

SUMMARY AND RECOMMENDATION

5. REZONING: 15 and 97 East 2nd Avenue (Opsal Steel)

Summary: To rezone from M-2 (Industrial) to CD-1(Comprehensive Development) District to permit the construction of a 12-storey residential tower at 15 East 2nd Avenue with a maximum floor space ratio (FSR) of 4.29 and maximum height of 38.1 metres and a 24-storey residential tower at 97 East 2nd Avenue with an FSR of 5.09 and a maximum height of 72.2 metres. As a part of the proposal, Opsal Steel, the industrial heritage building, would be rehabilitated and designated in exchange for bonus density on both sites.

Applicant: Gwyn Vose, IBI/HB 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 IBI/HB Architects on behalf of Bastion Development Corporation, to rezone 15 East 2nd Avenue (PID 007-647-638; Lot A, Block 8, Plan 15577, DL 200A) and 97 East 2nd Avenue (PID 005-217-245, 005-217-237, 005-217-229, 005-217-211, and 005-217-253; Lots 9 to 12 and E½ of 13, Block 8, Plan 197, DL 200A) from M-2 (Industrial) to CD-1 (Comprehensive Development District) to permit construction of mixed-use residential developments on both sites and retention of portions of the heritage buildings at 97 East 2nd Avenue, generally as presented in Appendix A, to the Policy Report, "*CD-1 Rezoning of 15 and 97 East 2nd Avenue and Heritage Revitalization Agreement at 97 East 2nd Avenue (Opsal Steel)*", dated June 8, 2010, be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) THAT the proposed form of development be approved by Council in principle, generally as prepared by IBI/HB Architects, and stamped "Received Planning Department, October 19, 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:

Design Development

1. design development to enhance the landmark qualities of the architectural expression, with particular emphasis at the southeast corner, through high quality materials, systems and details;

Note to Applicant: As part of the earning of significant height increases appropriate for a landmark site, the applicant must successfully demonstrate that the architectural expression is worthy of this special, highly visible location. Identify proposed high quality materials, systems and details on the drawings and provide material samples and photographs.

2. design development to provide a pedestrian-oriented central open space north of the Opsal Building, relocating and reducing surface parking to access directly off the lane;

Note to Applicant: Expansion and enhancement of the public realm is considered an important objective in earning height increases above the ODP recommended maximums. In consultation with Engineering Services, relocate parking to direct access along the lane, eliminating on-site parking at grade and access aisles from the centre of the site. Maintain a 1.5 m setback from the rear property line and provide a landscaped edge, such as large freestanding planters to provide a visual edge and barrier from the parking. Integrate the parking area with the timber columns of the overhead crane, providing details that protect the base from vehicular damage. Reduce parking or relocate shortfall to below grade (estimated at approximately 7 to 8 stalls). Propose an outdoor seating area adjacent to the south barn, and integrate with the public access route through the site. (Also see Heritage condition (b)7 below.)

3. design development to further mitigate the scale disparities between the Opsal Building and the east tower increasing the spatial separation between them at the lower floor levels;

Note to Applicant: As commented on by the Urban Design Panel. Consider further slimming of the east tower to lessen spatial pinch points and/or removing or reducing exterior balconies and architectural protrusions on the west elevation.

4. design development to enhance the visible presence of the Opsal Building as seen from the adjacent street corners of Quebec Street and 2nd Avenue;

Note to Applicant: Possible responses that might address this condition include: increasing the floor-to-floor height of the first-floor corner unit, setting the ground floor further back from the street edge, increasing its transparency and modifying its shape to further expose the east end gable of the Opsal Building.

