



POLICY REPORT  
DEVELOPMENT AND BUILDING

Report Date: September 14, 2015  
Contact: Kent Munro  
Contact No.: 604.873.7135  
RTS No.: 11089  
VanRIMS No.: 08-2000-20  
Meeting Date: September 29, 2015

TO: Vancouver City Council  
FROM: General Manager of Planning and Development Services  
SUBJECT: CD-1 Rezoning: 26 East 1st Avenue

**RECOMMENDATION**

- A. THAT the application by Bingham Hill Architects, on behalf of Pinnacle International (West First) Plaza Inc., to amend the CD-1 (Comprehensive Development) District (464) By-law No. 9600 for 26 East 1st Avenue [*PID:028-334-221, Lot D, Block 8, District Lot 200A, Group 1, New Westminster District Plan BCP45966*], to increase the maximum permitted floor area for sub-area 3 to 11,601 m<sup>2</sup> (124,876 sq. ft. ) and to increase the permitted height of sub-area 3 to 53.25 m (175 ft.), allowing for construction of a residential tower, be referred to a Public Hearing, together with:
- (i) plans prepared by Bingham Hill Architects, received on February 10, 2015;
  - (ii) draft CD-1 By-law amendments generally as presented in Appendix A; and
  - (iii) the recommendation of the General Manager of Planning and Development Services to approve the application, subject to conditions in Appendix B;

FURTHER THAT the Director of Legal Services be instructed to prepare the amendments to CD-1 (Comprehensive Development) District (464) By-law No. 9600 in accordance with Appendix A for consideration at the Public Hearing.

- B. THAT , if the application is referred to Public Hearing, the registered owner shall submit confirmation, in the form of a "Letter A", that an agreement has been reached with the registered owner(s) of the proposed donor site(s) for the purchase of heritage bonus density as set out in Appendix B.

- C. THAT Recommendation A and B 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.

### ***REPORT SUMMARY***

This report assesses a rezoning application by Bingham Hill Architects, on behalf of Pinnacle International (West First) Plaza Inc., to amend the height and density provisions for sub-area 3 of CD-1 (Comprehensive Development) District (464) By-law No. 9600 for 26 East 1st Avenue to permit the development of an 18-storey market residential building containing 137 dwelling units.

The CD-1 By-law was enacted on February 26, 2008 following approval of the rezoning by City Council at a Public Hearing on June 27, 2006. The current By-law designates three sub-areas within the CD-1 boundary (see Figure 1) for the purposes of allocating floor area and height. The proposed amendments, if approved, would increase the maximum permitted floor area for sub-area 3 to 11,601 m<sup>2</sup> (124,876 sq. ft.) and increase the permitted height of sub-area 3 to 53.25 m (175 ft.). No amendments to sub-areas 1 and 2 are proposed.

Staff recommend that the application be referred to a Public Hearing, with the recommendation of the General Manager of Planning and Development Services to approve it, subject to the Public Hearing, along with the conditions of approval outlined in Appendix B.

### ***COUNCIL AUTHORITY/PREVIOUS DECISIONS***

Relevant Council policies for this site include:

- CD-1 (464) By-law No. 9600, enacted February 26, 2008
- Southeast False Creek Official Development Plan (2005, last amended 2007)
- Southeast False Creek Design Guidelines for Additional Penthouse Storeys (2010)
- Southeast False Creek Green Building Strategy (2004, amended 2008)
- Heritage Amenity Bank and Transfer of Density (2013)
- High-Density Housing for Families with Children Guidelines (1992)
- Green Buildings Policy for Rezoning (2009, last amended 2014)
- Urban Agriculture for the Private Realm (2009)

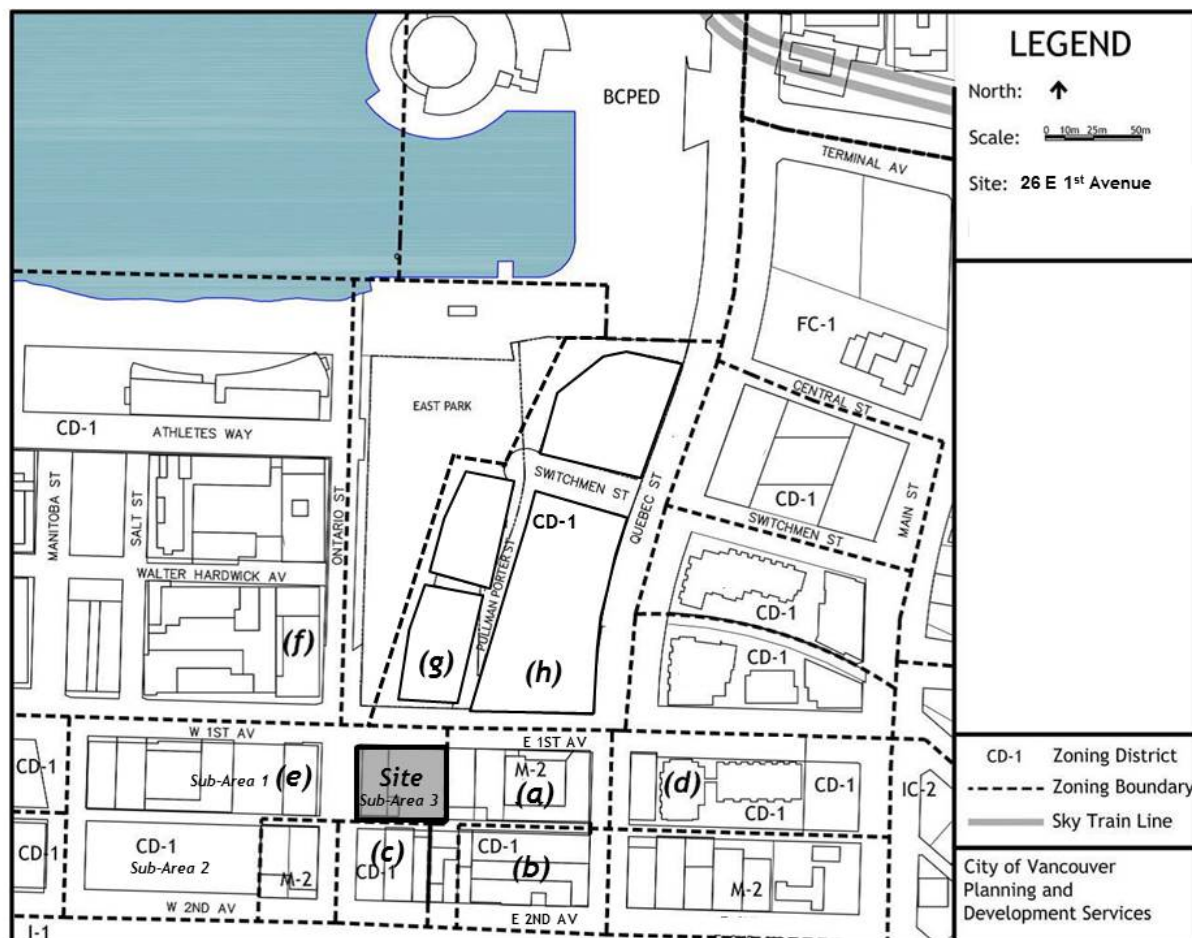
- Community Amenity Contributions — Through Rezoning (1999, last amended 2014)
- Public Art Policy for Rezoning Developments (1994, last amended 2014)
- Vancouver Neighbourhood Energy Strategy (2011)

## REPORT

### Background/Context

The subject site is located at the southeast corner of East 1st Avenue and Ontario Street (see Figure 1), within the eastern portion of Area 2B known as the “rail yard” neighbourhood in the Southeast False Creek Official Development Plan (SEFC ODP). The site is listed as sub-area 3 of CD-1 (464).

Figure 1: Context Map



Significant adjacent developments include:

- (a) Mario's Gelato, 88 East 1st Avenue - 4-storey ice-cream manufacturing plant.
- (b) Opsal Tower, 1775 Quebec - 24-storey mixed use residential/commercial

- (c) "Proximity", 1788 Ontario Street - 12-storey mixed use residential/commercial
- (d) "Meccanica", 108 East 1st Avenue - 12-storey residential
- (e) "The One", 38 West 1st Avenue - 12-storey residential
- (f) "Sails", 1661 Ontario Street - 12-storey mixed use residential/commercial
- (g) CD-1 approved in principle for a future 14-storey residential
- (h) CD-1 approved in principle for a future 15-storey residential

The site at 26 East 1st Avenue is on axis with the future "East Park" to the north and terminates views directly south from Science World, the seawall, and the park. Given the location, the site is considered to be prominent in SEFC and the SEFC ODP and CD-1 By-law (464) have made provision for additional height and floor area.

