



CITY OF VANCOUVER

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POLICY REPORT DEVELOPMENT AND BUILDING

P3

Report Date: January 29, 2008
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Meeting Date: February 12, 2008

TO: Vancouver City Council

FROM: Director of Planning

SUBJECT: CD-1 By-law Text Amendments and Revised Rezoning Conditions: 2-88
West 1st Avenue, 2-26 East 1st Avenue, and 27-99 West 2nd Avenue

RECOMMENDATION

A. THAT, subject to enactment of the CD-1 By-law for 2-88 West 1st Avenue, 2-26 East 1st Avenue, and 27-99 West 2nd Avenue, approved by Council on July 18, 2006, Council refer to Public Hearing the application by Pinnacle International (West First) Plaza Inc. to amend the CD-1 By-law to increase the building height for 27-99 West 2nd Avenue together with:

- (i) A revised Form of Development for 27-99 West 2nd Avenue prepared by Howard Bingham Hill Architects, generally as illustrated in Appendix C;
- (ii) CD-1 By-law amendments generally as presented in Appendix A; and
- (iii) The recommendation of the Director of Planning to approve the application.

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary By-law to amend the CD-1 By-law generally in accordance with Appendix A for consideration at the Public Hearing;

B. THAT subject to the enactment of the CD-1 By-law for 2-88 West 1st Avenue, 2-26 East 1st Avenue, and 27-99 West 2nd Avenue approved by Council along with certain conditions of approval (the "Rezoning Conditions") on July 18, 2006, Council refer to Public Hearing the application by the Director of Planning to amend the Rezoning Conditions generally in accordance with Appendix B, together with the recommendation of the Director of Planning to approve the application.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services recommends approval of A and B.

COUNCIL POLICY

- At a Public Hearing on July 18, 2006, Council approved "in principle" the application by Pinnacle International (West First) Plaza Inc. to rezone 2-88 West 1st Avenue, 2-26 East 1st Avenue and 27-99 West 2nd Avenue to CD-1 Comprehensive Development District, subject to several conditions being met prior to enactment of the rezoning by-law.
- Southeast False Creek Official Development Plan (SEFC ODP), enacted July 19, 2005, amended March 21, 2006 and April 17, 2007.

PURPOSE

The purpose of this report is to recommend referral to Public Hearing of an amendment to the CD-1 By-law for 2-88 West 1st Avenue, 2-26 East 1st Avenue, and 27-99 West 2nd Avenue (the "CD-1 By-law") to permit an increase in height for 27-99 West 2nd Avenue (Sub-area 2); various "housekeeping" amendments to the CD-1 By-law; and amendments to the rezoning conditions for 2-88 West 1st Avenue, 2-26 East 1st Avenue, and 27-99 West 2nd Avenue (the "Rezoning Conditions").

