

SUMMARY AND RECOMMENDATION

4. REZONING: 1754-1772 Pendrell Street

Summary: To rezone 1754-1772 Pendrell Street from RM-5A (Multiple Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a 21-storey multiple dwelling building containing 178 secured market rental housing units, 26 of which are secured for 30 years with rents at 20 per cent below the average West End area market rents. A height of 58 m (190 ft.) and a floor space ratio (FSR) of 6.96 are proposed.

Applicant: Henriquez Partners Architects

Referral: This item was referred to Public Hearing at the Regular Council Meeting of June 23, 2015.

Recommended Approval: By the General Manager of Planning and Development Services, subject to the following conditions as proposed for adoption by resolution of Council:

- A. THAT the application by Henriquez Partners Architects, on behalf of 1700 Pendrell Property Inc., to rezone 1754-1772 Pendrell Street [*the East ½ and the West ½, both of Lot 12, and Lot 13, Block 61 District Lot 185 Plan 92; PIDs: 015-753-891, 015-753-913 and 015-753-832 respectively*] from RM-5A (Multiple Dwelling) District to CD-1 (Comprehensive Development) District to increase the floor space ratio from 2.20 to 6.96 to permit the development of a 21-storey multiple dwelling building containing 178 secured market rental housing units, 26 of which are secured for 30 years with rents at 20 per cent below the average West End area market rents, generally as presented in Appendix A of the Policy Report dated June 16, 2015, entitled "CD-1 Rezoning: 1754-1772 Pendrell 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 Henriquez Partners Architects and stamped "Received Planning & Development Services (Rezoning Centre), January 26, 2015", provided that the General Manager of Planning and Development Services 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 General Manager of Planning and Development Services, who shall have particular regard to the following:

Design Development

1. Confirmation that the building design creates no additional impact to nearby private views, nor any significant increase in shadowing as compared to the rezoning application.

Note to Applicant: Staff anticipate that the addition of three-bedroom units as recommended will increase the floor plate in a limited area. Scaled and dimensioned drawings comparing the rezoning and development permit designs must be submitted to demonstrate the above. The basis for comparison must include standard shadow times at the equinox, and view studies must include the two closest affected residential towers, as shown in the rezoning application.

2. Design development to mitigate privacy and overlook toward existing residents.

Note to Applicant: This can be accomplished by further development of landscape drawings, enlarged sections, and other drawings to illustrate specific built features such as translucent glass areas.

3. Reduction in the scale of rooftop elements beyond those required to access the green roof.

Note to Applicant: Intent is to mitigate the effect of these elevated structures in terms their siting and sizing in relation to views, overlook, shadowing.

4. Design development to ensure a gradual change of grade along Pendrell Street.

Note to Applicant: Intent is to reduce the height of vertical walls near to the sidewalk. This can be accomplished through terraced planters. Underground parking slab should be lowered or angled to achieve optimal planter depth, rather than increasing height of walls above grade. See also Landscape conditions.

5. Design development to the architecture and landscaping along the lane to provide a greener and more pedestrian scaled interface.

Note to Applicant: Tall opaque walls and structures should be reduced in height, terraced, or screened with planting to improve this West End laneway.

6. Design development to ensure compatibility of finish grades and minimize vertical structures between adjacent properties.

7. Design development to meet the public realm plan for the West End including lane, side yard and front yard treatments.

Note to Applicant: The applicant is encouraged to convene with Planning, Landscape and Engineering staff prior to the preparation of a Development Permit submission to ensure technical compliance with the anticipated design intent, including CPTED performance, and with a design focus on hardscape, softscape, design elements, lighting, stormwater management, wayfinding and public art/interpretive opportunities

8. Provision of high quality and durable exterior finishes.

Note to Applicant: Intent is to maintain the proposed architectural quality shown at rezoning, including the extent of architecturally finished concrete and structural glazing.

9. Consideration to providing benches along the Pendrell Street side for public use.

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;
 - (iv) mischief in alcove and vandalism, such as graffiti.

Sustainability

11. Provision of a Recycling & Reuse Plan for Green Demolition/Deconstruction, for demolition of existing buildings on site, to recycle/reuse at least 75% of demolition waste (excluding hazardous materials).

Note to Applicant: The Recycling & Reuse Plan for Green Demolition/Deconstruction should be provided at the time of development permit application.

12. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance as shown at the rezoning stage, including at a minimum 63 points in the LEED® rating system, six optimize energy performance points, one water efficiency point, and one storm water point.

Note to Applicant: Provide a LEED® checklist confirming the above and a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development, and notation of the features on the plans and elevations. The checklist and description should be incorporated into the drawing set. As a continuation of the 2007 application, registration and certification are not required but are encouraged.

Landscape Design

13. Design development to the public realm interface to create a smoother transition to grade through the use of terraced planting with residential-quality greenery.