The CD-1 By-law permits 6,682.5 m<sup>2</sup> (71,930 sq. ft.) of floor area for sub-area 3 without additional financial obligations required to achieve the density. The maximum height listed in the ODP for this site is 47 m (154 ft.). The By-law permits an increase in floor area through a transfer of density from a designated heritage property in SEFC (see Appendix C). The SEFC Heritage Density Bank no longer exists and while this provision could be satisfied by purchasing density from the citywide Heritage Amenity Bank, staff have determined that a higher city priority would be to accept a Community Amenity Contribution that addressed both heritage amenity density as well as public amenities anticipated in the SEFC Public Benefits Strategy which include childcare and affordable housing (see Public Benefits section within the report and Appendix C).

## ***Strategic Analysis***

### **1. Policy Context**

Development in SEFC is to be predominately residential with a diverse housing mix and a focus on families with children. The SEFC ODP provides direction for development in Area 2B. For the subject site, on-grade uses are optional with residential, retail, service, office or light industrial permitted. Building forms are to draw upon the industrial legacy of the area, and exhibit a robust character. Further conditions require 25 per cent of the residential units in Area 2B to be suitable for families with small children and to comply with the High-Density Housing for Families with Children Guidelines.

The SEFC ODP has made provision for landmark sites where higher buildings are permitted in order to frame open spaces, such as the East Park to the north of the subject site. In addition, the Southeast False Creek Design Guidelines for Additional Penthouse Storeys, adopted in 2010, permit consideration of additional height and density throughout the area. It is these policies that have informed and guided development approvals in the vicinity of the subject site. This includes the approval of the 24-storey market residential tower at 1775 Quebec Street. With the adoption of the guidelines and the use of heritage density for projects like the Opsal Steel site at 1775 Quebec Street, taller developments have been approved in the area creating a higher building context surrounding the subject site.

### **2. Proposal**

The application proposes to amend the height and density provisions for sub-area 3 of CD-1 (Comprehensive Development) District (464) By-law No.9600 for 26 East 1st Avenue to permit

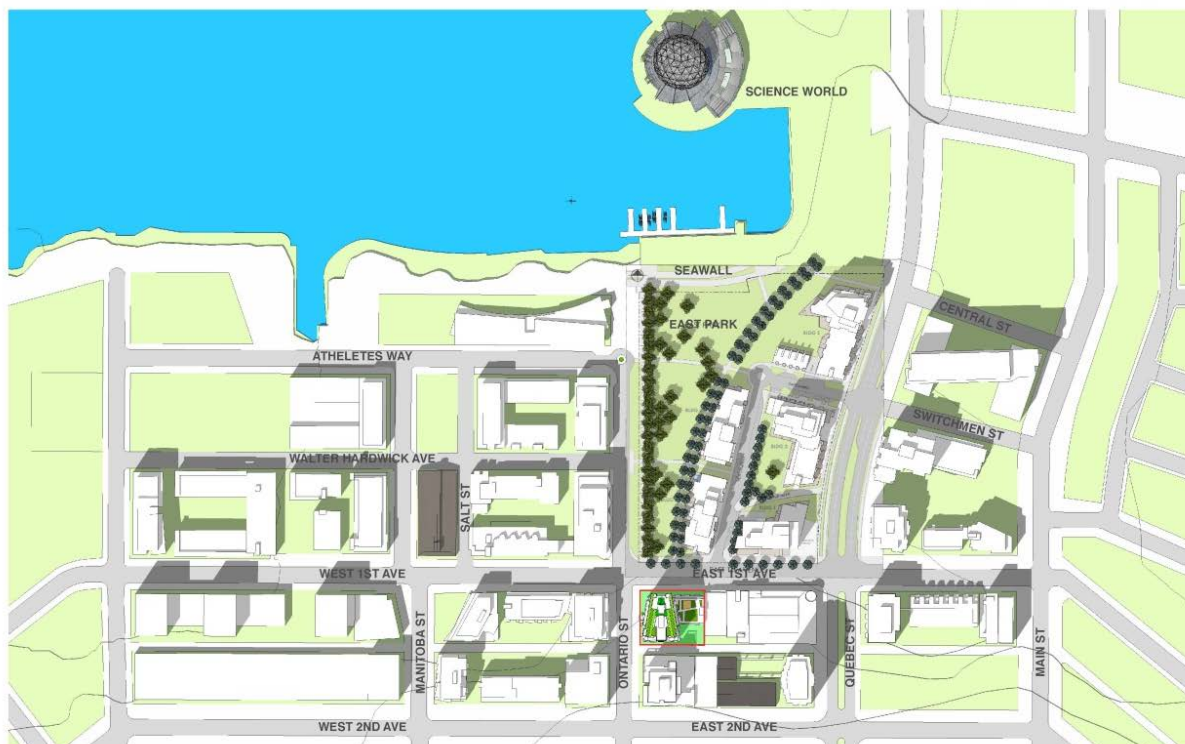
the development of an 18-storey market residential building containing 137 dwelling units with a building height of 53.25 m (175 ft.).

The floor area proposed in the submitted drawings is 11,776 m<sup>2</sup> (126,760 sq. ft.). Staff are seeking a reduction of 175 m<sup>2</sup> (1,884 sq. ft.) in floor area to comply with the criteria of the Southeast False Creek Design Guideline for Additional Penthouse Storeys. The proposal is for a maximum floor area of 11,601 m<sup>2</sup> (124,876 sq. ft.), as reflected in Recommendation A, which represents a floor area increase of 4,918.5 m<sup>2</sup> (52,944 sq. ft.). The proposal includes 166 parking spaces on five levels of underground parking and 58 per cent of all dwelling units have two bedrooms or more.

### 3. Form of Development (refer to drawings in Appendix D)

The SEFC ODP calls for a legible overall form that reinforces the idea of the False Creek “basin”, with lower buildings near the waterfront stepping up to higher buildings between 1st and 2nd Avenues. Higher buildings are to frame significant public parks (such as East Park) and terminate views through and across SEFC. Supportable density on any particular site is to be determined through a site-specific urban design analysis and public realm performance review.

Figure 2: Context Plan



The subject site is located in the “rail yard” neighbourhood of Area 2B in SEFC and is bounded by 1st Avenue, Ontario Street and a lane to the south (see Figure 1). This former industrial area is transitioning to a high density residential and mixed use neighbourhood. SEFC ODP and public realm objectives for this site include the following:

- Transition buildings heights up from False Creek to a high point along 1st Avenue, with a maximum height for this specific site of 47 m (154 ft.);
- Consideration of two additional storeys up to 6.25 m (21 ft.) in height as partial penthouse floors, provided the additional storeys comply with the objectives of the “Southeast False Creek Design Guidelines for Additional Penthouse Storeys”;
- Support views north from 2nd Avenue along Ontario Street through to the East Park and Science World beyond.

The application proposes a residential building comprised of a podium element along 1st Avenue that is five storeys in height, and a tower element at the corner that extends to 18 storeys in height. The top two floors are set back from the sides somewhat to suggest a penthouse form. The ground floor includes nine townhouses, six of which have two bedrooms. Landscaped outdoor amenity areas are proposed at the lane and on the roof of the podium. The townhouses are expected to contribute to the activation of 1st Avenue by providing entryways along this street, and will help form a transition from the tower down to lower scaled developments to the east.

The SEFC ODP prescribes a maximum height of 47 m (154 ft.) for this site and an optimum height of 15-storeys. The optimum height is equivalent to 15 levels at 10 feet each, which would also permit 16 levels at approximately 9.6 feet each. As 16-storeys would be substantially similar to the 47 m (154 feet) maximum height, staff are supportive of considering 16-storeys as the optimum height under the ODP for this location. (See Appendix C for detailed commentary on the ODP height provisions for this site).