5. design development to provide a future knock-out panel at the underground parking level to access the single unconsolidated lot currently used as a car wash, if and when this site is developed;

Heritage

6. design development to both retail areas at the base of the East Tower; provide views to the east façade of the South Barn from the corner of 2nd Avenue and Quebec Street and from Quebec through to the north barn; all exterior walls should be transparent and the interior layout of the retail space, designed so as to maximize views through to the barns and the link through to the lane;
7. design development to the parking and loading area adjacent to the East Tower;

Note to Applicant: Removing the 2 surface parking stalls from this area is suggested, as well as re-aligning the garbage/recycling to expand the views through the site to the back lane. Key requirements will be to maintain an open view from Quebec Street through the gantry crane through to the north barn along the lane.

8. provide visible connection from the south barn to the north barn;
9. provide full details of the gantry crane, crane rails and the transitions points where the crane rails meet the glazed wall of the tower, and provide details for protection from vehicular traffic in the area;
10. design development to the window sizes, materials and spacing of the south façade of the south barn to reflect the historic glazing patterns and the predominately punched opening expression of the windows;

Note to Applicant: Consider the original solid-to-void ratios of the façade as the point of departure and propose a fenestration pattern consistent with this.

11. retain the original cupolas, or replace to match the existing in size, material and location;

Note to Applicant: For added light into the south barn, propose skylights on the north face of the sloped roof of the south barn. The skylights should not be visible from 2nd Avenue and should not over-scale the roof area.

12. supply details on how the original sign from the 1940s building on the corner will be re-worked into the site, along with the original painted sign on the south barn;
13. provide details on when the barns will be dismantled and where the sections of the buildings — to be catalogued, restored and reassembled — are to be stored;

Note to Applicant: As part of the Development Permit process, you will be required to submit documentation on the extent of structural features retained, clearly indicating on each truss, which members are retained and which are not. Documentation of existing heritage features can take the form of colour photographs and/or "as found drawings" of the interior public spaces to be restored and exterior elevations. [Particular attention should be paid to correct dimensioning and accurate identification of all existing heritage materials and decorative details.]

Note to Applicant: Staff continues to assert that the barns can be dismantled in advance of issuance of either the Development or Building Permits due to the condition of the building. As a reminder, should the buildings sustain damage in the interim due to a delay on the owner's part in dismantling the barns, staff would need to advise Council on whether the bonus density was still justified.

14. clarification on all elevations and plans which existing exterior [and interior] elements are to be retained, restored, altered or removed and what is new. Supply a conservation chart on all elevations that matches the Conservation Plan authored by McGinn Engineering & Preservation Ltd. Dated. October 23, 2009 and submitted as part of the rezoning application titled "Opsal Steel" (Revised) submitted June 26, 2009. The conservation chart is to be formatted to match the example below:

Historic Feature	Existing Condition	Proposed Conservation
South Barn, windows	Some failure in lower joints, and deterioration of some of the lower jambs and sill members	Retain and restore to match existing or replicate as required. (See Window schedule for locations of retained vs. replicated windows)

15. indicate which artefacts will be retained and reused along with the locations of each;
16. provide a colour scheme and paint samples of the various components of the building's facade proposed to be painted, including, but not limited to window and door frames, cornices and decorative elements (See Vancouver Heritage Foundation brochure titled "Paint" for general preparation and maintenance issues, and their brochure titled "True Colours" for determining historic colours www.vancouverheritagefoundation.org/oldhouse.html);
17. provide a Window schedule including materials, dimensions, opening type, finish, and reference to head, and sill, jamb, and window division details;

Crime Prevention Through Environmental Design (CPTED)

18. design development to take into consideration the principles of CPTED, having particular regard to:

- reducing opportunities for theft in the underground parking,
- providing secure access for off-site parking users,
- providing a gate to the loading area, and
- reducing opportunities for break and enter and vandalism;

Landscape Design

19. design development to improve the intended function of the passage between the East Tower and the Opsal Building;

Note to Applicant: There is an opportunity to enhance a north-south pedestrian connection from the street to the lane. Explore options to demonstrate sustainable design, landscaping and high-interest pedestrian programming in the open space courtyard.

