

SUMMARY AND RECOMMENDATION

2. REZONING: 311 West 2nd Avenue

Summary: To rezone from M-2 Industrial District to CD-1 Comprehensive Development District to permit a mixed use development a 10-storey tower connecting to a 5-storey building each with 2-storey live-work units at grade and residential units above in the Southeast False Creek Official Development Plan (SEFC ODP) area.

Applicant: Laurie Schmidt, Brook Development Planning

Recommended Approval: By the Director of Current Planning

- A. THAT the application by Brook Development Planning to rezone 311 West 2nd Avenue (Lot C, Block 3, DL 302, Plan 22772) from M-2 to CD-1, to permit a 10 storey mixed use building with a total density of 3.5 Floor Space Ratio, generally as presented in Appendix A to Policy Report "CD-1 Rezoning: 311 West 2nd Avenue" dated June 22, 2006, be approved, subject to the following conditions:

FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by HB/IBI Architects and stamped "Received City Planning Department, March 27, 2006", 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:

Design Development

- (i) design development to provide improved interface between the ground level open space on site and the public lane;

Note to Applicant: A fully public setback is to be provided adjacent to the lane including walking area with specialty paving, bench seating, lighting and landscaping. The remainder of the open space should transition from public, semi-private to private open spaces striving not to use fencing or gating.

- (ii) design development to the roof mechanical penthouse/roof access to provide a form and material treatment as an extension of the building architecture;
- (iii) provide high quality, durable architectural materials and detailing including rain protection overhangs;

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- (iv) design development to treat the exposed end wall at the western property line through variations in colour and texture;
- (v) design development to provide improved daylight access and privacy;

Note to Applicant: The objective is to maintain approximately 24.4 m separation between main living spaces facing each other above the 2nd floor across Crowe Street. Primary living spaces for units adjacent to the lane are to be oriented east or west.

CPTED

- (vi) design development to reduce opportunities for theft in the underground;

Note to Applicant: This can be achieved by providing separation between the live-work parking and the residential. Visitor parking may be provided in the live-work parking area.

- (vii) design development to reduce opportunities for mischief by deleting the free-standing exit stair at the lane and replacing with a walkway on the side of the parking ramp;
- (viii) design development to reduce opportunities for mail theft by locating the mail boxes within a fully enclosed room or in the lobby are to be fully visible to the elevators;

Landscape

Technical

- (ix) Provide a full Landscape Plan at the Development Permit application stage;
- (x) The Landscape Plan should clearly note proposed paving, walls, fences, light fixtures and other landscape elements including site grading; all existing street trees and public utilities such as lamp posts, hydro poles, fire hydrants, etc., and the proposed landscape design illustrating proposed plant materials (common and botanical names), sizes and quantities keyed to a planting schedule. Plans to be at 1/8"=1'-0" minimum scale;
- (xi) Provide large scale 1/4"=1'-0" or 1:50 scale partial plans, elevations and sections illustrating the detailed treatment of the project's public realm interface at the street and lane; include planter walls, stairs, landscaping, soil depth (indicated by underground structures), semi private patios, and privacy screens. Provide technical drawings of storm water recycling. Clarify "storm spouts" with section/elevation detail;

Note to Applicant: Grades, retaining walls, walkways and structural elements, such as underground parking, are to be designed to provide maximum plant growth (exceed BCLNA Landscape Standard). Underground parking roofs may need to be reconfigured to

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increase soil depth. Underground parking to angle downward at the corner (3 ft. across and 4 ft. down) to increase planting depth for inner boulevard trees and shrubs. Continuous soil troughs for street and lane trees and climbing plants for green walls are to be provided wherever possible;

- (xii) Provide a Lighting Plan for each site;
- (xiii) Provide hose bibs for all patios that cannot be serviced by at grade non-potable water;
- (xiv) Lane trees are to be protected with stand up metal tree guards, low curbs or bollards;

Universal Design

- (xv) Applicant to work with a Universal Design consultant to achieve the objectives for Universal Design through implementation of "The Safer Home Certification Criteria" as outlined in Appendix F;

Environmental Sustainability

- (xvi) applicant to achieve the SEFC green building strategy and meet a minimum LEED™ Silver Canada Certified standard (with a target of 36 points), including City of Vancouver prerequisites (with full LEED™ registration and documentation) or equivalency;

Energy

- (xvii) provide energy efficient design and modelling results to meet or exceed the CBIP (Commercial Buildings Incentive Program) standard for energy efficiency;
- (xviii) provide full building design to meet ASHRAE 90.1 2004 in its entirety (with the exception of outright energy efficiency, which is covered under provision "xvii", above) including:
 - improved envelope options such as "continuous insulation", increased r-values, and thermal breaks for balconies and slab extensions;
 - energy efficient lighting;
 - air exchange effectiveness;
 - full best practice building systems commissioning;
 - daylighting; and
 - provision of vestibules where necessary;

Note to Applicant: A letter from a professional engineer trained in building commissioning outlining provision for this service is to be submitted at the time of application for Building Permit.

