

SUMMARY AND RECOMMENDATION

2. REZONING: 1265-1281 Howe Street and 803-821 Drake Street

Summary: To rezone from DD (Downtown District) to CD-1 (Comprehensive Development) District to permit development of a 41-storey, residential tower with a height of 114.3 metres (375 feet), with a five-storey, mixed-use podium, at a floor space ratio (FSR) of 9.15 (247,332 sq. ft.), to include: 348 dwelling units of which 20 would be market rental; a 10,872 sq. ft. cultural amenity providing artist studios; 4,224 sq. ft. of retail uses; and 321 below-grade parking spaces. Council will also consider a Single Room Accommodation (SRA) Demolition Permit.

Applicant: Mr. Gregory Borowski (MAIBC), Merrick Architecture - Borowski Sakumoto Fligg Ltd.

Recommended Approval: By the Director of Planning, subject to the following conditions as proposed for adoption by resolution of Council:

- A. THAT the application by Merrick Architecture - Borowski Sakumoto Fligg Limited on behalf of Howe Street Developments Limited Partnership, to rezone 1265-1281 Howe Street and 803-821 Drake Street (*Lots A, B, C, and D, Block 101, District Lot 541, Plan 1244, PID: 007-979-789, 014-911-205, 014-911-221 and 014-911-230 respectively, and Lots 22, 23, A, 26, 27, and 28, Block 101, DL 541, Plan 210, PID: 015-478-092, 011-961-279, 011-858-826, 012-008-362, 012-008-371 and 012,008-389 respectively*) from DD (Downtown) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 5.00 to 9.15 to permit construction of a 41-storey residential building with commercial and artist studio uses at grade, generally as presented in Appendix A of the Policy Report dated March 2, 2012, entitled "CD-1 Rezoning - 1265-1281 Howe Street and 803-821 Drake Street and Single Room Accommodation Permit at 803 Drake Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Merrick Architecture—Borowski Sakumoto Fligg Limited, and stamped "Received City Planning Department, August 24, 2011", 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:

Urban Design

1. Design development to the general massing to reduce the apparent scale of the tower and podium components.

Note to Applicant: Design development should incorporate measures to articulate tower slenderness and reduce the apparent size of the floor plates. Above the podium levels, between levels 9 through 18, the maximum tower floor plates are to be 635 m² (6,836 sq. ft.), and above level 18 the maximum tower floor plates are to be 604 m² (6,500 sq. ft.).

2. Design development to the upper portion of the building to further refine and enhance its architectural contribution to the city skyline and the public view cone.

Note to Applicant: Service equipment including window washing infrastructure or any cell tower or antennae elements are not supportable incursions into the public view cone.

3. Design development to provide variety and interest to the architectural expression of the building with high quality durable materials that will contribute to the character and quality of the area.

Note to Applicant: A high quality development that establishes a robust, compatible character with the existing neighbourhood fabric is sought. The use of masonry on the street level facades of the mid-rise and podium portions of buildings is strongly encouraged.

4. Design development to the ground-oriented storefront, display and weather protection systems to ensure variety and pedestrian interest in the expression of the tenancies along the street frontages.

Note to Applicant: Weather protection for commercial and cultural amenity frontages and primary residential entrances should be provided.

5. Provision of a conceptual retail signage strategy to ensure a well conceived, and disciplined, approach to announcing tenancy.

Note to Applicant: The strategy should confirm general signage hierarchy, location and type. Back-lit box signs are not supported. Further clarification of finer grain, and more creative approaches, to announcing ground-oriented tenancy is required.

6. Design development to the enclosed balconies.

Note to Applicant: Enclosed balconies seeking FSR exclusion should be positioned, configured and finished to function similar to an open balcony. Enclosed balconies must provide a differentiation in their exterior expression from internal spaces and offer a maximum amount of operable glazing. Other measures such as projecting the enclosed balcony from the primary building façade should be employed.

7. Design development to minimize the visual impact of exposed mechanical vents.

Note to Applicant: Mechanical vents should not be located within the public realm setback along Howe or Drake streets.

8. Design development to the retail frontages along Drake Street and Howe Street to ensure that the public realm interface is well integrated with the retail entries and sidewalk elevations.

Note to Applicant: Given the sloping grade along the Drake Street frontage, design development should ensure that the commercial retail slab elevations will be stepped to achieve a compatible interface between the public sidewalk and the retail units.

Sustainability

9. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold equivalency, including at least six optimize energy performance points, one water efficiency point, and one storm water point.

