



POLICY REPORT  
DEVELOPMENT AND BUILDING

Report Date: June 20, 2011  
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VanRIMS No.: 08-2000-20  
Meeting Date: June 28, 2011

TO: Vancouver City Council  
FROM: Director of Planning  
SUBJECT: CD-1 Rezoning - 105-167 West 2nd Avenue

**RECOMMENDATION**

- A. THAT the application, by Walter Francl Architecture Inc. on behalf of 0742012 BC Ltd. (Executive Group of Companies), to rezone 105-159 West 2nd Avenue (Lots A, B, C and D, Block 10, DL 200A, Plan 197 and 3748; PIDs: 005-709-784, 005-709-792, 005-709-814 and 005-709-776 respectively) and 167 West 2nd Avenue (Lots 22, 23 and 24, Block 10, DL 200A, Plan 197; PIDs: 005-709-733, 005-709-741 and 005-709-768 respectively) from M-2 (Industrial) District to CD-1 (Comprehensive Development) District to permit a mixed-use development comprised of three residential towers over a residential podium with commercial uses at grade and a childcare centre at the podium roof level and with a total floor area of 36 754 m<sup>2</sup> (395,625 sq. ft.), be referred to a public hearing, together with:
- (i) plans prepared by Walter Francl Architecture Inc., received July 26, 2010, presented in Appendix E;
  - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A; and
  - (iii) the recommendation of the Director Planning to approve the application, subject to conditions contained in Appendix B;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary CD-1 By-law generally in accordance with Appendix A for consideration at the public hearing.

- B. THAT, if the application is referred to a public hearing, the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B (DD), as set out in Appendix C, be referred to the same public hearing;
- FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law generally as set out in Appendix C for consideration at the public hearing.
- C. THAT, subject to enactment of the CD-1 By-law, the Noise Control By-law be amended to include this Comprehensive District in Schedule B as set out in Appendix C;
- FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law at the time of enactment of the CD-1 By-law.
- D. THAT, should the application be referred to a public hearing, the registered property owner shall submit confirmation prior to the public hearing, in the form of a "Letter A", that an agreement has been reached with the registered owner of the proposed donor site (388 W 1st Avenue, being the former "Best Building") for the purchase of heritage bonus density as described in this report.
- E. THAT, subject to approval in principle of the rezoning at the public hearing, the Director of Planning be instructed to make application to bring forward consequential amendments to the Southeast False Creek Official Development Plan (By-law No. 9073) to increase the maximum total floor area by 12 291 m<sup>2</sup> and the maximum residential floor area by 3 587 m<sup>2</sup> for Area 2B and for the whole of the Southeast False Creek area and to increase the maximum height for the west tower from 44.35 m to 46.00 m, as set out in Appendix C, and that, before enactment of the CD-1 By-law, the Southeast False Creek Official Development Plan amendments be referred to another public hearing, with the recommendation of the Director of Planning that they be approved;
- FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending By-law generally in accordance with Appendix C for consideration at the public hearing.
- F. THAT Recommendations A to E 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.

#### ***GENERAL MANAGER'S COMMENTS***

The General Manager of Community Service RECOMMENDS approval of the foregoing.

## *COUNCIL POLICY*

Relevant Council policies for this site include:

- Southeast False Creek Policy Statement (adopted October 5, 1999 and amended July 8, 2004)
- Southeast False Creek Official Development Plan (By-law No. 9073)(enacted July 19, 2005 and last amended March 1, 2011)
- Southeast False Creek Financial Plan and Strategy (March 1, 2005)
- Southeast False Creek Public Benefits Strategy and Compatible Housing Strategy (June 15, 2006)
- Southeast False Creek Green Building Strategy (adopted July 8, 2004 and amended July 22, 2008)
- Southeast False Creek Public Realm Plan (July 20, 2006)
- Energy Utility System By-law (November 15, 2007)
- Live-work Use Guidelines (March 21, 2006)
- High-Density Housing for Families with Children Guidelines (March 24, 1992)
- Community Amenity Contributions Through Rezoning (June 15, 2006)
- Design Guidelines for Additional Penthouse Storeys in Southeast False Creek (adopted July 20, 2010)
- Childcare Design Guidelines (adopted 1993).

## *SUMMARY*

This report presents the staff assessment of an application, by Walter Francl Architecture Inc. on behalf of 0742012 BC Ltd. (Executive Group of Companies), to rezone 105-167 West 2nd Avenue from M-2 (Industrial) District to CD-1 (Comprehensive Development) District. The proposed development includes 488 market residential units in three towers on a six-storey podium containing retail-service uses at grade and residential above. A pedestrian mews is provided mid-block and a childcare centre is located on the sixth floor (roof level) of the east podium. The proposed maximum building height is 46.0 m (150.9 ft.) and proposed density is 5.26 floor space ratio (FSR). The total floor space proposed is 36 754 m<sup>2</sup> (395,625 sq. ft.). Parking is underground accessed by a ramp from the lane.

Staff have assessed the application and find that it generally meets the intent of the Southeast False Creek Official Development Plan (SEFC ODP). The application is supported by staff, subject to meeting the design development conditions and the rezoning enactment conditions outlined in Appendix B.

## *DISCUSSION*

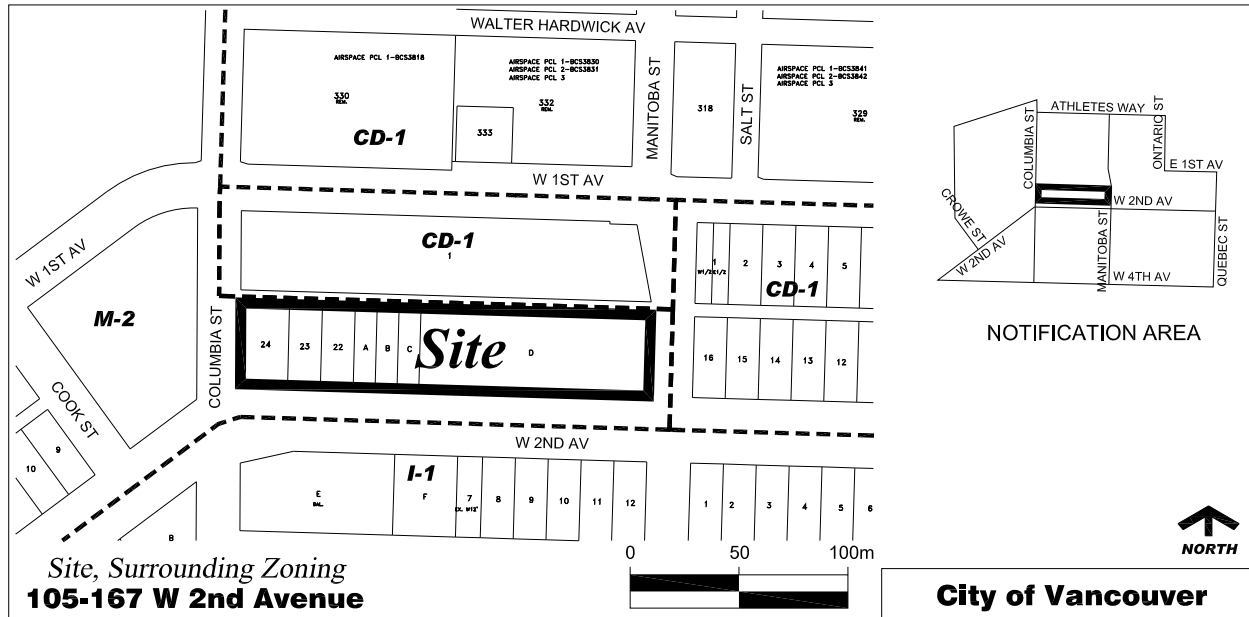
### **1. Site and Context**

The rezoning site comprises a full block-face from Manitoba Street to Columbia Street and has about 188 m (616 ft.) of frontage along West 2nd Avenue. It is presently occupied by low industrial-commercial buildings.

To the north, across the lane, is a similar-size site being developed by Wall Financial Corporation. To the east are sites being developed by Pinnacle International. Both of these

developers had CD-1 zoning enacted for their sites in 2008. The Wall Financial site is currently under construction and the Pinnacle sites have active development permit applications. CD-1 zoning on the site to the west was approved in principle in 2006, but is yet to be enacted (hence it is shown as M-2 in Figure 1, below). Further to the north is the Olympic Village, rezoned to CD-1 in 2006 with construction completed in 2010. To the south is the I-1 Mount Pleasant Industrial Area, which is to be retained for industrial uses.