Note to Applicant: The intent is to soften and minimize the appearance of retaining walls from the street and lane edges.

14. Design development to the at-grade courtyard to provide more greenery and amenities to encourage active social interaction for residents.

Note to Applicant: The intent is to provide a softer greener landscape treatment and incorporation of a patio area. Use of gravel may be minimized and simple massing of shrubs and groundcover plantings introduced to soften hard surfaces.

15. Maximization of plant growing medium volumes for trees and shrubs within landscaped planters on structures on private property, to ensure long term health of plant species;

Note to Applicant: Soil volumes for planters should exceed BC Landscape Standard (latest edition) with the goal to provide a minimum 4 ft. depth of growing medium for large species trees planted in ground, and 3 ft. depth for trees on structure. Trees planted on structures should be consolidated within a trench to improve planting condition. Alter slab to allow private trees and shrubs to be planted at the level of courtyards and patios and not placed in above grade planters to achieve soil depth.

16. Provision of adequate sunlit areas for Urban Agriculture activity.

Note to Applicant: Raised planters, tool storage, composting, potting bench, harvest table and hose bibs should be incorporated on the plan to enable residents to practice urban agriculture. The design should reference the Urban Agriculture Guidelines for the Private Realm and should maximize sunlight, integrate into the overall landscape design, and provide universal access.

17. Provision of a Rainwater Management Plan that utilizes sustainable strategies such as infiltration, retention, treatment and utilization of rainwater.

Note to Applicant: Strategies could include high efficiency irrigation, the use of drought tolerant plants and mulching.

18. Design development to incorporate the principles of the draft City of Vancouver Bird- Friendly Design Guidelines to ensure the protection, enhancement and creation of bird habitat, in addition, reduce potential threats to birds in the city.

Note to Applicant: See <http://vancouver.ca/files/cov/bird-friendly-strategydesign-guidelines-draft-2014-09-01.pdf>

19. Provision of a legal survey confirming the location of existing on-site and offsite trees.

20. Provision of an ISA Certified Arborist report for all existing site trees and adjacent trees on neighbouring sites, as noted on the legal survey.

21. Provision of a fully labelled Landscape Plan, Sections and Details at the Complete Development permit submission stage.

Engineering

22. Provision of an added vertical clearance within the parking ramp and truck maneuvering aisle to ensure the required unobstructed 3.81 m (12' -6") overhead clearance is ensured.

Note to Applicant: This is to ensure that the building design does not introduce pipes or other structure into this space which is needed to ensure the minimum truck clearance of 3.81 m (12' -6") is fully maintained throughout the access and maneuvering areas required for loading.

23. Modify access to the bicycle parking to provide automatic door openers on the doors providing access to the all bicycle room(s) and doors within the access corridor(s).

24. Provision of shared vehicle parking spaces with a 2.9 m (9.5 ft.) parking stall width.

25. Modification to the parking ramp design as follows:

- (i) Improve two-way traffic flow at the bottom of the main ramp (Section I.B).

Note to Applicant: The current ramp design does not allow for opposing vehicles to pass and the concrete wall adjacent the ramp needs to be pulled back such that it does not encroach into the adjacent maneuvering aisle.

- (ii) Provide measures to address conflicts between vehicles on the ramp - a (parabolic mirror/signal/view slot) is recommended.

- (iii) Improve visibility for two-way vehicle movement at turns. Provide details for the proposed signal system which is to be designed by a qualified transportation engineer.

Note to Applicant: Provide details on the system operations including the location of all lights, signs and detection devices to be clearly noted on the plans.

26. Clarify the largest truck including its maximum dimensions that the internal loading space is designed to accommodate and ensure that this size of vehicle is able to make the turn from the parking ramp to the maneuvering aisle and back into and exit out of the proposed loading space.

27. Provision of signage at the parking entrance, to the satisfaction of the GMES, to identify the maximum size (length and height) of truck that can maneuver and be accommodated within the underground loading space.

28. Clarification of the need for PMT and/or Vista switch to serve the site. If it is required, please provide for it on site and clearly indicate its proposed location on site plans.

29. Submission of a separate application to the General Manager of Engineering Services describing public realm improvements to the threshold space to lane immediately adjacent to the rear property line;

Note to Applicant: Landscape plans indicate planting with the 2.0 m (6.5 ft.) zone of laneway frontage immediately to the rear of the development. Public realm improvements in this area are supported consistent with the West End Community Plan, but should be developed in consultation with Planning, Landscape and Engineering Services staff and submitted as a secondary application. The adjacent property owner will be responsible for the ongoing maintenance of the green strip, including replacement of any landscape treatments that may be removed or damaged as a result of accessing underground utilities.

30. Note to Applicant: The proposed development's sanitary and storm servicing should be connected to the existing sanitary and storm sewers in the lane north of Davie Street.