20. design development to provide planting to screen lane elements such as parking, utilities and blank walls;
21. supply plant material in the public areas, similar to the historic plant material in the area (refer to the Public Realm Plan for guidance);
22. final coordination of the public realm treatment to be consistent with the Southeast False Creek Public Realm Plan;
23. provision of semi-public and semi-private spaces that complement the design of the public realm;

Note to Applicant: Aspects to consider include special paving, public art, lighting, planting, driveway crossings, pedestrian entrances and safety, walkways, permanent site furniture, weather protection, garbage storage, recycling and loading facilities.

24. design development to maximize percentage vegetative cover;

Note to Applicant: Pursue an overall goal of 40 % vegetative area surface cover. The calculation should include tree canopy area, but not include the Opsal Building and parking ramps. Provide urban agriculture garden plots and amenities (on-site composting, hose bibs, water collection opportunities) to be located in proximity to common patio areas and to maximize sunlight exposure. Grow plots should contain an appropriate growing medium, and be an adequate size and number to be appropriate for the size of the development. Integrate edible planting throughout the landscape. Other opportunities for planting include 'green walls', planted roofs, permanent patio planters, and vine pockets at the base of structures. Mitigate blank walls by locating continuous linear planters and climbing plants at their base.

25. provision of best current practices for reducing potable water use and managing stormwater conservation, including high efficiency irrigation, water wise planting and the use of captured storm water for irrigation (non-edible plants);

Note to Applicant: Where applicable, size and location of water storage cisterns should be noted, and water features are to use stormwater or other non-potable alternatives. Detailed technical drawings of stormwater recycling will be required at the time of development permit application.

26. provision of a detailed rationale outlining intent for the specific programming of individual outdoor spaces, including overall use, pedestrian capacity, storage (for example, compost, gardening tools), access, security, sustainable design requirements (planting, water, waste, soil, habitat);
27. provision of hose bibs for all patios greater or equal to 100 sq. ft.;
28. provision of a full Landscape Plan illustrating proposed plant materials (common and botanical names), sizes and quantities; notation of existing trees to be retained, paving, walls, fences, light fixtures and other landscape elements that effect overall design, including site grading;

Note to Applicant: Proposed plant materials should be clearly illustrated on the Landscape Plan which should be at 1:100 (1/8" = 1'- 0").

29. provide 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; including planter walls, stairs, landscaping, soil depth (indicated by underground structures), semi-private patios and privacy screens, include technical drawings of stormwater recycling;

Note to Applicant: Grades, retaining walls, walkways and structural elements, such as underground parking, to be designed to provide maximum plant growing depth (exceed BCLNA Landscape Standard). Design underground parking to increase soil depth for planting. Planted areas are adjacent to structures and on slab to contain continuous soil volumes. Underground parking is to angle downward at the corner (3 feet across and 4 feet down) to increase planting depth for inner boulevard trees and planters.

30. provision of large scale partial plans, elevations, sections, specifications illustrating the detailed treatment of the public realm interface at the streets and lanes; including planters, retaining walls, stairs, planting, soil depth, underground structures, semi-private patios and privacy screens;
31. provision of a lighting plan;
32. protect lane edge trees and planting from vehicular impacts by providing metal tree surrounds, bollards or low curbs as needed;

Roof Decks

33. design development to provide urban agriculture grow plots, tool storage and hose bibs on common area roof decks;

Note to Applicant: Provide notations for hose bibs on landscape plan.

34. provide details of green roof system and soil depth sections through all roof planters;

Universal Design

35. applicant to work with a Universal Design consultant to achieve the objectives for Universal Design through implementation of "The Safer Home Certification Criteria" as outlined in Appendix H;

Environmental Sustainability

36. applicant to meet the Southeast False Creek Green Building Strategy and the EcoDensity Rezoning Policy for Greener Buildings (Action A-1), including a minimum LEED® Silver Canada Certified standard and City of Vancouver prerequisites (with a minimum of 3 optimize energy performance points, 1 water efficiency point, 1 storm water point) with full LEED® registration and documentation, or equivalency;
37. building design to include provision for connections to, and be compatible with, the "Neighbourhood Energy Utility";

Urban Agriculture

38. design development to incorporate the objectives of urban agriculture including provision of garden plots of an adequate size and number which are to be productive and viable;

Note to Applicant: The total amount of gardening spaces is to be appropriate for the size of development. Locate gardening plots to maximize sunlight and respond to programming requirements such as providing an area for composting, non-potable water/irrigation systems, and suitable soil volumes.