**Figure 3: Aerial Perspective looking South across East Park to Proposed Tower**





The proposal is seeking two additional penthouse floors on top of the 16-storey portion along with an increase in additional floor area under the Southeast False Creek Design Guidelines for Additional Penthouse Storeys. The additional massing proposed for the penthouse element will create an incremental impact on the shadows cast on East Park to the north and will impact some private views in the area. Staff support the additional storeys, subject to reductions to reduce shadowing onto the public park and to better meet the intent of the guidelines. These reductions will affect approximately 175 m<sup>2</sup> of floor area at the penthouse level. Staff are therefore recommending a maximum floor area of 11,601 m<sup>2</sup> (124,876 sq. ft.) and a maximum height of 18 storeys and 53.25 m (175 ft.) for the site.

The Urban Design Panel reviewed and supported this application on April 22, 2015 (see Appendix C). Staff have concluded that, based on the proposed built form and massing, the overall proposal is generally consistent with the objectives of the SEFC ODP. Staff support the proposed form of development, subject to the conditions of approval noted in Appendix B.

**Figure 4: Aerial perspective looking north over proposed tower to East Park and False Creek beyond**



#### 4. Transportation and Parking

Vehicle and bicycle parking are proposed within an underground parking garage accessed by a ramp off the rear lane. The application proposes 169 parking spaces which exceeds the maximum parking allowed for this site. Staff have included a condition in Appendix B to reduce the amount of parking stalls to 166 to comply with section 4.5.A.1 of the Parking By-law. 137 bicycle storage spaces are proposed. All parking and loading requirements are to

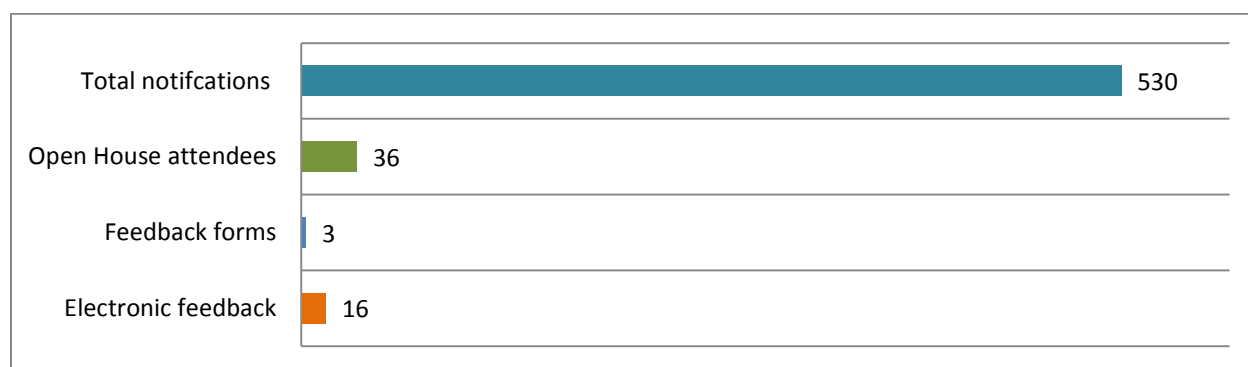
comply with the Parking By-law. Engineering Services has reviewed the rezoning application and provided the rezoning conditions set out in Appendix B.

## 5. Environmental Sustainability

The rezoning application is subject to the SEFC Green Building Strategy and the Green Building Policy for Rezoning. The Green Building Policy for Rezoning (amended by Council on June 25, 2014) requires that rezoning applications achieve a minimum of LEED® Gold rating, with targeted points for water efficiency and stormwater management and a 22% reduction in energy cost as compared to AHSRAE 90.1 2010, along with registration and application for certification of the project. The applicant submitted a preliminary LEED® scorecard, which generally conforms to the Rezoning Policy, indicating that the project could attain the required LEED® points and, therefore, would be eligible for a LEED® Gold rating. In support of the environmental sustainability goals set out in the SEFC ODP (Spring 2007), Council's *Energy Utility System By-law* (No. 9552) requires all new developments within the designated service area to connect to the Southeast False Creek Neighbourhood Energy Utility (SEFC NEU). A low carbon neighbourhood energy approach for space heat and domestic hot water enables significant GHG reductions for the neighbourhood. Conditions of rezoning have been incorporated in Appendix B that provide for Neighbourhood Energy System (NES) compatibility and connection to the SEFC NEU.

### *Public Input*

The City of Vancouver Rezoning Centre web page included notification and application information, as well as an online comment form. A rezoning information sign was posted on the site and an open house was held on Tuesday, April 14, 2015. Approximately 36 people attended the event and 19 comment forms and emails were received.



Comments were mostly negative, noting the following concerns:

1. Compliance with SEFC ODP with respect to number of storeys or height.
2. Impact on private views and property values in SEFC.
3. Lack of strong architectural response to warrant additional height and density.
4. Traffic congestion in the area.
5. Shadow impacts on East Park to the north and the surrounding neighbourhood.



As noted in this report, the SEFC ODP permits a height of 47 m (154 ft.) for the main portion of the tower, with consideration for an additional 6.25 m (21 ft.) through the Southeast False Creek Design Guidelines for Additional Penthouse Storeys. The building will not exceed the combined height limit of 53.25 m. With regard to private views, the proposed tower primarily impacts views from units on the upper levels of the 24-storey tower at 1775 Quebec Street (Opsal), which is approximately 260 feet away on the opposite corner of the block at Quebec Street and 2nd Avenue. The proposed tower is marginally higher than the 2006 rezoning approval and staff consider the view and shadow impacts to be within an acceptable range anticipated in the SEFC ODP.

With regard to the proposed additional penthouse storeys, the design guidelines include ten criteria to evaluate the appropriateness of applying additional height and density to any particular site in SEFC. Item (4.c) asserts that additional height and floor area should reinforce the original scale of the building, by providing setbacks to the penthouse levels and an integrated design to minimize the impacts on the area.

An integrated design, minimized roof appurtenances and some setbacks at the 47 m (154 ft.) height level are included in the application. However, the proposed setbacks are both modest in scale in proportion to the overall width and height of the tower and are not continuous around the perimeter. Staff have included design conditions in Appendix B to increase the setback dimensions thereby reducing the size of the penthouse floors and reducing the view impacts to neighbouring buildings. Staff are satisfied that these changes will bring the building design into alignment with the objectives of the Southeast False Creek Design Guidelines for Additional Penthouse Storeys.

In summary, staff consider the view and shadow impact of the main tower portion to be within the expected scale of development for this site, and recommend adjustments to the penthouse portion of the building. See Appendix B for conditions related to form of development.

## ***PUBLIC BENEFITS***

In response to City policies concerning changes in land use and density, this application, if approved, can be expected to realize the following public benefits.

### **Required Public Benefits**

***Development Cost Levies (DCLs)*** – Development Cost Levies collected from developments help pay for facilities made necessary by growth, including parks, childcare facilities, replacement housing (social/non-profit housing); and various engineering infrastructures. New inflation adjusted city-wide and area specific DCL rates will come into effect on September 30, 2015. This site is subject to both the SEFC DCL and city-wide DCL rates of \$197.19/m<sup>2</sup> (\$18.32/sq. ft.) and \$143.27/m<sup>2</sup> (\$13.31/sq. ft.), respectively. If the application is approved, based on the project's total floor area of 11,601 m<sup>2</sup> (124,876 sq. ft.), a DCL of \$3,949,828 is anticipated based on the September 30, 2015 rates.

DCLs are payable at building permit issuance and their rates are subject to Council approval of an annual inflationary adjustment which takes place on September 30 of each year.

When a DCL By-law with higher rates is introduced, a number of rezoning, development permit and building permit applications may be at various stages of the approval process. An application may qualify as an in-stream application and therefore may be exempt from DCL rate increases for a period of 12 months from the date of DCL By-law rate amendment provided that it has been submitted prior to the adoption of the annual DCL By-law rate adjustments. If a related building permit application is not issued within the 12-month period, the rate protection expires and the new DCL rate will apply.

**Public Art Program** – The *Public Art Policy* applies to all rezoning's that result, in aggregate, in increased floor space of 9,290 m<sup>2</sup> (100,000 sq. ft.) or more and requires a portion of their construction budgets be applied to public art as a condition of rezoning.

The original provisions for CD-1 (464) By-law resulted in an aggregate change for all three sub-areas of a combined 34,143.23 m<sup>2</sup> (367,527 sq. ft.), and resulted in a public art contribution valued at \$480,689. There is a public art plan and the owner elected to produce one artwork on sub-area 1 as the combined requirement. The additional density requested under this rezoning is subject to a further public art contribution.