Note to Applicant: Provide a LEED® checklist confirming LEED® Gold equivalency and a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development. Both the checklist and description should be incorporated into the drawing set.

Crime Prevention Through Environmental Design (CPTED)

10. Design development to respond to CPTED principles, having particular regards for:
 - (i) theft in the underground parking;
 - (ii) residential break and enter;
 - (iii) mail theft; and
 - (iv) mischief in alcove and vandalism, such as graffiti.

Landscape

11. Design development to integrate the required Downtown South setback 1.8 m (6 ft.) with the public sidewalk.

Note to Applicant: The required setback is for an expanded public realm that is integrated and seamless with the public sidewalk, and as such the proposed entry gates, planter walls and terraced ground plane are to be deleted.

12. Design development to maximize soil volumes for trees by angling the slab down at the lane interface and at the corner of Drake and Howe streets.

Note to Applicant: The parkade slab should angle down sufficiently to provide an unencumbered, continuous soil planting depth of no less than 0.9 m (3 ft.) in the vertical direction. Soil in the horizontal direction should be continuous and connected to off-site soils, where possible. Parking level uses and utilities should be arranged accordingly to create sufficient room for tree planting. At time of development permit, provide detailed sections through the planter, including slab,

soil, root ball, voiding, insulating layer, protection board and parking level.

13. Design development to the "feature architectural wall" and specimen tree at the lane.

Note to Applicant: due to lack of growing space provided, the tree and wall appear to be in conflict. Further design may be needed. Consider relocating the tree inward of the site, or creating an opening in the wall to allow for trunk growth.

14. Exploration of options for a double row of street trees.

Note to Applicant: in consultation with Engineering Streets Design and Park Board, there may be space for an additional row of street trees closer to the building. In this scenario, the architectural canopies may need to be set back and soil volumes allocated.

15. At time of development permit, provision of a detailed Landscape Plan illustrating common and botanical name, size and quantity of all existing/proposed plant material. Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. Illustrate and clarify all outdoor surface/paving materials, site furniture, lighting, trash receptacles, hose bibs, signs, retaining wall treatment, anti-skateboard guards, parking vents, public realm (building edge to the curb, trees, lamp posts, fire hydrants, sidewalk treatment).

16. Provision of street trees adjacent to the development site.

Note to Applicant: provide a notation on the development permit plans, *"Final spacing, quantity, tree species to the satisfaction of the General Manager of Engineering Services. Contact Eileen Curran, Streets Engineering (311) to confirm tree planting locations and Amit Gandha, Park Board (311) for tree species selection and planting requirements. New trees must be of good standard, 75 mm minimum calliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches in depth. Planting depth of root ball must be below sidewalk grade. New street trees to be provided adjacent to the development site, to be confirmed prior to the issuance of the occupancy permit. Call Park Board for inspection after tree planting completion."*

17. At time of development permit, provision of details for vertical trellis and green wall systems.

18. Provision of an efficient irrigation system for all common outdoor planters and individual hose bibs for all patios of 100 sq. ft. or greater.

Note to Applicant: provide details (location, size, type, materials) of cistern and permeable paving systems. Provide a bolded written note and irrigation symbols to the development permit drawings.

19. Clarification of any intent for rain harvesting strategies.

Note to Applicant: refer to Rezoning booklet, page 12, "Water Efficiency". Where applicable, illustrate details on the development permit drawings.

Social Infrastructure

20. Design development to the common lounge on level 5 to provide a kitchenette and storage closet.
21. Design development to the podium at the lane to include edible landscaping and/or garden plots, on-site composting, tool storage, hose bibs and potting benches which support urban agricultural activity, and to make some garden plots universally accessible as per the "Urban Agriculture Guidelines for the Private Realm".

Note to Applicant: Consideration should be given to a rainwater collection system to assist with irrigation.

Artist Studios

22. Design and finish of Artist Studios for Class B purposes (inclusive of Class A and B use) and atrium space for programming purposes.

Note to Applicant: See guidelines for Class B Artist Studios which require a higher degree of ventilation for artists working with more toxic substances, higher degree of sound proofing for possible use of amplified music, and industrial fittings.

23. Design and finish of presentation windows fronting on Howe Street for use by the studio artists to display artworks and to maximize pedestrian amenity.

Engineering

24. Provision of the required number of class B loading spaces.
25. Provision of a modified parking ramp design to the satisfaction of the General Manager of Engineering Services to ensure adequate separation of vehicles traveling in opposite directions through the steep curved sections of the parking ramp by providing a ramp width of approximately 23 feet.