BACKGROUND

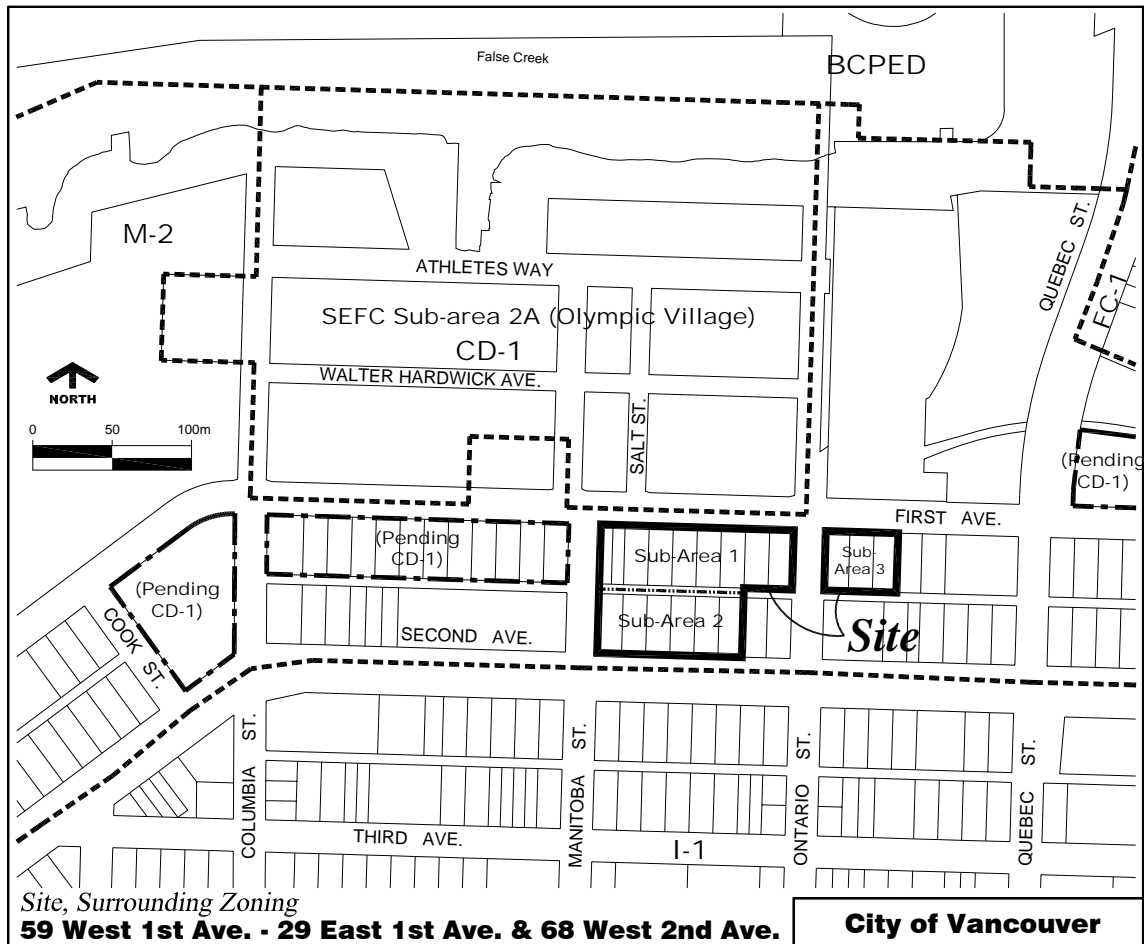
On July 18, 2006 City Council approved "in principle" the CD-1 Rezoning for 2-88 West 1st Avenue, 2-26 East 1st Avenue, and 27-99 West 2nd Avenue. The pending CD-1 By-law allows for six primarily residential mid-rise buildings from 4 to 15 stories with a maximum height of 47 m (154 ft). For Sub-area 2 (see: Figure 1), it sets a building height limit of 32.58 m (106.9 ft.).

In January 2008 Pinnacle International (West First) Inc. made an application to amend the pending CD-1 By-law to allow for an increase in height by one storey for one building in Sub-area 2. A Development Permit Application for Sub-area 2 has been received which reflects this proposed change in height (see Appendix C).

Additionally, since July 2007, Engineering and Planning staff have identified changes required to the pending CD-1 By-law and to the Rezoning Conditions approved on July 18, 2006. Consequently, the Director of Planning has made application to amend the Rezoning Conditions.

The Discussion section below provides a brief explanation of the proposed amendments and why staff support them.