Public art budgets are based on a formula of \$1.81 per sq. ft. (\$19.48 per m<sup>2</sup>) for areas contributing to the total FSR calculation. On this basis, a public art contribution of \$95,829 is anticipated based on the proposed increase of 4,918.53 m<sup>2</sup> (52,944 sq. ft.) to sub-area 3 (see condition in Appendix B). The Public Art rate is finalized at the development permit stage and is subject to Council approval of periodic adjustments to address inflation.

In addition, this increase falls under the new Public Art Policy adopted by Council on July 23, 2014. As a result, a Civic Program Contribution of 10% of the proposed public art budget is to be attributed towards the Public Art Program prior to Development Permit (DE) issuance. The applicant is instructed to contact the Public Art Program regarding options for the new assessment.

### Offered Public Benefits

**Community Amenity Contribution (CAC)** – Within the context of the City's *Financing Growth Policy*, an offer of a Community Amenity Contribution to address the impacts of rezoning can be anticipated from the owner of a rezoning site. CACs typically include either the provision of on-site amenities or a cash contribution toward other public benefits and they take into consideration community needs, area deficiencies and the impact of the proposed development on City services.

In 2006, a Community Amenity Contribution (CAC) of \$4,140,316 was accepted based on rezoning approval for all three sub-areas. Payments relating to sub-areas 1 and 2 have been received but there is an outstanding obligation for sub-area 3 of \$825,989.05 plus CPI and interest. A No Development Covenant from the 2006 rezoning was placed against sub-area 3 and will secure full delivery of the CAC prior to By-law enactment (see condition in Appendix B).

For the SEFC area, the *Community Amenity Contributions - Through Rezonings* policy applies a fixed rate CAC of \$11.50 per sq. ft. and directs the contribution to be allocated towards affordable housing. This application will generate a fixed rate CAC of \$608,856.

A CAC of \$6,300,091 has also been offered based on additional floor area beyond the base floor area outlined in the CD-1(464) By-law (see Appendix C for details regarding the CAC calculation). A total CAC offering of \$6,908,947 is anticipated and will be allocated in accordance with the objectives of the SEFC Public Benefits Strategy and the Transfer of Density Policy and Procedure. Conditions to secure the Community Amenity Contribution are contained in Appendix B.

**Heritage Density** – On September 25, 2013, Council approved amendments to the Transfer of Density Policy and Procedure to allow for the transfer of heritage amenity to be considered in rezoning's on a citywide basis.

The provisions of CD-1 (464) By-law and Development Limit Covenant No. BB1185853-54, call for the purchase of heritage floor area to achieve the maximum floor area outlined in the existing CD-1 By-law (see Appendix C- 'Existing CD-1 (464) By-law and the Purchase of Heritage Amenity Density'). Staff have determined that a higher priority would be to accept a Community Amenity Contribution that addressed both heritage amenity density as well as public amenities anticipated in the SEFC Public Benefit Strategy which include childcare and affordable housing. The applicant has offered to purchase heritage amenity density with the value of \$690,885 being equivalent to 10,629 sq. ft. of floor area based on a value of \$65/sq. ft., which equates to 10% of the total CAC. The purchase would support citywide heritage conservation efforts by contributing to the reduction of the Heritage Amenity Bank.

Staff support a heritage density transfer being part of the public benefits delivered by this application and recommend that a letter of intent (Letter A) be submitted prior to the Public Hearing.

In addition to the transfer of heritage density, the applicant has offered a cash CAC of \$6,218,053. Staff recommend the cash CAC be allocated in accordance with the *Community Amenity Contributions - Through Rezoning* policy and the SEFC Public Benefits Strategy, as follows:

- \$5,218,053 to childcare serving the SEFC area; and
- \$1,000,000 to affordable housing for SEFC.

See Appendix E for a summary of the public benefits that would be achieved should this application be approved.

### ***Implications/Related Issues/Risk (if applicable)***

#### ***Financial***

As noted in the section on public benefits, the applicant has offered a CAC package of \$6,908,947, comprised of:

#### ***In-kind CAC:***

Purchase and transfer of approximately 987 m<sup>2</sup> (10,629 sq. ft.) of heritage density valued at \$690,885 (10%) (based on a value of \$ 65/sq. ft.).

*Cash CAC to be allocated as follows:*

\$5,218,053 to childcare serving the SEFC area; and  
\$1,000,000 to affordable housing for SEFC.

Approval and timing of specific projects will be brought forward as part of the Capital Plan and Budget process.

The SEFC and Citywide DCL rates apply to this site. If the project is approved, a combined DCL of approximately \$3,949,828 is anticipated.

The Public Art Policy applies to the site and a Public Art contribution of approximately \$95,829 is anticipated. A condition to secure the Public Art contribution is contained in Appendix B. See Appendix E for a summary of the public benefits.

### **CONCLUSION**

The staff assessment of this rezoning application has concluded that the proposed form of development is an appropriate urban design response to the site and its context. This application, along with the recommended conditions of approval, is consistent with the Southeast False Creek Official Development Plan and the Southeast False Creek Design Guidelines for Additional Penthouse Storeys, with regard to land use, density, height and form.

The General Manager of Planning and Development Services recommends that the rezoning application be referred to a Public Hearing, together with the draft amending By-law generally as set out in Appendix A. Further, it is recommended that, subject to the Public Hearing, the application including the form of development, as shown in the plans in Appendix D, be approved in principle, subject to the applicant fulfilling the conditions of approval in Appendix B.

\* \* \* \* \*

26 East 1st Avenue

DRAFT AMENDMENTS TO CD-1 (464) BY-LAW NO. 9600

Note: An amending By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

1. In Section "**6 Density**", Council:
  - (a) strikes out sub-section 6.3 and substitutes:  
"6.3 The floor area for all uses in Sub-area 3, must not exceed 11,601 m<sup>2</sup>.";
  - (b) strikes-out sub-section 6.4;
  - (c) re-numbers sub-sections 6.5, 6.6, 6.7 and 6.8 as 6.4, 6.5, 6.6 and 6.7 respectively; and
  - (d) in re-numbered sub-section 6.7, strikes out "6.6 or 6.7" and substitutes "6.5 or 6.6".
2. In Section "**7 Building height**" Council strikes out sub-section 7.3 and substitutes:  
"7.3 In Sub-area 3, the building height, measured above base surface, must not exceed 53.25 m."

\* \* \* \* \*

26 East 1st Avenue

DRAFT CONDITIONS OF APPROVAL

Note: Recommended approval conditions will be prepared generally in accordance with the draft conditions listed below, subject to change and refinement prior to finalization of the agenda for Public Hearing.

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 Bingham Hill Architects and stamped "Received Planning & Development Services (Rezoning Centre), received on February 10, 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:

Urban Design

- 1. Reduction in the building mass of the penthouse levels to reduce their shadow and view impacts through:
  - i) provision of a minimum 20 ft. setback from the north property line, and
  - ii) provision of a minimum 10 ft. step back at level 17.

Note to Applicant: More substantial setbacks from the main portion of the tower are needed to reduce shadowing onto the East Park, to moderate impacts to the private views of nearby residents, and to better meet the intent of the Southeast False Creek Design Guidelines for Additional Penthouse Storeys. The size of the stair and mechanical enclosure at the uppermost level should be reduced as well.

- 2. Design development to provide an outdoor space for children's play that is collocated with an indoor amenity room suitable for family use.

Note to Applicant: This can be accomplished by relocating the amenity area at grade to be next to the play space on the sixth floor, with good view lines.

- 3. Application of universal design standards to at least 20% of the dwelling units and all common amenity areas.

Note to Applicant: Intent is to respond to Section 5.1 of the ODP. This can be accomplished by following the SAFER Home standards.



4. Notation on the elevation drawings of all materials, colours, and finishes, to be consistent in durability and quality with the previous application;

Note to Applicant: Intent is ensure the building exterior at the development permit is consistent with the rezoning stage.

5. Design development to any enclosed balconies to ensure their exterior expression is visually distinct elements from nearby rooms;

Note to Applicant: For more information, see the Balcony Enclosure for New Buildings bulletin. For enclosed balconies on the southeast corner of Levels 2, 3, 4, and 5, please see Figure F, as it notes enclosed balconies that are inverted from open balconies are not supportable.

