

SUMMARY AND RECOMMENDATION

2. REZONING: 1523 Davie Street (Gabriola Mansion)

Summary: To amend CD-1 (248) Comprehensive Development District for 1523 Davie Street (Gabriola Mansion) to increase the maximum floor space ratio from 0.35 to 0.87 to allow for the conversion of the existing heritage building into 16 rental dwelling units, for the construction of four rental infill townhouses along the lane, and for the restoration and designation of significant heritage features.

Applicant: Ankenman Marchand Architects, on behalf of Mansion on Davie Holdings Ltd.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of October 17, 2017.

Recommended Approval: By the General Manager of Planning, Urban Design and Sustainability, subject to the following conditions as proposed for adoption by resolution of Council:

- A. THAT the application by Ankenman Marchand Architects, on behalf of Mansion on Davie Holdings Ltd., to amend CD-1(248) (Comprehensive Development) District By-law No. 6564 for 1523 Davie Street (Gabriola Mansion) [*Lots 13, 14 and 15, Block 49, District Lot 185, Plan 92; PIDs: 015-758-133, 015-758-141 and 015-758-168 respectively*] to increase the maximum floor space ratio from 0.35 to 0.87 to allow for the conversion and expansion of the existing heritage building into 16 rental dwelling units and the construction of four rental infill townhouses in the northeast corner of the site along the lane, generally as presented in Appendix A of the Policy Report dated October 3, 2017, entitled "CD-1 Text Amendment: 1523 Davie Street (Gabriola Mansion)", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Ankenman Marchand Architects, on behalf of Mansion on Davie Holdings Ltd., and stamped "Received Planning Department, April 28, 2017", provided that the Director of Planning 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 Director of Planning, who shall have particular regard to the following:

Urban Design

1. Design development to improve the new town homes to achieve a 2½-storey expression.

Note to Applicant: This will encourage an expression that is more compatible and sympathetic to the existing heritage mansion.

2. Design development to explore ways to improve below-grade livability for the basement dwelling units.
3. Design development to illustrate how the landscape plan will provide common shared outdoor space (in lieu of private outdoor space) for the rental units in the heritage mansion.

Sustainability

4. All new buildings in the development will meet the requirements of the preceding *Green Buildings Policy for Rezonings* (as amended up to January 14, 2016). This includes a minimum of Built Green Gold, with 1 point for water efficiency and 1 point for stormwater or rainwater management, and an energy score of EnergGuide 84, along with registration and application for certification of the project.

For the heritage portion of the project (Gabriola Mansion), achievement of Built Green Gold does not apply, however reasonable design efforts shall be made to improve green performance towards that goal where appropriate, while respecting heritage aspirations and promoting heritage retention.

Note to Applicant: A Sustainable Design Strategy must be submitted as part of the Development Permit that articulates which credits the applicant will be pursuing and how their building application, as submitted, incorporates strategies, features or technologies that will help achieve these credits. The strategy, along with the Built Green Checklist, must be incorporated into the drawing submission. A letter from a green building professional must confirm that the proposed strategy aligns with the applicable goals of the rezoning policy. Proof of registration must be provided with the application and the project registration number incorporated into the drawings. Application for Certification will be required at a subsequent stage.

Landscape Design

5. Design development to explore opportunities to optimize lane greening.

Note to Applicant: Refer to Engineering condition 17. Parking, site access and circulation will need to be considered. Further comments may result at the development permit stage, including the adjustment of townhouse locations slightly to increase planting opportunities at the lane.

6. Design development to enhance the historical landscape treatment through the addition of long-lived legacy species trees that are appropriate to the scale of the site and built form.
7. Design development to ensure the scale and layout of the outdoor patio space to the south of the mansion is commensurate with the use.

Note to Applicant: A written rationale should be provided at the development permit stage.

8. Further scoping of construction access, site storage and phasing to ensure the existing landscape is respected throughout the construction process.
9. Incorporation of the principles of the *Bird-Friendly Design Guidelines* for the protection, enhancement and creation of bird habitat and to reduce potential threats to birds in the city.

