vii) Trellis and vines to be provided over the underground garage access ramp.

Engineering

- 15. Clarification that the garbage and recycling space is adequate for the project. Please review the garbage and recycling storage facilities design supplement.
- 16. Clarify garbage pick-up operations. Confirmation that waste haulers can access and pick up from the location shown is required.
- 17. 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) Provision of additional design elevations within the parking area to calculate the slope and cross fall.

Note to Applicant: The slope and cross fall must not exceed 5%.

- (ii) Provision of design grades at all entries along the property lines.

Note to Applicant: Class A bicycle spaces should be labeled on drawing SK01.2.

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. Consolidation of Lots 4 and 5, Block 865, DL 526, Plan 8170 to create a single parcel and subdivision of that site to result in the dedication of the west 0.762 metres for road purposes.
- 2. Provision of appropriate access arrangements (legal agreements) to secure vehicular and pedestrian access via underground parking from 5450 Oak Street (Lot A, Block 865, DL 526, Plan EPP45132) to this site.
- 3. Provision of a 6'-0" wide pedestrian right of way along the south edge of the site to match the current pedestrian right of way registered as CA4360965 over the north 6 feet of neighbouring Lot B.

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 concrete saw-cut sidewalks, street trees and sod boulevard adjacent the site consistent with the rezoning sites north and south of the project. (1.5 m front boulevard and 2.0 m concrete sidewalk).
 - (ii) 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.
 - (iii) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project. The current application lacks the details to determine if sewer main upgrading is required. Please supply project details including floor area, projected fixture counts and other details as required by the City Engineer to determine if sewer 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 sewer 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.

Soils

6. 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 separate Certificates of Compliance satisfactory to the City for the on-site and off-site contamination, including all dedicated lands, issued by the Ministry of Environment, has been provided to the City.

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 November 3, 2015, entitled "CD-1 Rezoning: 5470-5490 Oak Street".
- 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 by-law 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 - 5470-5490 Oak Street]