### Landscape Design

6. Provide a variety of spaces incorporating high-quality landscaped open spaces with substantial greenery, visual interest and amenities at the pedestrian level and consistent with the SEFC Public Realm Plan.

Note to Applicant: Include special paving, including granite-size pavers. Method of installation to be consistent with the Olympic Village with respect to: lighting, planting, street trees, landscaped boulevards, driveway crossings, pathways, permanent site furniture, weather protection, garbage storage, recycling and loading facilities.

7. Provide intensive and extensive landscaped planters at the podium and roof deck levels. Incorporating greenery to create vibrant exterior courtyards to enhance the liveability of the site and views from street edges.

Note to Applicant: Design development to the proposed at-grade common garden at the lane to incorporate a hierarchy of open spaces with special feature nodes along pathways, bench seating, and intensely landscape edges to create opportunities for residents to engage, gather, and experience the open air.

8. 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.

9. Provide flexibility of design for all amenity decks containing programming for urban agriculture or children's play areas, such that the basic structure and aesthetics of these amenity areas allows for future alternative uses of the spaces.

10. Provide increased soil volumes for all landscaped planters over slab condition to ensure the long term viability of plant species.

Note to Applicant: Soil volumes for landscaped planters to exceed BCLNA standard with the goal to provide a minimum 4 ft. growing medium depth for large species trees planted with in-ground condition, and 3 ft. depth for trees over structures and consolidated within a continuous trench, where possible. Modify depth of building slab where feasible to achieve planter depth. Provide maximized planter depth. The underground parking slab should be designed to support a deeper root ball for proposed trees within the at-grade 'Common Garden' space located at the lane. Headroom for below-grade mechanical rooms may be successfully reduced without compromising function.

11. Provision of an external lighting plan for pedestrian routes and courtyards, to ensure that adequate lighting levels are achieved for CPTED performance while minimizing glare for residents.
12. Design development to incorporate the principles of the Draft City of Vancouver Bird-Friendly Design Guidelines for the protection, enhancement and creation of bird habitat, in addition, reduce potential threats to accommodate birds in the City.

Note to Applicant: The use of native plantings and landscape materials that have high habitat benefits is encouraged. <http://vancouver.ca/files/cov/bird-friendly-strategy-design-guidelines-draft-2014-09-01.pdf>

13. 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 (drip) irrigation, the use of drought tolerant plants and mulching.

14. Provision of a written design rationale outlining the programming of the outdoor spaces and landscape structures, including overall use, sustainable design features (planting, water, waste, soil, habitat), urban agriculture (e.g. compost, gardening, tool storage, access and security).

15. At the development permit stage, provision of a:

- i) legal survey confirming the location of existing on- and off-site trees;
- ii) fully labelled Landscape Plan and Plant List, Sections and Details; and
- iii) written landscape rationale.

16. Provide large-scale section drawings at 1/4"=1'-0" /1:50 or better, to illustrate the public realm interface landscape treatment from the building face to the street edge, including the slab-patio-planter relationship, lane interface, and common areas.

Note to Applicant: The sections should include planters, retaining walls, guardrails, patios, privacy screens, stairs and tree planting depths.

17. Provision of hose bibs for all patios greater than 100 sq. ft. in area.

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

18. Design development to take into consideration the principles of CPTED, having particular regard for reducing opportunities for:
  - i) theft in the underground parking,
  - ii) residential break and enter,
  - iii) mail theft, and
  - iv) mischief in alcoves and vandalism, such as graffiti.

#### **Sustainability**

19. Confirmation of the building's sustainability performance as required by the Green Buildings Policy for Rezoning's, including at a minimum 63 points in the LEED® rating system, a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, one water efficiency point, and one storm water point.

Note to Applicant: Submit a LEED® checklist and a sustainable design strategy outlining how the proposed points will be achieved, along with a receipt including registration number from the CaGBC, as a part of the Development Permit application. The checklist and strategy should be incorporated into the drawing set. A letter from an accredited professional confirming that the building has been designed to meet the policy and application for certification of the project will also be required under the policy.

#### **Neighbourhood Energy**

20. The proposed plan for site heating and cooling, developed in consultation with the City, shall be provided prior to the issuance of development permit, to the satisfaction of the General Manager of Engineering Services.
21. The building(s) heating and domestic hot water system shall be designed to be compatible with the SEFC NEU system 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 *Energy Utility System By-law (9552)* and *SEFC NEU Developer Document (2014)* for specific design requirements, which include provisions related to the location of the mechanical room(s), centralization of mechanical equipment, pumping and control strategy, and other hydronic heating and domestic hot water system minimum requirements. The applicant is encouraged to work closely with staff to ensure adequate provisions for NEU compatibility are provided for in the

mechanical design. As a pre-condition 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.

22. The building mechanical system must utilize the energy transfer station for all of its space heating and domestic hot water requirements, and the building mechanical system must not incorporate any additional heat production equipment including, but not limited to, boilers, water source heat pumps, air source heat pumps, furnaces, hot water heaters, geo-exchange systems, electric baseboards, or heat producing fire places except that:
- (i) a building may incorporate a solar system to generate heat energy,
  - (ii) a building may incorporate hybrid heat pumps for space cooling, provided the compressor cannot operate in heating mode, and
  - (iii) a building may incorporate heat recovery ventilation (air to air heat exchangers) and waste heat recovery from refrigeration or active cooling systems for the purposes of supplementing the heat energy provided:
    - a) the systems used for heat recovery from refrigeration or active cooling do not provide any supplemental heating when there is no active cooling service required,
    - b) the approach to heat recovery is consistent with this Schedule (i.e. hydronic systems with centralized mechanical equipment) and,
    - c) waste heat recovery systems do not cross property lines,

Note to Applicant: Exceptions for on-site heat production may be approved by the City Engineer, provided the total heat production produced by all exceptions does not exceed 1% of the total annual thermal energy needs of the building. 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.

23. Provision of a dedicated room in a location suitable for connecting to the SEFC NEU distribution piping for each Energy Transfer Station that is required for servicing the development as to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The SEFC NEU has pre-serviced this site off of Ontario Street. The NEU room is to be in close alignment with the pre-service location.

## Engineering

The following are to be addressed at the Development Permit stage:

24. Provision of a letter of commitment from a car share company indicating their willingness to supply the required vehicles at building occupancy.
25. Provision of the car share vehicle space to be located within the visitor parking area and the width of the car share vehicle parking stall to be a minimum 2.9 m wide.
26. Indicate an additional visitor parking stall to be "future car share vehicle parking" and ensure it is a minimum 2.9 m in width.

Note: This is not an additional visitor stall; please indicate 1 of the proposed stalls as this future car share vehicle parking space.

27. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The following items are required to meet provisions of the Parking By-law and the Parking and loading design supplement. Please note these comments are applicable to the current central access ramp design, and although they will not apply to the new ramp design the principles indicated in these comments are to be incorporated into the revised parkade design.

28. Modify the east side of the parking entrance and adjacent garden/planter as needed to facilitate vehicle turning movement onto the parking ramp for vehicles travelling westbound in the lane.

Note to Applicant: Provision of a corner-cut is recommended.

29. Provision of design elevations at the front and rear of the loading space and notation of the slope and cross fall of the loading space.

Note to Applicant: The slope and cross fall should not exceed 5%.

30. Provision of an increased ramp width to 24 ft. through the curved portion of the Parking ramp.

Note to Applicant: This will allow adequate room for two vehicles to pass unobstructed on the Parking ramp.

31. Provision of design elevations on both sides of the parking ramp at all breakpoints, both sides of the loading bay, and at all entrances.

Note to Applicant: Where there is a curved ramp, provide grades two feet from the wall on the inside radius (Section I.A). The slope and length of the ramp section at the specified slope must be shown on the submitted drawings.

32. Improve visibility for two-way vehicle movement at turns within the parkade.

Note to Applicant: Refer to Engineering Parking and Loading Design Supplement Section I.B and I.C. This is of concern especially where walls obscure visibility of oncoming cars on the ramp.