Waste

39. provision of 3 streams of waste removal for the development (regular garbage, recyclable materials and organics);

Note to Applicant: The development sites are to provide adequate space to accommodate 3 streams of waste removal. Include fully outfitted areas that can be made active upon implementation of organics collection system.

Greenways

40. Ontario Street amenities should be to Greenway standards:
 - (i) Lighting, both street and pedestrian level, should be upgraded to SEFC and PREG standards.
 - (ii) All walks should be saw-cut broom-finish concrete.
 - (iii) Benches and bike racks should be provided.
 - (iv) A bulge at the corner of Ontario Street and 2nd Avenue should be incorporated.
 - (v) Planting should be incorporated.
 - (vi) Standard Ontario Greenway Granite Marker should be included.
 - (vii) Granite setts and re-cycled granite curbs should be incorporated to provide design continuity.

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, make arrangements for the following, on terms and conditions satisfactory to the Director of Legal Services:

Engineering

1. Arrangements are to be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for:
 - (i) consolidation of Lots 9,10,11,12 and E ½ of Lot 13. (97 East 2nd Avenue);
 - (ii) statutory rights-of-way and option-to-purchase agreements over the south 5'- 0" of both sites and the west 5'- 0" of Lot A (15 East 2nd Avenue) for public access and use, and for utility purposes. Note: if the final building designs move the proposed underground parking out of this area, the City may seek to establish these portions as road;
 - (iii) provision of a 1.5 m right-of-way along the north property line of both sites (the lane) for landscaping and lane-lighting purposes (excluding the heritage structure);
 - (iv) release of Easement & Indemnity agreement 213818M prior to occupancy of the new building;
 - (v) removal of an underground gasoline tank, if existing, prior to building occupancy and release of Easement & Indemnity agreements 443353M and B63699;
 - (vi) removal and backfilling of the wooden water meter box located on Ontario Street adjacent the West Tower;
 - (vii) provision of new sidewalks, curb, pavement, concrete lane crossings, lamp standards, street trees and street furniture adjacent the site in keeping with the final SEFC public realm design requirements, PREG (SEFC Private Lands Public Realm Plan) and Ontario greenway standards (see greenways notes below);

- (viii) improvements to the lane south of 1st Avenue (between Ontario and Quebec) in keeping with the final SEFC public realm design requirements and PREG. (SEFC Private Lands Public Realm Plan);
- (ix) provision of a CB spur from 1st Avenue to the lane south of 1st Avenue on Ontario Street;
- (x) upgrading of existing adjacent water mains to serve the sites;
 Note to Applicant: The current application lacks the details to determine if water system upgrading is necessary. Please supply fire flow rates and project details to confirm if upgrading is necessary and, if so, appropriate arrangements will be required.
- (xi) provision of car-share vehicles and designated parking spaces in accordance with Table 1;

Table 1 - Car-share vehicle requirements

less than 25 dwelling units	none required
25 to 74 dwelling units	1 car-share vehicle and designated parking space
75 to 149 dwelling units	2 car-share vehicles and designated parking spaces
150 to 174 dwelling units	3 car-share vehicles and designated parking spaces
175 to 249 dwelling units	4 car-share vehicles and designated parking spaces

Note to Applicant: A professional car-share organization satisfactory to the Director of Planning and General Manager of Engineering Services must manage the car-share vehicles. The car-share spaces must be accessible to members of the car-share organization who do not reside in the development.

