

SUMMARY AND RECOMMENDATION

4. TEXT AMENDMENT: 1101 West Waterfront Rd (1199 West Cordova Street)

Summary: To amend the text of Comprehensive Development (CD-1) District (363) By-law for 1101 West Waterfront Road (1199 West Cordova Street) to increase the maximum floor area in Sub-area 3 for Retail and Service use (restaurant) from 600 square metres (6,458 square feet) to 975 square metres (10,495 square feet).

Applicant: Cityspaces Consulting Ltd. on behalf of the City of Vancouver (Parks and Recreation Board)

Referral: This item was referred to Public Hearing at the Regular Council Meeting of April 11, 2017.

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

- A. THAT the application by CitySpaces Consulting Ltd., on behalf of the City of Vancouver (Vancouver Board of Parks and Recreation), to amend the text of Comprehensive Development (CD-1) District (363) By-law No. 7679 for 1101 West Waterfront Road (formerly 1199 West Cordova Street) [*PID 023-686-952; Lot 21, Except Part In Plan BCP1695, of the Public Harbour of Burrard Inlet Plan LMP29892*], to increase the maximum floor area in Sub-area 3 for Retail and Service use (restaurant) from 600 sq. m (6,458 sq. ft.) to 975 sq. m (10,495 sq. ft.), generally as presented in Appendix A of the Policy Report dated March 28, 2017 entitled "CD-1 Text Amendment: 1101 West Waterfront Road (1199 West Cordova Street)", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- a) That the proposed form of development be approved by Council in principle, generally as prepared by CitySpaces Consulting Ltd., on behalf of the City of Vancouver (Vancouver Board of Parks and Recreation) as the applicant, and stamped "Received Planning & Development Services (Rezoning Centre) December 8, 2016", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Urban Design

1. Provision of minimum 201 sq. m (2,163 sq. ft.) of covered patio space, to be included in the maximum floor area calculation.
2. Provision to fully integrate and screen all rooftop equipment and vents within the green roof.
3. Provision to minimize impact and to improve public realm interface, such as interface with the Grand Staircase, as well as the interface with the service tunnel.
4. Provision to minimize noise impacts on neighbouring residential properties.
5. Provision to minimize impact on opportunities for public viewing of the water from Jack Poole Plaza.
6. Provision of safe, secure, and accessible site circulation.
7. Provision of a Flood Construction Level (FCL) of minimum 4.6 m (15.09 ft.) for the ground-floor level of the proposed development, in accordance with Section 4.0 - Flood Construction Levels (FCLs) of "Flood Plain Standards and Requirements" Guidelines by the City of Vancouver.

Note to Applicant: The site is located in a designated flood plain.

Engineering

8. Arrangements shall be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for modification to SRW BX400792 (as shown on Plan BCP15265) to exclude the proposed building area (or proposed lease site area) prior to occupancy.
9. Provision of a detailed Landscape Plan, sections and perspective drawings that clearly illustrate the relationship between the building including the associated landscape and the:
 - (i) Seawall cycle path;
 - (ii) Pedestrian/cycling/service tunnel; and
 - (iii) Grand Staircase.

Note to applicant: Include drawings of the planters and plant materials proposed adjacent the bike path and illustrate that adequate sightlines are provided for pedestrian and bicycle movements between cyclists on the Seaside Greenway (Seawall) and pedestrians exiting the Grand Stairs and the service tunnel.

10. Provision of automatic door openers on the doors providing access to the bicycle room(s) and note on plans.

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

- (i) Provision of an improved plan showing the maneuvering aisle with dimensioned and numbered parking and loading spaces being provided for this development.
- (ii) Provision of minimum vertical clearance for the main ramp, security gates, and loading bays.

Note to Applicant: A section drawing is required showing elevations, and vertical clearances. The minimum vertical clearance should be noted on plans. 2.3 m of vertical clearance is required for access and maneuvering to all disability spaces. 3.8 m of vertical clearance is required for Class B loading spaces and maneuvering.

- (iii) Provision of an improved plan showing the loading access route from the loading space to the restaurant.

Note to Applicant: The route must be 'stairs free' and not require the use of the Seawall or other public walking spaces.

- (iv) Provision of an improved plan showing the access route from the Class A bicycle spaces to reach the outside.

Note to Applicant: The route must be 'stairs free' and confirm the use of the parking ramp, if required.

Sustainability

12. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold, as required by the Green Buildings Policy for Rezoning, including a minimum of 63 points in the LEED® rating system, including at least 22% reduction in energy cost as compared to ASHRAE 90.1 2010, one water efficiency point, and one stormwater point.

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

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the General Manager of Planning, Urban Design and Sustainability, the General Manager of Community Services, the General Manager of Engineering Services, and Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Environmental Contamination

1. If applicable:
 - (i) Submit a site profile to Environmental Services (Environmental Protection);
 - (ii) As required by the Manager of Environmental Services and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
 - (iii) If required by the Manager of Environmental Services and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Services, the General Manager of Engineering Services and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until separate

Certificates of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, have been provided to the City.

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

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

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

B. THAT A be adopted on the following conditions:

- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
- (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
- (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

[TA - 1101 West Waterfront Road]