

## SUMMARY AND RECOMMENDATION

**3. REZONING: 339 East 1st Avenue**

**Summary:** To rezone 339 East 1st Avenue from I-3 (Industrial) to CD-1 (Comprehensive Development) District to permit the development of a seven-storey office building with a floor space ratio (FSR) of 2.98.

**Applicant:** IBI Group

**Referral:** This item was referred to Public Hearing at the Regular Council Meeting of March 13, 2018.

**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 IBI Group, on behalf of Porte Development (False Creek) Ltd., to rezone 339 East 1st Avenue [*PID 007-197-918; Lot 3, Block 3, District Lots 200A and 2037, Plan 18109*] from I-3 (Industrial) District to CD-1 (Comprehensive Development) District, to allow for the construction of a seven-storey office building with a floor area of 13,325.5 sq. m (143,434 sq. ft.) and floor space ratio of 2.98, generally as presented in Appendix A of the Policy Report dated February 27, 2018 entitled "CD-1 Rezoning: 339 East 1st Avenue", 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 IBI Group, and stamped "Received City Planning Department, July 21, 2017" and the revised roof level plan dated December 1, 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 articulate and add visual interest to the western wall by:
  - (i) Breaking down the wall;
  - (ii) Adding transparent surfaces, including provision of openings; and
  - (iii) Providing suitable landscape.

2. Design development to maintain high-quality and durable materials at the full building perimeter consistent with the existing industrial character and with the volumetric distinction proposed.

Note to Applicant: Cementitious panels, such as Hardie Panel, are not considered as high-quality materials.

3. Design development to extend suitable deep-shading devices on all appropriate elevations, including the western and southern facades.
4. Design development to provide pedestrian connection to both west and east at the northern property line.

### **Sustainability**

5. 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**

6. Design development to maximize the size and programming of the common amenity green roof on Level 7 to provide as much usable common space as possible.

Note to applicant: This should include urban agriculture, additional opportunities for social interaction, such as additional benches and seat walls for passive seating and gathering. Urban agriculture plots should follow the City's Urban Agriculture Guidelines for the Private Realm and include infrastructure required, such as potting benches, hose bibs, etc. Garden plots should be wheelchair accessible. Outdoor spaces should be visually accessible from common indoor amenity rooms. Any adjacent mechanical rooms should be adequately screened.

7. Design development to clearly integrate sustainable rainwater management features into the landscape plan.
8. Design development to provide an integrated public art component into the landscape plan, in keeping with False Creek Flats guidelines.
9. Provision of an arborist report to ensure all adjacent and City trees are safely retained and protected. The report should be in context of the

proposed form of development and footprint. It should include a Tree Management Plan, showing scaled and dimensioned tree protection barriers. The report should also clarify tree ownership.

10. Provision of improved sustainability by the provision of edible plants, in addition to urban agriculture plots;

Note to Applicant: Edible plants can be used as ornamentals as part of the landscape design.

11. A full Landscape Plan for 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 and should match the architectural site plan.

12. Section details at a minimum scale of 1/2"=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 should show dimensioned rootballs to confirm depth of proposed planting on structures is deep enough to accommodate rootballs of proposed trees well into the future. The depth should exceed BCSLA standard.

13. A high-efficiency automatic irrigation system to be provided for all planted areas.

14. 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.

15. Provision of improved graphic readability by deleting grey tones to ensure the plan reads well in black and white, or submission of colour plans only.

## **Engineering**

16. The owner or representative is advised to contact Engineering 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.

17. Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (Street Restoration Manual section 02596 and Encroachment By-law (#4243) section 3A) and access around existing and future utilities adjacent your site.

Note to Applicant: Detailed confirmations of these commitments will be sought at the building permit stage with final design achievements certified and confirmed with survey and photographic evidence of removals and protection of adjacent utilities prior to building occupancy. Provision of written acknowledgement of this condition is required. Please contact Engineering Services for details.