Figure 1 - Site and Surrounding Zoning

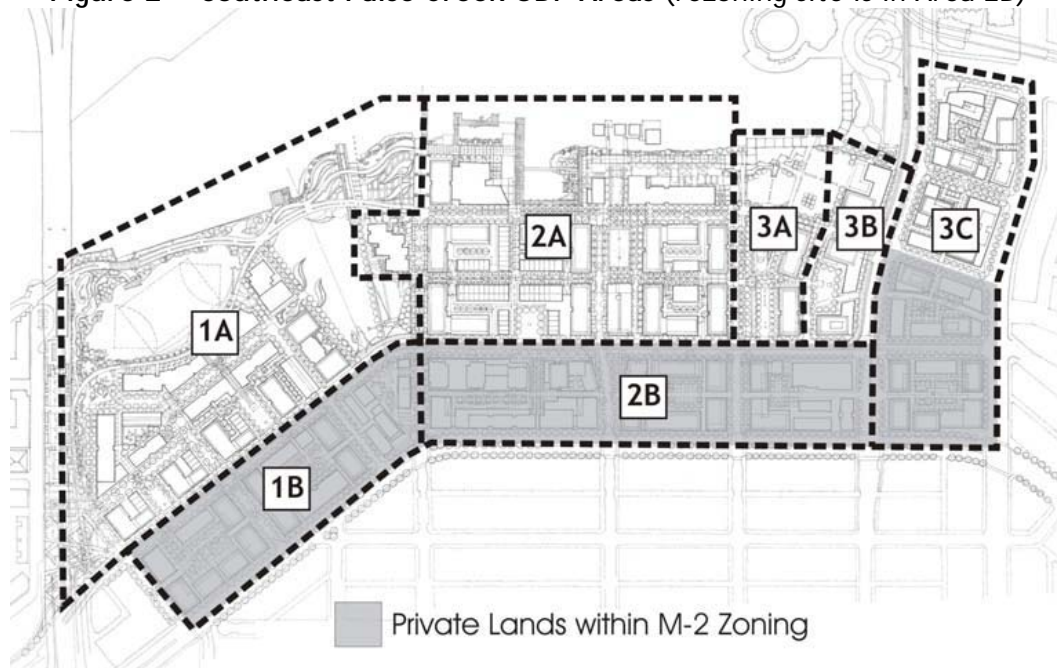


2. Land Use

The application proposes 488 residential strata units occupying 32 343 m<sup>2</sup> (347,726 sq. ft.) of floor space in two podium-tower buildings separated by a mid-block pedestrian mews. The west building would have two towers on a 6-storey podium, and the east building one tower on a five-storey podium with a partial sixth level containing a childcare centre. Included with the residential are four two-level townhouse units with at-grade access on the mid-block mews. Retail-service uses would occupy 4 039 m<sup>2</sup> (43,476 sq. ft.) in the balance of the ground floor and the entire frontage along 2nd Avenue, save for residential lobbies located off of Manitoba Street, Columbia Street and the mid-block mews.

Amenities provided in the development for the building residents would include two amenity rooms, an urban agriculture garden on the west podium rooftop and other accessible garden areas on the second level roof over the retail.

Figure 2 – Southeast False Creek ODP Areas (rezoning site is in Area 2B)



### 3. Density

The total net floor area proposed in the development is 36 754 m<sup>2</sup> (395,625 sq. ft.), which is 5.26 FSR as calculated on the gross site area (prior to road dedications). The draft By-law provisions include the City's standard floor space exclusions for underground parking, residential storage, enclosed balconies and common amenity areas, as well as public amenity space for a childcare centre. To facilitate urban agriculture or other sustainability measures in common areas on the rooftops of the buildings, floor space in tool sheds and in elevator and stair enclosures located at the roof level may also be excluded.

Section 5.1 of the SEFC ODP states that developments may be eligible for the benefits of density bonuses (beyond a base density of 3.5 FSR) for public benefits (such as a childcare centre) and for heritage transfers. Candidate sites for bonus density are those where an urban design review has determined that a proposed form and scale of development fits on the site and meets the guideline criteria for the area. The rezoning site, being one of the largest sites of the SEFC Private Lands, is a good candidate for additional density. The proposed density is 5.26 FSR. For this application, the 1.76 FSR in bonus density is in exchange for the provision on site of a childcare centre (as described below under Childcare Centre), for the transfer to the site of heritage density from another site in SEFC, and for additional cash CAC offerings as described under Public Benefits.

The maximum overall floor space and maximum residential floor space are regulated in the SEFC ODP and are based on the Private Lands (M-2) sites achieving 3.5 FSR. To ensure that the CD-1 By-law for 105-167 West 2nd Avenue is consistent with the ODP, a consequential amendment to the SEFC ODP By-law is recommended to add the bonus density. That is to add 12 291 m<sup>2</sup> (132,306 sq. ft.) to the total floor space and 8 704 m<sup>2</sup> (93,692 sq. ft.) to the residential floor area, as shown in Appendix C.

#### 4. Building Height and Form of Development (Note plans in Appendix F)

The subject site is located in Area 2B of Southeast False Creek, bounded by 1st Avenue, Quebec Street, 2nd Avenue and Columbia Street (see Figure 2). This area is rapidly transforming into an urban residential and mixed-use neighbourhood. The key urban design objectives for this area as outlined in the SEFC ODP and Public Realm Plan are as follows:

- encourage commercial and light industrial uses along the 2nd Avenue frontage and require commercial along Manitoba Street,
- require a substantial streetwall of five to seven storeys along 2nd Avenue,
- encourage unique east-west lane environments, with landscaped courtyards, between 1st Avenue and 2nd Avenue as amenities to the residential buildings, while respecting the typical access and servicing needs of lanes,
- encourage pedestrian walkways north/south on the edge and through development blocks to connect with walkways in areas 1A, 2A, and 3A leading to the waterfront, parks and commercial areas,
- building forms are to draw upon the industrial legacy of the area with a robust character that is to contribute to diversity as the central theme for neighbourhood character while allowing flexibility at the ground floor,
- higher building forms are to define landmark locations, such as at the corner of Columbia Street and 2nd Avenue where the street grid shifts orientation.

The proposed form of development consists of three towers over a six-storey podium. The west tower, at Columbia Street, is the tallest proposed at 46.0 m (150.9 ft.) or 16 storeys with the top two floors being partial floors. The SEFC ODP permits a maximum height of 44.35 m with two partial penthouse floors. Staff support an extra 1.65 m in height for this tower for the following reasons:

- although Figure 9 in the SEFC ODP does not identify the tower's location for a "landmark" tower, it is surrounded by three landmark towers of which the one across the lane to the north is approved at 52.0 m and the one to the west is approved in principle at 47.0 m;
- being on axis to 2nd Avenue, the proposed tower would mark the turn in the street as approached from the west and be complementary to the landmark tower approved on the site to the west which serves the same function approaching from the east;
- the overall impact of the additional height is reduced by the top two floors being partial; and
- extra height in the west tower would allow a relocation of massing from the tower's north side to its top floors, thereby enabling a more neighbourly fit on the north side, addressing concerns about privacy, overlook and natural light access.

A consequential amendment to the SEFC ODP By-law to allow a landmark tower of 46.0 m at the northeast corner of Columbia Street and 2nd Avenue has been included in Appendix C.

The middle tower, on the mews, is 43.2 m (141.7 ft.) or 15 storeys in height. The east tower, on Manitoba Street, is 38.4 m (126.0 ft.) or 13 storeys. The SEFC ODP permits up to 38.1 m in height with an additional 6.25 m for partial penthouse floors. The middle tower, at 43.2 m, has two partial penthouse floors. The east tower, at 38.4 m, is slightly over the ODP 38.1 m maximum and the area of the top two floors is slightly reduced in response. The proposed heights of the middle and east towers are within the maximum overall height of 44.25 m in Figure 9 of the SEFC ODP.

Staff's evaluation of the proposed towers and podium buildings concludes that they generally meet the height criteria set out in the SEFC ODP, with one minor variation for 1.65 m in additional height in the west tower. The development would provide the suitable non-residential grade-level interface along the 2nd Avenue frontage. The podium at six levels meets the objective of having a strong streetwall expression. The pedestrian mews completes the north-south walkway provided in the Olympic Village and in the development to the north.

The lane environment is more challenged in this block than in other blocks in Areas 1B and 2B. The development to the north provides in its base a theatre and back-of-house space for a cultural facility, and the subject development provides full-depth retail spaces and associated loading off of the lane. Design development conditions have been provided to address neighbourliness with the adjacent development, and to step and reorient the massing to improve liveability and sun access. Design development conditions are also provided to enhance architectural expression and add colour.

The Urban Design Panel supported the application at its meeting of December 1, 2010 (see the Panel's comments in Appendix D). Staff conclude that the building height and form of development are supportable and recommend the design development conditions contained in Appendix B.

## 5. Family Housing

Consistent with the SEFC ODP, the proposed by-law provisions in Appendix A include a requirement that 25% of the dwelling units be suitable for families (i.e., units having two or more bedrooms). The interior layout of the units was not shown in the rezoning drawings, however about 25% (122) of the units proposed in the development appear to be large enough to be suitable for families.

## 6. Childcare Centre

A childcare centre is proposed for the sixth level of the east podium. This 1 039 m<sup>2</sup> (11,182 sq. ft.) facility would have its own dedicated lobby and elevator providing access from the mid-block pedestrian mews and from the P1 commercial parking level. Floor space occupied by this public amenity would be excluded from the floor space calculation.

An objective of the SEFC ODP is the creation of five childcare centres in SEFC, with at least one centre located in Area 1B, 2B or 3C. An exact location within those areas is not specified in the ODP, however this proposed location in Area 2B is ideally situated near the middle of SEFC and close to the neighbourhood shopping area. It would complement the childcare centre in Creekside Community Centre and other centres planned near the Cambie Bridge and near Main Street. Childcare is an important element of the sustainability strategy for SEFC. It contributes to social sustainability in the following ways:

- childcare supports participation in the labour force of parents contributing to economic growth;
- for every dollar spent on childcare, there is a seven dollar return on social and health outcomes for children and families; and
- quality care in early childhood supports school readiness and healthy child development.