Neighbourhood Energy

31. The proposed plan for site heating and cooling, developed in consultation with the City and the City-designated Neighbourhood Energy Systems (NES) Utility Provider, shall be provided prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.
32. The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with Neighbourhood Energy to supply all heating and domestic hot water requirements. Design provisions related to Neighbourhood Energy compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The applicant shall refer to the *Neighbourhood Energy Connectivity Standards - Design Guidelines* for general design requirements related to Neighbourhood Energy compatibility at the building scale. The applicant is also encouraged to work closely with City staff during mechanical design to ensure compatibility with a neighbourhood-scale system. As a precondition to building permit, a declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied will be required.

33. Building-scale space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat or distributed heat generating equipment (including but not limited to gas fired make-up air heaters, heat producing fireplaces, distributed heat pumps, etc.) unless otherwise approved by the General Manager of Engineering Services.
34. Detailed design of the building HVAC and mechanical heating system at the building permit stage must be to the satisfaction of the General Manager of Engineering Services.

Housing Policy and Projects

35. That the proposed unit mix of 28% Studio, 29% one-bedroom, 29% two-bedroom and 14% three-bedroom be included in the Development Permit drawings.

Note to Applicant: This unit mix reflects the proposed increase in square footage per floor to increase the amount of family units within the proposal. Any changes in unit mix from the proposed rezoning application shall be to the satisfaction of the Chief Housing Officer.

36. The building is to comply with the High Density Housing for Families with Children Guidelines, and include a common amenity room with kitchenette (and an accessible washroom adjacent to this amenity room).
37. A common outdoor amenity area is to be provided which includes an area suitable for a range of children's play activity.
38. Provision of a Final Tenant Relocation Plan to the satisfaction of the Chief Housing Officer, which in addition to the terms already agreed to, will include an updated list of tenants and rents, current as of the time of Development Permit application.
39. Provision of a notarized declaration which demonstrates that each tenant has been given written notice of the intent to redevelop the property; that indicates the number of units occupied on the date of the notice; includes information on posting of notice regarding the intent to redevelop as per Section 3 of the Rate of Change Guidelines; and includes copies of a letter addressed to each tenant summarizing the Tenant Relocation Plan offer and signed as received by each tenant.
40. Provision of a final Tenant Relocation Report which outlines the names of tenants; indicates the outcome of their search for alternate accommodation; summarizes the total monetary value given to each tenant (moving costs, rent, any other compensation); and includes a summary of all communication provided to the tenants.

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 General Manager of Planning and Development Services, the General Manager of Engineering Services, the Managing Director of Cultural Services and the Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Consolidation of the East ½ and West ½ of Lot 12, and Lot 13, Blk. 61, DL 185, Plan 92 to create a single parcel.
2. Provision of a Shared Vehicle Agreement with the City to secure the provision, operation and maintenance of 2 Shared Vehicle(s) and the provision and maintenance of 2 Shared Vehicle Parking Space(s) for use exclusively by such Shared Vehicle(s), [with such parking spaces to be in

addition to the minimum parking spaces required by the Parking Bylaw], on terms and conditions satisfactory to the General Manager of Engineering Services and the Director of Legal Services, including the following:

- (i) provide 2 Shared Vehicle(s) to the development for a minimum period of 3 years;
- (ii) enter into an agreement with a Shared Vehicle Organization satisfactory to the General Manager of Engineering Services to secure the operation and maintenance of the Shared Vehicle(s);
- (iii) provide and maintain the Shared Vehicle Parking Space(s) for use exclusively by such shared vehicles;
- (iv) make arrangements to allow members of the Shared Vehicle Organization access to the Shared Vehicle Parking Space(s);
- (v) provide security in the form of a Letter of Credit for \$50,000 per Shared Vehicle; and
- (vi) registration of the Shared Vehicle Agreement against the title to the development, with such priority as the Director of Legal Services may require and including a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, securing these conditions.
- (vii) provision of a letter of commitment from a car share company indicating their willingness to supply car share vehicles on the site at building occupancy.

Note to Applicant: Shared vehicle spaces are required to be a minimum width of 2.9 m (9.5 ft.).

3. Provision of a Services Agreement to detail the on-site 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 services are provided.
 - (i) 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 applicant's 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. The developer is responsible for 100% of any water system upgrading that may be required.