18. 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.
21. Provision of a crossing design to the satisfaction of the General Manager of Engineering Services. A crossing application is required.
22. Confirmation that there are no trees to be located within the relocated sewer SRW and a review by sewers design branch of the development permit drawings to confirm all features within the proposed relocated sewer SRW are acceptable to the City Engineer. Clearly show the relocated SRW on the drawings.
23. Clearly show property lines on all drawings (site and section plans).
24. Provision of a separate application for all public property improvements is required; please submit a copy of an updated landscape plan that reflects the off-site improvements sought for this application.
25. Where details of an off-site improvement are not available a written description of the improvement is to be noted on the landscape plan.
26. Provision of a stormwater and rain water management plan that meets the objectives of the Citywide Integrated Rainwater Management Plan and complies with the Sewer and Watercourse Bylaw. The plan shall achieve the following:
  - (i) Retain or infiltrate 24 mm of rainfall per storm event onsite;
  - (ii) Treat the 6-month event (48 mm) onsite;
  - (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.
  - (iv) Meet the January 1, 2018 Vancouver building code plumbing fixture rates.
27. The following note is to be placed on the landscape plan:

“This plan is “NOT FOR CONSTRUCTION” and 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,

Development Services and/or your Engineering, Building Site Inspector for details.”

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

- (i) Provision of an updated Transportation Assessment and Management Study to include a Loading Study.
- (ii) Provision of a Loading Management Plan (LMP) detailing how the loading facility will operate, management of the facility, including on-site loading manager, the expected frequency of all deliveries and design interventions to maximize and reinforce the designation of the loading spaces.

- (iii) Provision of a section drawing showing elevations, vertical clearances, and security gates for the main ramp, the parking levels and through the loading bays.

Note to Applicant: label minimum clearance for parking levels on drawing, including overhead gate and mechanical projections.

- (iv) Provision of design elevations on both sides of the parking ramp at all breakpoints, both sides of the loading bays, throughout the parking levels and at all entrances.

Note to Applicant: The slope and length of all ramped sections to be shown on the submitted drawings.

- (v) Provision of a corner cut through the inside radius of the ramp from P1 to P2 for improved two-way flow.

- (vi) Dimension stalls widths and clearances for all parking stalls next to a wall.

- (vii) Modification of the loading bay design as follows:

- a. Provide double-load throats for the Class B loading.
- b. Additional loading bay width for the second and subsequent loading spaces (each additional space must be 3.8 m wide).
- c. Remove columns encroaching into required maneuvering areas.
- d. Provision of additional security gate width for improved Class B manoeuvring.
- e. Design development to improve loading operations at the rear of the Class B loading bays.
- f. Clarify the internal access route from the Class A bicycle parking to the lobby.
- g. Provision of automatic door openers on the doors providing access to the bicycle room(s).

29. Additional Notes:

- (i) The development to be serviced by the sewers on 1st Avenue.
- (ii) This site may be subject to floodplain requirements (see Floodplain Protection Policies). Refer to CBO.
- (iii) Note to PC: A complete tech table is required showing the calculations for the minimum required parking, loading, bicycle spaces and the number of spaces being provided.
- (iv) A Loading Study and a Loading Management Plan is required at the DP stage in support of any loading relaxation for this site.

Note: The Applicant is only proposing one additional Class A loading space in lieu of 2 Class B loading spaces. For Class B loading relaxation, 2 Class A loading spaces to be provided in lieu of one Class B space.

**Neighbourhood Energy Utility**

30. 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.

Note to Applicant: The applicant shall work with the City to identify potential waste heat recovery opportunities and make waste heat available to the SEFC NEU.

31. 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 Neighbourhood Energy Utility Building Connection Guideline (2016) for specific design requirements, which includes 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, the City will conduct a peer design review of the building's connection to the NEU to ensure that the neighbourhood energy connectivity requirements have been satisfied.

32. 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, air source heat

pumps, furnaces, hot water heaters, 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 to the building 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 heat production may be approved by the City Engineer, particularly if the total heat production produced by all exceptions does not exceed 1% of the total annual thermal energy needs of the building.

33. Provision for an adequate and appropriate dedicated Energy Transfer Station room (6 m x 3 m) to be utilized for connecting the building to the Neighbourhood Energy system shall be provided, prior to the issuance of development permit, to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: This site will be serviced by the NEU from 1st Avenue. Applicant must coordinate with City staff to ensure NEU room location is acceptable.

