

## SUMMARY AND RECOMMENDATION

**2. REZONING: 101 East 2nd Avenue**

**Summary:** To rezone 101 East 2nd Avenue from M-2 (Industrial) District to CD-1 (Comprehensive Development) District, to permit the development of a three-storey retail and office building for Mountain Equipment Co-op (MEC), including a green roof and three levels of underground parking. A height of 24 metres (79 feet) and a floor space ratio (FSR) of 2.04 are proposed.

**Applicant:** Proscenium Architecture + Interiors Inc., on behalf of 125 Second Developments Ltd. (Beedie Development Group)

**Referral:** This item was referred to Public Hearing at the Regular Council Meeting of April 19, 2016.

**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 Proscenium Architecture + Interiors Inc., on behalf of 125 Second Developments Ltd. (Beedie Development Group), to rezone 101 East 2nd Avenue [*Lot 1, Block 7, District Lot 200A, Group 1, New Westminster District, Plan BCP41958; PID:027-997-430*] from M-2 (Industrial) District to CD-1 (Comprehensive Development) District, to allow for a three-storey commercial building containing retail space, office uses, and a fitness centre with a total floor area of 5,724 m<sup>2</sup> (61,613 sq. ft.) and density of 2.04 FSR, generally as presented in Appendix A of the Policy Report dated March 9, 2016, entitled "CD-1 Rezoning - 101 East 2nd 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 Proscenium Architecture + Interiors Inc. and stamped "Received City Planning Department, October 7, 2015", subject to the following conditions, 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:

1. Design development to provide a larger open space on grade at the corner of Quebec Street and 2nd Avenue leading to the main entrance to the store.

Note to Applicant: Intent is to better serve pedestrian activity on both streets, especially given the anticipated upgrades to Quebec Street serving non-vehicle traffic. This can be accomplished without a substantial reduction of commercial floor area by relocating the open space proposed along the arterial road to the corner. Consideration should be given to moving the main doors closer to the corner.

2. Provision of a 2.0 ft. setback on grade from Quebec Street.

Note to Applicant: Intent is to create more space along the west edge for a green and landscaped edge of the building, given the intended expansion of the roadway to accommodate active transportation along Quebec Street. Also see Landscape conditions.

3. Design development to the lane-facing elevation to create visual interest for pedestrians at the lane level while protecting residences above the lane to the north

Note to Applicant: Intent is balance the interest and activity afforded by views into and from the commercial space for pedestrians in the lane, with the privacy of nearby residents. A more active colour and material palette, or similar refinements should be used on this side to offset the service elements required on the north side of the store.

4. Design development to the east elevation to provide more visual interest to the exposed sidewalls along the property line.

5. Relocation of the proposed water feature from the Quebec Street right of way onto the site.

Note to Applicant: Based on the draft design of the Quebec Street road improvements, this area cannot accommodate the features shown. However, they should be moved onto private property rather than lost.

6. Consideration to create pedestrian access to the store or another active use on the north side to add desirable activity to the lane.

7. Consideration to the provision of a more significant architectural element at the corner to mark the intersection and entry.

Note to Applicant: This can be accomplished with a visually prominent architectural or green building feature in the southwest portion of the site.

8. Provision of a preliminary design package indicating the commercial signage approach for the site.

9. Notation on the drawings of the lighting and acoustic mitigation features or specifications that will be installed to mitigate the effect of equipment and lights to nearby residences.

Note to Applicant: Features should include full cutoff lights or shrouds to confine building light to the property, quieting measures on gates, and acoustic shrouds on equipment.

10. Consideration to supply a bird friendly strategy for the design of the building and landscape in the application for a development permit.

Note to Applicant: Strategy should identify any particular risks with regard to the Bird Friendly Design Guidelines and propose design features or 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)**

11. Design development to respond to CPTED principles, having particular regard for:

- (i) theft in the underground parking;
- (ii) break and enter; and
- (iii) mischief in alcoves and vandalism, such as graffiti.

