

SUMMARY AND RECOMMENDATION

3. REZONING: 177 West Pender Street

Summary: To rezone 177 West Pender Street from DD (Downtown) District to CD-1 (Comprehensive Development) District to permit the development of a 10-storey residential building containing a total of 90 social housing units. A height of 33.3 metres (109 feet) and a floor space ratio (FSR) of 6.98 are proposed.

Applicant: Vancouver Affordable Housing Agency (VAHA)

Referral: This item was referred to Public Hearing at the Regular Council Meeting of October 31, 2017.

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

- A. THAT the application by the Vancouver Affordable Housing Agency (VAHA), as agent for the City of Vancouver, to rezone 177 West Pender Street [*Lots 37 and 38, Block 28, District Lot 541, Plan 210; PIDs 004-355-521 and 004-355-547 respectively*] from DD (Downtown) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 6.00 to 6.98 and the height from 32.0 m (105.0 ft.) to 33.3 m (109.2 ft.), to allow for the construction of a 10-storey residential building containing 90 social housing units, generally as presented in Appendix A of the Policy Report dated October 31, 2017 entitled "CD-1 Rezoning: 177 West Pender Street", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by DYS Architecture and stamped "Received City Planning Department, June 12, 2017" provided that the Director of Planning 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 Director of Planning, who shall have particular regard to the following:

Urban Design

1. Design development to improve the livability of the dwelling units, as follows:
- (i) Increase ceiling height of all micro dwelling units to minimum 2.7 m (9 ft.);
 - (ii) Add weather protection (cantilevered canopies, maximum 5 ft. depth) at entries to private terraces at Level 8; and

- (iii) Revise the exterior walls of the courtyard to a light colour, to maximize reflected light in the units.

Note to Applicant: The Director of Planning may consider a building height up to 33.3 m (109.2 ft.) to facilitate improved ceiling heights and livability, to meet the intent of the *Micro Dwelling Policies and Guidelines*.

2. Design development to improve the building elevations, as follows:

- (i) Simplify the design of the exposed side walls, and provide an appropriate surface for future mural and/or public art installation; and
- (ii) Consideration to add more vibrant colours and detailing to the front façade, to better relate to the surrounding neighbourhood.

Note to Applicant: Given that delivery of public art may not be secured through the rezoning application process, the side walls should be designed to have visual interest on an "as is" basis (i.e. through the use of colours and/or a simple surface pattern).

3. Design development to improve the building entry, as follows:

- (i) Provide windows from the office and/or amenity room, to improve transparency and security;
- (ii) Provide racks for on-site bike spaces for visitors (refer to Engineering Condition 13); and
- (iii) Consideration to provide an event board, planters, special lighting or other features to activate the entry niche.

Note to Applicant: It is anticipated that the entry niche may need to be widened to accommodate bike parking. A reduction in the number of Class B bicycle spaces and/or the provision of angled bike racks may be explored, in order to minimize the impact on the office and amenity spaces.

4. Design development to improve the common amenities, as follows:

- (i) Create a more functional common amenity room at Level 1;
- (ii) Provide a second common amenity room at Level 10, contiguous to the rooftop patio;
- (iii) Enlarge and further develop the rooftop patio(s), to accommodate separate spaces for socializing, dining and urban agriculture (refer to Landscape condition 8);
- (iv) Add weather protection (cantilevered canopies, maximum 1.5 m (5 ft.) depth) at the entry to the common outdoor space(s);

- (v) Consideration to provide small amenity spaces (i.e. lounges, or seating areas adjacent to hallways) on floors above Level 1.

Note to Applicant: The Level 1 common amenity space is oversized, and would not function well as a single room. Within this space, a generous multi-purpose room should be defined (approximately 74-93 sq. m, or 800-1,000 sq. ft.), with good solar exposure, a kitchenette, and a nearby accessible bathroom. The remaining space may be programmed with bulk storage, meeting rooms, or other activity rooms, as is suitable for the operator.

- 5. Identification on the architectural and landscape drawings of any built features intended to create a bird friendly design.

Note to Applicant: Refer to the Bird Friendly Design Guidelines for examples of built features that may be applicable, and provide a design rationale for the features noted. For more information, see the guidelines at <http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>.)

Crime Prevention Through Environmental Design (CPTED)

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

Note to Applicant: Building features proposed in response to this condition should be noted on the plans and elevations. Consider use of a legend or key to features on the drawings.

Sustainability

- 7. All new buildings in the development will meet the requirements of the Green Buildings Policy for Rezoning (amended February 7, 2017), including all requirements for Near Zero Emissions Buildings (i.e. Passive House certified or alternate near zero emissions standard approved by the Director of Sustainability), or Low Emissions Green Buildings. The requirements for Low Emissions Green Buildings are summarized at <http://guidelines.vancouver.ca/G015.pdf>

Note to Applicant: The applicant will be required to demonstrate that the development is on track to achieve the above requirements at each stage of permit. For more detail on the above requirements and what must be submitted at each stage, refer to the most recent bulletin Green Buildings Policy for Rezoning - Process and Requirements (amended April 28, 2017 or later).