34. Provision for an adequate and appropriate dedicated Neighbourhood Energy Room to be utilized by the NEU for peaking/backup heat production and waste heat recovery shall be provided prior to the issuance of development permit, to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: Boilers /heat pumps used for system peaking/backup are required throughout the NEU network. This site has been identified as a potential location for system peaking. Design provisions include allowance for the installation of heat producing equipment (boilers / heat pumps) in the building parkade. The room location must be suitable for accommodating boiler ventilation and flues, and connecting to the NEU

distribution piping. The applicant is encouraged to work closely with City Staff on this requirement.

35. 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 General Manager of Planning, Urban Design and Sustainability, 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. Modification or replacement of SRW Agreement 488912M (Explanatory Plan 10091) to reflect the proposed relocation of the existing sewer line to align with the east property line. The proposed relocated SRW width is to be to the satisfaction of the General Manager of Engineering Services. Note the SRW may need additional width to allow for adequate sewer servicing.
2. Release of Easement & Indemnity Agreement 490209M (commercial crossings) & Extension agreement H17468 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.

3. Provision of a natural watercourse agreement. Records indicate a natural watercourse passes through this site, a legal agreement ensuring that should the watercourse be discovered or impact the site during development and beyond that its flow will not be obstructed.
4. Provision of a reciprocal access agreement with the 2 adjacent lots for use of the proposed bridge that straddle the east property line.
5. 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 as follows:
  - (i) Provision of street re-construction on 1st Avenue adjacent to the site to generally include the following; new curb and gutter, a 2.5 m wide raised protected bike lane, a broom finish concrete sidewalk at a width acceptable to the City Engineer with saw cut

joints, improved street lighting adjacent the site and provision of pedestrian LED lighting including a lighting analysis and design if applicable, and adjustment to all existing infrastructure to accommodate the proposed street improvements.

- (ii) Provision of a cash contribution of \$150,000.00 towards a new traffic signal at the intersection of Scotia Street and 2nd Avenue.
  - (iii) Provision of street trees adjacent to the site where space permits.
  - (iv) Provision of new or replacement duct banks adjacent to the site that meet current City standards. Duct banks are to consist of electrical and communication ducts sized to meet City needs in a configuration acceptable by the General Manager of Engineering Services and in conformance with applicable electrical codes and regulations. A detailed design will be required prior to the start of any associated street work. Note: As-constructed documentation will be required that includes photographic and measured evidence of the installed number of conduits, their final locations and depths.
  - (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.
  - (vi) Relocation of the existing sewer located in SRW 488912M and modification of any infrastructure connected or impacted by the sewer relocation to achieve a sewer design that is acceptable to the General Manager of Engineering Services.
  - (vii) Upgrading of approximately 90 m of sanitary sewer on 1st Avenue, from the manhole fronting the east property line of the site to Scotia Street. The estimated size of the new Sanitary Sewer is 375 mm diameter. Design drawings and calculations shall be submitted for review, confirmation of extent of work and pipe size.
6. 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.

### **Neighbourhood Energy Utility**

7. 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 City Engineer, and other employees of the city, 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 City;
  - (ii) Grant the City Engineer, and other employees of the city, use of and access to suitable space required for the Energy Transfer Station for the purpose of connecting the development to the NEU system; and
  - (iii) Grant the City Engineer, and other employees of the city, use of and access to suitable space required for the Neighbourhood Energy Room for the purpose of peaking/backup heat production and waste heat recovery.

### **Sustainability**

8. 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.

### **Public Art**

9. 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.

Note to Applicant: Please call Eric Fredericksen, Public Art Program Manager, 604.871.6002, to discuss your application.

### **Soils**

10. 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: 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 the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C of the Policy Report dated February 27, 2018, entitled "CD-1 Rezoning: 339 East 1st Avenue", 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 amendments to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated February 27, 2018, entitled “CD-1 Rezoning: 339 East 1st Avenue”.
- D. THAT A through C 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 sole risk of the person making the expenditures 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 sole 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 – 339 East 1st Ave]**