Figure 1 - Site and Surrounding Zoning

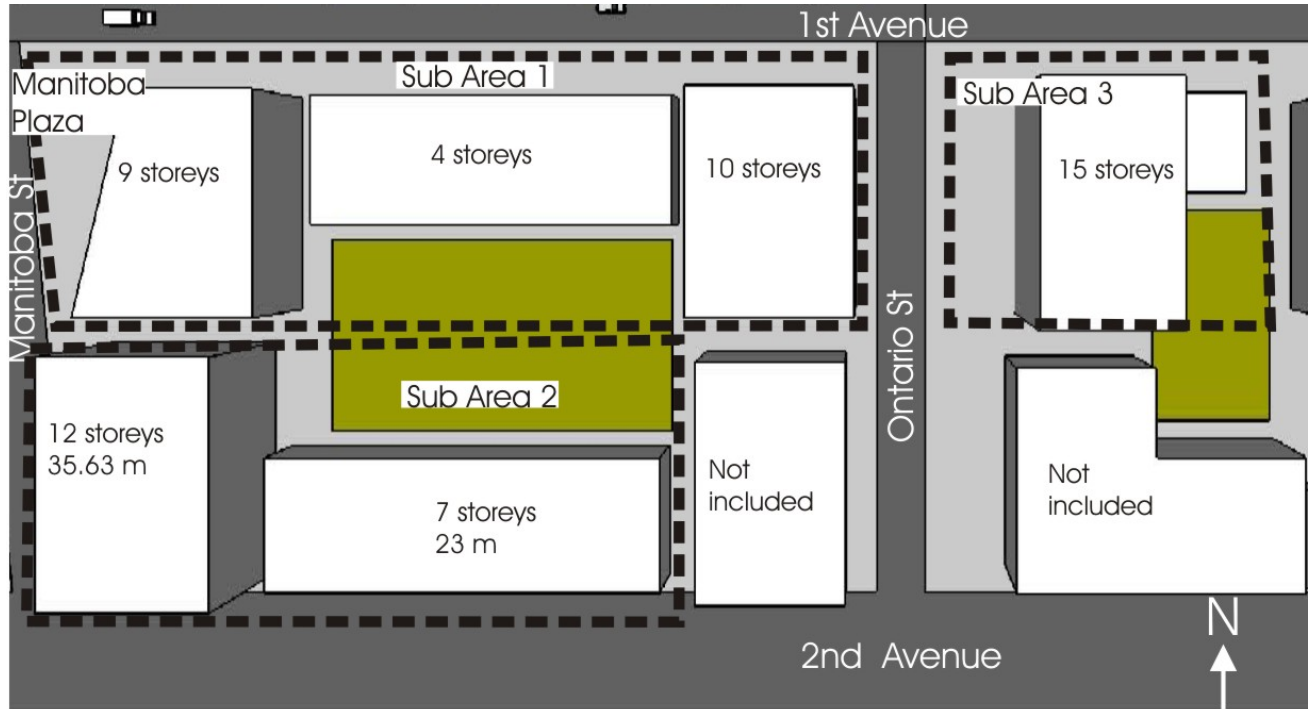


DISCUSSION

1. CD-1 By-law Height Amendment

In the pending CD-1 By-law the maximum building height allowed for in Sub-area 2 is 32.58 m (106.9 ft). The SEFC ODP generally restricts the maximum height to 38 m (124.6 ft), except where the ODP allows for higher building forms to define landmark locations at a maximum height of 47 m (154 ft). The ODP also outlines an objective of achieving a variety of heights. The applicant has proposed a height increase from 32.58 m (106.9 ft) to 35.63 m (116.9 ft) for the mid-rise tower at 2nd and Manitoba Street (see Figure 2) in Sub-area 2. This would result in 3.05 m (10 ft.), being one storey, of additional height above the pending CD-1 By-law permitted height. This height increase falls within the SEFC ODP height limit of 38 m (124.6 ft). In addition, the applicant proposes an additional 3.5 m (11.5 ft) on the mid-block building along 2nd Avenue immediately east of the tower. This height increase is within the height limit approved at Public Hearing and does not require an amendment to the pending CD-1 By-law.

Figure 2 - Proposed Heights for Sub-area 2



Staff have reviewed the proposed adjustment to the mid-rise tower and mid-block building. The proposed modest increase in height does not result in any increase in density, but rather redistributes the massing in such a way as to create a slimmer tower. The height increase does not result in any significant additional shadowing on public open space, such as the Manitoba Plaza area to the north (see: page 4 of Appendix C). Neither does it have significant impacts on private views immediately to the south, as this area is predominately industrial use. The height changes, in the view of staff, improve the overall urban design of the development.

The Urban Design Panel considered the Development Permit Application and the revised Form of Development on January 16th, 2008 and supported the changes to the building massing by a majority vote. (see: Urban Design Panel comments, Appendix C)

Staff support the proposed adjustments to the Form of Development and the proposed height increase.

2. Additional amendments to the CD-1 By-law recommended by staff

A number of corrections also need to be made to the pending CD-1 By-law. Firstly, in the Uses section of the By-law, "Dwelling Uses" are specified as "limited to Multiple Dwelling". In the Zoning and Development By-law, "Multiple Dwelling" is defined as a building containing ONLY dwelling uses. In fact, the development proposal for this site combines dwelling uses with commercial and other uses. An amendment proposed in Appendix A rectifies this problem by specifying that dwelling uses can be in conjunction with these other uses.