Note to Applicant: This can be demonstrated on the landscape plan, plant list and a written rationale. Refer to:
<http://council.vancouver.ca/20150120/documents/rr1attachmentB.pdf>
<http://council.vancouver.ca/20150120/documents/rr1attachmentC.pdf>

10. Provide a detailed landscape plan illustrating soft and hard landscape treatment.

Note to Applicant: Plant material should be clearly illustrated on the landscape plan and keyed to a standard 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 and fire hydrants.

11. Provide 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 necessary tree protection barriers. Tree replacements can be shown on the proposed landscape planting plans.

12. Provide a construction management plan/strategy and written details to ensure the existing landscape is respected throughout the construction process.

13. Where applicable, illustrate measures that support integrated rainwater management.

Note to Applicant: Integrated rainwater management is an emerging policy and should be considered in the landscape strategy, to the greatest extent practicable. Staff note that tree retention is highly co-beneficial to rainwater management objectives. A brief written rationale should be provided to clarify the rainwater management strategy, where applicable.

14. Provide large scale, dimensioned, landscape sections [typical] through planted areas, with emphasis on new planters proposed at the periphery of buildings.

Note to Applicant: The sections should include the planter materials, tree stem, canopy and root ball including the slab-patio-planter relationship, the lane interface, common areas and upper patios.

15. Provide high efficiency irrigation for all planted areas.

Note to Applicant: Provide a separate partial irrigation plan (one sheet size only) that illustrates symbols for hose bib and stub-out locations. There should be accompanying written notes on the same plan and/or landscape plan describing the intent and/or standards of irrigation. Irrigation lines should be avoided in tree root protection zones.

Engineering

16. The owner or representative is advised to contact Engineering to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation and construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time for any major crane erection/removal or slab pour that requires additional street use beyond the already identified project street use permissions.

17. Design development to retain the existing residential permit parking in the lane adjacent to the site.

Note to Applicant: This may involve the removal of the secondary townhouse accesses, elimination of the proposed landscaping on the City right-of-way, setback of the townhouses to provide a walkway for townhouse access or other measures that result in the existing lane permit parking being preserved.

18. Design development to provide for convenient access through the site for the entry to the off-site parking at 1500 Pendrell Street.

19. Provide for Class B bicycle parking racks with minimum 24 in. (0.6 m) clearance between bike rack and wall and minimum 36 in. (0.9 m) between the racks.

20. Provide a landscape plan that reflects the requirements of this rezoning application to retain permit parking in the lane. A separate application to the General Manager of Engineering Services is required.

21. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:

- (i) Provide the required disability parking to the satisfaction of the Director of Planning in consultation with the General Manager of Engineering Services. Confirmation that the parking provided off-site at 1500 Pendrell Street includes the required disability parking space. If disability parking is not available then it is to be provided on the development site.

- (ii) Provision of a stair-free access route for the Class A bicycle spaces to reach the outside.

Note to Applicant: Stair-free access to accommodate all types of bicycles such as chariots, trailers and tricycles.

- 22. Ensure the development's sewer service is connected to the existing sewers in the lane north of Davie Street.

Housing

- 23. That the proposed unit mix for family units, 25% two-bedroom and 20% three-bedroom units, be included in the Development Permit drawings.

Note to Applicant: Any changes in the unit mix from the rezoning application may only be varied under the discretion of the Director of Planning or the Development Permit Board provided that it does not go lower than 35% of the dwelling units designed to be suitable for families with children.

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, Urban Design and Sustainability, the General Manager of Community Services, the General Manager of Engineering Services, and Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering Services

- 1. Consolidation of Lots 13 to 15, all of Block 49, DL 185, Plan 92 to create a single parcel.
- 2. Release of Indemnity Agreement 99335H (crossings) prior to building occupancy.

Note to applicant: Arrangements are to be secured prior to rezoning 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.