## **7. Parking, Loading and Bicycles**

The application indicates that about 630 parking spaces would be provided in three underground levels, including 12 spaces dedicated to the childcare facility at the P1 level. The Parking By-law requirements for the Southeast False Creek ODP Area indicate a minimum requirement for the project of 368 spaces and a maximum of 730 spaces, so the proposed parking falls within the Parking By-law requirements. Access to the parking for the whole development would be from one entrance off the lane to the north, near Manitoba Street.

In accordance with SEFC Green Building Strategy, shared vehicles complete with stalls are included in the total number of parking spaces and are secured through a car sharing agreement (see Appendix B). Bicycle parking and storage is also to be provided in accordance with the Parking By-law. The application indicates that 616 Class A spaces would be provided.

The application proposes that residential loading be provided by one Class B loading space at the base of each of the three towers. For commercial loading, two Class B and one Class C loading spaces are indicated. Loading is to be consistent with the standards for the Southeast False Creek ODP Area.

Rezoning conditions with regard to parking, loading and bicycles are contained in Appendix B.

## **8. Environmental Sustainability**

The rezoning application is subject to the SEFC Green Building Strategy and the Green Building Rezoning Policy. As part of the strategy, and based on the July 30, 2010 date of the rezoning submission, the development is required to meet LEED® Silver equivalency (with a target of 36 points) and to comply with mandatory requirements for Energy Performance, Water Conservation, Parking and Loading, and Stormwater Management. In addition, the Strategy identifies benchmarks for achieving LEED® Silver equivalency. The applicant will be required to submit a written description of the sustainability approach and a LEED® scorecard indicating that they intend on achieving 36 points which meets LEED® Silver equivalency along with three energy optimization LEED® credits (see rezoning conditions in Appendix B).

The ability for the project to connect to the SEFC Neighbourhood Energy Utility is also a requirement of the rezoning conditions. This entails designing the building with a compatible heating system, such as hydronic, and providing mechanical space for the utility's heat transfer and metering equipment.

## **9. Public Input**

A rezoning information sign was installed at the site on August 27, 2010 and a notice of the application was mailed on December 2, 2010 to 81 property owners within the notification area. (Note: The Olympic Village is within the notification area, however strata owners in Olympic Village buildings were not notified because the address base used for the mailing had not yet been updated with the individual strata lot information.) During the staff review of the application, no comments were received from the public.



## ***PUBLIC BENEFITS***

In response to City policies which address changes in land use and density, this rezoning application has the following public benefits:

### ***Required Public Benefits***

**Development Cost Levies (DCLS)** – DCLs would be paid on a total of up to 395,625 sq. ft. of residential and commercial floor space. The amount to be paid is estimated at \$10,325,813 based on the current city-wide DCL rate of \$10.42 per sq. ft. and the SEFC DCL rate of \$15.68 per sq. ft. (\$26.10 per sq. ft. in total). DCLs are payable at building permit issuance and their rates are subject to Council approval of an annual inflationary adjustment which takes place on September 30th of each year.

**Public Art Program** – The Public Art Program in effect at the time of receipt of this application required that rezonings involving a floor area of 100,000 sq. ft. or greater allocate a portion of their construction budgets (\$1.81 per sq. ft.) to public art as a condition of rezoning. With 395,625 sq. ft. proposed in this rezoning, a public art budget of approximately \$716,081 is anticipated. The Public Art Program applies to all floor area counted in the floor space ratio.

The total value of required public benefits is \$11,041,894.

### ***Offered Public Benefits***

**Community Amenity Contribution** – The City's Financing Growth Policy anticipates a voluntary Community Amenity Contribution (CAC) from applicants for rezonings which seek an increase in height or density. The contribution is to address some of the costs of growth and the off-site impacts of additional development and is evaluated by City staff in light of the increase in land value expected to be generated by the rezoning. For this application, a CAC is first considered at \$11.50 per sq. ft. of floor space up to 3.5 FSR, as per the SEFC Public Benefits and Compatible Housing Strategy. That strategy is applied to M-2 sites in SEFC rezoning to CD-1. For up to 3.5 FSR of density on this site, a \$3,028,169 cash CAC is offered. This CAC is directed to affordable housing in SEFC, as per the strategy.

Above 3.5 FSR, a CAC is negotiated based on the land value of a density increase from 3.50 to 5.26 FSR – that is on 132,306 sq. ft. of bonus density. For that increase, \$16,455,914 worth of the benefits, cash and in-kind, has been offered as outlined below:

**Childcare Centre** – The applicant proposes to provide within the development a 69-space fully fit, finished, furnished and equipped childcare centre. The centre would occupy 1 039 m<sup>2</sup> (11,182 sq. ft.) of floor space and have spaces for infants, toddlers, three-to-five year olds, and a preschool program. It would be secured through a legal agreement and be accompanied by a cash contribution to the Childcare Reserve of \$1,410,500 for start-up costs and to ensure ongoing affordability of the programs, plus an additional cash contribution of \$1,100,000 for facility conservation. The total value of the childcare offering, including the cash contributions, is \$11,550,500.

**Transfer of Heritage Density** – The applicant proposes to transfer the balance of remaining transferable density from 388 West 1st Avenue (former Best Building, now The Exchange).

This proposed transfer of 2 121.7 m<sup>2</sup> (22,838.5 sq. ft.) is valued at \$2,672,163. Transfer of the density would be secured through a condition of by-law enactment (see Appendix B).

**Additional cash CAC for affordable housing** – The SEFC Public Benefits and Compatible Housing Strategy anticipates, if a project has additional density over 3.5 FSR, that additional CAC funds would be offered for affordable housing. To that end, an additional cash CAC of \$1,521,519 is offered, based on 132,306 sq. ft. of bonus density at \$11.50 per sq. ft. Including the \$3,028,169 mentioned above for the density below 3.5 FSR, the project would contribute a total of \$4,549,688 to affordable housing in SEFC.

**Additional cash CAC** – After considering the value of the in-kind childcare offering, the heritage density transfer and the CAC for affordable housing, an additional cash CAC of \$711,732 is offered for the bonus density in this project. Allocation of these funds is yet to be determined. Staff are in the process of reviewing additional CAC funds accruing from various projects in Southeast False Creek and will bring forward allocation recommendations once the review is complete.

The total cash CAC offered is \$5,261,420, which is payable prior to zoning enactment. This payment would not include the cash contributions for the childcare centre, mentioned above. These payments would be secured through the childcare agreement.

The total value of offered public benefits is \$19,484,083. See Appendix G for a summary of all of the public benefits for this application.

### ***FINANCIAL IMPLICATIONS***

Approval of the report recommendations will have no financial implications with respect to the City's operating expenditures, fees or staffing.

### ***CONCLUSION***

Planning staff conclude that the application is on the whole consistent with the SEFC ODP with regard to land use, density, height and form, notwithstanding the proposed amendments to the ODP for height and density. Analysis of the proposed form of development concludes that the additional height and density has been satisfactorily resolved, the project merits the bonus density and the public benefits package resulting is generous in helping to fulfill ODP objectives for childcare, affordable housing and heritage preservation. The Director of Planning recommends that it be referred to a public hearing, together with a draft CD-1 By-law generally as shown in Appendix A and with a recommendation from the Director of Planning that, subject to the public hearing, it be approved along with conditions of approval listed in Appendix B, including approval in principle of the form of development as shown in plans attached as Appendix F.

\* \* \* \* \*

105-167 West 2nd Avenue  
DRAFT CD-1 BY-LAW PROVISIONS

**Note:** A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

1. [reserved for Zoning District Plan Amendment]

2. **Definitions**

Entry Alcoves - "Entry alcoves" mean covered exterior spaces enclosed with vertical walls on three sides and adjacent to an entryway.

3. **Uses**

- (a) Dwelling Uses, limited to Multiple Dwelling, Seniors Supportive or Assisted Housing, and Dwelling Units in conjunction with any use listed in this section;
- (b) Institutional Uses, limited to Child Day Care Facility, Social Service Centre, and Special Needs Residential Facility;
- (c) Live-Work Use;
- (d) Manufacturing Uses, limited to Bakery Products Manufacturing, Batteries Manufacturing, Clothing Manufacturing, Dairy Products Manufacturing, Electrical Products or Appliances Manufacturing, Food or Beverage Products Manufacturing - Class B, Furniture or Fixtures Manufacturing, Ice Manufacturing, Jewellery Manufacturing, Leather Products Manufacturing, Miscellaneous Products Manufacturing - Class B, Non-metallic Mineral Products Manufacturing - Class B, Plastic Products Manufacturing, Printing or Publishing, Rubber Products Manufacturing, Shoes or Boots Manufacturing, Software Manufacturing, Textiles or Knit Goods Manufacturing, Tobacco Products Manufacturing, and Wood Products Manufacturing - Class B;
- (e) Office Uses;
- (f) Parking Uses;
- (g) Retail Uses, excluding Gasoline Station - Full Service, Gasoline Station - Split Island, Grocery or Drug Store, Liquor Store, and Vehicle Dealer;
- (h) Service Uses, limited to Barber Shop or Beauty Salon, Beauty and Wellness Centre, Bed and Breakfast Accommodation, Catering Establishment, Laundromat or Dry Cleaning Establishment, Photofinishing or Photography Laboratory, Photofinishing or Photography Studio, Print Shop, Repair Shop - Class B, Restaurant - Class 1, School - Arts or Self-Improvement, and School - Business;
- (i) Accessory Uses customarily ancillary to the above uses; and
- (j) Interim Uses not listed in this section, and accessory uses customarily ancillary to them, if:
  - (i) the Director of Planning or Development Permit Board considers that the interim use will be compatible with and not adversely affect adjacent development that either exists or that this By-law allows;
  - (ii) the Director of Planning or Development Permit Board is satisfied that the interim use is easily removable and is of low intensity or low in capital investment;

- (iii) the Director of Planning or Development Permit Board is satisfied that there is no risk to the public from contaminated soils either on or adjacent to CD-1 (---), and
- (iv) any development permit for an interim use has a time limit of three years.