Secondly, a number of setback requirements are included in the CD-1 By-law. Specified as required setbacks in the By-law, no intrusions of any part of a building are permitted into them. In fact, in working through the building designs with the development team, staff note that there are some intrusions into the setbacks that are acceptable, such as bay windows on the townhouses. Staff therefore propose to strike the setbacks from the CD-1 By-law and instead to refer to the Form of Development approved in principle at the Public Hearing July 18, 2006 for guidance in recommending appropriate setbacks for the buildings from streets and lanes.

3. Amendments to the CD-1 Rezoning Conditions

A number of corrections to the Rezoning Conditions for 2-88 West 1st Avenue, 27-99 West 2nd Avenue, and 2-26 East 1st Avenue are proposed in Appendix B.

On July 18, 2006 Council approved rezoning condition (c)(i) (a) and (b) which set out requirements for Co-operative vehicles and parking spaces. At the time of rezoning, staff assessed the Co-operative vehicle and parking space requirements assuming that all three Sub-areas would be developed as one strata corporation, and the number of Co-operative vehicles and parking spaces were fixed at two for all three parcels as per rezoning condition (c)(i)(a) and (b). It is now clear that there will be separate development permit applications for each Sub-area. Accordingly, the revised condition will ensure that each site provides and manages its own Co-operative vehicles and Co-operative parking spaces as set out in Appendix B.

Council also approved rezoning condition (c)(iii) that requires dedication of the northwest portion of the site for an open space (Manitoba Plaza)(see: Figure 2) with a potential option for a portion to become road. Transportation and urban design analysis has concluded that a road will not be necessary in this location. Also, the applicant would like to extend their parkade to include the area under the proposed plaza. Therefore staff propose deleting reference to the road option and changing the dedication requirement for the open space (Manitoba Plaza) to a requirement for a Statutory Right of Way in favour of the City to ensure public access to the plaza area. In addition, condition (c)(vii) referenced that the plaza area should have a "water feature". Subsequent design development work on the plaza indicates that options without a water feature are acceptable and staff recommend the condition (c)(viii) be deleted.

Council also approved a condition of development (c)(iv) that required a 0.8 m dedication along the north boundary of the site (along 1st Avenue) for road purposes. Engineering staff have undertaken further design work on the needs of the streetcar along 1st Avenue and have noted that an increased dedication on the northwest end of site would be optimal to accommodate a wider streetcar station platform at a future date. Engineering staff have not yet completed the final geometric design to determine the specific dedication requirement; however they note that an upper limit of 2.0 m (a 1.2 m increase from the previous dedication requirement of 0.8 m) will be adequate. Staff will work with the applicant to ensure underground parking is not adversely affected. Condition (c)(iv) has been changed to reflect this increased dedication for road purposes.

Council also approved conditions of development (c)(vi), (c)(xx), and (c)(xxxiii) that required provision of a 1.5 m wide right-of-way adjacent to the lane for "pedestrian purposes". Engineering staff have determined that a right-of-way for "pedestrian purposes" is not

necessary. However, they wish to replace the conditions with ones that require the same 1.5 m wide right-of-way "for utility purposes" to ensure City crew access for the maintenance of lane lighting that is to be installed in the right-of-way (as there is not room in the public lane for the lighting). This is not intended to preclude underground parking from encroaching into the right-of-way up to the current property line.

To allow the CD-1 By-Law to proceed to enactment prior to the amendments to the Rezoning Conditions, the developer has agreed to the registration on title to the site of a No-Development Covenant. After the pending CD-1 By-law has been enacted and such By-law has been amended, as set out above, and the Rezoning Conditions have been amended, the No Development Covenant will be released from title concurrently with the registration on title of the legal agreements required for all of the Rezoning Conditions.

Public Notification

As part of the Development Permit application process a notification letter has been sent to the surrounding property owners outlining the proposal and inviting them to review and comment on the application. Public input relating to the proposed height increase would be reported to Council by staff at the Public Hearing.

