

SUMMARY AND RECOMMENDATION

4. REZONING: 201 West 2nd Avenue

Summary: To rezone from M-2 Industrial District to CD-1 Comprehensive Development District to permit development of a 16-storey mixed use building under the Southeast False Creek (SEFC) Official Development Plan (ODP).

Applicant: Graham McGarva, VIA Architecture

Recommended Approval: By the Director of Planning

- A. THAT the application by VIA Architecture on behalf of Murphy Stationery Co. Ltd. to rezone 201 West 2nd Avenue (PID: 011-069-589; Block 5, Explanatory Plan 3389, DL 302, Plan 5832) from M-2 (Industrial) to CD-1 (Comprehensive Development District), to permit a 16 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: 201 West 2nd Avenue" dated September 13, 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 VIA Architects and stamped "Received City Planning Department, April 7, 2006", 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 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 have consider the following:

Design Development

- (i) design development to the overall building to refine the massing and detailing and to further break down and slim the building scale;

Note to Applicant: This may be achieved by offsetting the slab forms on each side of the atrium. Consideration may also be given to hinging or angling the north from the south form.

- (ii) design development to the atrium to provide: more openness; a glass roof to allow more light; and an analysis of natural ventilation and air flows;
- (iii) provide a pedestrian mews along the east side of the building for use by the building residents;

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- (iv) provide a feature on both the east and west facades of the building and landscape to respond to the axial view from the lanes;
- (v) provide high quality, durable architectural materials and detailing including rain protection overhangs;
- (vi) design development to the roof mechanical penthouse/roof access to provide a form and material treatment as an extension of the building architecture and to minimize the scale of the penthouse;
- (vii) design development to provide improved daylight access and privacy for residential;

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 Cook Street.

- (viii) provide details of sliding screens, overhangs and other visible responses to solar orientation and weather protection and consider the use of colour for these features;

CPTED (Crime Prevention Through Environmental Design)

- (ix) design development to take into consideration the principles of CPTED, having particular regard for reducing opportunities for;
 - theft in the underground parking;
 - residential break and enter;
 - mail theft;
 - vandalism such as graffiti.

Landscape

- (x) final coordination of the public realm treatment to be consistent with the SEFC Public Realm Plan;
- (xi) ensure the open space on the east side allows visibility through from 2nd Avenue to achieve a water view of False Creek;
- (xii) provide an enhanced open space on 2nd Avenue at Columbia Street where the boulevard widens;
- (xiii) provision of semi public and semi private spaces that complement the design of the public realm. Aspects to consider at time of Development Permit Application include special paving, lighting, planting, driveway crossings, pedestrian entrances and safety, walkways,

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- permanent site furniture, weather protection, garbage storage, recycling and loading facilities;
- (xiv) provision of maximum 40 percent effective impervious area;
 - (xv) design development to ensure the integration of the underground parking structure into the overall open space design;
 - (xvi) provision of best current practices for reducing potable water use and managing storm water conservation, including high efficiency irrigation, xeriscaping and the use of captured storm water for irrigation. Size and location of water storage cisterns should be noted on Plans. Where practical, water features are to use storm water or other non-potable alternatives. Detailed technical drawings of storm water recycling will be required at the time of development permit application;
 - (xvii) provision at time of development permit application of a detailed rationale outlining intent for the specific programming of individual outdoor spaces and landscape structures, including overall use, pedestrian capacity, storage (for example, compost, gardening tools), access, security, sustainable design requirements (planting, water, waste, soil, habitat);
 - (xviii) maximize opportunities for "green walls", planted roofs and patios. Mitigate blank walls by locating continuous linear planters and climbing plants at their base;
 - (xix) increase the planter sizes on private patios and maximize edible planting opportunities, including hose bibs and tool storage. Provide hose bibs for all patios that cannot be serviced using at grade non-potable water;
 - (xx) design development to the inner boulevard "rain garden features" to explore the opportunity for the direct collection of water from the street as a "swale", in coordination with Engineering and the public realm design;
 - (xxi) encourage native plant species for planted areas that are not utilized for urban agriculture;

Technical

- (xxii) provision at time of development permit application of a full Landscape Plan illustrating proposed plant materials (common and botanical names), sizes and quantities; notation of existing trees to be retained, paving, walls, fences, light fixtures and other landscape elements, including site grading. Proposed plant materials should be clearly illustrated on the Landscape Plan. The Landscape Plan should be at 1:100 (1/8" = 1' 0");