#### 4. Conditions of Use

- 4.1. Dwelling units are in an “intermediate zone” as defined in the Noise Control By-law, and, as a result, are subject to the noise levels permitted in industrial and downtown districts.
- 4.2. The design and lay-out of at least 25% of the dwelling units must:
  - (a) be suitable for family housing;
  - (b) include two or more bedrooms; and
  - (c) comply with Council’s “High Density Housing for Families with Children Guidelines” .
- 4.3. All uses except dwelling uses must have direct access to grade.
- 4.4. Any development permit issued for live-work use must stipulate as permitted uses:
  - (a) dwelling unit;
  - (b) general office, health care office, barber shop or beauty salon, photofinishing or photography studio, or artist studio - class A; and
  - (c) dwelling unit combined with any use set out in subsection (b).

#### 5. Floor Area

- 5.1. The floor area for all permitted uses must not exceed 36 754 m<sup>2</sup> [395,625 sq. ft.].
- 5.2. Computation of floor area must include:
  - (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, to be measured to the extreme outer limits of the building;
  - (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in measurements for each floor at which they are located; and
  - (c) in the case of dwelling uses and live-work use, if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof rafters or deck exceeds 4.3 m, an additional amount equal to the area of the floor area below the excess height except for additional amounts that represent undeveloped floor areas beneath roof elements which the Director of Planning considers to be for decorative purposes and to which there is no means of access other than a hatch, residential lobbies, and mechanical penthouses.
- 5.3. Computation of floor area must exclude:
  - (a) open residential balconies or sun decks, entry alcoves and any other appurtenances which, in the opinion of the Director of Planning, are similar

- to the foregoing, except that the total area of all exclusions must not exceed 8% of the residential floor area being provided;
- (b) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;
  - (c) the floors or portions of floors used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which, in the opinion of the Director of Planning, are similar to the foregoing, that, for each area, is at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length;
  - (d) undeveloped floor area located above the highest storey or half-storey with a ceiling height of less than 1.2 m and to which there is no permanent means of access other than a hatch;
  - (e) residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m<sup>2</sup> per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit;
  - (f) amenity areas, including recreation facilities and meeting rooms, provided that the total area excluded does not exceed 1 000 m<sup>2</sup>;
  - (g) floor area of child day care facilities.

5.4. Computation of floor space ratio may exclude, at the discretion of the Director of Planning or Development Permit Board:

- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure subject to the following:
  - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed 8% of the residential floor area being provided, and
  - (ii) no more than 50% of the excluded balcony floor area may be enclosed;
- (b) windows recessed into the building face to a maximum depth of 160 mm, except that the Director of Planning may allow a greater depth in cases where it improves building character;
- (c) unenclosed outdoor areas at grade level underneath building overhangs, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any overhangs, and provided that the total area of all overhang exclusions does not exceed 1% of the residential floor area being provided;
- (d) despite subsection 5.2(c), open-to-below spaces or double-height volumes in two-level dwelling or live-work units, where the first floor is located within 2 m of grade, to a maximum exclusion of 15% of the floor area of the first floor of the unit;
- (e) features generally on the westerly facades of buildings, to reduce solar gain which may be in the form of French balconies and horizontal extensions; and
- (f) tool sheds, trellises and other garden structures which support the use of intensive green roofs and/or urban agriculture and, despite subsection

5.2(b), those portions of stairways and elevator enclosures which are at the roof level providing access to the garden areas.

- 5.5. The use of floor space excluded under section 5.3 or 5.4 must not include any purpose other than that which justified the exclusion.

## 6. Height

- 6.1. The maximum building height, measured above base surface and to the top of the roof slab of the uppermost habitable floor excluding parapet wall, must not exceed 56.25 m.

- 6.2. Section 10.11 of the Zoning and Development By-law will apply except that the Director of Planning or the Development Permit Board, as the case may be, may permit a greater height than otherwise permitted for structures which support the use of intensive green roofs and/or urban agriculture, such as elevator and stair enclosures, amenity areas, tool sheds, trellises and other garden structures.

## 7. Horizontal Angle of Daylight

- 7.1. Each habitable room must have at least one window on an exterior wall of a building.
- 7.2. The location of each such exterior window must allow a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.
- 7.3. Measurement of the plane or planes referred to in section 7.2 must be horizontally from the centre of the bottom of each window.
- 7.4. If:
- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
  - (b) the minimum distance of unobstructed view is not less than 3.7 m;
- the Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement.
- 7.5. An obstruction referred to in section 7.2 means:
- (a) any part of the same building including permitted projections; or
  - (b) the largest building permitted under the zoning on any site adjoining CD-1 (---).
- 7.6. A habitable room referred to in section 6.1 does not include:
- (a) a bathroom; or
  - (b) a kitchen whose floor area is the lesser of:
    - (i) less than 10% of the total floor area of the dwelling unit, or
    - (ii) less than 9.3 m<sup>2</sup>.

**8. Parking, loading, and bicycle spaces**

Any development or use of the site requires the provision and maintenance of off-street parking spaces, loading spaces, and bicycle spaces, in accordance with the Parking By-law.

**9. Acoustics**

All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of dwelling units listed below do not exceed the noise level set opposite such portions. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and is defined simply as noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45

\* \* \* \* \*

105-167 West 2nd Avenue  
PROPOSED CONDITIONS OF APPROVAL

Note: These are draft conditions which are subject to change and refinement by staff prior to the finalization of the agenda for the public hearing to the satisfaction of the Director of Legal Services.

**CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT**

- (a) THAT the proposed form of development be approved by Council in principle, generally as prepared by Walter Franci Architecture Inc. and stamped "Received Planning Department, July 26, 2010", provided that the Director of Planning or the Development Permit Board, as the case may be, 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 final approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning or Development Permit Board, who shall consider the following conditions:

**Design Development**

1. Design development to the height of the west tower, reducing the roof appurtenance to conform to Section 10.11 of the Zoning and Development By-Law.  
Note to Applicant: The roof appurtenance should be less than 10 percent of the roof area and no wider than 1/3rd of any width.
2. Design development to address neighbourliness with the adjacent proposed development north across the lane, stepping and reorienting massing of the upper massing of both the east and west towers, to improve livability and sun access.  
Note to Applicant: Through modifications to the building massing and unit layouts mitigate proximity issues with the adjacent development. Density may be reallocated to the east tower.
3. Design development to enhance the architectural expression with special emphasis on enhancing the distinctiveness of parts and bringing added prominence to the west tower and with greater articulation of the west elevation and southwest corner.  
Note to Applicant: Consider how a greater response to solar orientation can be a form generator.
4. Consideration to add more colour to the architectural language, as demonstrated in the Olympic Village.  
Note to Applicant: As per comments from the Urban Design Panel.



5. Design development to address pedestrian interest enabling good physical and visual connectivity between the commercial spaces at grade and the public realm of the street.

Note Applicant: Commercial frontage should be continuous full-height clear glazing, with door access approximately every 50 ft., avoiding blank walls or display shelving backed against the windows. Display windows should allow for clear sightlines into the interior of the commercial space.

### Landscape Design

6. Provide a variety of spaces consistent with the SEFC Public Realm Plan.

Note to Applicant: Include special paving, lighting, planting, driveway crossings, pedestrian entrances, walkways, permanent site furniture, weather protection, garbage storage, recycling and loading facilities.

7. Provide adequate sunlit spaces for Urban Agriculture as per the Urban Agriculture Guidelines. The spaces should include areas for tool storage, composting, and seating. At least two hose bibs should be provided for each Urban Agriculture area.

Note to applicant: The design for the urban agriculture should be flexible enough to allow for future alternate uses of the spaces.

8. Provide maximum planting depths (BCLNA Landscape Standards) for all areas planted on slab. Structures such as underground parking slabs and retaining walls may need to be altered to provide adequate depth and continuous soil volumes.

9. Provide large-scale sections (1/4"=1' or 1:50) through all the on-slab planters, including the town house entrances through the centre of the Mews. The sections should illustrate the planters, retaining walls, guardrails, patios, privacy screens, stairs and tree planting depths. The sections should include the underground slab.

10. Provide hose bibs for all patios greater than 100 sq. ft. in area.

11. Provide small trees for townhouse entry planters facing the mews.

12. Provide an external lighting plan for pedestrian routes and courtyards, to ensure that adequate lighting levels are achieved for CPTED performance while minimizing glare for residents.

13. Provide a full Landscape 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.

14. Provide a public realm design consistent with the SEFC Public Realm Design Guidelines and to the satisfaction of the General Manager of Engineering Services.