FINANCIAL IMPLICATIONS

There are no Financial implications.

CONCLUSION

The Director of Planning recommends support for the proposed height increase from 32.58 m (106.9 ft) to 35.63 m (116.9 ft) for the mid-rise tower at 2nd and Manitoba Street (27-99 West 2nd Avenue) in Sub-area 2. This amendment will improve the Form of Development for the site and remains consistent with the intent outlined in the SEFC ODP. The Director of Planning also recommends that the amendments to the CD-1 By-law and the Rezoning Conditions for 2-88 West 1st Avenue, 2-26 East 1st Avenue, and 27-99 West 2nd Avenue, as described above, be referred to Public Hearing and be approved.

* * * * *

DRAFT AMENDMENTS TO THE CD-1 BY-LAW
for 2-88 West 1st Avenue, 27-99 West 2nd Avenue, and 2-26 East 1st Avenue

[Additions are shown in *bold italics*. Deletions in ~~strike through~~]

Amend as follows:

3.2. Uses

- (a) Dwelling Uses, ~~limited to Multiple Dwelling~~ *in conjunction with any of the uses listed in this section 3.*

Building Height

- 7.2 In sub-area 2, the building height, measured above base surface, and to the top of the roof slab above the uppermost habitable floor excluding parapet wall must not exceed ~~32.58 m~~ *35.63 m*.

~~8. Setbacks~~

~~8.1 The setback of the building must be at least 1.5 m from the rear property line on the lane.~~

~~8.2 The setback of a residential townhouse building must be at least 1.6 m from the property line on 1st Avenue.~~

~~8.3 The setback of a residential townhouse building in sub-area 1 must be at least 3.9 m from the east property on Ontario Street.~~

~~8.4 The setback of a residential townhouse building in sub-area 3 must be at least 2.4 m from the west property on Ontario Street.~~

DRAFT AMENDMENTS TO THE REZONING CONDITIONS
for 2-88 West 1st Avenue, 2-26 East 1st Avenue, and 27-99 West 2nd Avenue

[Additions are shown in *bold italics*. Deletions in ~~strike through~~]

Amend condition (c)(i)(a) and (b) as follows:

- (i) 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 ~~two~~ Co-operative Vehicles and provision and maintenance of ~~two~~ Co-operative Parking Spaces for the use exclusively by such cooperative vehicles *for each Sub-area*, such parking spaces to be in addition to the minimum parking spaces required by the Parking Bylaw; and
 - b. designation of ~~four~~ visitor or surplus parking spaces which are to be publicly accessible for future use by cooperative vehicles *for each Sub-area, with such spaces not to be in addition to required parking for residents or visitors, as outlined below:*

<i>Dwelling Units in each Sub-area</i>	<i>Co-operative Vehicle</i>	<i>Co-operative Vehicle Parking Space</i>	<i>Future Converted Co-operative Parking Space</i>
<i>1-49</i>	<i>None</i>	<i>None</i>	<i>1</i>
<i>50-149</i>	<i>1</i>	<i>1</i>	<i>1</i>
<i>150 - 249</i>	<i>2</i>	<i>2</i>	<i>2</i>
<i>250-349</i>	<i>2</i>	<i>2</i>	<i>3</i>
<i>Each add'l 100 units or portion thereof</i>	<i>+0</i>	<i>+0</i>	<i>+1</i>

Amend condition (c)(iii) as follows:

- (iii) *Provision of a Statutory Right of Way in favour of the City over* ~~Dedication as road~~ of a triangular portion of the site at the northwest corner for open space (plaza) purposes *for public use including access to, from and within the open space (plaza), and including securing the owner's obligation for the design, construction and maintenance.* ~~with the potential option of a portion for road.~~

Amend condition (c)(iv) as follows:

- (iv) Dedication of ~~up to the north 0.8 m~~ *2.0 m along the north property line* of the ~~proposed~~ site for road purposes. Delete all encroachments and structures shown beyond the proposed property line.

Note to applicant: The width of the strip to be dedicated along the north property line will be 0.8 m except for 36 m along the west part of the strip where the width of the strip will be up to 2.0 m.

