

**2. REZONING & HERITAGE REVITALIZATION AGREEMENT: 368 West 1<sup>st</sup> Avenue**

**Summary:** To rezone the site from M-2 (Industrial) to CD-1 (Comprehensive Development District) and enter into a Heritage Revitalization Agreement to designate and rehabilitate a 4-storey heritage building and permit the development of a 6-storey residential building on the balance of the site.

**Applicant:** Burrowes Huggins Architects on behalf of PCI Developments Corp

**Recommended Approval:** By the Director of Planning

- A. THAT the application by John Burrowes Huggins Architects on behalf of PCI Developments Corp. to rezone 368 West 1st Avenue (PID: 003-896-196, 003-896-854, 003-896-218; Lots 1-3, Block 3, DL 302, Plan 5832) from M-2 (Industrial) to CD-1 (Comprehensive Development District), generally as represented in Appendix A to Policy Report "CD-1 Rezoning and Heritage Revitalization Agreement - 368 West 1st Avenue" dated January 6, 2007, 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 Burrowes Huggins Architects, and stamped "Received Planning Department, May 12, 2006", provided that the Director of Planning or the Development Permit Board, as the case may be, may allow 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**

- i) consideration to increase the height of the new building to 6 storeys (21.3 m) while avoiding shadow impacts and blank walls on either side of the development;
- ii) design development to strengthen the sense of entry and to emphasize the junction between the existing heritage building and the addition;
- iii) design development to refine the character of the addition to better relate to the rhythm and scale of the heritage building while creating a more distinct contemporary character;

Note to Applicant: the principal façade of the addition should be set back to approximately 3 m (10 ft.), although the proposed bays could project up to 0.6 m (2 ft.) into the setback to relate to the 2.44 m (8 ft.) setback of the proposed building to the east.

- iv) design development to the mid-rise form of the addition to improve its interface with the proposed building and townhouses on the adjacent site to the east, including resolution of issues of privacy and overlook;
- v) design development to the ground floor entry door/window combinations on the eastern portion of the heritage building, to consider a design that more closely reflects the original overhead door configuration.
- vi) design development to provide a more compatible configuration for the windows and balconies on the eastern portion of the heritage building;

Note to Applicant: The proposed keyhole cut-outs in the 1920s addition should be avoided. A window and balcony configuration which contributes to the livability of the dwelling units should nevertheless have a compatible fit with the style and era of the heritage building.

- vii) design development to improve the interface between the site's open space and the public lane;

Note to Applicant: A setback adjacent to the lane should transition from public, semi-private to private open spaces striving not to use fencing or gating.

- viii) provide high quality, durable architectural materials and detailing including rain protection overhangs;
- ix) provide 50 percent of roof as 'green roof'.

Note to Applicant: Intensive 'green roofs' and gardening uses are strongly encouraged. Design development to the roof trellis/canopy to provide robust wood detailing in keeping with the architectural character of the heritage building, and to increase its setback from the parapet.

#### **Crime Prevention Through Environmental Design (CPTED)**

- x) design development to take into consideration the principles of CPTED, having particular regard to:
  - for reducing opportunities for theft in the underground parking,
  - providing secure access for off-site parking users,
  - providing a gate to the loading area, and
  - reducing opportunities for break and enter and vandalism.

#### **Landscape Design**

- xi) Public Realm Treatment: provision of semi-public and semi-private spaces that are consistent with the South East False Creek Public Realm Plan. Aspects to consider include special paving, lighting, planting, driveway crossings, pedestrian entrances, walkways, permanent site furniture, weather protection, garbage storage, recycling and loading facilities;

- xii) Open Space & Landscape Treatment: 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 (e.g., compost, gardening tools), access, security, sustainable design requirements (planting, water, waste, soil, habitat):
  - provision of continuous soil trough to establish climbing plants on walls and structures;
  - provision of durable landscape materials and structures such as plant specific soils, durable planters, wall trellis structures;
- xiii) technical:
  - Grades, retaining walls, walkways and structural elements, such as underground parking, to be designed to provide maximum plant growing depth (exceed BCLNA Landscape Standard). Planted areas adjacent to structures and on slab to contain continuous soil volumes.
  - provision of large scale partial plans, elevations and sections illustrating the detailed treatment of the public realm interface at the streets and lanes; including planters, retaining walls, stairs, planting, soil depth, underground structures, private patios and privacy screens;
  - provision at time of development permit application of a lighting plan;
  - provision of hose bibs for all patios that cannot be serviced using at grade non-potable water;
  - 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 are to be clearly illustrated on the Landscape Plan. The Landscape Plan is to be at 1:100 (1/8" = 1'-0");
- xiv) trees: protect lane edge trees and planting from vehicular impacts by providing metal tree surrounds, bollards or low curbs as needed;

#### Roof Decks

- xv) design development to provide urban agriculture grow plots, tool storage and hose bibs on common area roof decks;

Note to Applicant: provide notations for hose bibs on landscape plan.