### Engineering

The following are to be addressed at the development permit stage:

15. Provision of the following details for the ETS room. The ETS room shall be located at the basement or ground level, preferably at or adjacent to an outside wall with suitable space for the installation of the NEU system ETS equipment, and with adequate provision for connection to outside NEU distribution piping and communications conduit all to the satisfaction of the General Manager of Engineering Services. The developer shall make available use of sewer and potable water piping in each ETS room. The ETS room shall be ventilated as required by the Vancouver Building Bylaw and heated during the winter to minimum 15o C. The developer must provide a dedicated 15 amp 120V, 60 Hz single-phase electrical service for operation of the ETS, all to the satisfaction of the General Manager of Engineering Services. Please contact Kieran McConnell of the NEU office at 604-871-6981.
16. Provision of a minimum 20% of residential parking stalls with 120 V AC single phase outlets (per section 86 of the Canadian Electrical Code).
17. Provision of improved plans to include the following:
  - (i) A complete tech table showing the required parking, loading and bicycle space calculations for both residential and commercial components for each phase and combined.
  - (ii) Clearly label and number all loading and parking spaces including disability and visitor parking spaces.
  - (iii) Show column locations in the parking areas as none are shown on drawing A201.
  - (iv) Redistribute the location of the small car spaces in phase one and in phase two to be split proportionately for both phases.
  - (v) Modify wall/stairwell structure and bicycle room access at gridline O/13 and O/14 on drawings A201 on Parking levels L1 to L3 (drawing error).
  - (vi) Provide design elevations through out the parking structure to calculate the slope and cross-fall of the ramps, drive aisles, parking stalls and loading bays.

Note to applicant: The percent of slope, the length of the ramp at the specified slope, and design elevations on both sides of the ramp at all break points (plus along the centre of travel lanes in curves) must be shown on the submitted drawings.

- (vii) Provide a separate floor plan for P3 with stall numbers and design elevations noted.
- (viii) Show security gates for the parking and loading areas and note the activation device on the plans. (Key fobs?)
- (ix) Show wheel stops for all parking spaces.
- (x) Provide a cross-section of the loading bays showing the vertical clearance to the underside of the security gate and the slope.  
Note to applicant: 3.8 m of vertical clearance is required for the loading bay.
- (xi) Provide 2.3 m of vertical clearance for access and manoeuvring to all disability spaces.  
Note to applicant: Building section 3 on drawing A302 measures 2.1 m of vertical clearance.
- (xii) Clarify the phasing line and show the wall, adjust parking stalls widths accordingly to meet the parking design guidelines.
- (xiii) Modify Class B and Class C loading spaces and/or building/features to address conflicts and manoeuvring issues identified in the Traffic Parking and Loading Review by EBA Engineering dated October 2010.  
Note to applicant: Please ensure the required throats and the required manoeuvring access is provided.
- (xiv) Provision of a survey plan showing pole and wire locations in the lane and confirmation that they will be removed or relocated ensuring access to the site is available.
- (xv) Move the pedestrian access from P1 to the residential lobby along gridline 4, 4 m north to reduce conflicts with vehicles.
- (xvi) Doors are not to swing over the ultimate property lines.
- (xvii) Provision of three streams of waste collection for the site, regular garbage, recycling and future organics collection including outfitting of the spaces for future use.
- (xviii) Provide residential garbage and recycling in a location that has improved access for waste haulers.
- (xix) Please review garbage pick up methods, the scale of this project suggests compactors are necessary for the residential pick up. Confirmation from a waste hauler that they can access and pick up from the locations shown without reliance of storage of bins on the lane is required.
- (xx) Clarify that the most westerly elevator/stairwell core shown on Parking L1 and L2-3 has been rotated/mirrored in error (it doesn't match the orientation of the above-grade core), otherwise portions would be encroaching into the lane.  
Notes to applicant: Modification of the curbs and lane entries will be required to accommodate truck access. Storm service is to be

direct to the lane south of 1st Avenue. Sanitary service is to be directed to 2nd Avenue.

### Housing

18. Ensure that a minimum of 25 percent of the dwelling units contain two bedrooms.
19. Design development to ensure that all indoor amenity rooms comply with the High Density Housing for Families with Children Guidelines.

Note to Applicant: Each of the indoor amenity rooms should have an accessible washroom, a kitchenette and adequate storage area.

### Childcare

20. Design development to the roof/canopy over the covered outdoor play area to demarcate circulation use from programmable play area, and to ensure that sufficient covered outdoor area is provided to meet the intent of the City of Vancouver Childcare Design Guidelines.

Note to applicant: Consult with the Director of Facilities Design & Management on the recommended balcony railing specification for balconies above outdoor play areas.

21. Design development will be required through the Development Permit process to ensure that the childcare facility will be in accordance with the Provincial Community Care Facilities Licensing requirements and the City of Vancouver Childcare Design Guidelines.

Note to Applicant: Consult with the Assistant Director of Social Infrastructure and with Community Care Facilities Licensing to discuss space allocation and functional layout to ensure that the design supports optimal and sustainable group configurations. A table of areas for the proposed programs will be required with the Development Permit application.

22. Design development to the designated parking area for the childcare to ensure safe access to childcare.

Note to applicant: Consult with Facilities Design & Management. Consider relocating the parkade gate so that the visitor parking is combined with the childcare parking and separated from the secure resident parking. Also consider exchanging the areas designated as childcare garbage and recycling with the parking spots directly adjacent to the elevator.

### Universal Design

23. Applicant to work with a Universal Design consultant to achieve the objectives for Universal Design in reference to "The Safer Home Certification Criteria" and submit a "The Safer Home Certification Checklist".

### Environmental Sustainability

24. Applicant to meet the SEFC Green Building Strategy and the EcoDensity Rezoning Policy for Greener Buildings (Action A-1), through identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Silver equivalency, with a minimum of 36 points and including at least 3 optimize energy performance points, one water efficiency point, and one storm water point;

Note to Applicant: Provide a LEED® checklist confirming LEED® Silver equivalency and a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development. Both the checklist and description should be incorporated into the drawing set. A letter from the Mechanical consultant shall be submitted outlining how the minimum of three [3] energy points will be achieved.

### Urban Agriculture

25. Design development to confirm the viability of the proposed gardening plots, such as providing an area for composting, non-potable water/irrigation systems, and suitable soil volumes.

### CONDITIONS OF BY-LAW ENACTMENT

- (c) THAT, prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services, and to the Director of Planning, the General Manager of Engineering Services and the Approving Officer as necessary, make arrangements for the following:

#### Rezoning Fee

1. As permitted under section 4 of the Zoning and Development Fee By-Law No. 5585, half of the required rezoning fee was submitted at the time of application. In accordance with this provision, the applicant is directed to pay the City the remainder of the fee (\$81,285) within 30 days of Council's approval in principle of the rezoning.

#### Engineering

2. Arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:

- (i) Dedication of the south 5 feet of the site for road purposes.

Note to Applicant: Delete all proposed below-grade, at-grade, and above-grade portions of the building which encroach over the ultimate south property line except for the proposed sunshades. Should sunshades be proposed to achieve sustainability or LEED® requirements, a separate application to the General Manager of Engineering Services would be necessary.

- (ii) Dedication of corner cuts at the northwest and northeast corners of the site to accommodate the truck turning movements as described in Appendix C of the traffic report.  

Note to Applicant: A detailed and fully dimensioned turning swath is necessary to determine the exact extent of road dedication necessary. Once determined all structures above and below grade are to be removed from the dedication areas.
- (iii) Consolidation of the site into a single parcel by way of subdivision.
- (iv) Provision of a surface right of way over the north 1.5 m of the site is required for lane lighting and landscaping purposes.
- (v) 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 to determine if water system upgrading is required, should upgrading be necessary then arrangements to the satisfaction of the of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading.
- (vi) Release of Easement & Indemnity Agreements 169444M & 146321M (crossing agreements) prior to issuance of the buildings' occupancy permit.
- (vii) Installation of public realm adjacent the site (along 2nd Avenue, Columbia Street, Manitoba Street and the lane north of 2nd Avenue) between the curb and property lines and within the laneway including curb relocations where necessary all in keeping with the SEFC Public Realm Plan and SEFC Public Realm Enhancement Guidelines. Work to include design and installation of SEFC street and lane lighting, street trees, structural soils, landscaping, specialty paving, concrete lane crossings, granite sets and pavers and treatments identified in the SEFC Public Realm Plan and the Public Realm Enhancement Guidelines.
- (viii) Undergrounding of all new and existing utility services from the closest existing suitable service point will be required. All electrical services to the site must be primary with all electrical plant which includes but is not limited to junction boxes, switchgear (vista switches) and pad mounted transformers to be located on private property. In addition, any above ground kiosks required to service the area must be located on private property. The development is not to rely 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. Early contact with the Utilities Management Branch is encouraged.
- (ix) Provision, operation, and maintenance of shared vehicles and the provision and maintenance of parking spaces for use exclusively by

such shared vehicles, with such parking spaces to be in addition to the minimum parking spaces required by the Parking By-law, at the rate in the table below:

Dwelling Units (per development)	Shared Vehicle	Shared Vehicle Parking Space	Future Converted Shared Vehicle Parking Space
1 – 49	None	None	1
50 – 149	1	1	1
150 – 249	2	2	2
250 – 349	2	2	3
Each additional 100 units or portion thereof	+0	+0	+1

and under the conditions outlined below:

- a) developer will be required to fund \$25,000 for the purchase of each required shared vehicle and fund \$9,500 for operating costs for each required shared vehicle;

Note to Applicant: These dollar amounts are subject to inflationary increases and final amounts will be calculated prior to Occupancy.