- 3. 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 upgraded street lighting on all site frontages to current standards including a review of the existing lighting to determine its adequacy and a lighting design as required.
- (ii) Provision of a standard concrete lane crossing at the lane entry south of Pendrell Street on the west side of Nicola Street including replacement of both curb returns and curb ramps should it be necessary.
- (iii) Provision of countdown timers and pedestrian intersection lighting for the traffic signal at the Davie and Cardero streets intersection.
- (iv) Removal of the existing driveway crossings adjacent the site and replacement with standard curb and gutter and concrete sidewalks.

Note to Applicant: Should the existing sidewalks adjacent the site be significantly damaged during construction activities, then the sidewalk is to be replaced to current City standards with sidewalk widths and locations determined at the sole discretion of the General Manager of Engineering Services.

- (v) Provision of street trees adjacent the site where space permits.
- (vi) 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, sprinkler demand, hydrant load, and domestic water demands to determine if water main 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.
- (vii) Provision of a report or management plan by a registered professional demonstrating that post-development stormwater run-off flowrate will be less than or equal to pre-development site run-off during a 1 in 10 year storm. Legal arrangements may be required to ensure on-going operations of certain stormwater storage systems.

- 4. 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 not limited to System Vista, Vista switchgear, pad mounted transformers, LPT 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.

In addition, 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.

Note to Applicant: Please ensure that in your consultation with B.C. Hydro that an area has been defined within the development footprint to accommodate such electrical plant. Please confirm that this space has been allocated and agreement between both parties has been met.

5. Provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right-of-way.

Heritage

6. That the new Heritage Designation By-law be brought forward for enactment by Council which, in addition to the exterior and structure already protected, also protects certain interior features, including the entry lobby area and fireplace, amenity billiards room, and staircase to the upper floor, inclusive of all materials and finishes therein.

Note to Applicant: Ensure that the consolidation of the lots occurs only after the heritage designation by-law is enacted and notice of the designation is put on title.

7. That the property owner enter into a Heritage Restoration Covenant, to be registered on title to the lands, which will include a Statutory Right of Way in favour of the City to ensure public access to the interior heritage features of the Gabriola Mansion for at least one day per year, all to the satisfaction of the Director of Legal Services and the Director of Planning.

Housing

8. Make arrangements to the satisfaction of the General Manager of Community Services and the Director of Legal Services to enter into a Housing Agreement and section 219 Covenant securing all 20 residential units as rental housing for 60 years or the life of the building, whichever is greater and subject to the following additional conditions in respect of those units:
 - (i) That such units may not be subdivided by deposit of a strata plan;
 - (ii) That none of such units may be separately sold;
 - (iii) That none of such units will be rented for less than one month at a time.

Note to Applicant: This condition will be secured by a Housing Agreement to be entered into by the City by by-law, with enactment pursuant to section 565.2 of the *Vancouver Charter* and a Section 219 Covenant.

Environmental Contamination

9. If applicable:
- (i) Submit a site profile to Environmental Services (Environmental Protection);
 - (ii) As required by the Manager of Environmental Services 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 Services 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 Services, 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, issued by the Ministry of Environment, have been provided to the City.

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

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

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

- B. THAT the Director of Legal Services be instructed to bring forward for enactment, pursuant to Sections 593 and 594 of the *Vancouver Charter*, a by-law to designate certain interior, exterior and landscaping features (the "heritage features") of the Gabriola Mansion and surrounding lands as protected heritage property, generally as set out in Appendix C of the Policy Report dated October 3, 2017 entitled "CD-1 Text Amendment: 1523 Davie Street (Gabriola Mansion)".

- C. THAT, if Council approves in principle this rezoning and the Housing Agreement described in Appendix B of the Policy Report dated October 3, 2017 entitled "CD-1 Text Amendment: 1523 Davie Street (Gabriola Mansion)", the Director of Legal Services be instructed to prepare a by-law pursuant to Section 565.2 of the *Vancouver Charter* authorizing the City to enter into a Housing Agreement with the owner of the site to secure 20 dwelling units as rental, on such terms and conditions as are described further in the report and are satisfactory to the Director of Legal Services and the General Manager of Community Services.
- D. THAT 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 and 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 - 1523 Davie Street]