26. Provide a parking ramp slope measured 0.6 m (2 ft.) off the wall through the inside radius not to exceed 15% slope and clearly label the length of ramp at the specified slope.

Note to Applicant: the inside radius of the ramp calculates at 16.6%.

27. Provide corner cuts of a sufficient size or relocate building structure to enable two vehicles to pass in opposite directions at the point where more than 200 parking stalls are served.

28. Provision of additional parking stall width adjacent to walls or other structures located more than 1.2 m (4 ft.) from either end of the parking space.

29. Provision of a reduced number of small car spaces within the visitor parking area.
Note to Applicant: the number should be as close to 25% as possible.
30. Modify the commercial Class B loading spaces as follows: replace the single door access to the service corridor at the rear of the loading space with a roll-up door to improve the functionality of the space.
31. Provision of an overhead gate at the entrance to the loading space for security.
32. Provision of a Class B loading space to serve the artist studios.
33. Provision of all residential parking stalls to be separated by a security gate from the visitor and commercial parking.
34. Provision of direct egress to the building exterior from the bicycle room that does not rely on the parkade ramp.
Note to Applicant: the 15% parking ramp is too steep and either direct outside access from the bicycle room or an elevator should be provided.
35. Provision of wheel ramps on any exit stairs serving the bike rooms.
36. Confirmation that a waste hauler can access and load the compactor from the location shown is required. Please show turning swaths for pick-up vehicle.
37. Discuss the possibility of a bus stop/shelter installation adjacent the site with Engineering to ensure tree spacing and final sidewalk design contemplates the shelter and stop locations.
38. Provision of a canopy application for any canopies or awnings that project over the property line.

Note all canopies must be fully demountable and be drained to the buildings internal drainage system.

Note to Applicant: an interconnected water service will be required for this project, please contact Engineering Water Design branch for details.

Heritage

39. Provision of an "as-built" set of drawings with photo analysis of the existing house at 815 Drake Street for archival records.
40. Provision of a letter, signed by the property owner, which states that an application to demolish the house at 815 Drake Street will not be submitted until necessary for construction of the new development.

Soils

41. Provision of soil reports.

Note to Applicant: The Ministry of Environment (MoE) did not approve the application request release for this subject site, and will require a detailed site investigation.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the Director of Planning, the Managing Director of Social Development, the General Manager of Engineering Services, the Managing Director of Cultural Services and Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Consolidation of Lots A, B, C, and D, Plan 1244, and Lots 22, 23, 26, 27, 28 and A, Plan 210, All of Block 101, DL 541 into a single parcel.
2. Release of easement and indemnity agreement 130924M (Commercial Crossing Agreement) prior to building occupancy.
3. Provision of a Services Agreement to detail the on and off-site works and services necessary or incidental to the servicing of the site (collectively called "the services") such that they are designed, constructed and installed, at no cost to the City, and all necessary street dedications and rights-of-way for the services are provided. No development permit for the site will be issued until the security for the following services is provided:
 - (i) provision of \$15,000 in funding for pedestrian improvements including countdown timers, audible signals, and related infrastructure at the intersection of Howe Street and Drake Street;
 - (ii) provision of Downtown South sidewalk treatments adjacent the site;
 - (iii) provision of a standard concrete lane crossing at the lane west of Howe Street on the north side of Drake Street;
 - (iv) removal or relocation of wooden utility poles in the lane which obstruct access to the porte cochère. Written confirmation of the ability to relocate or remove the poles is required from the affected utility companies;
 - (v) upgrading of the existing sewer mains to serve the site. Upgrading of the sewers, in the lane east of Hornby Street from Drake Street to the lane north of Beach Avenue and from the lane north of Beach Avenue to Hornby Street, is required. Should a benefiting adjacent development proceed concurrently with this project the

applicants share may be reduced to reflect contributions received from other benefiting developments;

- (vi) provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicants' mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading; and
- (vii) provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks are to be located on private property. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

Soils

- 4. The property owner shall, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter.
- 5. Enter into a remediation agreement for the remediation of the site and any contaminants which have migrated therefrom on terms and conditions satisfactory to the Manager of Environmental Protection, City Engineer and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until a Certificate of Compliance(s) satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Water, Land and Air Protection, has been provided to the City.

Heritage Density Transfer

- 6. Secure the purchase and transfer of 3 181 m² (34,244 sq. ft.) of heritage density (which has a value of \$2,228,875) from a suitable donor site.