Note to Applicant: Design should note measures to create a well-landscaped lane edge that is green and attractive for pedestrians passing by, while avoiding unintended uses.

### **Sustainability**

12. Confirmation that the application is on track to meeting the Green Buildings Policy for Rezoning including a minimum of 63 points (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 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 Design**

13. Design development to improve north facing lane interface by the following:

- (i) Provision of a more substantial landscape buffer, without overhead cover, to enable plant establishment and ensure future plant viability.
- (ii) Provision of further softening of the north façade, by the provision of a sustainable, low maintenance and functional green facade. This could be in the form of a cable trellis with vines, rather than high maintenance modular pre-planted "living wall".

14. Design development to expand programming of the roof decks on Level 3 to include urban agriculture plots and provide more active communal gathering spaces for staff.

15. Design development to improve relationship of public to private open spaces along Quebec Street and 2nd Avenue, by the provision of a landscaped buffer in setback, while confirming adherence to the Southeast False Creek Public realm guidelines and Engineering setback requirements.

Note to Applicant: If 5.5 m setback on 2nd Avenue is provided (See Condition (b) 2), then a 1 metre wide planting can accommodate some landscape buffer.

16. Sidewalks are to be reconstructed from curb to property line fully at the applicant's expense.

17. A landscape plan and civil works plan is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact Engineering Services or Kevin Cavell at 604.873.7773 for details.

Note to Applicant: The civil works plans should be initiated as soon as possible following development permit issuance with co-ordination of the civil and landscape plans to be confirmed prior to the start of construction.

18. Provide at the time of Development Permit stage:

- (i) A full Landscape Plan to be submitted. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, fences, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8 inches scale.

- (ii) A full Landscape Plan to be submitted. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, fences, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly

keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8 inches scale.

- (iii) A high-efficiency irrigation system to be provided on all planted rooftops, in all landscape common areas on structure and hose bibs in patio areas as needed (illustrated on the Landscape Plan).
- (iv) New street trees should be noted "Final species, quantity and spacing to the approval of City Engineer and Park Board". Contact Eileen Curran at 604.871.6131 (Engineering Streets Division) regarding street tree spacing and quantity. Contact Amit Gandha at 604.257.8587 (Park Board) regarding tree species.
- (v) A Landscape Lighting Plan to be provided for security purposes.

Note to Applicant: Lighting details can be added to the landscape drawings; all existing light poles should be shown.

- (vi) Large scale sections (1/4 inches = 1 ft. or 1:50) illustrating the buildings to public realm interface facing the street.

Note to Applicant: The section should include the building façade, as well as any steps, retaining walls, guardrails, fences and planters. The location of the underground parking slab should be included in the section).

- (vii) Any emergency generators, transformers, and gas meters to be located, integrated, and fully screened in a manner which minimizes their impact on the architectural expression and the building's open space and public realm.

## Engineering

- 19. 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:

- (i) Provision of at minimum two Class B loading spaces with the following minimum dimensions: 11.0 m long, 3.0 m wide, and 4.0 m high, with adequate maneuvering space to allow vehicles to access the loading bay.

Note to Applicant: Ensure adequate vertical clearance is provided for utilities and other services over the loading access and stalls to maintain 4.0 m of vertical clearance

- (ii) Provision of design elevations on both sides of the parking ramp at all breakpoints, both sides of the loading bay, within the parking area and at all entrances.

Note to Applicant: This is to calculate the slope and cross fall. Check elevations shown as ramp slope calculates to 16% using the design elevations on drawing A202. If a longer ramp is required, it may affect the vertical clearance required for the Class B loading spaces.

- (iii) Provision of an improved plan showing all poles and guy wires within the lane and the required maneuvering for the largest delivery vehicle to access the site. Identify any pole relocations, corner cuts, additional ramp widths or building modifications required to accommodate the loading. The plan should show the routing of the delivery vehicles to and from the street.