- b) management services to be provided by the professional shared vehicle organization subject to an agreement to be entered into with the developer on terms and conditions satisfactory to the City;
- c) the registration against the title to the development, with such priority as the Director of Legal Services may require, and in form and substance satisfactory to the Director of Legal Services, of a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, providing that the shared vehicle spaces in the development must be accessible to members of the car sharing organization who do not reside in the development; and
- d) the provision of, prior to issuance of any development permit, details on arrangements that will allow members of the shared vehicle organization access to the car share parking spaces;

### Soils

5. Submit a site profile to the Environmental Protection Branch (EPB).
6. The property owner shall, 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.

7. Enter into a remediation agreement for the remediation of the site and any contaminants which have migrated therefrom 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(s) satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Water, Land and Air Protection, has been provided to the City.

#### **Flood Plan Covenant**

8. Execute a Flood Plain Covenant to the satisfaction of the Director of Legal Services and the Chief Building Official.

#### **Childcare Facility**

9. Execute an agreement, satisfactory to the Director of Legal Services, to secure the design, construction, fitting, furnishing, equipping, and supplying by the owner, at its cost, of a licensable childcare facility of approximately 11,200 sq. ft. (gross) indoor space with adjacent outdoor space of approximately 8,100 sq. ft., and 12 dedicated parking stalls as per the City of Vancouver Childcare Design Guidelines, and for the payment, at occupancy, of cash contributions totalling \$2,510,000, all to the satisfaction of the Managing Director of Social Development, Director of Facility Design & Management, and Community Care Facilities Licensing.

Note to applicant: Design development will be required through the Development Permitting process to demonstrate that the requirements of the City's Childcare Design Guidelines can be met.

#### **Heritage Density Transfer**

10. that the owner secure the purchase and transfer of 22,839 sq. ft. of heritage density from 360 West 1st Avenue (the Best Building).

Note to applicant: "Letter B" in the City's standard format is to be completed by both the owner of the subject site, also referred to as the "receiver" site, and the owner of the "donor" site, and submitted to the City together with receipt(s) of heritage density purchase, including the amount, sale price, and total cost of the heritage density.

#### **Public Art Program**

11. Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide a preliminary public art plan to the satisfaction of the Public Art Program Manager.

Note to Applicant: To discuss your application please call Bryan Newson, Program Manager, 604.871.6002.



### Community Amenity Contribution

12. Pay to the City, prior to the enactment of the rezoning by-law, the cash Community Amenity Contribution of \$5,261,420 which is to be allocated as follows:
  - a) \$4,549,688 to affordable housing in SEFC as per the SEFC Public Benefits and Compatible Housing Strategy, and
  - b) \$711,732 to other public benefits in SEFC with specific allocation recommendations to be brought forward by staff after review of public benefits in SEFC.

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 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 rezoning 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.

\* \* \* \* \*

105-167 West 2nd Avenue  
DRAFT CONSEQUENTIAL AMENDMENTS

DRAFT AMENDMENTS TO THE SIGN BY-LAW NO. 6510

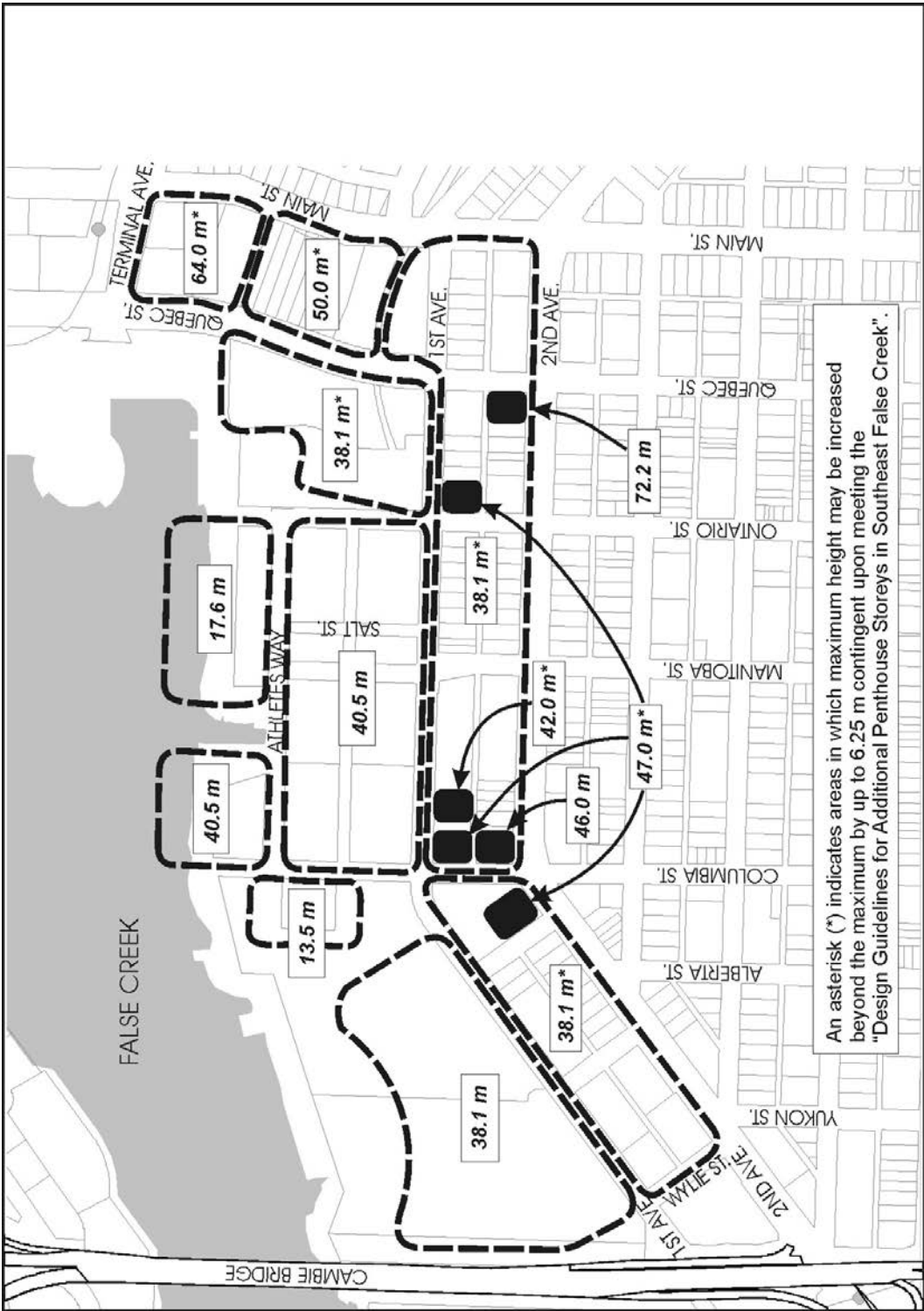
- Amend Schedule E (Comprehensive Development Areas) by adding the following:  
"105-167 West 2nd Avenue [CD-1 #] [By-law #] B (DD)".

DRAFT AMENDMENTS TO THE NOISE BY-LAW NO. 6555

- Amend Schedule B (Intermediate Zone) by adding the following:  
"[CD-1 #] [By-law #] 105-167 West 2nd Avenue".

DRAFT AMENDMENTS TO THE  
SOUTHEAST FALSE CREEK OFFICIAL DEVELOPMENT PLAN (BY-LAW NO. 9073)

- Amend Section 4.2 to increase by 12 291 m<sup>2</sup> the maximum basic floor area allowance for all uses developed after February 1, 2005, except cultural, recreational and institutional uses.
- Amend Sub-Section 4.3.1(a) to increase by 8 704 m<sup>2</sup> the basic residential floor area allowance for all areas.
- Amend Sub-Section 4.3.1(e) to increase by 8 704 m<sup>2</sup> the basic residential floor area allowance in areas 1B and 2B.
- Replace Figure 4 in Section 6 with a new Figure 4 that shows:
  - for Area 2B, an increase in the Total Floor Area by 12 291 m<sup>2</sup> and an increase in the Residential Area by 8 704 m<sup>2</sup>.
  - for all of the Southeast False ODP area, an increase in the Total Floor Area by 12 291 m<sup>2</sup> and an increase in the Maximum Residential Area by 8 704 m<sup>2</sup>.
- In Section 6, replace Figure 9, "Maximum Heights", with the following:



\* \* \* \* \*

105-167 West 2nd Avenue  
ADDITIONAL INFORMATION

1. **Comments - General Manager of Engineering Services**

Engineering Services reviewed the application and, in a memo dated December 22, 2010, the Projects Engineer stated that Engineering Services has no objection to the proposed rezoning provided that specific conditions are met. In the memo, a number of rezoning conditions were listed for inclusion in the staff report. These have been inserted in Appendix B as Form of Development conditions and as conditions to be met prior to by-law enactment.

2. **Environmental Health**

Although rezoning applications no longer obtain review from the Environmental Health Division with respect to acoustical criteria, staff have nonetheless included standard noise mitigation measures as follows:

- a) The City's acoustical criteria form part of the Zoning By-Law, and an Acoustical Consultant's report is required to assess noise impacts on the site and recommend noise mitigating measures; and
- b) The Noise Control By-Law will be amended at time of enactment of Zoning By-Law to include this CD-1 or new zoning district in Schedule B.

3. **Urban Design Panel**

The Urban Design Panel reviewed this proposal on December 1, 2011 and supported (5-3) the use, density and form of development and offered the following comments:

**Panel's Consensus on Key Aspects Needing Improvement:**

- Increase the overall architectural distinctiveness of parts with special emphasis on the towers and with particular emphasis on enhancing the distinctiveness of the west tower because of its unique location;
- Consider increasing use of strong color reflecting the adjacent SEFC projects; and
- If the height can not be revised to reduce the appearance of bulkiness and challenges with respect to adjacent buildings, then consider reduction in the overall density to achieve the same objectives.

