

5. CD-1 REZONING: 1409-1477 West Pender Street

Summary: To rezone the site from DD (Downtown District) to CD-1 (Comprehensive Development District) to permit a mixed-use project containing a 36-storey residential tower, a 10-storey mid-rise residential building, commercial uses at grade across the entire site, and a five-storey podium containing live-work units. The maximum floor space ratio would be increased to 10.66 and maximum building height increased to 107.4 m (352.2 ft.).

Applicant: Jim Hancock, IBI/HB Architects

Recommended Approval: By the Director of Planning

- A. THAT the application by IBI/HB Architects Inc. to rezone the site at 1409, 1425 and 1477 West Pender Street (PID: 015-842-932, 015-842-967, 015-843-203; Lot B of 1&2, Lot A of 2&3, and Lots 4, 5 and 6 EXC Plan 15915, Block 42, DL 185, Plan 92) from DD (Downtown District) to CD-1 (Comprehensive Development District), to permit a mixed-use development containing two residential towers of 36 storeys and 10 storeys and floor space ratio of 10.66, generally as presented in Appendix A to Policy Report "CD-1 Rezoning - 1409-1477 West Pender Street" dated May 1, 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 IBI/HB Architects in revised plans and stamped "Received Planning Department, April 12, 2007", 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) design development to enhance public realm and pedestrian amenity at all sidewalk interfaces, with particular care taken along the sloping Broughton and Nicola frontages;

Note to Applicant: Blank walls are to be avoided. High quality landscape and materials, along with public art, are sought. Particular attention is needed for the garage entry off Nicola Street.

- ii) design development of the interface with Pumphouse Mews, to enhance and, as much as possible, activate this public open space, taking into account operational and service requirements of the equipment within the open space;

Note to Applicant: Delete all proposed improvements to the plaza, and make separate arrangements to the satisfaction of the General Manager of Engineering Services for any changes or improvements.

- iii) design development to enhance the architectural treatment of the blank elevator core walls on Pender Street;
- iv) design development to the space between the proposed podium and the Dockside development to the north to maximize daylight access and landscape treatment;
- v) design development to detailing and specification of curtain wall and other exterior materials to ensure that the high quality of the proposed dynamic architectural form is achieved.

Social Planning

- vi) design development to provide a minimum 130 m² secure outdoor children's play area with a covered seating area for adult surveillance and/or an adjacent common amenity room, following the High Density Housing for Families with Children Guidelines, to the satisfaction of the Director of Social Planning;

Note to Applicant: Particular care should be given to avoid the use of toxic plants and landscaping materials in and around the play area. A list of toxic plants is available as an appendix to the City's Childcare Design Guidelines and is available online at: <http://vancouver.ca/commsvcs/Guidelines/C017.pdf>

Crime Prevention through Environmental Design (CPTED)

- vii) design development to take into consideration the principles of CPTED, having particular regard to:
 - 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

- viii) consider provision of permanent landscaping on the podium and tower roof areas;

Note to Applicant: Planters should meet or exceed BCLNA (B.C. Landscape & Nursery Association) Standards.

- ix) provision of high efficiency irrigation for all landscaped areas and hose bibs for each individual private patio, semi-private patio and extensive green roof spaces;
- x) provision of new street trees adjacent the site.

Note to Applicant: Ensure that tree root barriers are specified for trees. New street trees should be noted "Final species, quantity and spacing to the approval of the City Engineer and Park Board." Contact Eileen Curban (604.871.6131) of Engineering Streets Division regarding street tree spacing and quantity. Contact Bill Stephen (604.257.8587) of Park Board regarding tree species.

Sustainability

- xi) a preliminary LEED score card should be submitted with development (DE) application showing proposed strategies for attainment of at least LEED Silver or equivalent;

Note to Applicant: Registration and certification with CAGBC (Canada Green Building Council) to achieve LEED Silver certification is encouraged but not required. Best effort to pursue equivalency to the satisfaction of the Director of Planning will be accepted.

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:

ENGINEERING

- (i) Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:
 - A. Consolidation of Lots A, B, 4, 5 & 6 is required.
 - B. Dedication for road purposes of a 3 foot by 3 foot corner-cut at the southwest corner of the site (at Nicola and West Pender Streets) is required. No portions of the building above or below grade, or any constructed landscape features are to be proposed within this corner-cut area.
 - C. For the release of the following Easement and Indemnity Agreements prior to occupation of any new development. 236999M, 259196M, 378854M and 405763M.
 - D. Provision of either funding of 50% of the total cost of a Pedestrian/Bicycle Actuated signal at the intersection of Nicola and West Pender Streets, subject to approval by City Council or funding of \$50,000 toward other pedestrian related improvements identified and approved by Council.
 - E. Provision of funding of 50% of the total cost of a traffic signal at the intersection of West Hastings and Broughton Streets subject to Council Approval within 5 years of occupancy of the complete project.

- F. Upgrading of the water system to meet the service demands of this development. Upgrading of the water main on West Pender Street between Nicola Street and Broughton Street is required. Please provide details of fire flow demands to determine full extent of upgrading.
- G. Provision of Triangle West sidewalk improvements on Broughton Street and Nicola Street adjacent the site.
- H. Provision of improved sidewalks on Pender Street adjacent the site.
- I. Provision of street trees adjacent the site where space permits.
- J. Undergrounding of all existing and new utility services from the closest existing suitable service point. All services, and in particular vista switches and 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.

SOILS

- (ii) 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
- (iii) if a Certificate of Compliance is required by the Ministry of Environment as a result of a completed site profile, 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.

HERITAGE DENSITY TRANSFER

- (iv) secure the purchase and transfer of 10 382 m² (111,755 sq. ft.) heritage bonus density to the site at 1409-1477 West Pender Street from a suitable donor site or sites;

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(s), including the amount, sale price, and total cost of the heritage density.

PUBLIC ART

- (v) provide public art according to the Public Art Policies and Guidelines through an agreement to the satisfaction of the Director of Cultural Affairs.

COMMUNITY AMENITY CONTRIBUTION

- (vi) payment of the community amenity contribution of \$ 3.0 million which has been offered to the City 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 Comprehensive Development District in accordance with Schedule E [assigned Schedule "B" (DD)], as set out in Appendix C to Policy Report "CD-1 Rezoning - 1409-1477 West Pender Street" dated May 1, 2007, be approved;
- C. THAT, the Noise Control By-law be amended to include this Comprehensive Development District in Schedule B, as set out in Appendix C;
- D. THAT Recommendations A to C 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

- 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.

(CD-1 RZ. - 1409-1477 West Pender Street)