

SUMMARY AND RECOMMENDATION

2. REZONING: 105-167 West 2nd Avenue

Summary: To rezone from M-2 (Industrial) District to CD-1 (Comprehensive Development) District to permit the development of three residential towers on a six-storey podium that includes retail uses at grade and a daycare. Tower heights proposed are 15 storeys (43.2 m) and 16 storeys (46.0 m). Rezoning is required to permit residential uses, increased height and the proposed density of 5.26 FSR. The site is in the Southeast False Creek Official Development Plan area.

Applicant: Mr. Walter Francl, Walter Francl Architecture.

Recommended Approval: By the Director of Planning, subject to the following conditions as proposed for adoption by resolution of Council:

- 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 m² (395,625 sq. ft.), generally as presented in Appendix A of the Policy Report dated June 20, 2011, entitled "CD-1 Rezoning - 105-167 West 2nd Avenue", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) THAT the proposed form of development be approved by Council in principle, generally as prepared by Walter Francl 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 By-law and heated during the winter to minimum 15° 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.

- B. THAT the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 District in accordance with Schedule B (DD), as set out in Appendix C of the Policy Report dated June 20, 2011, entitled "CD-1 Rezoning - 105-167 West 2nd Avenue", be approved.
- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for enactment the amendment to the Noise Control By-law to include this CD-1 District in Schedule B, as set out in Appendix C of the Policy Report dated June 20, 2011, entitled "CD-1 Rezoning - 105-167 West 2nd Avenue".
- D. 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 m² and the maximum residential floor area by 3 587 m² 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 of the Policy Report dated June 20, 2011, entitled "CD-1 Rezoning - 105-167 West 2nd Avenue";

FURTHER 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.

(RZ - 105-167 West 2nd Avenue)