**Related Commentary:** The Panel supported the proposal noting that it was a well conceived application.

The Panel thought it was a good project and exciting to see a large block handled so well noting that there were some constraints of massing and height with one Panel member suggesting that the design seemed to be fighting the constraints. Most of the Panel members thought there should be some flexibility with the height and that the towers could go higher to emphasis the base and sculpt the buildings making them less bulky. The Panel agreed that if more height couldn't be added to the towers then the project was overly ambitious for the amount of FSR

allowed and the bulk needed to be reduced. One Panel member noted that one of the interesting things about SEFC is the pairing of towers and that off-setting the tower with three instead of four towers was the right way to go as it opens up the space between the buildings. One Panel member suggested sloping the building massing to the high point and then down to West 2nd Avenue. Also the top three floors could be terraced to provide a nice living space. The Panel didn't mind the mechanical excursions above the roof although a couple of Panel members thought they could use some refinement.

Several Panel members noted that the adjacency to the west and east tower was very tight with the units looking straight into one another. One Panel member suggested pulling back the tower or terracing the north façade to get a bit more light into the towers. Several Panel members thought the towers had a sameness to them and wanted to see one of the towers stand out as a landmark building. Several Panel members thought there were too many layers of residential making the buildings unremarkable. Another Panel member didn't understand why the base ended on West 1st Avenue and not West 2nd Avenue.

The Panel liked the public realm noting that it will draw the project into the rest of the community. One Panel member liked the use of the boat slips theme but suggested other vertical elements rather than just trees in the space as well as more areas for seating. Most of the Panel thought the mews was well handled and will benefit both this project and the Wall project adjacent. One Panel member suggested making the mews wider to accommodate crowds spilling out from the performance space in the Wall project. Also a Panel member cautioned the applicant to not over program the mews with a public art program to allow it to have its own language. A couple of Panel members thought the applicant could have used the lane to make two faces to the project while another Panel member suggested adding retail which would make the lane more useable.

The Panel thought the color palette was a bit monochromatic with several Panel members suggesting looking for one element or material that could act as a foil. One Panel member liked that the daycare would be full size with another Panel member suggested the entry could be emphasized more. A couple of Panel members thought it was unfortunate that there wasn't any emphasis on job space for SEFC noting that job space is decreasing in the area.

A couple of Panel members were concerned with the height adjacency between the west tower and tower behind it noting that in the winter months there would be some heavy shadowing of the adjacent buildings. It was noted by one Panel member that the parking seemed high at one stall per unit and a couple of Panel members were concerned with how the daycare drop off area would work.

#### **4. Comments of the Applicant**

The applicant was provided with a draft copy of this report on June 7, 2011 and provided minor comments which staff subsequently addressed in the report.

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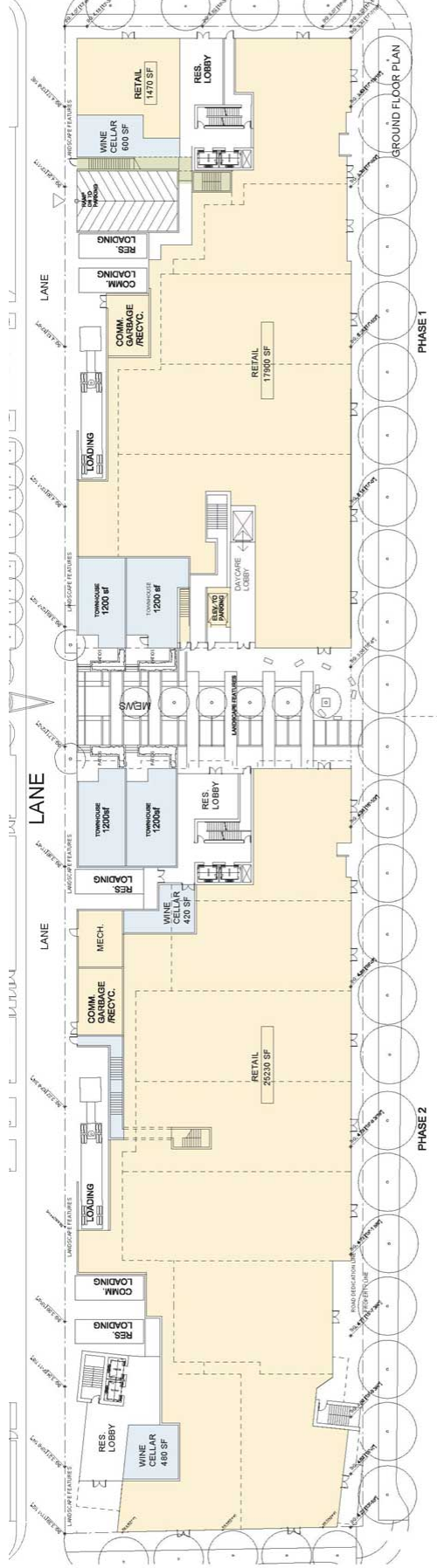
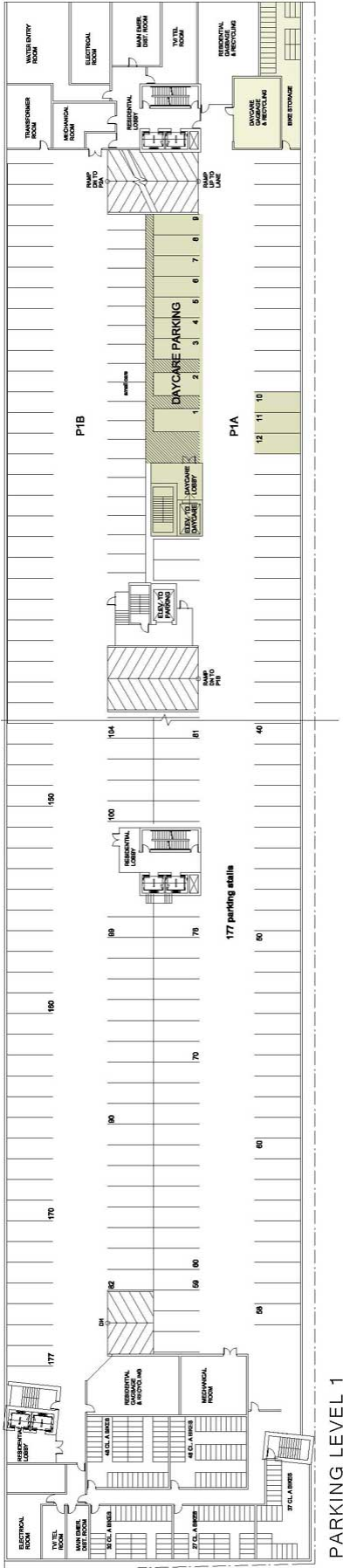
105-167 West 2nd Avenue  
FORM OF DEVELOPMENT