Amend condition (c)(vi) as follows:

- (vi) Provision of a right-of-way of *up to 1.5 m* in width along the south property line of the site (adjacent to the lane) ~~for pedestrian purposes~~ *for utility purposes.*

Delete condition (c)(vii):

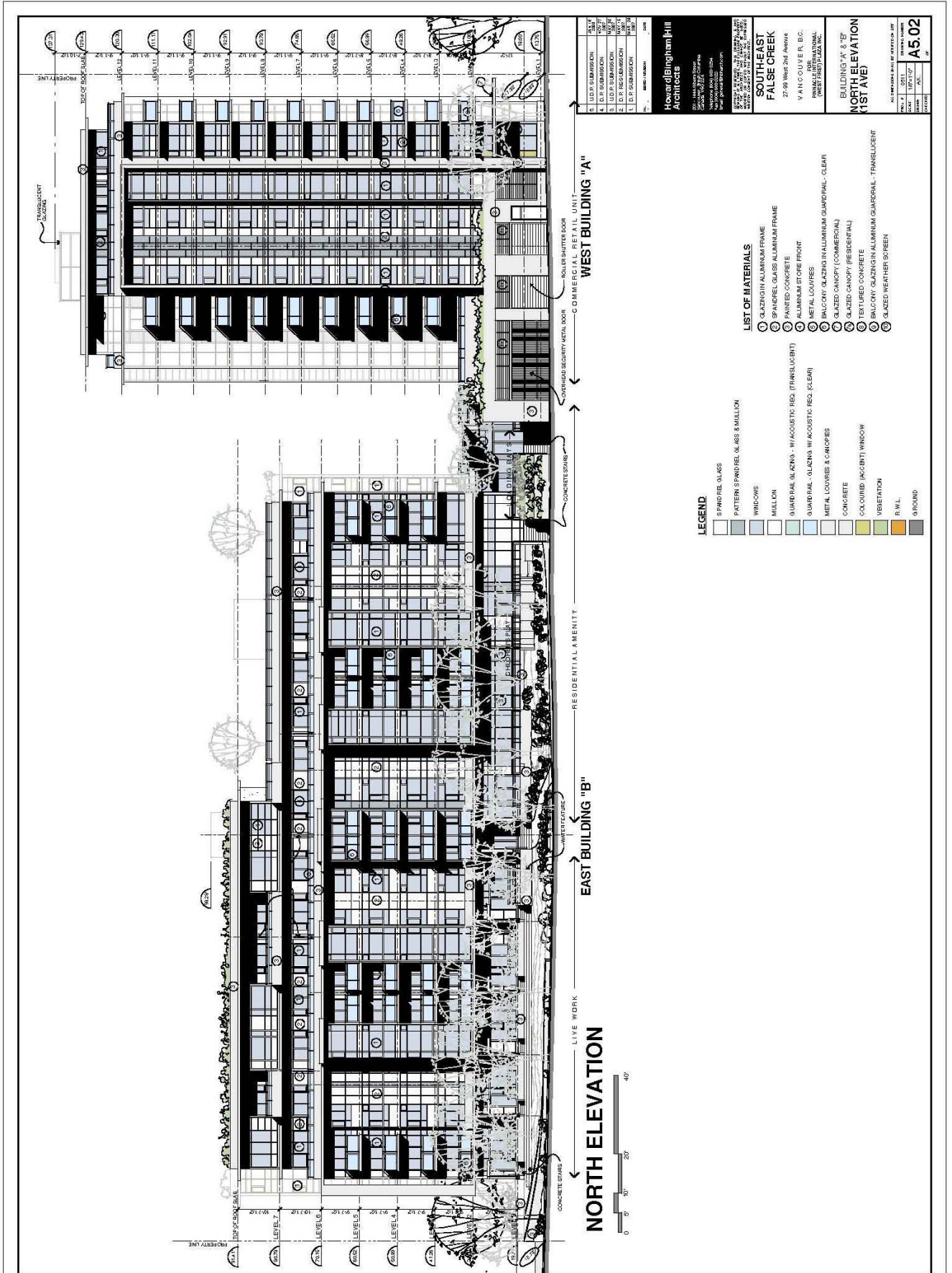
~~(vii) Provision of appropriate rights-of-way for public use of the plaza area with access to, from and within the "plaza area with water feature".~~