Landscape

8. Design development to increase the amount of common outdoor area and expand programming by providing intensive green roof to the entire rooftop, as a common amenity area.

Note to Applicant: This should include additional, diverse programming that promotes social interaction. Shared gardening areas should reference and be designed to adhere to Council's Urban Agriculture Guidelines for the Private Realm and should provide maximum solar exposure, universal accessibility and provided with amenities such as, raised beds, water for irrigation, potting bench, tool storage and composting. Refer also to Urban Design condition 4.

9. Design development to further detail and demonstrate where illustrated precedent images are proposed.

Note to Applicant: Precedent images are supported and encouraged.

10. Design development to improve sustainability and expand programming to include edible plants integrated into landscape design, in addition to urban agriculture plots.

Note to Applicant: Edible plants can be used as ornamentals as part of the landscape design. Shared gardening areas should reference and be designed to adhere to Council's Urban Agriculture Guidelines for the Private Realm and should provide maximum solar exposure, universal accessibility and provided with amenities such as, raised beds, water for irrigation, potting bench, tool storage and composting.

11. Provision of maximized tree growing medium and planting depths for tree and shrub planters to ensure long term viability of the landscape.

Note to Applicant: Planters may need to be altered to provide adequate depth and continuous soil volumes. Growing mediums and planting depths should exceed BCSLA standard.

12. At the development permit submission stage:

- (i) A full Landscape Plan for the proposed landscape to be submitted. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, railings, 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" scale.
- (ii) Section details at a minimum scale of 1/4"=1'-0" scale to illustrate typical proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other features. Planter section details must be dimensioned and confirm depth of proposed planting on structures is deep enough to accommodate rootballs of proposed trees well into the future.

- (iii) Sections (1/4"=1' or 1:50) illustrating the buildings to public realm interface facing the street, confirming a delineated private to public transition of spaces.

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.

- (iv) New proposed street trees should be coordinated with the Park Board and Engineering and noted "Final species, quantity and spacing to the approval of City Engineer and Park Board". Contact Eileen Curran (604-871-6131) of Engineering Streets Division regarding street tree spacing and quantity. Contact Cabot Lyford (604-257-8587) of Park Board regarding tree species.
- (v) A high-efficiency automatic irrigation system to be provided for all planters on slab.
- (vi) 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.

Engineering

- 13. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:

- (i) Provision of a minimum of 2 Class B bicycle parking spaces to be provided fully on private property.
- (ii) Provision of design elevations at all entrances and at all four corners of the Class A loading space to calculate the slope and the crossfall.

Note to Applicant: No more than 5% slope and crossfall is permitted for the Class A loading.

- (iii) Update drawing A2.01 to show the access door to the 14 Class A bicycle storage room.
- (iv) Provision of automatic door openers on the doors providing access to the bicycle rooms.

- 14. The owner or representative is advised to contact Engineering Service to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation and construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time for any major crane erection / removal or slab pour that requires

additional street use beyond the already identified project street use permissions.

15. Clarification is required as to whether the encroachments beyond the property lines onto City street and neighbouring properties shown on pages A3.01 to A3.04 are actually proposed or merely drafting errors: the metal roof cornice, the projection at the Level 8 balcony, the Juliet balconies and the projection above Level 2.

Note to Applicant: None of these encroachments appear on any plan view. All encroaching elements are to be deleted.

16. Provide improvements to the access to the garbage rooms to facilitate pick up. Provide a door (rollup or swing) wide enough so garbage bins can be removed from the storage area.
17. A canopy application is required. Canopies must be fully demountable and drained to the buildings internal drainage system and should consider the dripline such that maximum sidewalk coverage is provided by the proposed canopy.
18. The following areaway decommissioning requirements are to be met:
 - (i) The areaway cut-off wall shall be designed by a Professional Structural Engineer and constructed on the property owner's side of the property line. A signed and sealed drawing of the cut-off wall shall be submitted to Engineering Services.
 - (ii) The property owner shall be responsible for removing and/or relocating all utilities, mechanical equipment, construction materials, debris etc. located in the areaway.
 - (iii) The areaway cut-off wall shall be waterproofed and drained to the satisfaction of the property owner.
 - (iv) The areaway void shall be backfilled in accordance with the City's Street Restoration Manual. No demolition material or construction debris shall be used as backfill.
 - (v) The existing areaway roof structures (sidewalk) shall be removed and the outer areaway walls shall be broken down to a minimum of 1.5 m (5 ft.) below grade.
 - (vi) The sidewalk shall be reconstructed to match the sidewalk standard for the area and in accordance with the City's Street Restoration Manual.
 - (vii) A record of inspection of the completed cut off wall shall be submitted to Engineering Services.
 - (viii) Update the site and landscape plan to reflect the areaway removal, sidewalk and street tree provisions.

