

SUMMARY AND RECOMMENDATION

11. REZONING: 26 East 1st Avenue

Summary: To amend CD-1 (Comprehensive Development) District (464) By-law No. 9600 for 26 East 1st Avenue to increase the maximum permitted floor area for sub-area 3 to 11,601 m² (124,872 sq. ft.) and to increase the permitted height of sub-area 3 to 53.25 m (175 ft.), allowing for construction of an 18-storey market residential building containing 137 dwelling units.

Applicant: Bingham Hill Architects

Referral: This item was referred to Public Hearing at the Regular Council Meeting of September 29, 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 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 m² (124,876 sq. ft.) and to increase the permitted height of subarea 3 to 53.25 m (175 ft.), allowing for construction of a residential tower, generally as presented in Appendix A of the Policy Report dated September 14, 2015, entitled "CD-1 Rezoning: 26 East 1st Avenue", 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 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

- (i) 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 to 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/birdfriendly-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
 - (ii) 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
 - (iii) 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:

- (i) Provision of a \$50,000.00 contribution towards the recently completed neighbourhood sewer upgrades that will service the site.
- (ii) 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:
 - a) 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.
 - b) Provision of improved street lighting on both frontages of the site to meet the SEFC standards and the SEFC public realm and enrichment guidelines.
 - c) 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.

- d) 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.)
 - e) All public realm improvements are to include adjustment, relocation or replacement of any utility or street infrastructure impacted by the proposed improvements.
- (iii) 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:
- (i) 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 m² (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:
 - (i) \$1,000,000 towards affordable housing intended for SEFC; and
 - (ii) \$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.

- B. THAT Recommendation A 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.

[RZ - 26 East 1st Avenue]