Note to Applicant: The truck maneuvering shown on the parking ramp on drawing A202 is not acceptable as 2-way flow on the ramp is required for vehicle access. Consider additional corner cuts at the top and bottom of the ramp.

- (iv) Provision of signage and a signal system at the top of the ramp to indicate when the loading spaces on P1 are occupied.

Note to Applicant: A qualified transportation engineer must provide details on the system and locations of all lights, signs and detection devices on the plans.

- (v) Provision minimum vertical clearance for the main ramp, security gates, and loading bays.

Note to Applicant: A section drawing is required showing elevations, and vertical clearances. 4.0 m of vertical clearance is required for the Class B loading spaces and maneuvering.

- (vi) Provision of an improved plan showing the access route from the Class A bicycle spaces to reach the outside.

Note to Applicant: The route must be 'stairs free' and confirm the use of the parking ramp, if required.

- 20. Provision of a draft lane lighting plan that locates the lane lighting, ensures that standard in-ground pole bases or engineered bases will be provided for support of the poles and identifies the in-ground conducting necessary to energize the lighting. The plan should identify if any kiosks/boxes/transformers/electrical panels are necessary for the operation of the lighting and on-site space for this equipment is to be identified.
- 21. Clarification of the various planters and features within the 1.5 m lane Statutory Right of Way is required to ensure the Statutory Right of Way area can act as intended, to allow for a public realm edge between the lane and the building.
- 22. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown.

Note to Applicant: Pick-up operations should not rely on bins being stored on the street or lane for pick-up, bins are to be returned to storage areas immediately after emptying.

23. The generic footings shown on pages A311 and A312 would encroach beyond the ultimate property lines. The final footing design must not encroach.
24. Delete reference to storm overflow connection to City storm from landscape plans (Item 14) any drainage is to be achieved on-site prior to typical service connections to storm and sanitary services.

### Neighbourhood Energy Utility

25. 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.
26. The building(s) heating and domestic hot water system shall be designed to be compatible with the Southeast False Creek Neighbourhood Energy Utility 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* (No. 9552) and *Southeast False Creek NEU Developer Document (2016)* 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 Neighbourhood Energy Utility 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.

27. 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;

- (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.

Exceptions for on-site head 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.

- 28. 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.
- 29. Provision of a dedicated room in a location suitable for connecting to the Southeast False Creek Neighbourhood Energy Utility 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 Southeast False Creek Neighbourhood Energy Utility has pre-serviced this site off of Quebec Street. The Neighbourhood Energy Utility room is to be in close alignment with the preservice location.

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

### Engineering

- 1. Dedication of the westerly portion of the site defined on Plan BCP41959 (Option to Purchase & Statutory Right of Way area) for road purposes. Deletion of all below-grade and above-grade structures and encroachments from the proposed option and dedication areas. A

subdivision is required to effect the dedications. A subdivision plan and application to the Subdivision and Strata Group is required. The dedications must be completed prior to enactment of the rezoning by-law.

Note to applicant: The option agreement (BB0801866) is to be discharged simultaneously with the deposit of the dedication plan.

2. Provision of a 1.5 m (5 ft.) building setback and a surface Statutory Right of Way to achieve a 4.5 m standard concrete sidewalk between the back of curb and building on 2nd Avenue. This zone shall be free and clear of obstacles including door swings, planters, tables, chairs, benches, rock gardens, bike racks, and parked bicycles but may allow for the below grade parking/structure and certain above-grade encroachments above the 2nd storey level and standard weather protection canopies that meet the requirements of the Vancouver Building By-law. If the applicant wishes to maintain the bicycle parking proposed along 2nd Ave, a further widening of the Statutory Right of Way to 5.5 m is required.
3. Provision of a 1.5 m x 1.5 m corner-cut and a surface Statutory Right of Way in the ultimate southwest corner of the site for sidewalk purposes. This zone shall be free and clear of obstacles including door swings, planters, tables, chairs, benches, rock gardens, bike racks, and parked bicycles but may allow for the below grade parking/structure and certain above-grade encroachments above the 2nd storey level and standard weather protection canopies that meet the requirements of the Vancouver Building By-law.
4. Provision of a statutory right of way over the north 1.5 m of the site for landscaping and lane lighting purposes.
5. Release of Easement & Indemnity Agreement 212711M (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.