33. Provision of a landscape plan clearly indicating proposed plantings for public property that includes plants that grow to a maximum mature height of 600 mm and that do not encroach onto the sidewalk.
34. Provision of updated landscape drawings which reflect the City-approved geometric design and the off-site improvements required of this rezoning.
35. Provision of a direct means of stair-free bicycle access to grade which does not require the use of a parking ramp with a slope that exceeds 12.5%. Label with a line the intended route to be used by cyclists to bring a bicycle from the bicycle room to the street or lane and vice-versa.
36. Provision of automatic door openers on all bicycle room doors, and on doors along the travel path from the bicycle room(s) to outside.
37. Clarify garbage storage and pick-up space. Please show containers and totters on plans for recycling and garbage needs and refer to the Engineering garbage and recycling storage facility design supplement for recommended dimensions and quantities of bins. Pick-up operations should not rely on bins being stored on the street or lane. Bins are to be returned to storage areas immediately after emptying.
38. Provision of the required letters of credit to secure the car share vehicle and site servicing requirements as indicated in the related legal agreements.

#### 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. Release of Easement & Indemnity Agreement 444597M (commercial crossing) prior to building occupancy.



Note to applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition.

2. Provision of a shared access agreement with the development site to the east allowing for use of this developments driveway for access to the westerly site with the City being a party to the agreement to prevent the modification or release of the agreement without City consent. This is set out in the no development Covenant BB1185859-60 currently registered to the property.
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. Requirements as follows:
  - a) Provision of a \$50,000.00 contribution towards the recently completed neighbourhood sewer upgrades that will service the site.
  - b) Reconstruction of the public realm (property line to existing curb) on 1st Avenue and Ontario Street and the south half of the 1st Avenue median adjacent the development site to accommodate the construction of protected bicycle lanes and improved walking facilities for the public on both site frontages. Work is to include the following:
    - (i) Removal of the proposed curb bulges for consistency with the City geometric design for 1st Avenue between Quebec Street and Ontario Street. Provision of standard laneway crossing at the lane south of 1st Avenue on the east side of Ontario Street.
    - (ii) Provision of improved street lighting on both frontages of the site to meet the SEFC standards and the SEFC public realm and enrichment guidelines.
    - (iii) Provision of new sidewalks, curb, pavement, street trees and street furniture adjacent the site in keeping with the SEFC Public Realm Plan and Enrichment Guidelines.
    - (iv) Improvements to the lane south of 1st Avenue from Ontario east generally to the east property line of the site consistent with the SEFC Public Realm Plan and Enrichment Guidelines. (Granite setts, SEFC lane lighting, and full-width lane re-pavement are to be included.)
    - (v) All public realm improvements are to include adjustment, relocation or replacement of any utility or street infrastructure impacted by the proposed improvements.

- c) 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.
- 4. Provision of all existing utility poles and services adjacent to the site and all new services to the site 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) 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. 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 underground services.

#### Neighbourhood Energy

- 5. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connecting to and securing adequate space for the SEFC NEU, which may include but are not limited to agreements which:
  - a) Grant the operator of the SEFC NEU access to the buildings 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.

#### Heritage Density Transfer

- 6. Secure the purchase and transfer of 987 m<sup>2</sup> (10,629 sq. ft.) of heritage density (which has a value of \$690,894) 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 as of this date, 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(s) of the subject site, also referred to as the receiver site, and the owner of the donor(s) site, and submitted to the City prior to enactment together with receipt(s) of heritage density purchase, including the amount, sale price, and total cost of the heritage density.

#### **No Development Covenant**

7. Pay to the City the outstanding financial obligation related to the Community Amenity contribution, approved in conjunction with City Council's enactment of CD-1 (464) By-law in 2006, in accordance with the terms of the No Development Covenant BB1185859.

#### **Community Amenity Contribution (CAC)**

8. In addition to the transfer of heritage density (\$690,885), that represents 10% of the overall CAC package, pay to the City a Community Amenity Contribution of \$ 6,218,053 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. The \$ 6,218,053 is to be allocated as follows:

\$1,000,000 towards affordable housing intended for SEFC; and

\$5,218,053 towards childcare intended to serve residents and workers in or near the SEFC area.

Subject to payment of the Community Amenity Contribution, confirm whether Development Limit Covenant No. BB1185853-54, may be discharged as it relates to the purchase of heritage floor area.

#### **Public Art**

9. Amend the existing Public Art agreement to the satisfaction of the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy. An additional Public Art Contribution will be required in the amount of \$95,829. The 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.

## Soils

10. Revisit the Remediation Agreement and as required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, do all things and/or amend such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and

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 there from on terms and conditions satisfactory to the Manager of Environmental Planning, the General manager of Engineering Services and the 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) / Final Determination (to state that the site is not a contaminated site) satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

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.

\* \* \* \* \*

26 East 1st Avenue

Additional Information, Urban Design Commentary and Minutes from the  
Urban Design Panel Meeting April 22, 2015

**ADDITIONAL INFORMATION**

**Existing CD-1 (464) By-law and the Purchase of Heritage Amenity Density**

CD-1 (464) By-law lists the permitted floor area for sub-area 3 as 7379 m<sup>2</sup> (79,427 sq. ft.); however the 2006 rezoning placed a Development Limit Covenant (No. BB1185853-54) on title which requires the owner purchase the value of 696.53 m<sup>2</sup> (7,497 sq. ft.) of new market floor area within SEFC, from a designated heritage site in SEFC with floor area for transfer, in order to achieve the listed 7,379 m<sup>2</sup> (79,427 sq. ft.). Further, Section 6.4 of the By-law permits an additional 3,344.67 m<sup>2</sup> (36,002 sq. ft.) of floor area provided the value of this area is also purchased from a designated heritage property in SEFC with density for transfer. The base floor area for sub-area 3 is considered to be 6,682.5 m<sup>2</sup> (71,930 sq. ft.), which is achievable without conditions. The combined increase in floor area associated with the purchase of heritage density is 4,041.2 m<sup>2</sup> (43,499 sq. ft.) for a total floor area of 10,723.67 m<sup>2</sup> (115,428 sq. ft.) for sub-area 3.

The protection and preservation of historic resources listed on the Vancouver Heritage Register is a recognized public benefit. New developments in SEFC that exceeded the general FSR provisions for the area were encouraged to purchase heritage floor area from within SEFC as part of their Community Amenity Contribution offering.

In 2006 there were two heritage sites in SEFC undergoing rehabilitation and generating heritage floor area for transfer. The original rezoning assumed that sub-area 3 would purchase heritage density from one of these two sites. However as of today's date, all the approved SEFC heritage floor area for transfer has since been sold and transferred. There is no longer a SEFC heritage density bank, however the obligation could also be met through the purchase of heritage floor area from the citywide Heritage Amenity Bank.

The value of 43,499 sq. ft. of new market floor area in SEFC is approximately \$5,000,000 if the applicant was purchasing this amount from the Heritage Amenity Bank, they would be purchasing approximately 77,000 sq. ft. Staff considered the benefit of buying down this amount of density from the citywide Heritage Amenity Bank versus applying this amount to the Community Amenity Contribution offered by the owner and determined a smaller purchase from the Heritage Amenity Bank is warranted in lieu of contributing towards outstanding amenities anticipated in SEFC. The recommendation is to apply 10 % of the total Community Amenity Contribution towards the purchase of heritage amenity density and apply the balance towards childcare and affordable housing. See the Public Benefits section in the report.

A Recommendation has been added to the report to require a portion of the anticipated Community Amenity Contribution be allocated to the purchase of heritage amenity density from the citywide Heritage Amenity Bank. See conditions in Appendix B.

If the rezoning is approved, upon enactment of the amendments, the Development Limit Covenant related to the purchase of heritage floor may be released. See condition in Appendix B for further details.

#### **Base floor area for the purposes of negotiating the Community Amenity Contribution**

CD-1 (464) lists the base floor area for sub-area 3 as 7,379 m<sup>2</sup> (79,427 sq. ft.) however the Development Limit Covenant restricts the use of 696.5 m<sup>2</sup> (7,497 sq. ft.) until this value has been purchased from a heritage site in SEFC. The base floor area for the purposes of negotiating the CAC is considered to be 6,682.5 m<sup>2</sup> (71,929 sq. ft.). The CAC has been calculated on an increase of 4,918.5 m<sup>2</sup> (52,944 sq. ft.) which includes the floor area attributed towards the purchase of heritage amenity density noted in the By-law, and the additional floor area requested through the SEFC Design Guidelines For Additional Penthouse Storeys, to achieve the proposed total floor area of 11,601 m<sup>2</sup> (124,876 sq. ft.).