Note to Applicant: Given the stipulated value that the City attributes to the creation of new transferable bonus density, currently \$65.00 per buildable square foot, the City recognizes that the Owner may negotiate its best price to secure the required density at a lower cost, but in no event shall the City recognize the value of the density above \$65.00 per

buildable square foot unless bona fide market conditions demonstrate transactional evidence to the contrary.

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

Housing

7. Execute an agreement to secure the designated 20 rental dwelling units through an air space plan by way of a Housing Agreement, for 60 years or the life of the building, whichever is greater, and subject to a non-stratification and no-separate-sales covenant registered on title and subject to such rental dwelling units being rented for a term of not less than one month, on terms satisfactory to the Director of Legal Services and the Managing Director of Social Development.

Note to Applicant: this Housing Agreement will be entered into by the City by by-law pursuant to Section 565.2 of the Vancouver Charter.

Note to Applicant: The air space parcel plan for the 20 units must be in one air space parcel and may not be further subdivided.

8. Pay the amount of \$750,000 to the City, on or before enactment of the CD-1 by-law, the contribution of \$750,000 towards the Affordable Housing Fund, to the satisfaction of the Managing Director of Social Development, and on terms and conditions satisfactory to the Director of Legal Services.

Artist Studios

9. Execute an agreement to secure the cultural amenity space, inclusive of individual studio spaces, office, storage, central atrium, and presentation windows, with a total area of not less than 1 010 m² (10,872 sq. ft.), as part of the development at 1265-1281 Howe Street and 803-821 Drake Street, that provides for the following:
 - (i) design, construction, equipping and finishing of the proposed cultural amenity space to the satisfaction of the Managing Director of Cultural Services and the Director of Facilities Design and Management;
 - (ii) transfer to the City at a nominal cost an air space parcel containing this cultural amenity together with the appropriate rights and obligations applicable to the ownership and operation of this legal parcel including reciprocal easements and indemnities, repair and maintenance, cost sharing, insurance and other applicable legal obligations;
 - (iii) grant a perpetual right in favour of the City and the users of this cultural amenity space, in the form of a statutory right-of-way, for access to and exclusive use of two parking spaces and ten bicycle spaces in the underground parkade on this site, at no cost to the City and its users;

- (iv) grant a perpetual right in favour of the City and the users of this cultural amenity space, in the form of a statutory right-of-way, for access to and exclusive use of the loading area directly adjacent to the artist studios, at no cost to the City and its users;
 - (v) in the Disclosure Statement for the project, include information that puts purchasers on notice that the development includes artist studio uses, and is therefore subject to the possible impacts associated with those uses; and
10. Pay the amount of \$850,000 to the City, on or before enactment of the CD-1 by-law, to be held by the City as a Facility Reserve Fund, with such funds to be held in an interest-bearing account and used to offset the operating costs of the amenity space for a period of approximately 16 to 20 years.

Public Art

11. Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Public Art Program Manager (a checklist will be provided).

Note to Applicant: Please contact Bryan Newson, Program Manager, 604.871.6002, to discuss your application.

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 sites 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 Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B to the Sign By-law [assigned Schedule "B" (DD)], generally as set out in Appendix C of the Policy Report dated March 2, 2012, entitled "CD-1 Rezoning - 1265-1281 Howe Street and 803-821 Drake Street and Single Room Accommodation Permit at 803 Drake Street", be approved.
- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated March 2, 2012, entitled

"CD-1 Rezoning - 1265-1281 Howe Street and 803-821 Drake Street and Single Room Accommodation Permit at 803 Drake Street".

- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law, generally as set out in Appendix C of the Policy Report dated March 2, 2012, entitled "CD-1 Rezoning - 1265-1281 Howe Street and 803-821 Drake Street and Single Room Accommodation Permit at 803 Drake Street".
- E. THAT, subject to enactment of the rezoning and issuance of the associated development permit, Council approve a Single Room Accommodation (SRA) Conversion/Demolition Permit to allow for the demolition of 11 SRA-designated rooms at 803 Drake Street, on the condition that prior to the issuance of the SRA Permit, the owner enter into a registered:
- (a) Housing Agreement restricting the tenure of 20 units for rental housing for the life of the building or 60 years whichever is greater; and
 - (b) Section 219 Covenant prohibiting stratification and separate sales;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law authorizing the City to enter into a Housing Agreement, as generally set out in Appendix B.

FURTHER THAT the registered property owner submit to the City, on or before enactment of the CD-1 by-law, the contribution of \$750,000 to the Affordable Housing Fund.

(RZ - 1265-1281 Howe Street and 803-821 Drake Street)