

SUMMARY AND RECOMMENDATION

**5. REZONING/HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT (HRA):
1201-1215 Bidwell Street and 1702-1726 Davie Street**

Summary: To rezone this site from C-5 (Commercial) to CD-1 (Comprehensive Development). The permitted density would increase from a maximum floor space ratio (FSR) of 2.20 to 6.27. This increase would secure the provision of 49 rental housing units and the retention of the façade of the C-listed heritage building at 1215 Bidwell Street. The proposal is to construct a 210 ft. residential tower (maximum height permitted in the C-5 District) on a 4-storey podium base with retail/service uses at street level and three levels of rental housing above.

Applicant: Gregory Henriquez, Henriquez Partners Architects.

Recommended Approval: By the Director of Planning, subject to the following conditions as proposed for adoption by resolution of Council:

- A. THAT the application, by Henriquez Partners Architects on behalf of Millennium English Bay Properties Ltd, to rezone 1201-1215 Bidwell Street and 1702-1726 Davie Street (PID: 015752551, 015752640, 015752674, 014-499-029) Lot 8, Lot 9 except the west 50.75 feet and Lot A (see 17609K) of Lot 9, Block 62, District Lot 185, Plan 92) from C-5 (Commercial District) to CD-1 (Comprehensive Development District), to increase the density from 2.2 to 6.27 FSR to permit construction of a mixed-use development containing rental and condominium housing and at-grade commercial uses, generally in accordance with Appendix A, to the Policy Report "*CD-1 Rezoning of 1201-1215 Bidwell Street and 1702-1726 Davie Street and Heritage Revitalization Agreement at 1215 Bidwell Street*", dated October 20, 2009, be approved subject to the following conditions:

PROPOSED CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- a. THAT the proposed form of development be approved by Council in principle, generally as prepared by Henriquez Partners Architects in plans and stamped "Received Planning Department, June 15, 2009", provided that the Director of Planning or the Development Permit Board, as the case may be, may allow alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- b. THAT, prior to final approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning or Development Permit Board, who shall consider the following conditions:

Urban Design

- (i) Design development to refine the treatment of the blank west party wall (rental component) through incorporation of high quality material such as brick;

- (ii) A preliminary LEED™ score card should be submitted with development (DE) application showing proposed strategies for attainment of LEED™ Gold;

Note to Applicant: Registration and certification with CAGBC (Canada Green Building Council) to achieve LEED™ Gold certification is encouraged but not required. Best effort to pursue equivalency to the satisfaction of the Director of Planning will be accepted.

Landscape

- (iii) Design development of the landscaping at the residential lobby entrance on Bidwell Street to provide greenery as a visual amenity for the streetscape and to blend with the residential character of the surrounding street;
- (iv) Submission of a landscape design rationale including rainwater collection and sustainable methods employed for water usage;
- (v) Provision of a detailed landscape management plan outlining specific maintenance requirements for the proposed landscape forms, including planters, green roof and walls, and irrigation systems at all building locations, to the satisfaction of the Director of Planning;
- (vi) Provide a legal survey illustrating the following information:
 - 1. Existing trees 20 cm calliper or greater on the development site
 - 2. The public realm (property line to curb) including existing street trees, street utilities such as lamp posts, fire hydrants, etc. adjacent to the development site;
- (vii) Submission of a full Landscape Plan illustrating proposed plant materials (common and botanical names), including sizes and quantities, paving, walls, fences, and other landscape elements including site grading. The Landscape Plan should include the outline of the proposed underground parking garage and proposed street furnishings along the Davie and Bidwell Street frontage as illustrated in the Rezoning Report;
- (viii) Section details at a minimum scale of 1/2"=1'-0" scale to illustrate proposed landscape elements including planters on building structures, benches, fences/ gates, arbours and trellises, posts and walls and water feature. Planter section details should confirm depth of proposed planting on structures. Recommend 36 inches minimum growing medium depth for large trees on a slab application;
- (ix) Large scale 1/4"=1'-0" or 1:50 scale partial plans, elevations and sections illustrating the detailed treatment of the project's public realm interface at the street and lane; include planter walls, stairs, landscaping, soil depth (indicated by underground structures), semi-private patios, and privacy screens;