19. Rezoned property must include a storm water and rain water management plan that meets the objectives of the Citywide Integrated Rainwater Management Plan and comply with the Sewer and Watercourse By-law. The plan shall achieve the following:
 - (i) Retention or infiltration of the 6-month storm event volume (24 mm) onsite;
 - (ii) Treat the 2-year event (48mm) on site; and
 - (iii) Maintain the pre-development 2014 IDF-10 year storm event rate. The post development estimate shall use the 2100 IDF curve to account for climate change.
20. For building fixtures, install Energy Star rated appliances (e.g. clothes washers) and meet the Jan 1, 2018 Vancouver building code plumbing fixture rates.
21. At the time of occupancy, the applicant is to commit to providing parking usage statistics such as occupancy counts throughout the day, number of parking passes sold and/or distributed, for vehicle parking and bicycle parking by staff and residents after one full year of operation of the new building.

Housing Policy & Projects

22. Design development to explore opportunities to locate the heat treatment room closer to the loading space.
23. Increase the amount of storage space provided for each unit and explore opportunities to relocate some of the storage lockers to level 1.

Technical Review

24. Each micro dwelling unit must measure no less than 23.2 sq. m (250 sq. ft.).
25. Compliance with the Roof Mounted Energy Technologies and Green Roofs - Discretionary Height Increases Bulletin for relaxation of building height above the top of 10th level roof parapet to the satisfaction of the Director of Planning.

Note to Applicant: Appurtenances such as guardrails and roof top access structures can be relaxed from building height with compliance of the above noted bulletin. Guardrails should be set back from the outer perimeter of the roof and be no higher than the minimum required by Vancouver Building By-law.

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, Urban Design and Sustainability, the General Manager of Community Services, the General Manager of Engineering Services, and 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 37 & 38, Block 28, DL 541, Plan 210 to create a single parcel.
2. Discharge of Easement & Indemnity Agreement BM276986 from title.

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 for zoning enactment. Prior to building occupancy the applicant is to supply a written request to the City, a fresh title search and a copy of the documents along with executable discharge documents to affect the release.

3. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided:
 - (i) Decommissioning of the existing areaway (cavity below the city sidewalk) adjacent the site. See Development permit conditions for detailed requirements.
 - (ii) Provision of new CIP concrete sidewalks on Pender Street adjacent the site in keeping with areaway standards.
 - (iii) Provision of street trees adjacent the site where space permits.
 - (iv) Provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right of way.
 - (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, sprinkler demand, hydrant load, and domestic water demands to determine if water main 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 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 not limited to System Vista, Vista switchgear, pad mounted transformers, LPT 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.

In addition, 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.

Note to Applicant: Please ensure that in your consultation with B.C. Hydro that an area has been defined within the development footprint to accommodate such electrical plant. Please confirm that this space has been allocated and agreement between both parties has been met.

5. Provision of a letter of commitment from the building operator to provide the City with information on bicycle ownership, utilization of Class A bicycle spaces, and issues or challenges related to bicycle storage or accommodation in the building, and actions to address those issues or challenges, six months after occupancy, and afterwards from time to time at the request of the City.

Sustainability

6. The applicant will enter into an agreement with the City, on terms and conditions acceptable to the Director of Sustainability and the Director of Legal Services, that requires the future owner of the building to report energy use data, on an aggregated basis, for the building as a whole and certain common areas and building systems. Such an agreement will further provide for the hiring of a qualified service provider to assist the building owner for a minimum of three years in collecting and submitting energy use data to the City.

Housing

7. Make arrangements to the satisfaction of the Director of Legal Services and the General Manager of Community Services to enter into a Housing Agreement for 60 years or the life of the building, whichever is greater, which will contain the following terms and conditions:
 - (i) A no separate sales covenant;
 - (ii) A no stratification covenant;
 - (iii) A provision that none of such units will be rented for less than one month at a time;
 - (iv) A requirement that a minimum of 30 units (33%) be rented for no more than the shelter component of Income Assistance;

- (v) A requirement that all units comply with the definition of “social housing” in the applicable City development cost levy by-law; and
- (vi) Such other terms and conditions as the General Manager of Community Services and the Director of Legal Services may in their sole discretion require.

Environmental Contamination

8. If applicable:
- (i) Submit a site profile to Environmental Services (Environmental Protection);
 - (ii) As required by the Manager of Environmental Services 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 Services 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 Services, 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 separate Certificates of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, have 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 registered charges pursuant to 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, the application to amend the Sign By-law to establish regulations for this CD-1, in accordance with Schedule “A” to the Sign By-law, generally as set out in Appendix C

of the Policy Report dated October 31, 2017, entitled "CD-1 Rezoning: 177 West Pender Street", be approved.

- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated October 31, 2017, entitled "CD-1 Rezoning: 177 West Pender Street".
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval the amendment to the Parking By-law, generally as set out in Appendix C of the Policy Report dated October 31, 2017, entitled "CD-1 Rezoning: 177 West Pender Street".
- E. THAT, if Council approves in principle this rezoning and the Housing Agreement described in section (b) of Appendix B, of the Policy Report dated October 31, 2017, entitled "CD-1 Rezoning: 177 West Pender Street", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the CD-1 By-law, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the General Manager of Community Services.
- F. THAT 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; 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;
 - (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 - 177 West Pender Street]