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- (xix) provide compatible, energy efficient design and details of the heating and domestic hot water for the referenced connection to the "district heating system" proposed for the area;
- (xx) provide vertical glazing to a maximum of 40 percent or provide additional thermal measure such as low-e glass to compensate for the additional heat loss;
- (xxi) provide roughed-in capacity for future individual metering for energy and water supplies;
- (xxii) provide climate zone control for residential and live-work units;
- (xxiii) provision of fireplaces listed as a heating appliance with a minimum combustion efficiency to meet or exceed ASHRAE/IESNA Standard 90.1 - 2001 heating appliance standards. No continuous pilot lights; interrupted power ignition is preferred.

Note to Applicant: A letter from a professional engineer outlining provision for these features is to be submitted at the time of application for Building Permit.

Stormwater Management and Green Roofs

- (xxiv) provision of a green roof (including useable, intensive roof and or inaccessible, extensive roof) on principal building roofs;
- (xxv) provision of effective impervious area of no more than 60 percent of total site area with 30 percent of useable intensive green roof area in soft landscape (this includes drop off areas, walkways rooftops and plazas);
- (xxvi) provision of best current practices for managing water conservation including high efficiency irrigation, aspects of xeriscaping including drought-tolerant plant selection and mulching;
- (xxvii) design development to reduce the use of potable water for irrigation through the provision of a stormwater retention system (i.e. cistern, on-site pond, infiltration galleries, etc.);

Note to Applicant: Provide a stormwater retention system separated from the potable water system (dual system) for the irrigation of the ground level semi-private open spaces and public realm landscaping is to be sized for the summer drought periods. In addition, water storage for the roof top shared open space should be considered. All hose bibs to be served with potable water unless clearly indicated otherwise. This system is to be designed in coordination with Building - Processing.

- (xxviii) provide details and arrangements for connection and flow rates to meet the SEFC Stormwater Management Plan (see engineering condition "c iii");

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- (xxix) provision of green roof design to meet structural load, soil depths, and access & egress conditions necessary for an intensive green roof/urban agriculture (regardless of initial roof design - intensive or extensive);

Note to Applicant: A letter from a professional engineer outlining provision for these features is to be submitted at the time of application for Building Permit.

In-Building Water Efficiency

- (xxx) provide low water use plumbing fixtures at or below 1.8 gpm for faucets and showerheads and 6L/3L dual flush toilets;

Note to Applicant: A letter from a professional engineer outlining provision for these features is to be submitted at the time of application for Building Permit.

Urban Agriculture

- (xxxi) design development to incorporate the objectives of urban agriculture including provision of garden plots of an adequate size and number are to be productive and viable. The total amount of gardening spaces is to be appropriate for the size of development. Locate gardening plots to maximize sunlight and respond to programming requirements such as providing an area for composting, non-potable water/irrigation systems, and suitable soil volumes;

Note to Applicant: Explore opportunities to expand the area designated for garden plots, e.g. by using the green roof panels on the tower roof, so that a minimum of 30 percent of the units without private garden space (not balconies) have access to a private garden plot. Note that the existing garden plots of approximately 4 by 12 ft. can be counted as 2 plots if needed to reach the 30 percent goal. Regarding the relationship between the proposed play areas and the proposed garden plots on Landscape level 1, explore opportunities to further integrate these areas in order to facilitate children's involvement in gardening and to support parent's ability to garden and monitor children's activities.

Building Durability

- (xxxii) provide high quality, durable architectural materials and detailing including rain protection overhangs to meet or exceed CSA Guidelines on Durability in Buildings;

Waste Management

- (xxxiii) provide a Construction and Demolition Waste Management Plan at the time of application for Building Permit ensuring that a minimum of 75 percent landfill diversion through the construction process;

AGREEMENTS:

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- (c) That prior to enactment of the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services, the registered owner shall:
ENGINEERING

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

- (i) Dedication or other arrangements for the south 5'-0" of the site for road purposes. (should the parkade design require use of this proposed dedication area to achieve an approvable parkade design then Engineering would support this area as a surface right of way for public use in lieu of full dedication);
- (ii) Provision of a 1.5 m Right of Way along the north property line of the site (the lane) for pedestrian purposes;
- (iii) Upgrading or extension of the storm sewer system to meet the SEFC stormwater management plan. (Note the application does not currently contain enough detail to determine this, further clarification is required.);
- (iv) Provision of new sidewalks, curb, pavement, concrete lane crossings, lamp standards, street trees and street furniture adjacent to the site in keeping with the final SEFC Public Realm Plan requirements;
- (v) Improvements to the lane south of 1st Avenue from Crowe Street to the west property line of the site in keeping with the final SEFC Public Realm Plan approvals;
- (vi) Release of indemnity agreements 67629H and GD48106 and easement and indemnity agreements 189341M, 269280M, GD48105 and GD48107 prior to occupancy of the building;
- (vii) Undergrounding of all existing and new utility services from the closest existing suitable service point. All services, and in particular electrical transformers to accommodate a primary service must be located on private property. The development site is not to rely on secondary voltage from the existing overhead network. Any alterations to the existing underground/overhead utility network to accommodate the development will require review and approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged;
- (viii) Provision of 3 streams of waste removal for the development. (Regular garbage, recyclable materials and organics.) The development site is to provide adequate space to accommodate 3 streams of waste removal include fully outfitted areas that can be made active upon implementation of organics collection system;