- (x) Provision of a high- efficiency irrigation system in all landscape common areas and hose bibs in all private landscaped patio areas (illustrated on the Landscape Plan);
- (xi) Provision of new street trees to infill the existing street tree colonnade adjacent to the development site on Bidwell Street and Davie Street to the satisfaction of the General Manager of Engineering services and in consultation with the Director of Planning;

Note to Applicant: Contact Eileen Curran, Streets Engineering, ph: 604.871.6131 to confirm tree planting locations and Amit Gandha, Park Board, ph: 604.257.8587 for tree species selection and planting requirements. Provide a notation on the Landscape Plan, final spacing, quantity, tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6 cm calliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet in length and 18 inches in depth. Call the Park Board for inspection after tree planting completion.

Crime Prevention Through Environmental Design (CPTED)

- (xii) Design development to take into consideration the principles of CPTED, having particular regard to reduce opportunities for theft in the underground, graffiti on walls, and mail theft;

Social Development - Urban Agriculture

- (xiii) Design development to provide further detail on the proposed urban agriculture facilities;

Note to Applicant: See the City of Vancouver Urban Agriculture Guidelines for the Private Realm.

Engineering

- (xiv) Provision of bicycle storage for commercial and retail uses as per the updated requirements of the City of Vancouver Parking By-Law;
- (xv) Retail bike parking is to be more accessible;
- (xvi) A review of the parking design by a qualified Transportation Engineer is recommended to eliminate the vehicle interlock created in the commercial parking area, by the tower core and visitor parking areas and to provide adequate vehicle separation and proper vehicle movements at all corners in the parkade is required. The revised plans continue to indicate a vehicle interlock situation at right angle turns within the parkade;

- (xvii) Consider provision of a dock leveller to enable trucks of various heights to load at the dock;
- (xviii) Clarify the largest truck the loading facility is designed to accommodate and ensure that this truck can manoeuvre independently into one space while the other is occupied and without requiring removal of any of the resident permit parking in the lane;
- (xix) Provision of adequate garbage and recycling facilities for residential uses. Note recycling must be directly accessible to crews from the lane without steps or landings to manoeuvre over (ramps are required or the recycling must be made available at the lane for pick up by the building operators.) Please contact Engineering, Solid Waste Branch for recycling space and pick up requirements;

Note to applicant: It is recommended that the parkade deficiencies be reviewed immediately to ensure they can be addressed at the development permit stage without major design changes, the vehicle interlock and loading bay operations are of key concern.

Environmental Health

- (xx) The City's acoustical criteria shall form part of the Zoning By-law, and an Acoustical Consultant's report shall be required which assesses noise impacts on the site and recommends noise mitigating measures;

Heritage

- (xxi) The Statement of Significance for 1215 Davie Street must be reviewed and approved by the Vancouver Heritage Commission;
- (xxii) Confirm the historical significance of the sign and explore options for the positioning of the sign with the intent of keeping it in the interior of the building.

PROPOSED CONDITIONS OF BY-LAW ENACTMENT

- c. THAT, prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City, and on terms and conditions satisfactory to the Director of Legal Services, make arrangements for the following:

Heritage

- (i) The owner shall enter into a Heritage Revitalization Agreement with the City to secure the rehabilitation, protection and on-going maintenance of the façade of the "C" listed building at 1215 Bidwell Street;
- (ii) The owner shall agree to the City designating the buildings under the Heritage By-law without further compensation;

- (iii) The owner shall enter into associated agreements with the City to secure the timely rehabilitation of the protected heritage façade at 1215 Bidwell Street prior to issuance of the development permit for the 1215 Bidwell Street project by restricting occupancy of the new tower until rehabilitation of the heritage façade is completed, on terms and conditions satisfactory to the Director of Legal Services;

Housing

- (iv) That the owner make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services, to secure the designated units as rental for the life of the building;

Engineering

Arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:

- (v) Consolidation of Lot 8, Lot 9 except the West 50.75 feet, Lot A of Lot 9, & the West 25 feet of Lot 9 is required;
- (vi) Provision of a new or updated encroachment agreement that captures all existing and proposed encroachments over public property;* Note to Applicant: Although the existing Easement & Indemnity Agreement E39757 allows for a building encroachment of up to 2 ½ inches onto City Street, this does not appear to cover the full extent of the existing encroachments.
- (vii) Provision of adequate water service to met 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 to determine if water system upgrading is required, should upgrading be necessary then arrangements to the satisfaction of the of the General Manager of Engineering Services and the Director of Legal Services will be required;
- (viii) Undergrounding of all new utility services from the closest existing suitable service point. All services, and in particular electrical transformers to accommodate a primary service must be located on private property. The development site is not to rely on secondary voltage from the existing overhead network. Any alterations to the existing underground / overhead utility network to accommodate the development will require review and approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged;
- (ix) Provision of street trees adjacent the site where space permits;

- (x) Provision of improved sidewalks to current commercial standards adjacent the site;
- (xi) Provision of standard concrete lane crossing at the Bidwell Street lane entry;
- (xii) Provision of a pedestrian /bicycle signal and related utility and road work necessary for signal installation at the intersection of Bidwell and Davie subject to City Council approval. The applicant to be responsible for 50% of the signal costs and related works, further the applicant is to be responsible for any public consultation deemed necessary;
- (xiii) Provision of car share agreement that provides for the following:
 - the provision, operation, and maintenance of four shared vehicles and the provision and maintenance of four parking spaces for use exclusively by such shared vehicles, with such parking spaces to be in addition to the minimum parking spaces required by the Parking By-law;
 - a professional car-sharing organization satisfactory to the Director of Planning and General Manager of Engineering Services must manage the car sharing vehicles; and
 - designation the number of visitor or surplus parking spaces as determined by the General Manager of Engineering Services, which are publicly accessible 24 hours a day (e.g. within visitor parking or outside the building in a lane or 'mews') for future use by shared vehicles, with such spaces not to be in addition to required parking for residents or visitors;

*Note: The developer should be also be advised that building encroachments onto City street may cause problems when strata-titling a property due to section 244(1)(f) of the Strata Property Act. In such cases, the City of Vancouver may not necessarily support the additional legal provisions required to accommodate those parts of the building on City Street. If strata-titling is proposed, applicants are advised to seek independent legal advice on the matter.

Soils

- (xiv) Do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion; and
- (xv) If a Certificate of Compliance is required by the Ministry of Environment as a result of a completed site profile, execute a Section 219 Covenant, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, that there will be no

occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until a Certificate of Compliance has been provided to the City by the Ministry of Environment.

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 the Sign By-law, to establish regulations for this CD-1 in accordance with Schedule E [assigning Schedule "B" (C-5)], generally in accordance with Appendix C, to the Policy Report *"CD-1 Rezoning of 1201-1215 Bidwell Street and 1702-1726 Davie Street and Heritage Revitalization Agreement at 1215 Bidwell Street"*, dated October 20, 2009, be approved.
- C. THAT, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law following the approval and enactment of the CD-1 By-law to establish regulations for this Comprehensive Development District in Schedule B, generally in accordance with Appendix C, to the Policy Report *"CD-1 Rezoning of 1201-1215 Bidwell Street and 1702-1726 Davie Street and Heritage Revitalization Agreement at 1215 Bidwell Street"*, dated October 20, 2009.
- D. THAT, subject to the approval of the rezoning, Council approve the heritage designation of the building façade of 1215 Bidwell Street, listed in the "C" category on the Vancouver Heritage Register, as a protected heritage property;
- E. THAT, subject to the approval of the rezoning, Council enter into a Heritage Revitalization Agreement for the building façade at 1215 Bidwell Street, to secure the restoration, long-term maintenance and preservation of the façade, subject to conditions contained in Appendix B, to the Policy Report *"CD-1 Rezoning of 1201-1215 Bidwell Street and 1702-1726 Davie Street and Heritage Revitalization Agreement at 1215 Bidwell Street"*, dated October 20, 2009.

FURTHER THAT the Director of Legal Services be instructed to process and to bring forward for enactment the necessary by-laws related to the Designation and Heritage Revitalization Agreement;

AND FURTHER THAT the Director of Legal Services be instructed to prepare side agreements for the timely restoration and protection of the façade during the construction.

(RZ/HD/HRA - 1201-1215 Bidwell Street and 1702-1726 Davie Street)