looking east along 2nd Avenue toward west and middle towers



looking west along 2nd Avenue toward proposed development



GROUND FLOOR PLAN

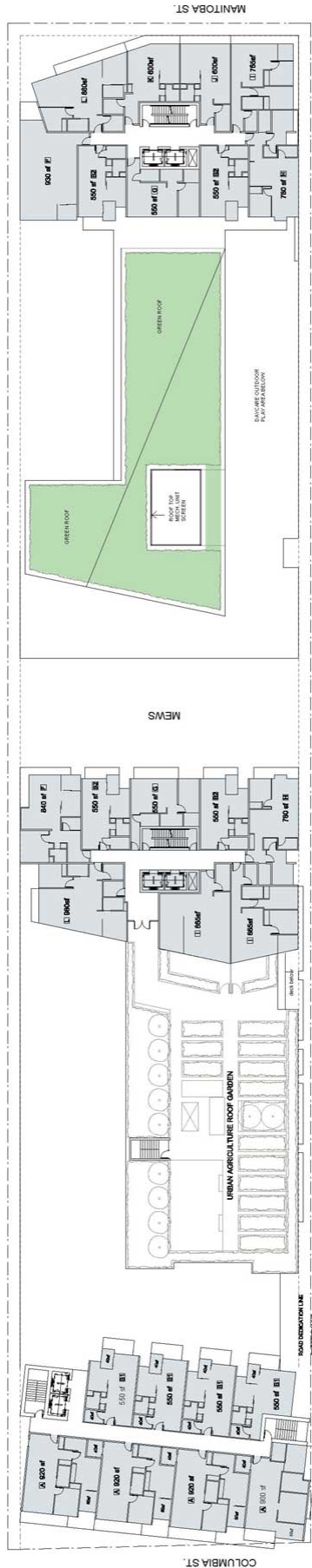




LEVEL 2 FLOOR PLAN

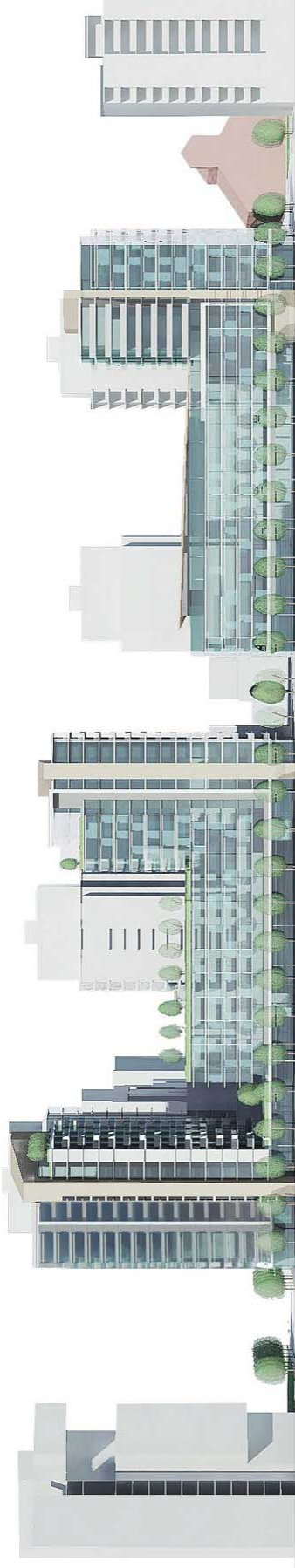


LEVEL 6 FLOOR PLAN

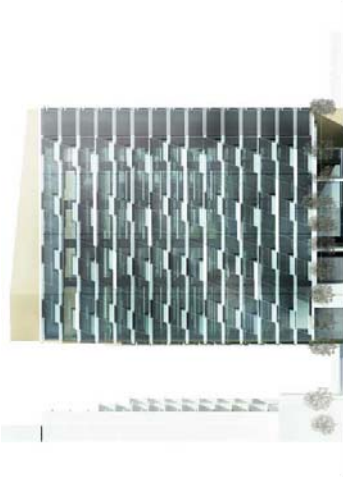


LEVEL 7 FLOOR PLAN

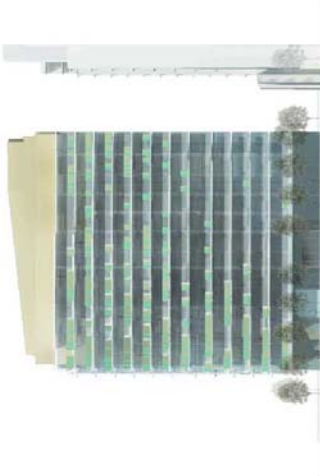




STREET ELEVATION: WEST 2ND AVENUE

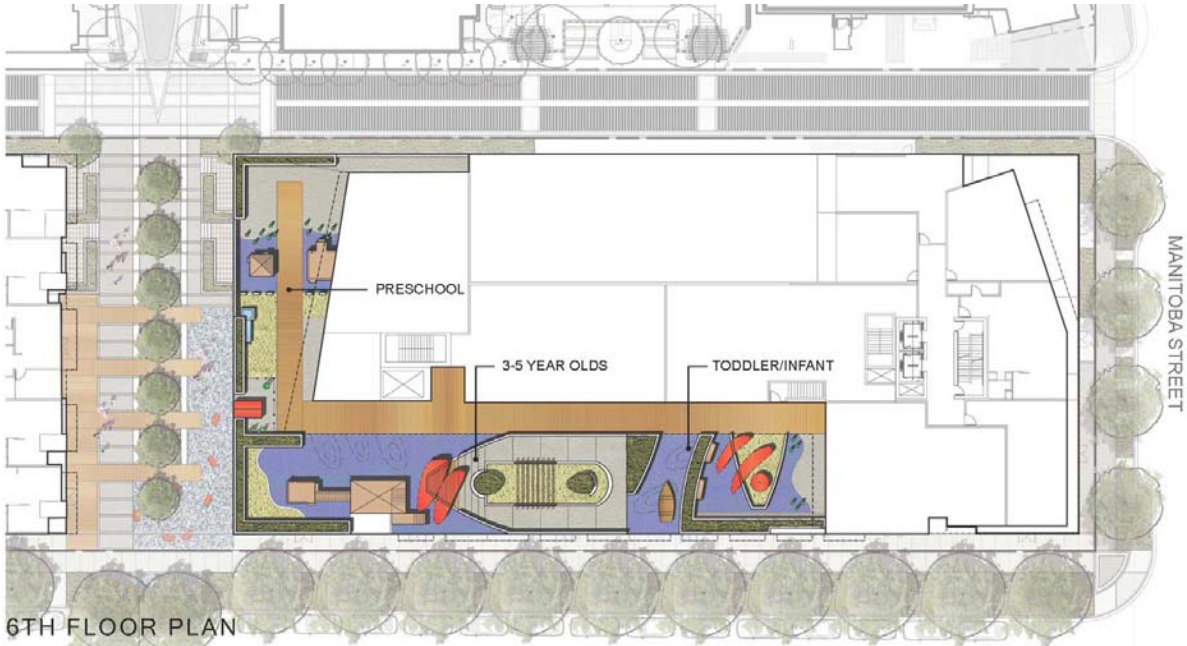


STREET ELEVATION: COLUMBIA STREET



STREET ELEVATION: MEWS

Childcare Centre – on 6th level of east podium



DAY CARE GREEN ROOF PERSPECTIVE

105-167 West 2nd Avenue  
PUBLIC BENEFITS SUMMARY

**Project Summary:**

A mixed-use development consisting of three residential towers with a 6-storey podium with retail at-grade and a childcare centre at the podium roof level.

**Public Benefit Summary:**

The project would provide CACs in the form of a childcare centre (on site), affordable housing (off site), a heritage transfer to the site and other unallocated CACs. It would also generate DCL payments and a public art contribution.

	Current Zoning	Proposed Zoning
Zoning District	M-2	CD-1
FSR (site area = 44,526 sq. ft./4 136.5 m <sup>2</sup> )	3.50 (SEFC ODP)	5.26
Buildable Floor Space (sq. ft.)	263,319	395,625
Land Use	Industrial/commercial	residential/commercial

Public Benefit Statistics		Value if built under Current Zoning (\$)	Value if built under Proposed Zoning (\$)
Required*	DCL (City-wide) (See Note 1)	n/a	\$4,122,413
	DCL (Area Specific)	n/a	\$6,203,400
	Public Art	n/a	\$716,081
	20% Social Housing	n/a	0
Offered (Community Amenity Contribution)	Childcare Facilities	n/a	\$11,550,500
	Cultural Facilities		
	Green Transportation/Public Realm		
	Heritage (transfer of density receiver site)		\$2,672,163
	Affordable Housing		\$4,549,688
	Parks and Public Spaces		
	Social/Community Facilities		
	Unallocated		\$711,732
Other			
<b>TOTAL VALUE OF PUBLIC BENEFITS</b>		<b>\$0</b>	<b>\$30,525,977</b>

**Other Benefits (non-market and/or STIR components):**

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\* DCLs, Public Art and Social Housing may have exemptions and/or minimum thresholds for qualification. For the City-wide DCL, revenues are allocated into the following public benefit categories: Parks (41%); Replacement Housing (32%); Transportation (22%); and Childcare (5%). Revenue allocations differ for each of the Area Specific DCL Districts.

Note 1: Under the SEFC ODP the site cannot redevelop under the current zoning, but must rezone to CD-1.

105-167 West 2nd Avenue  
APPLICANT, PROPERTY AND DEVELOPMENT PROPOSAL INFORMATION

Applicant and Property Information

Address	105-167 West 2nd Avenue
Legal Descriptions	Lots A, B, C and D, Block 10, DL 200A, Plan 197 & 3748 (PIDs: 005-709-784, 005-709-792, 005-709-814 and 005-709-776 respectively) and Lots 22, 23 and 24, Block 10, DL 200A, Plan 197 (PIDs: 005-709-733, 005-709-741 and 005-709-768 respectively)
Developer	Executive Group Development, Executive Group of Companies
Architect	Walter Francl Architecture Inc.
Property Owners	0742012 BC Ltd.

Development Statistics

	Development Permitted Under Existing Zoning (or SEFC ODP)	Proposed Development
ZONING	M-2	CD-1
SITE AREA	6 989 m <sup>2</sup> (75,234 sq. ft.)	6 989 m <sup>2</sup> (75,234 sq. ft.) less dedications
USES	Manufacturing, Retail, Service, Transportation & Storage, Utility & Communication, Wholesale, Office, Institutional, Cultural/Recreational	Dwelling Uses, Office, Retail, Service, Light Manufacturing, Institutional (Childcare) and Live-work
FLOOR AREA (included in FSR)	24 462 m <sup>2</sup> (263,319 sq. ft.) (under SEFC ODP at 3.5 FSR)	Retail/service 4 039 m <sup>2</sup> (43,476 sq. ft.) Residential 32 304 m <sup>2</sup> (347,726 sq. ft.) Total 36 754 m <sup>2</sup> (395,625 sq. ft.)
Floor Space Ratio (FSR)	3.5 FSR	5.26 FSR
Bonus floor area (over 3.5 FSR)		bonus 12 291 m <sup>2</sup> (132,306 sq. ft.)
Public amenity floor area (excluded from FSR)		Childcare Centre 1 039 m <sup>2</sup> (11,182 sq. ft.)
HEIGHT	SEFC ODP: 38.1 m (125 ft.) & up to 44.35 m (145.5 ft.) for additional penthouse storeys	East Tower 38.1 m (125.0 ft.) Middle Tower 43.2 m (141.7 ft.) West Tower 46.0 m (150.9 ft.)
PARKING, LOADING AND BICYCLE SPACES	As per Parking By-law	As per Parking By-law Proposed: Vehicle Parking: min. 368 max. 730 spaces Bicycle Storage: 616 spaces