6. 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 sidewalk improvements adjacent the site that are consistent with the Southeast False Creek public realm plan and public realm enrichment guide.
  - (ii) Provision of lane improvements consistent with the Southeast False Creek public realm plan including, granite setts adjacent

the lane edge and standard concrete lane crossing on the east side of Quebec Street at the lane north of 2nd Avenue.

- (iii) Provision of new curb alignment, pavement and street lighting on Quebec Street adjacent the site including relocation and adjustment of all impacted utilities both above and below grade including adjustment, relocation or replacement of portions of the traffic signal network at the Quebec Street and 2nd Avenue intersection to accommodate the new road geometry.
  - (iv) Provision of new curb alignment and pavement on 2nd Avenue adjacent the site including relocation and adjustment of all impacted utilities both above and below grade, new street lighting with trolley pole bases and adjustment of the curb east of the site to meet the existing curb alignment should it be necessary.
  - (v) Provision of street trees adjacent the site where space permits.
  - (vi) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the 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.
  - (vii) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project. The current application lacks the details to determine if sewer main upgrading is required. Please supply project details including floor area, projected fixture counts and other details as required by the City Engineer to determine if sewer 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 sewer system upgrading that may be required.
7. Provision of all existing and new 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. Consultation with BC Hydro and all other effected Utilities is required by the applicant to identify the extent of existing overhead utilities that can be undergrounded or eliminated. The extent of undergrounding that can be achieved is to be clearly identified on the development permit drawings.

### **Neighbourhood Energy Utility**

8. 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 Southeast False Creek Neighbourhood Energy Utility, which may include but are not limited to agreements which:
  - (i) Provision of a Statutory Right of Way to the City granting the operator of the Southeast False Creek Neighbourhood Energy Utility access to the building(s) mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling Neighbourhood Energy Utility connection and operation, on such terms and conditions as may be reasonably required by the operator;
  - (ii) Grant a Statutory Right of Way to the City for Neighbourhood Energy Utility pipes to run through the parkade level 1 for the purposes of servicing the adjacent site.

### **Soils**

9. If applicable:
  - (i) Submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
  - (ii) As required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
  - (iii) If required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Protection, the General Manager of Engineering Services and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until a Certificate of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

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 are 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, and letters of credit, and provide for the withholding of permits, as deemed appropriate by, and in the form and content satisfactory to, the Director of Legal Services.

- B. THAT the application to amend Sections 4.2 and 4.3.1 in the Southeast False Creek Official Development Plan (By-law No. 9073) to increase the maximum permitted floor area for non-residential uses in Area 3C from 10,215 m<sup>2</sup> to 17,822 m<sup>2</sup>, and to establish a pre-dedication site area for 101 East 2nd Avenue, generally as set out in Appendix C of the Policy Report dated March 9, 2016, entitled "CD-1 Rezoning - 101 East 2nd Avenue", be approved.
- C. THAT the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B of the Sign-By-law [assigning Schedule B (DD)], generally as set out in Appendix D of the Policy Report dated March 9, 2016, entitled "CD-1 Rezoning - 101 East 2nd Avenue", be approved.
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law, generally as set out in Appendix D of the Policy Report dated March 9, 2016, entitled "CD-1 Rezoning - 101 East 2nd Avenue".
- E. 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 D of the Policy Report dated March 9, 2016, entitled "CD-1 Rezoning - 101 East 2nd Avenue".
- F. THAT Recommendations A through E 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 and 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 - 101 East 2nd Avenue]