Amend condition (c)(xx) as follows:

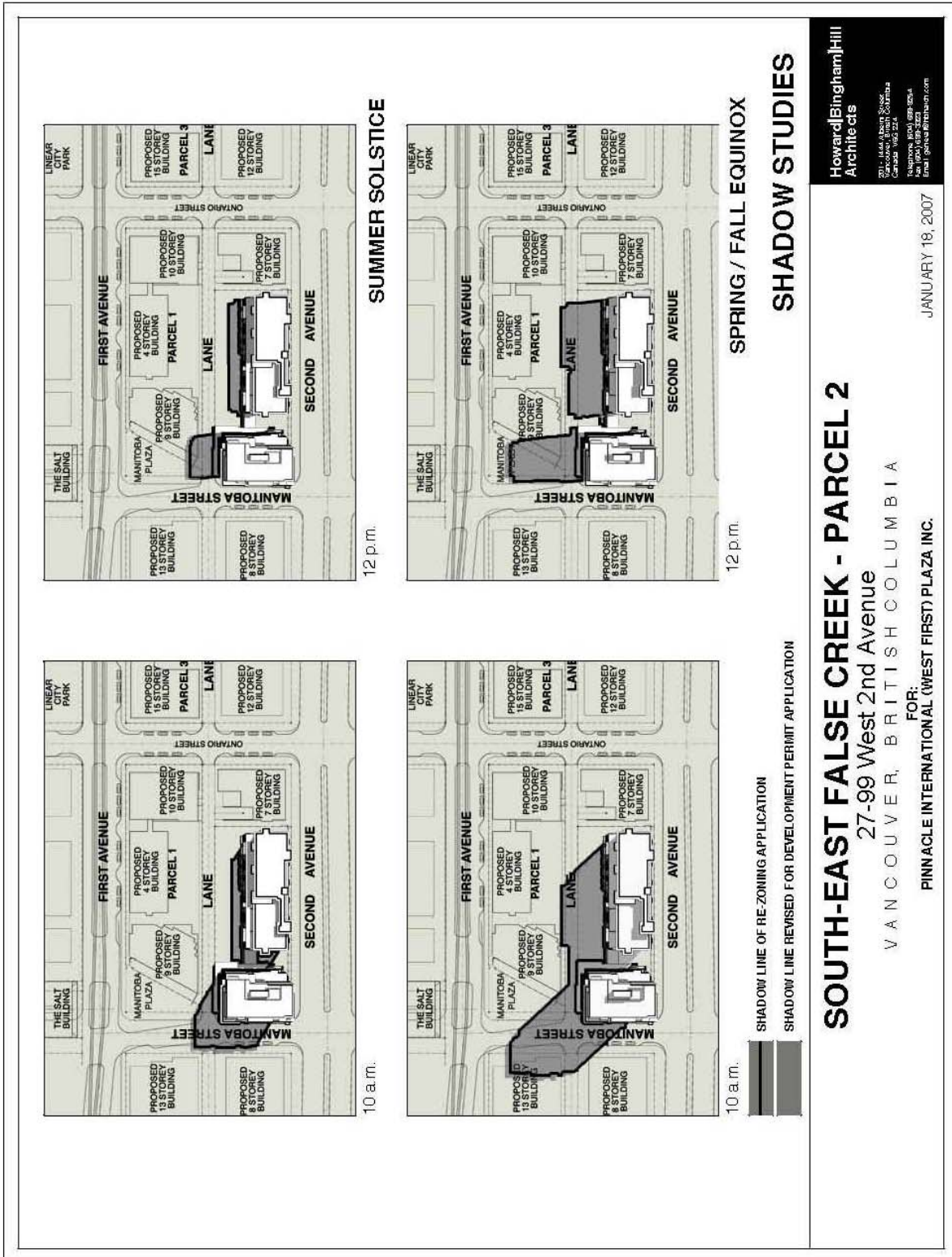
(xx) Provision of a right-of-way of *up to* 1.5 m in width along the north property line of the site (adjacent to the lane) ~~for pedestrian purposes~~ *for utility purposes*.