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- (xxiii) Grades, retaining walls, walkways and structural elements, such as underground parking, to be designed to provide maximum plant growing depth (exceed BCLNA Landscape Standard). Where applicable, underground parking design to increase soil depth for planting. Planted areas adjacent to structures and on slab to contain continuous soil volumes. Underground parking to angle downward at the corner (3 feet across and 4 feet down) to increase planting depth for inner boulevard trees and planters;
- (xxiv) provision of large scale partial plans, elevations, sections, specifications illustrating the detailed treatment of the public realm interface at the streets and lanes; including planters, retaining walls, stairs, planting, soil depth, underground structures, semi private patios and privacy screens;
- (xxv) provision at time of development permit application of a lighting plan;

Trees

- (xxvi) additional street trees will be required and are to be clearly illustrated on the Landscape Plan;
- (xxvii) protect lane edge trees and planting from vehicular impacts by providing metal tree surrounds, bollards or low curbs as needed;

Universal Design

- (xxviii) 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

- (xxix) 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

- (xxx) provide energy efficient design and modelling results to meet or exceed the CBIP (Commercial Buildings Incentive Program) standard for energy efficiency;
- (xxxi) 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 "xxx", above) including:
- improved envelope options such as "continuous insulation", increased r-values, and thermal breaks for balconies and slab extensions;

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- 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.

- (xxxii) provide compatible, energy efficient design and details of the heating and domestic hot water for the referenced connection to the False Creek Neighbourhood Energy Utility proposed for the area;
- (xxxiii) 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;
- (xxxiv) provide roughed-in capacity for future individual metering for energy and water supplies;
- (xxxv) provide climate zone control for residential and live-work units that is compatible with the False Creek Neighbourhood Energy Utility;
- (xxxvi) 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

- (xxxvii) provision of a green roof (including useable, intensive roof and or inaccessible, extensive roof) on principal building roofs;
- (xxxviii) 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);
- (xxxix) provision of best current practices for managing water conservation including high efficiency irrigation, aspects of xeriscaping including drought-tolerant plant selection and mulching;

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- (xl) design development to provide a balanced stormwater management system that maximizes on site water quality/quantity (e.g., greenroofs, on-site ponds, infiltration galleries, etc.) and potable water conservation through reuse for irrigation, water features, and toilet flushing (e.g. cistern with dual piping, water treatment). Detailed technical drawings of stormwater reuse system will be required at the time of development permit application;

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

- (xli) provide details and arrangements for connection and flow rates to meet the SEFC Stormwater Management Plan (see engineering condition "*follow-up with Engineering*");
- (xlii) 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

- (xlirii) 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

- (xliv) design development to incorporate the objectives of urban agriculture including provision of garden plots of an adequate size and number which 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;

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Building Durability

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

Waste Management

- (xlv) 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:

- (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 of the north 0.8 metres of the site for road purposes;
- (ii) dedication of the south 5 ft. of the site (1.524 m -- not the 1.5 m noted on plans) for road purposes;
- (iii) dedication of a 4.9 metre by 50 metre tapered portion of the site along Cook Street measured from the 1st Avenue widening line for road purposes;

Note: clarify if any permanent portion of the development, both above and below grade encroach beyond any of the dedication lines. If so they must be deleted from the dedication areas.

- (iv) release of Easement & Indemnity agreement P9092 (existing building encroachments) prior to issuance of any permits beyond excavation & shoring stages;
- (v) undergrounding of all 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;

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- (vi) provision of new sidewalks, curb, pavement, concrete lane crossings, lamp standards, street trees and street furniture adjacent the site in keeping with the final SEFC public realm design requirements;
- (vii) 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 including fully outfitted areas that can be made active upon implementation of organics collection system;
- (viii) building design is to include provision for connections to and be compatible with the neighbourhood energy utility proposed for the area;
- (ix) 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 co-operative vehicles and the provision and maintenance of parking spaces for use exclusively by such co-operative vehicles, with such parking spaces to be in addition to the minimum parking spaces required by the Parking By-law; and
 - (B) designation of visitor or surplus parking spaces which are publicly accessible for future use by co-operative vehicles, with such spaces not to be in addition to required parking for residents or visitors.

all as outlined below:

Dwelling Units	Co-operative Vehicle	Co-operative Vehicle Parking Space	Future Converted Co-operative Parking Space
1-49	None	None	1
50-149	1	1	1
150 - 249	2	2	2
250-349	2	2	3
Each add'l 100 units or portion there of	+0	+0	+1

SOILS

- (x) 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;

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- (xi) execute a Section 219 Covenant, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, covenanting that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until a Certificate of Compliance has been provided to the City by the Ministry of Environment;

OLYMPIC SECURITY REQUIREMENTS

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

- (xii) 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 a development permit and a building permit pursuant to the Rezoning at any time. The City's General Manager of Olympic Operations shall, prior to issuance of any development permit, delineate the site into two zones, roughly the North portion of the Lands (the "Red Zone") and the South portion of the Lands (the "Green Zone"), at his sole discretion, and the following conditions shall apply to each zone:

RED ZONE CONDITIONS

- i. If the Owner commences construction of the improvements permitted pursuant to the Rezoning to be located in the Red Zone (the "Red Zone Improvements"), the Red Zone Improvements shall be completed, at a minimum, to "lock down" (including, without limitation, completion of all doors and windows) to the satisfaction of the City's Chief Building Official on or before January 12, 2010;
- ii. prior to issuance of any building permit for the Red Zone Improvements, the Owner shall be required to lodge a letter of credit with the City, on terms acceptable to the Director of Legal Services, in an amount deemed adequate by the Chief Building Official, in his sole opinion, to secure completion of the Red Zone Improvements to lock down prior to January 12, 2010;
- iii. the Owner acknowledges and agrees that the Chief Building Official shall inspect the Red Zone Improvements on or before October 12, 2009 and shall determine whether or not, in his opinion, the Red Zone Improvements will be completed to lock down prior to January 12, 2010. If the Chief Building Official is not satisfied that lock down will be achieved by January 12, 2010,

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the Chief Building Official may order that the Owner take all necessary steps to ensure that lock down can be achieved by January 12, 2010 and the Owner shall take all necessary steps to do so at the Owner's cost. Alternatively, the Chief Building Official may, in his sole discretion, permit the City, or its permittees or licensees to complete the Red Zone Improvements to lock down, at the cost and risk of the Owner;

- iv. the Owner acknowledges and agrees that notwithstanding that the Owner may construct the Red Zone Improvements, the Owner may not occupy, or permit occupation of the Red Zone Improvements, other than for site servicing, construction, maintenance and security purposes, prior to January 12, 2010;
- v. the Owner shall not access or use the Red Zone Improvements for any purpose other than maintenance of and security for the Red Zone Improvements during the period between January 12, 2010 and March 12, 2010. The Owner and the Owner's personnel shall comply with any security protocols established by the City during such access or use;

GREEN ZONE CONDITION

- vi. the Owner may make application for all applicable permits to construct and occupy the improvements permitted pursuant to the Rezoning to be located in the Green Zone (the "Green Zone Improvements) at any time and may construct and occupy the Green Zone Improvements in accordance with any development permits, building permits and occupancy permits issued in respect of the Green Zone Improvements. However, if all construction of the Green Zone 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;
 - a. cease, or cause to cease, all servicing and/or construction activities on the Green Zone Improvements; and
 - b. not access or use the Green Zone Improvements for any purpose other than for maintenance of and security for the Green Zone Improvements. The Owner and the Owner's personnel shall comply with any security protocols established by the City during such access or use;

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GENERAL CONDITIONS

- vii. the Owner shall permit the City and its permittees and licensees, including without limitation the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games ("VANOC") and any security organizations responsible for security for the 2010 Olympic Winter Games, to enter the Lands and any buildings and improvements located thereon at any time, and from to time, from December 1, 2009 to January 11, 2010 for security planning purposes and from January 12, 2010 to March 12, 2010 for any security purposes they deem necessary or desirable for the purpose of providing security protection for the Vancouver Olympic Village;
- viii. 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;
- ix. 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
- x. the Owner acknowledges and agrees that vehicular and/or pedestrian access to the Lands from City streets may be restricted or unavailable for a period of time before, during and after the 2010 Olympic Winter Games;

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the Security Agreement shall be fully registered against title to the Lands 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.

PUBLIC ART

- (xiii) Execute an agreement, satisfactory to the Directors of Legal Services and the Office of Cultural Affairs for the provision of public art in accordance with the City's Public Art Policy and the SEFC Public Art Plan, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and
- (xiv) Submit a preliminary public art plan to the satisfaction of the Managing Director, Cultural Services setting out the proposed public art program aims, artist terms of reference, site and artist selection methods, project budget, implementation plan and a schedule consistent with the objectives and intent of the SEFC Public Art Plan;

COMMUNITY AMENITY CONTRIBUTION

- (xv) execution of Section 219 Covenant (No Development Covenant) providing that prior to issuance of the development permit the agreed Community Amenity Contribution in the amount of \$2,308,916, is to be paid to the City, such Covenant to be on terms and conditions satisfactory to the Director of Legal Services;

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.

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 by VIA Architecture to amend the Sign By-law to establish regulations for this CD-1 in accordance with Schedule E (assigned Schedule "B" (DD)) as set out in Appendix C to the Policy Report "CD-1 Rezoning: 201 West 2nd Avenue" dated September 13, 2006, be approved;

- C. THAT the Noise Control By-law be amended to include this CD-1 in Schedule B as set out in Appendix C.

(RZ - 201 West 2nd Avenue)