- (xii) undergrounding of all existing and 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 sites are 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;

Heritage

2. City Council can and does approve the Municipal Heritage Designation of the existing building located at 97 East 2nd Avenue and that the required By-law(s) are enacted;

3. The Owner(s) enters into a Heritage Revitalization Agreement and no-development covenant, generally complying with the draft attached in Appendix D, to the Policy Report, "*CD-1 Rezoning of 15 and 97 East 2nd Avenue and Heritage Revitalization Agreement at 97 East 2nd Avenue (Opsal Steel)*", dated June 8, 2010, with the City incorporating the following:
 - (i) That all heritage rehabilitation work is in compliance with the Conservation Plan submitted by McGinn Engineering & Preservation Ltd., dated October 23, 2009, forming a part of rezoning and subsequent Development Permit;
 - (ii) Construction of any new buildings using the bonus density to be granted and the additional height to be permitted will be prohibited until the rehabilitation work is complete or a letter of credit is provided equal in value to the cost to complete the rehabilitation work;
 - (iii) That the heritage building be secured from vandalism during construction;
 - (iv) That the heritage building's rehabilitation be completed within 48 months of the issuance of any permit related to this development application;
 - (v) Assurance that the services of a qualified restoration architect will be retained to provide professional services relative to all aspects, including site supervision, of the interior and exterior restoration work;

And further, confirmation, to the Satisfaction of the Director of Planning and the Director of Legal Services, that the Heritage Revitalization Agreement and no-development covenants agreement is completed and registered on title in the Land Titles Office.

Community Amenity Contribution

4. The agreed Community Amenity Contribution of \$1,625,928 is to be paid to the City and such payment is to be made prior to enactment of CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services.

Soils

5. 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
6. 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.

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, consequential amendments to the Southeast False Creek Official Development Plan (By-law No. 9073), generally in accordance with Appendix C, to the Policy Report, *"CD-1 Rezoning of 15 and 97 East 2nd Avenue and Heritage Revitalization Agreement at 97 East 2nd Avenue (Opsal Steel)"*, dated June 8, 2010, to:
- (i) increase various floor area provisions by 5 119 m² as set out in Appendix C, to the same report, and
 - (ii) increase the maximum permitted height at 97 East 2nd Avenue from 47.0 m to 72.2 m;
- be approved;
- C. THAT, the application to amend the Sign By-law, to establish regulations for this CD-1 in accordance with Schedule E (assigned Schedule "B" (DD)), as set out in Appendix B to the Policy Report, *"CD-1 Rezoning of 15 and 97 East 2nd Avenue and Heritage Revitalization Agreement at 97 East 2nd Avenue (Opsal Steel)"*, dated June 8, 2010, be approved;
- D. THAT, Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law following approval and enactment of the CD-1 By-law to establish regulations for this Comprehensive Development District in Schedule B as set out in Appendix C, to the Policy Report, *"CD-1 Rezoning of 15 and 97 East 2nd Avenue and Heritage Revitalization Agreement at 97 East 2nd Avenue (Opsal Steel)"*, dated June 8, 2010;
- E. THAT, subject to the approval of the rezoning at Public Hearing, Council approve the designation of the "A" listed buildings and gantry crane, at 97 East 2nd Avenue, as municipally-protected heritage property under a heritage designation by-law, be approved;

- F. THAT, subject to the approval of the rezoning, authorize the City to enter into a Heritage Revitalization Agreement, generally in accordance with the draft HRA in Appendix D to the Policy Report, *"CD-1 Rezoning of 15 and 97 East 2nd Avenue and Heritage Revitalization Agreement at 97 East 2nd Avenue (Opsal Steel)"*, dated June 8, 2010, for the buildings and gantry crane at 97 East 2nd Avenue, to secure the timely rehabilitation and long-term protection and conservation of the heritage resources, and to prescribe conditions upon which the additional bonus density and the additional height for the new building at 97 East 2nd Ave can be used.

[RZ. - 15 and 97 East 2nd Avenue (Opsal Steel)]