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- (ix) Building design is to include provision for connections to and be compatible with the "district heating system" proposed for the area;
- (x) Provision of a shared vehicle ramp with knock-out panel for future access to underground parking and services for adjacent site;
- (xi) make arrangements to the satisfaction of the General Manager of Engineering Services, in consultation with the Director of Planning for:
 - (A) the provision, operation, and maintenance of one cooperative vehicle and the provision and maintenance of one parking space for use exclusively by such cooperative vehicle, such parking space to be in addition to the minimum parking spaces required by the Parking bylaw and;
 - (B) designation of one visitor or surplus parking space which is publicly accessible for future use by a cooperative vehicle.

SOILS

- (xii) the property owner shall do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion;
- (xiii) execute a Section 219 Covenant, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until Certificate of Compliance have been provided to the City by the Ministry of Water, Land and Air Protection;

OLYMPIC SECURITY REQUIREMENTS

Prior to enactment of the CD-1 By-law, the registered owner of the Lands (the "Owner") shall:

- (xiv) enter into a legal agreement, on terms and conditions acceptable to the City's Director of Legal Services and the City's General Manager of Olympic Operations (the "Security Agreement") which shall, inter alia, provide for the following:
 - (A) the Owner may make application for all applicable permits to construct and occupy the improvements permitted pursuant to the Rezoning (the "Improvements") at any time and may construct and occupy the Improvements in accordance with any development permits, building permits and occupancy permits issued in respect of the Improvements. However, if all construction of the Improvements is not fully completed on or before January 12, 2010, the Owner shall, during the period between January 12, 2010 and March 12, 2010;

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- i. cease, or cause to cease, all servicing and/or construction activities on the Lands; and
 - ii. not access or use the Lands for any purpose other than for maintenance of and security for the Improvements. The Owner and the Owner's personnel shall comply with any security protocols established by the City during such access or use;
- (B) the Owner shall, during the period January 12, 2010 through March 12, 2010, permit the City and any permittee or licensee of the City including, without limitation, VANOC, access to the Lands and any buildings and improvements located thereon, to erect any fences, security barriers, screens, drapes or other security or pageantry materials or equipment on the Lands deemed necessary by the City or any permittee or licensee for the purpose of facilitating the security and decoration of the Vancouver Olympic Athlete's Village (the "Security Fencing"). The Security Fencing will be at the cost of the City, or its permittee or licensee, as the case may be, and shall be at no cost to the Owner;
- (C) the Owner acknowledges and agrees that vehicular and/or pedestrian access to the Lands from Quebec Street may be restricted or unavailable for a period of time before, during and after the 2010 Olympic Winter Games, at the sole discretion of the City Engineer;
- (D) the Owner shall release the City and its officials, officers, employees, contractors and agents ("City Personnel") from any costs, damages (including special, indirect and consequential damages), injuries or liabilities of any kind suffered or incurred by the Owner and/or the Owner's officers, employees, contractors and agents ("Owner's Personnel") which arise due to the use or occupation of the Lands by the City and/or City Personnel and/or any restrictions placed on the Owner's use, occupation and development of the Lands, as set out in the Security Agreement. The Owner shall indemnify and hold harmless the City and City Personnel for any costs, damages (including special, indirect and consequential damages), injuries or liabilities of any kind suffered or incurred by the City or City Personnel due to the breach of any term or condition of the Security Agreement by the Owner and/or the Owner's Personnel; and
- (E) the Owner shall release the City and its officials, officers, employees, contractors and agents ("City Personnel") from any costs, damages (including special, indirect and consequential damages), injuries or liabilities of any kind suffered or incurred by the Owner and/or the Owner's officers, employees, contractors and agents ("Owner's Personnel") which arise due to the use or occupation of the Lands by the City and/or City Personnel and/or any restrictions placed on the Owner's use, occupation and development of the Lands, as set out in the Security Agreement. The Owner shall indemnify and hold harmless the City and City Personnel for any

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costs, damages (including special, indirect and consequential damages), injuries or liabilities of any kind suffered or incurred by the City or City Personnel due to the breach of any term or condition of the Security Agreement by the Owner and/or the Owner's Personnel, the Security Agreement shall be fully registered in the applicable Land Title Office, to the satisfaction of the Director of Legal Services, prior to the enactment of the CD-1 By-law.

The Security Agreement shall be fully registered in the applicable Land Title Office, to the satisfaction of the Director of Legal Services, prior to the enactment of the CD-1 By-law.

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 subject site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law; provided however the Director of Legal Services may, in her sole discretion and on terms she considers advisable, accept tendering of the preceding agreements for registration in the appropriate Land Title Office, 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 Recommendation 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; 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

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- (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

(RZ. - 311 West 2nd Avenue)