

SUMMARY AND RECOMMENDATION

6. REZONING: 1335 Howe Street

Summary: To rezone 1335 Howe Street from DD (Downtown) District to CD-1 (Comprehensive Development) District to increase the floor space ratio from 5.0 FSR to 12.12 FSR and the height from 91.4 m (300 ft.) to 115.2 m (378 ft.) to permit the development of a 40-storey mixed residential building with 264 strata residential units in the tower and 109 secured market rental units in a seven-storey podium, and with retail and service uses at ground level.

Applicant: Townline Homes Inc.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of November 17, 2015.

Recommended Approval: By the Acting 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 1004347 B.C. Ltd. (Townline Homes Inc.) to rezone 1335 Howe Street [*Lots 27 to 34, Block 111, District Lot 541, Plan 210; PIDs 004-481-488, 004-481-496, 004-481-500, 004-481-518, 004-481-526, 004-481-534, 004-481-569, and 004-481-593 respectively*] from DD (Downtown) District to a CD-1 (Comprehensive Development) District, to increase the floor area from 5.0 FSR to 12.12 FSR and the height from 91.4 m (300 ft.) to 115.2 m (378 ft.) to permit the development of a 40-storey residential tower with 264 strata residential units, with a seven-storey podium containing 109 secured market rental units and retail and service uses at ground level, generally as presented in Appendix A of the Policy Report dated October 29, 2015, entitled "CD-1 Rezoning: 1335 Howe Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by IBI/HB Architects, and stamped "Received Planning & Development Services (Rezoning Centre) January 26, 2015", provided that the General Manager of Planning and Development Services may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the General Manager of Planning and Development Services, who shall have particular regard to the following:

Design Development

1. Design development to improve livability of the townhouse units facing Howe Street and the lane.

Note to applicant: This can be achieved by improving security and privacy through measures such as additional landscape buffering in balance with CPTED principles. The design of the public realm interface should more clearly delineate public, semi-public and private areas. Consideration should be given to more generous front patio space that would allow for passive seating in a private setting. Enlarged sections from the public to private realm should be provided to illustrate proposed improvements.

2. Confirmation that balconies meet the setbacks recommended for this neighbourhood.

Note to applicant: The development should provide a minimum of 6 ft. and a maximum of 20 ft. from Howe Street.

3. Design development to the rooftop play area enclosure to be more compatible with the exterior expression of the building.

Note to Applicant: This can be accomplished by the use of similar patterns, forms and materials.

4. Design development to balcony screens at the podium level to ensure the openness of these outdoor spaces.

Note to applicant: Intent is to avoid any unintended enclosure or increased massing while still providing a degree of shading and privacy screening for the lower levels. Screens should be noted as metal mesh, open to air flow, and not to be enclosed, with dimensions to show that when extended the screens occupy less than half of the balcony width.

5. Design development to the location of balconies to reduce potential effects on private views or shadowing to semi-private open space.

Note to applicant: This may be accomplished without reducing the overall amount of balcony area by relocating portions away from the corners of the building, or by varying proportions.

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

Note to applicant: This can be accomplished by further development of landscape drawings, enlarged sections, and other drawings to illustrate specific built features such as translucent guards on balconies that face other residential properties, taller plantings, or similar features.

7. Provision of a high quality exterior design.

Note to applicant: Intent is to maintain the proposed quality at

rezoning. The development permit application should indicate how this quality has been continued. Features noted in the rezoning applications included a waterfall, pool, wood decks, a bridge, an artistic installation and soft landscaping along Howe Street.

8. At DE application, submission of a bird friendly strategy for the design of the building is encouraged;

Note to Applicant: Strategy should identify any particular risks with regard to the Bird Friendly Design Guidelines and propose design features to reduce these risks. For more information, see the guidelines at <http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>

Crime Prevention Through Environmental Design (CPTED)

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

Sustainability

10. Confirmation that the application is on track to meeting the Green Buildings Policy for Rezoning including a minimum of LEED® Gold rating, with 1 point for water efficiency and stormwater management and a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, along with registration and application for certification of the project.

Note to applicant: A Sustainable Design Strategy must be submitted as part of the Development Permit that articulates which credits the applicant will be pursuing and how their building application, as submitted, incorporates strategies, features or technologies that will help achieve these credits. The design strategy, along with the LEED checklist must be incorporated into the drawing submission. A letter from a LEED Accredited Professional or Administrator must confirm that the proposed strategy aligns with the applicable goals of the rezoning policy. Proof of registration from the CaGBC must be provided with the application and the project registration number incorporated into the drawings. Application for Certification will be required at a subsequent stage.