- (ii) 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 (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. 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.
- (iii) Provision of the following pedestrian related improvements stemming from the West End Community Plan which includes:
 - Provision of a minimum of two benches along the edge of the site adjacent to the sidewalk along Pendrell Street. The benches shall be maintained by the property owner.
 - Provision of improved street lighting and pedestrian lighting that meets or exceeds current lighting standards. (LED lighting and the provision of louvers where applicable are to be provided). The lighting is to be maintained by the City following installation and acceptance by the City.
 - Provision of a new 6'-0" (1.83 m) concrete broom finish sidewalk with saw cut joints adjacent the site. The sidewalk is to be maintained by the City.
 - Provision of a drinking fountain to be located on public property to the satisfaction of the General Manager of Engineering Services, at the west end of the site within sight of Denman Street. The fountain is to have a separate water service and is to be maintained by the City following installation and acceptance by the City.

Neighbourhood Energy

- 4. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a City-designated Neighbourhood Energy System (NES), which may include but are not limited to agreements which:
 - (i) At development permit issuance, where the General Manager of Engineering Services deems a connection to the NES is available and appropriate, buildings within the development will be required to connect to the NES prior to occupancy, or post-occupancy through a deferred services agreement, or otherwise, at such time that a system becomes available.

Note to Applicant: If the development is required by the GM of Engineering Services to connect to an NES, the Owner will be prohibited from entering into any third party energy supply contract for thermal energy services, other than conventional electricity and natural gas supply, unless otherwise approved by the General Manager of Engineering Services.

- (ii) Grant the operator of the City-designated NES access to the building(s) mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling NES connection and operation, on such terms and conditions as may be reasonably required by the Applicant; and
- (iii) Provide for up to 93 m² (1,001 sq.ft.) of suitably located dedicated space and design provisions to accommodate the City-designated NES, as outlined in the Neighbourhood Energy Connectivity Standards - Design Guidelines, to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: Design shall provide suitable space for the installation of NES equipment with adequate provisions for connection to outside NES distribution piping and communications conduit. District energy equipment may include, but is not limited to; a steam to hot water converter station sized for neighbourhood service provision, energy transfer stations (ETS), and/or boiler equipment. At the building permit stage, the applicant will be required to submit final detailed drawings, signed and sealed by a professional engineer where necessary, for review by Engineering Services to confirm final room dimensions and technical information.

Housing

- 5. Make arrangements to the satisfaction of the Chief Housing Officer and the Director of Legal Services to enter into a Housing Agreement securing 178 units as rental housing for the longer of 60 years and the life of the building, subject to the following additional conditions in respect of those units:
 - (i) That the building may not be subdivided.
 - (ii) That no such units may be separately sold.
 - (iii) None of such units will be rented for less than one month at a time.
 - (iv) A rent roll indicating the proposed initial monthly rents for each rental housing unit.
 - (v) That 26 of the units are secured, for a period of 30 years, with rents 20 per cent below the average West End area market rents which are based on Canada Mortgage and Housing Corporation's Rental Market Report for Private Apartment Average Rents by

Zone and Bedroom Type in the West End (Stanley Park) Zone, commencing at building occupancy.

- (vi) That the below market units referenced in (v) are applicable only to whose households where the rent level would be equivalent to 30 per cent of their gross monthly income;
- (vii) That a non-profit housing provider be engaged by the developer and approved by the City to ensure that the 26 units are rented to households that meet the income levels referenced in (vi) above;
- (viii) That right of first refusal be granted to "Eligible Tenants" (being all tenants who are resident, as of January 1, 2015 in any of the 26 units that will be demolished if this redevelopment proceeds). Should these tenants not qualify for the 26 units with rent levels at 20 per cent below market, they would be granted right of first refusal for one of the market rental units on site;
- (ix) Compliance with the Tenant Relocation Plan outlined in this report.
- (x) Such other terms and conditions as the Chief Housing Officer and the Director of Legal Services may in their sole discretion require.

Note to Applicant: This condition will be secured by a Housing Agreement to be entered into by the City by by-law enacted pursuant to section 565.2 of the Vancouver Charter.

Public Art

- 6. 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 a preliminary public art plan to the satisfaction of the Public Art Program Manager.

Note to Applicant: To discuss your application please call Bryan Newson, program manager, 604 871 6002.

Soils

- 7. If applicable:
 - (i) Submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
 - (ii) As required by the Manager of Environmental Planning 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; and

- (iii) If required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Protection, the General Manager of Engineering Services 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 satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

Community Amenity Contribution (CAC)

- 8. Pay to the City the Community Amenity Contribution of \$250,000 which the applicant has offered to the City. Payment is to be made 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, and allocated towards new community facilities or expansion of existing community facilities in the West End Community Plan area.

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, 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 June 16, 2015, entitled "CD-1 Rezoning: 1754-1772 Pendrell Street".
- C. THAT, subject to approval in principle of the rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated June 16, 2015, entitled "CD-1 Rezoning: 1754-1772 Pendrell Street", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, after the Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s) and prior to enactment of the CD-1 By-law contemplated by the same report.
- D. THAT Recommendations A through 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 bylaw 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.

[RZ - 1754-1772 Pendrell Street]