- xvi) provide details of green roof system and soil depth sections thru all roof planters;

#### Universal Design

- xvii) 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 H;

## Environmental Sustainability

- xviii) 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

- xix) provide energy efficient design and modelling results to meet or exceed the CBIP (Commercial Buildings Incentive Program) standard for energy efficiency;
- xx) 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 “xx” 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.

- xxi) provide compatible, energy efficient design and details of the heating and domestic hot water for connection to the Neighbourhood Energy Utility;
- xxii) limit vertical glazing to a maximum of 40 percent or provide additional thermal measures such as low-e glass to compensate for the additional heat loss;
- xxiii) provide roughed-in capacity for future individual metering for energy and water supplies;
- xxiv) provide climate zone control for residential and live-work units that is compatible with the False Creek Neighbourhood Energy Utility;
- xxv) fireplaces, if any are listed as a heating appliance, should have a minimum combustion efficiency meeting or exceeding ASHRAE/IESNA Standard 90.1 - 2001 heating appliance standards. No continuous pilot lights and interrupted power ignition are 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**

- xxvi) provision of a green roof (including useable, intensive roof and or inaccessible, extensive roof) on principal building roofs;
- xxvii) 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);
- xxviii) provision of best current practices for managing water conservation including high efficiency irrigation, aspects of xeriscaping including drought-tolerant plant selection and mulching;
- xxix) design development to provide a balanced stormwater management system that maximizes on site water quality/quantity (e.g., green roofs, 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 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.

- xxx) provide details and arrangements for connection and flow rates to meet the SEFC Stormwater Management Plan;
- xxxi) 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**

- xxxii) 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**

- xxxiii) 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;

#### **Building Durability**

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

#### **Waste Management**

- xxxv) 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, the registered owner shall, at no cost to the City, make arrangements for the following, on terms and conditions satisfactory to the Director of Legal Services:

#### **HERITAGE**

- i) enter into a Heritage Revitalization Agreement with the City to secure the timely rehabilitation and long-term protection and conservation of the "B" listed heritage building on the site and to provide bonus density for transfer to lands within the South East False Creek Official Development Plan area;

#### **ENGINEERING**

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

- ii) consolidate lots 1, 2 and 3;
- iii) dedicate the north 0.8 metres of the site for road purposes;
- iv) enter into access agreements for shared use of the parkade ramp which will be located on the adjacent Lot 4 to the east;
- v) clarify any existing or proposed encroachments, and appropriate arrangements and modifications should any be required;
- vi) enter into agreements to secure the offsite parking proposed on at 1955 Wylie Street (Lot A, Block 2, Plan 6163, DL 302);
- vii) enter into appropriate arrangements for the upgrading of existing sanitary mains to serve the site, should it become necessary;

Note to applicant: As the current capacity of the sanitary mains is not known, arrangements are needed in case this development requires upgrading of the sanitary main to serve the site. Flow monitoring is being undertaken at this time, please contact Engineering for details.

- viii) provide new sidewalks, curb, pavement, concrete lane crossings, lamp standards, street trees and street furniture adjacent the site in keeping with the SEFC Public Realm Plan;
- ix) provide improvements to the lane south of 1st Ave (between Wylie Street and Crowe Street) in keeping with the SEFC Public Realm Plan;
- x) provide 3 streams of waste removal for the development (regular garbage, recyclable materials and organics);

Note to Applicant: The development 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.

- xi) provide for 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.
- xii) include in building design provision for connections to and be compatible with the False Creek Neighbourhood Energy Utility;
- xiii) 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 | +0                   | +0                                 | +1  |

## 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;
    - 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 City streets may be restricted or unavailable for a period of time before, during and after the 2010 Olympic Winter Games;

- (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

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.

#### SOILS

- xv) 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; and
- xvi) 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 a Certificate of Compliance has been provided to the City by the Ministry of Environment.

#### COMMUNITY AMENITY CONTRIBUTION

- xxvii) the agreed community amenity contribution of \$ 287,902.50 is to be paid to the City and such payment is to be secured 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.

**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-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 the application 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 Policy Report "CD-1 Rezoning and Heritage Revitalization Agreement - 368 West 1st Avenue" dated January 16, 2007, be approved;

C. THAT the Noise Control By-law be amended to include this Comprehensive District in Schedule B as set out in Appendix C to Policy Report "CD-1 Rezoning and Heritage Revitalization Agreement - 368 West 1st Avenue" dated January 16, 2007;

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 Council designate the "B" listed building at 368 West 1st Avenue commonly known as the Best Building, as municipally-protected heritage property under Schedule "A" of the Heritage By-law;

E. THAT Council approve the Heritage Revitalization Agreement for the building at 368 West 1st Avenue, to secure the timely rehabilitation and long-term protection and conservation of the heritage building and to provide bonus density for transfer to lands within the South East False Creek Official Development Plan area.

(RZ. & HRA - 368 West 1<sup>st</sup> Avenue)