Landscape

11. Design development to expand programming by the provision of urban agriculture in the form of edible landscaping and including some areas (planters or plots) suitable for urban agricultural activity. The necessary supporting infrastructure, such as tool storage, hose bibs and a potting bench should be provided. The design should reference the Urban Agriculture Design Guidelines for the Private Realm and should

maximize sunlight, integrate into the overall landscape design, and provide universal access.

12. Design development to ensure there is adequate depth of soil available to carry out the proposed design intent of planting over structures.

Note to applicant: Provide typical sections through the planted areas at the time of development permit application, to show adequate depth of soil for the type of trees proposed, in order to allow for better root development and therefore healthier trees in the future.

Housing Policy and Projects

13. Design development to ensure that a minimum of 25 per cent of the proposed market strata units and the secured market rental units are designed to be suitable for families with children, including some three bedroom units.
14. The building is to comply with the *High Density Housing for Families with Children Guidelines*, and include a common amenity room with kitchenette (and an accessible washroom adjacent to this amenity room).
15. A common outdoor amenity area is to be provided which includes an area suitable for a range of children's play activity.

Engineering

16. Engineering Services is not pursuing a PBS station at this location so it can be removed from drawings.
17. 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:

- Number and dimension all stall types, dimension column encroachments into stalls, and provide gridlines.
- Remove the shift in the maneuvering aisle, adjacent to the elevator core.

Note to applicant: If the elevator core cannot be relocated to eliminate the shift, a corner cut to the elevator core is required to improve maneuvering for the adjacent parking stalls.

- Provision of additional 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: Additional design elevations are required at

the bottom of the ramp and the corner cut to calculate the slope and cross fall.

- Remove the column encroachment into the parking stall, north of the elevator core.
- Provision of a 1.2 m access aisle for the bicycle room at the northeast corner of P1.

Note to applicant: Providing a notch in the adjacent bicycle room would achieve this.

- Provision of automatic door openers on the doors providing access to the bicycle room(s).
- Provision of the required stall widths and throats for the Class B loading spaces.

Note to applicant: Class B loading spaces require 3 m of width and 2.7 m is shown. Additional loading bay width for the second and subsequent loading spaces must be 3.8 m wide. Show the loading throat for both spaces. Refer to the Parking and Loading Design Guidelines

- Provision of a consistent streetscape on all plans.

Note to applicant: Drawings A1.05 and L1.01 show different setbacks, streetscape, designs and the location of the bicycle spaces.

- Modify the ramp slope to 12.5% as indicated.

Note to applicant: Using the design elevations of 74.51' and 73.75', the ramp slope calculates to 15%.

- Modify column placement to comply with the requirements of the Parking and Loading Design Supplement.

Note to applicant: A column 2' in length must be set back 2' from either the opening to or the end of the parking space. A column 3' long may be set back 1'. Confirm that no columns are required for the parking stalls along the south PL as none are shown.

- Provision of the minimum vertical clearance for the main ramp and security gates.
Note to applicant: A section drawing is required showing elevations, and vertical clearances. 2.3 m of minimum vertical clearance is required for access and maneuvering to all disability spaces.
- Clarify if the tree planters in the drop-off area accessed from the lane are raised. If so, provision of a radius rather than a

corner to improve maneuvering is required.

Neighbourhood Energy

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

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

- Building-scale space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat or distributed heat generating equipment (including but not limited to gas fired make-up air heaters, heat producing fireplaces, distributed heat pumps, etc.) unless otherwise approved by the General Manager of Engineering Services.
- Provide for adequate and appropriate dedicated space to be utilized for an energy transfer station connecting the building(s) to the City-designated Neighbourhood Energy System, as outlined in the *Neighbourhood Energy Connectivity Standards - Design Guidelines*.
- 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

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

Engineering

1. Consolidation of Lots 27 to 34, Block 111, DL 541, Plan 210 to create a single parcel.
2. Release of BC Hydro Right of Way 321681M, and the removal or relocation of any services within the right-of-way area. Written confirmation from BC Hydro is required confirming their agreement to the discharge of the right-of-way.
3. Provision of a building setback and a surface Statutory Right of Way (SRW) to achieve a 5.5 meter distance from the back of the City curb to the building face. A legal survey of the existing dimension from the back of the City curb to the existing property line is required to determine the final setback/SRW dimension. The SRW will be free of any encumbrance such as structure, stairs, door swing and plantings at grade but the encroaching building portions shown at the 3rd storey and above will be accommodated within the SRW agreement.
4. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights-of-way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
 - (i) Provision of improved sidewalks adjacent the site that meet the Downtown South Guidelines for the public realm in "Hornby Slopes".
 - (ii) Provision of a new curb along the full length of Howe Street adjacent to the site.
 - (iii) Provision of a new and relocated crosswalk and curb ramp connection across Howe Street to the bridge sidewalk, extension northerly of the sidewalk "nose" and a widened bridge sidewalk and protective barrier on the bridge ramp to meet the existing barrier to the south to improve pedestrian safety.
 - (iv) Provision of street trees adjacent the site should space permit.
 - (v) 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.

5. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

Neighbourhood Energy

6. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a City-designated Neighbourhood Energy System (NES), which may include but are not limited to agreements which:
 - (i) Require buildings within the development to connect to the City-designated Neighbourhood Energy System at such time that a system becomes available.

Note to applicant: The development will be required to connect to a NES prior to occupancy if the General Manager of Engineering Services deems a connection is available and appropriate at the time of development permit issuance. If connection to a NES is not available or appropriate, a deferred services agreement or similar agreement will be required.
 - (ii) If the development is required by the General Manager of Engineering Services to connect to an NES, the Owner will be prohibited from entering into any third party energy supply contract for thermal energy services, other than conventional electricity and natural gas supply, unless otherwise approved by the General Manager of Engineering Services.
 - (iii) Grant the operator of the City-designated NES access to the building(s) mechanical system and thermal energy system-related infrastructure within the development for the purpose of

enabling NES connection and operation, on such terms and conditions as may be reasonably required by the applicant.

Housing

7. Make arrangements to the satisfaction of the Chief Housing Officer and the Director of Legal Services to secure 109 units as rental housing within an airspace parcel (minimum floor area 6,330.9 m² / 68,145 sq. ft.) in the new development, subject to a registered covenant on title to maintain such units/airspace parcel for rental housing for the longer of 60 years or the life of the building, subject to the following additional conditions in respect of those units:
 - (i) That the airspace parcel may not be subdivided.
 - (ii) That no such units may be separately sold.
 - (iii) That none of such units will be rented for less than one month at a time.
 - (iv) That such units shall be designed in accordance with Appendix B (b), conditions 12, 13 and 14.
 - (v) Such other terms and conditions as the Chief Housing Officer and the Director of Legal Services may in their sole discretion require.

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

Heritage Density Transfer

8. Secure the purchase and transfer of a total of 4,436.8 m² (47,758 sq. ft.) of heritage density (which has a total value of \$3,104,270) from a suitable donor site (or sites).

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 of the subject site, also referred to as the "receiver" site, and the owner of the "donor" 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.

Community Amenity Contribution (CAC)

9. Transfer to the City for a nominal amount the fee simple title to those lands and improvements at 1210 Seymour Street and 560 Davie Street [Lots 1 to 5 BLOCK 104 DISTRICT LOT 541 PLAN 210] (the "Subject Property") prior to enactment of the rezoning by-law, which transfer will be in accordance with the City's standard Contract of Purchase and Sale, which Contract will provide, among other things, that:
 - (i) title to the Subject Property will not be subject to any charges other than Easement BJ33026 registered on title to Lot 5 of the Subject Property;
 - (ii) the owner will not enter into any new leases of all or part of the Subject Property without the prior written consent of the City; and
 - (iii) the owner will represent and warrant that the Subject Property and its surrounding environment are and have been free from Contaminants and no Contaminants have migrated from the Subject Property or to the Subject Property from other lands, and such other additional representations and warranties as required by the City with respect to Contaminants. And further that the owner will indemnify the City if the City incurs any costs, claims, etc., in connection with any inaccuracy or untruth of any such representations and warranties.
10. Pay to the City the CAC of \$3,150,860, which the applicant has offered the City. Payment is to be made prior to enactment of the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services, and allocated towards childcare in and around Downtown South.
 - (i) Of the heritage density transfer referred to in condition 8 above, \$2,324,140 is offered as part of the CAC.

Public Art

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

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

Soils

12. If applicable:
- (i) Submit a site profile to the Environmental Protection Branch (EPB);
 - (ii) As required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
 - (iii) If required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Protection, City Engineer and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until a Certificate of Compliance 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 to applicant: 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 site 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-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT, the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule "B" to the Sign By-law [assigned Schedule "B" (DD)], generally as set out in Appendix C of the Policy Report dated October 29, 2015, entitled "CD-1 Rezoning: 1335 Howe Street", be approved.
- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated October 29, 2015, entitled "CD-1 Rezoning: 1335 Howe Street".

- D. THAT, subject to approval in principle of the rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated October 29, 2015, entitled "CD-1 Rezoning: 1335 Howe Street", the Director of Legal Services be instructed to prepare the necessary Housing Agreement Bylaw for enactment, prior to enactment of the amending by-law contemplated by the same report, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the Chief Housing Officer.
- E. THAT Recommendations A through D 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 1004347 B.C. Ltd. (Townline Homes Inc.); 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 - 1335 Howe Street]