Amend condition (c)(xxxiii) as follows:

(xxxiii) Provision of a right-of-way of *up to* 1.5 m in width along the south property line of the site (adjacent the lane) ~~for pedestrian purposes~~ *for utility purposes*.



2-88 West 1st Avenue, 2-26 East 1st Avenue, and 27-99 West 2nd Avenue
SHADOW DIAGRAM



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JANUARY 18, 2007

SOUTH-EAST FALSE CREEK - PARCEL 2
27-99 West 2nd Avenue

VANCOUVER, BRITISH COLUMBIA

FOR:
PINNACLE INTERNATIONAL (WEST FIRST) PLAZA INC.

SHADOW LINE OF RE-ZONING APPLICATION
SHADOW LINE REVISED FOR DEVELOPMENT PERMIT APPLICATION

2-88 West 1st Avenue, 2-26 East 1st Avenue, and 27-99 West 2nd Avenue
URBAN DESIGN PANEL MINUTES

The Urban Design Panel reviewed and supported (6-3) this proposal on January 16, 2008. They offered the following comments:

- **Panel's Consensus on Key Aspects Needing Improvement:**
 - Consider making the colour scheme for exuberant on the project;
 - Consider refining the corner rotation as related to the overall tower expression;
 - Consider more architectural distinctiveness related to the history and character of SEFC.
 - Consider adjusting the proposed lane building elevations to improve the continuity of the public realm between developments on both sides of the lane.
- **Related Commentary:** The Panel supported the proposal as well as the additional height to the tower.

The Panel did not support the more subdued colour palette as they thought the simplification had gone too far. They agreed that the original colour scheme was preferred. There was some reservation with the current building form as the Panel felt the project didn't have the original exuberance that it had at the first Development Permit Review. One panel member thought the applicant had misinterpreted the minutes from the previous meeting where panel had recommended clarifying the formal expression and not stripping-back the proposal. It was noted that the minutes of the past meeting included following recommendations:

"The Panel thought the architectural treatment needed to be calmer against what the Panel felt was generally a bit too busy of a composition with a variety of architectural expressions. Panel members felt that perhaps the colour palette was a too muted."

A couple of Panel members thought there were subtle improvements to the scheme, but suggested including more contrasting colour. Several Panel members commented that the drawings seemed to show the design better than the model.

Most of the Panel thought the rotation on the tower was a bit timid and should be more strongly and uniquely expressed particularly at the top of the building. They felt it needed more clarity as related to the other architectural treatments of the tower and one Panel member suggested that the spandrel glass could be more differential to mark the rotation. Mr. Bicol liked the rotation because it reduced the amount of direct western exposure and improved the passive cooling of the facade.

Several Panel members were concerned with how the building meets the ground particularly along the Manitoba Street frontage where the ground plain slopes to the north. They encouraged the applicant to look at the first two feet of the building base and to make it a stronger expression that enhances the public realm.

One Panel member appreciated that the facades were treated differently and that this would improve the passive energy performance of the building but was concerned with the amount of glass and the lack of shading at the penthouse level. The Panel also had some concerns regarding the window wall system noting that the number of mullions could be reduced to increase the overall R-value.

The Panel agreed that the planning of the ground floor was much improved from the previous scheme; with linkages between the entry and interior and exterior amenity spaces have a stronger resolution. As well, the Panel liked the changes to the water garden. One Panel member suggested lowering the playground area to an intermediate level and not having it come straight out from the amenity area. Also, a couple of Panel members suggested expanding the entry to the playground area and introducing a place for parents to sit to watch their children. It was noted by the applicant, that there is a significant 12' slope across the site from 2nd Avenue to the mid point of the lane. Several panel members recommend staff and the applicant look at re-grading the lane to reduce the impact of the grade change on the landscape and improve the continuity of the public realm treatment between developments on both sides of the lane.

The Panel liked the changes to the roof areas as they felt it was much simpler and liked the addition of the urban agriculture. Some of the Panel thought the lobby in the east building was harsh in the way it addresses the street.

Several Panel members expressed their disappointment that the project lacks a connection to South East False Creek (SEFC), and that it doesn't capture a sense of place. They added that the project does not show as a gateway building to SEFC, and that it reads more like a background building.