#### **URBAN DESIGN COMMENTARY**

The SEFC ODP lists an optimal building height of 15 storeys for this site and a maximum height of 47 m (154 ft.) for the area (see Figures 9 and 10 in the SEFC ODP). A height of 15 storeys is based on designing the tower with a 10-foot floor-to-floor dimension. If using a shorter floor-to-floor dimension, a 16-storey tower could be achieved in the same volume. In addition to the provisions within the SEFC ODP, two additional partial floors may be considered through the Southeast False Creek Design Guidelines for Additional Penthouse Storeys, thereby increasing the building form to a maximum of 18 storeys and a maximum height of 53.25 m (175 ft.) for the subject site.

Approval of the maximum height is subject to an urban design analysis. In order to comply with the intent of the Southeast False Creek Design Guidelines for Additional Penthouse Storey, staff have reviewed the performance of the proposed design. Where the Guidelines recommend that the two penthouse levels be set back from the main tower form to minimize any incremental impact to views, shadowing, and other urban design criteria, the application proposes that the two upper floors would not be set back from the north side of the tower. Staff have considered the additional impact created to views (including the responses from nearby residents) and the additional impact to the public park to the north (as indicated in the drawing "Shadow Analysis" on pg. 5), and recommend that the penthouse be set back from the north side. This adjustment is expected to reduce part of the impact to views, and substantially reduce or eliminate the additional impact to the public realm, especially during the noon to 1:00 pm period when the tower shadow passes over the park.

#### **URBAN DESIGN PANEL**

The Urban Design Panel reviewed the submitted application on April 22, 2015 and supported the project.

#### **EVALUATION: SUPPORT (7-0)**



**Introduction:** Yardley McNeill, Rezoning Planner, introduced the proposal for a rezoning application that is a Text Amendment to a rezoning approved in 2006. The CD-1 bylaw contains three Sub-areas and the Text Amendment relates to Sub-area 3, which is the last of the Sub-areas to develop. The 2006 rezoning permitted additional density for Sub-area 3 beyond the 3.5 FSR prescribed under the Southeast False Creek (SEFC) ODP in order to both accommodate density to shift amongst the three Sub-areas, and to assist with the preservation of the historic sites in SEFC. She mentioned that Staff analysed the impact of the increased density and determined it could be supported given the location of the site, the surrounding context and an urban design objective to create a terminating element as viewed from the future public Park to the north. The existing CD-1 Bylaw lists the allowable floor area for Sub-area 3. Ms. McNeill explained that at the time, both the Opsal Steel and the Best Building sites were identified as historic resources and eligible to generate heritage density for transfer. The 2006 rezoning assumed Sub-area 3 would be purchasing heritage density from one of these two sites. She also mentioned that conditions were applied to the density, namely that the Development Permit Board approve the form of development and that Council approve the redevelopment of the donating heritage site which would include the density for transfer.

Ms. McNeill noted that a development application was submitted in 2008 and reviewed by the Urban Design Panel. The Panel did not support the application due to its architectural expression and noted the landmark status of the site. The current text amendment application is a new project wholly unrelated to the earlier development permit application. Since the 2006 rezoning, the heritage sites in SEFC have either sold their density or used it on their own sites. As such, there is no heritage density for purchase and transfer in SEFC. Staff will seek the direction of the City Manager as to how best to accommodate the density through other means such as a Community Amenity Contribution towards a recognized SEFC or Citywide public benefit.

Ms. McNeill mentioned that in 2010, Council adopted the SEFC Design Guidelines for Additional Penthouse Storeys. This policy provides for the consideration of an additional two (partial) floors to a maximum of 6.25 meters of additional height with a commensurate amount of additional density. The owner is requesting the additional two storeys which is the basis of this Text Amendment.

Ms. McNeill explained that the proposal is for a density of approximately 6.98 FSR and 53.25 meters in height, massed as an 18-storey tower with a 5-storey podium containing 137 market residential units with 167 underground Parking spaces on five levels.

Sailen Black, Development Planner, further described the proposal and mentioned that two sites to the west have been approved. The site is located on the southeast corner of Ontario Street and East 1st Avenue. He noted that there are bikeways on Ontario Street and as well on East 1st Avenue. He explained that the Text Amendment will consider the Southeast False Creek ODP, the Green Buildings Policy for Rezoning's, SEFC Design Guidelines for Additional Penthouse Storeys and the High Density Living for Families and Children Guidelines. The Text Amendment is to increase the permitted height and density from the existing CD-1. The Text Amendment is to increase the permitted height and density that was available in 2006 plus increased density associated with the penthouse storeys. He added that the proposed density is 6.98 FSR and the proposed height increases from 47 meters (154 feet) to 53.25 meters (175 feet). As well a range of indoor and outdoor amenity spaces is being offered on different

levels and locations around the proposal. Mr. Black explained that the intent of the landscape at grade on the lane is for passive space (lawn). As well the design incorporates elements from the “Rail yard” theme established for this part of SEFC. The space intended for children’s play on top of the podium will use unstructured materials. There is also an indoor gym on a different level from the outdoor spaces.

Comments were sought on the overall landscape and architectural design of this rezoning application, and in particular:

Does the Panel support the proposed form of development, including the height (53.25 m), setbacks and density (6.98 FSR) shown?

Considering the proposed form of the penthouse element, including its effects on private views, shadowing of the Park, and the position of the site, does the Panel support its additional height and density?

Can the Panel offer preliminary comments on the design and location of indoor and amenity spaces?

Ms. McNeill and Mr. Black took questions from the Panel.

**Applicant’s Introductory Comments:** Doug Nelson, Architect, further described the proposal and mentioned that the view from the Park is a focal terminus. He noted that at the previous review the Panel thought the building should be slightly higher. With this proposal the penthouse additional storeys program allows that to happen. They pulled that form flush with the front façade in order to gain the north façade height. They have shaped the tower floor plate in order to get the front façade as vertical and slender as possible. Mr. Nelson noted that they have tried to pick up on the podium heights that exist in adjacent building forms. There are a number of outdoor spaces including a lounge/outdoor space on the corner. Some of the outdoor spaces are connected to indoor amenity spaces. There are some small private terraces proposed for the top of the building.

Alain La Montagne, Landscape Architect, described the landscaping plans and mentioned that some of the elements reflect the rail yard pattern. From the ground floor perspective, the public realm follows the SEFC guidelines with the enhanced treatments of granite sets on boulevards. The townhouse expression has some semi-private space between the sidewalk and the townhouse. There is a common space on the ground floor which is more of a passive space with full sun exposure. On the laneway there are trees proposed and a large green space will be lawn. The level six podiums has another outdoor space with urban agriculture and unstructured children’s play. For adults and families on the corner there is a lounge area with barbeque and gathering space.

The applicant team took questions from the Panel.

**Panel’s Consensus on Key Aspects Needing Improvement:**

Consider a stronger expression at the roof top;  
Consider stepping the form to allow for more sunlight into the courtyard;  
Design development to include both indoor and outdoor amenity space on the south;

Consider further activation for the outdoor terrace on the north;  
Consider mitigating the blank wall in the courtyard;  
Consider connecting/locating the indoor amenity spaces to exterior amenity spaces.

**Related Commentary:** The Panel supported the proposal.

The Panel supported the proposed form of development, height, setbacks and density in general, although some Panel members thought the proposal was a little tight to the lane side. As well they supported the shape and massing of the tower. Some Panel members thought there could be more of an expression at the roof top. As well there was some concern regarding the fifth townhouse and thought it would be better as a tower apartment. One member advised reconsidering the design of the enclosed balconies facing south toward the Bastion project. It was noted that the south façade could be improved with stepping to help get more afternoon sun into the courtyard. Several members advised refining the north side design to be stronger, with a less tentative expression.

Most of the Panel supported the penthouse expression and thought they would help to make it more of a landmark building. However a couple of Panel members thought the penthouse element felt modest and could have more of a setback. As well they agreed that there was no issue with shadowing on the Park given the shape and configuration of the Park.

The Panel supported the landscape plans but thought there should be an amenity space opening up onto the lawn as this would be a nice space for families. As well they noted that the amenity seemed shut off from that space. Although the Panel liked the amount of amenity space being provided there was real concern that they were disconnected from exterior spaces. Some members thought it would be beneficial to have one of the amenity spaces relocated next to the garden space on the south. As well they thought the outdoor terrace on the north could be better activated to improve its performance. The courtyard needs a little more development as well with respect to the blank wall on the west side. The Panel agreed that the roof top amenity space was well programmed with both private and communal spaces.

Although the Panel liked the “Rail yard” theme, they noted it seemed gratuitous as employed. They wanted to see the theme applied more meaningfully in the next design.

A couple of Panel members had some concerns regarding the corner on East 1st Avenue. They noted that it is a semi private space in a public location.

The Panel supported the material palette but thought the applicant should consider another colour other than red since there is already a large amount of red in the precinct and it dilutes the significance of the Salt building as a public space.

Regarding sustainability, it was noted that the balconies will need to be insulated or thermally broken.

**Applicant’s Response:** Mr. Nelson thanked the Panel for all their commentary and criticisms which he said they would take under consideration.

\* \* \* \*

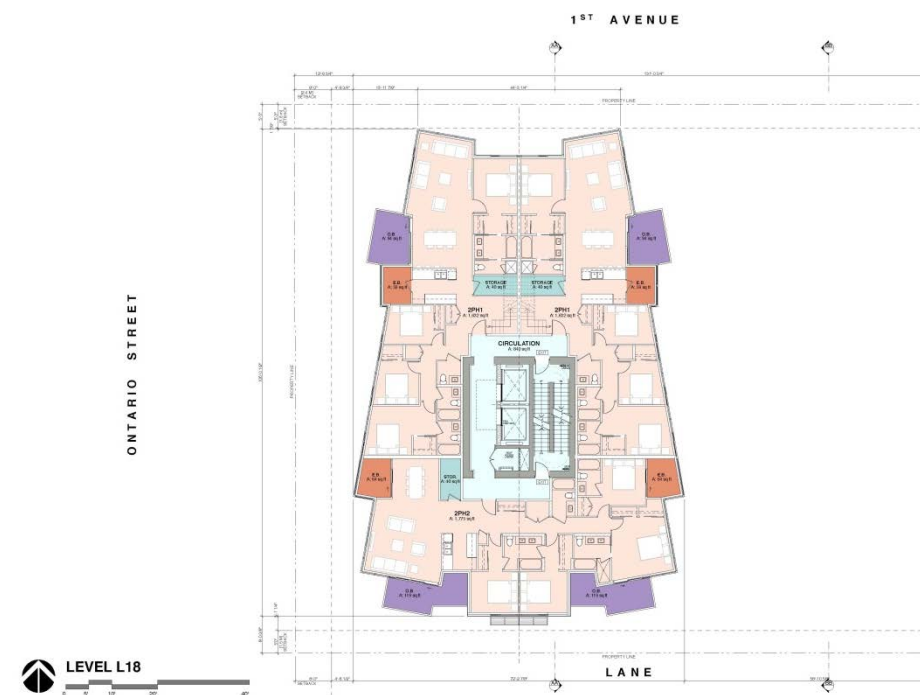
## 26 East 1st Avenue Architectural Drawings

### Site Plan and Floor level # 1

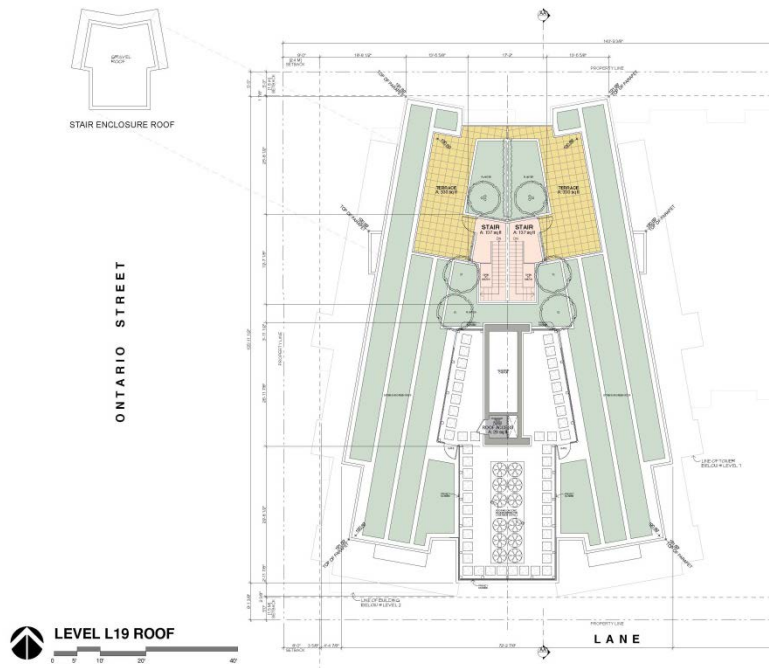


### Floor Level # 5





## Roof Level



## North and East Elevation





## Shadow Studies



10 am March/Sep 21



10 am June 21



12 pm March/Sep 21



12 pm June 21



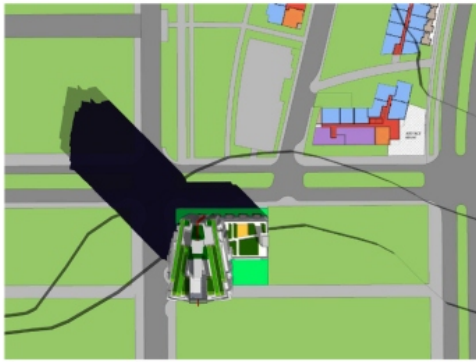
2 pm March/Sep 21



2 pm June 21

**Shadow Analysis**  
**2-26 E 1st Avenue - March 21**

■ 154 feet high    ■ 174.5 feet high



10 am



12 noon



2 pm



26 East 1st Avenue  
PUBLIC BENEFITS SUMMARY

**Project Summary:**

An 18-storey residential building with 137 market units.

**Public Benefit Summary:**

Contributions towards childcare, affordable housing, heritage amenity density and public art, as well as DCLs.

	Current Zoning	Proposed Zoning
Zoning District	CD-1	CD-1
FSR (site area = 1685.16 m <sup>2</sup> )	N/A	N/A
Floor Area (sq. ft.)	6,682.5 m <sup>2</sup> *	11,601 m <sup>2</sup>
Land Use	Residential	Residential

Public Benefit Statistics		Value if built under Current Zoning (\$)	Value if built under Proposed Zoning (\$)
Required*	DCL (City-wide + SEFC = \$30.58/sq. ft.)	\$2,199,604	\$3,949,828
	Public Art		\$ 95,829
	20% Social Housing		
Offered (Community Amenity Contribution)	Childcare Facilities		\$ 5,218,053
	Cultural Facilities		
	Green Transportation/Public Realm		
	Heritage (transfer of density receiver site)		\$ 690,885
	Affordable Housing		\$ 1,000,000
	Parks and Public Spaces		
	Social/Community Facilities		
	Unallocated		
	Other		
TOTAL VALUE OF PUBLIC BENEFITS		\$2,428,874	\$10,954,595

\*See Appendix C for details on the base floor area permitted under CD-1 (464)

\* DCLs, Public Art and Social Housing may have exemptions and/or minimum thresholds for qualification. For the City-Wide DCL, revenues are allocated into the following public benefit categories: Engineering (7%); Replacement Housing (30%); and Parks (63%).

26 East 1st Avenue  
APPLICANT AND PROPERTY INFORMATION

Property Information

Address	Property Identifier (PID)	Legal Description
26 East 1st Avenue	028-334-221	Lot D, Block 8, District Lot 200A, Group 1, New Westminster District Plan BCP45966

Applicant Information

Applicant/Architect	Bingham Hill Architects
Developer/Property Owner	Pinnacle International (West First) Plaza Inc.

Development Statistics

	Permitted Under Existing Zoning	Proposed
Zoning	CD-1	CD-1
Site Area	45.3 m x 37.2 m (1685.16 m <sup>2</sup> )	45.3 m x 37.2 m (1685.16 m <sup>2</sup> )
Land Use	Residential	Residential
Maximum FSR	N/A	N/A
Maximum Height	47 m	53.25 m
Floor Area	6,682.5 m <sup>2</sup> *	11,601 m <sup>2</sup>
Parking, Loading and Bicycle Spaces	As per Parking By-law	As per Parking By-law

- See Appendix C for a description of the existing CD-1(464) By-law floor area provisions for sub-area 3.