

SUMMARY AND RECOMMENDATION

3. REZONING: 104-150 East 1st Avenue

Summary: To rezone from M-2 (Industrial) District to CD-1 (Comprehensive Development) District to permit the development of a 12-storey residential tower with a 6-storey mid-block building, together containing a total of 170 residential units, with such development being consistent with the Southeast False Creek Official Development Plan. Density is proposed at 3.5 FSR (floor space ratio) and maximum height at 38.1 m.

Applicant: Jason Turcotte, Cressey Quebec Street Holdings Ltd.

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 Cressey Quebec Street Holdings Ltd. to rezone 104-150 East 1st Avenue Lots 1,2,3, all of Block 7, DL 200A, Plan 197(PID: 015-531-597, 015-531-619, 015-531-635) and Lots 4,5,6, all of Block 7 DL 200A Plan 17529 (PID: 007-273-002, 007-273-011, 007-273-029) from M-2 Industrial to CD-1 (Comprehensive Development District) to permit a 12-storey residential building and a 6-storey residential building with a total floor area of 11,792 m² (126,928 sq. ft.), generally as presented in Appendix A, of the Policy Report dated April 1, 2011, entitled "CD-1 Rezoning: 104-150 East 1st Avenue", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) THAT the proposed form of development be approved by Council in principle, generally as prepared by Rafii Architects Inc. and stamped "Received Planning Department, July 30, 2010", provided that the Director of Planning or the Development Permit Board, as the case may be, 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 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. Clarification on the drawings of the following information:
- (i) a detailed context plan and reflected elevations of adjacent development;

Note to Applicant: Provide a detailed analysis of the shared side-yard and floor plan configuration of the lower levels of the adjacent building to the east, currently under construction.

- (ii) all building elevations; and

Note to Applicant: A complete unobstructed east elevation of the tower and west elevation of the mid rise is required.

- (iii) dwelling unit layouts:

Note to Applicant: Provide floor layouts with particular regard to the liveability of the south facing units of the tower and mid rise. Confirm on the drawings that the ground access units noted as "city homes" are two storey units and that a minimum of 25 percent of the dwelling units are two bedrooms or larger, suitable for families, in conformance with the SEFC Official Development Plan. (See also Housing condition)

2. Design development to relieve the blankness and enhance the pedestrian scale of the tower base, south elevation and mid-rise, east elevation;

Note to Applicant: Add windows on the 1st and 2nd level of the corner townhouse, tower base and further integrate material expression to both elevations to provide scale and texture. Consider a green wall treatment.

3. Design development to address neighbourliness and overlook of the parking ramp from both the mid-rise building and the adjacent site, providing a trellis screen and vine treatment;

4. Design Development to locate the 2 required shared vehicles and associated parking stalls within a publically accessible location that can be accessed by the general public on a 24 hr basis, 7 days a week.

Note to Applicant: This can be achieved within the "Visitor Parking" area shown on level P1 of the parking plans. Staff suggestion is to locate these stalls at the bottom of the ramp to level P1, in case future owners in the building propose to change the location of the security gate in order to limit vandalism or loitering in this area.

5. Design development to improve the prominence of the main entry;

Note to Applicant: Enhance the clarity of the entry without distracting from the overall expression of the building.

6. Design development to the use and access of the tower roof, providing either an intensive green roof, urban agriculture or roof-mounted energy technologies and means of common access;

Note to Applicant: The penthouse structure exceeds the maximum size excludable from height. In accordance with Section 10.11.1, the Zoning

and Development By-Law permits height exclusions for intensive green roofs, roof top urban agriculture, or roof mounted solar technologies. Common roof area should be equal approximately to the length of the penthouse structure, east side of the roof. Alternatively reduce the size of penthouse structure to comply with Section 10.11.1 of the Zoning and Development By-Law.

7. Design development to day-light east end of internal corridor, mid-rise and consideration to provide a 2nd entry, east end of the mid-rise;

Note to Applicant: As per comments by the Urban Design Panel to improve day-lighting and to shorten the circulation path.

Crime Prevention through Environmental Design (CPTED)

8. Design development to take into consideration the principles of CPTED, having particular regard for reducing opportunities for:
 - (i) theft in the underground parking;
 - (ii) residential break and enter;
 - (iii) mail theft;
 - (iv) mischief in alcoves and vandalism, such as graffiti;

Landscape Design

9. A full Landscape Plan to be submitted. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, fences, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale and the Landscape Plan should comply with the SEFC Public Realm Plan objectives for this area;
10. Section details at a minimum scale of 1/4"=1'-0" scale to illustrate proposed landscape elements including planters on building structures, benches, fences, gates, arbors and trellises, posts and walls and water features. Planter section details must confirm depth of proposed planting on structures;
11. A high-efficiency irrigation system to be provided on all planted rooftops, in all landscape common areas on structure and hose bibs in patio areas as needed (illustrated on the Landscape Plan);
12. New street trees should be 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 Amit Gandha (604-257-8587) of Park Board regarding tree species;
13. 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).

14. Trellis and vines to be provided over the underground garage access ramp;
15. Large scale sections (1/4"=1' or 1:50) illustrating the buildings to public realm interface facing the street;

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

16. Any emergency generators, transformers, and gas meters to be located, integrated, and fully screened in a manner which minimizes their impact on the architectural expression and the building's open space and public realm;
17. Design development to include relationship of semi-public and semi-private open spaces and comply with the SEFC Public Realm;

Note to Applicant: Aspects to consider include paving, lighting, planting, pedestrian entrances, seating and other elements to complement and enhance public realm.)

18. Design development to provide clear resident wayfinding and access through the entire open space system;
19. Design development to provide clear resident bicycle access through the development site and connection to 1st Avenue Greenway.

Engineering

The following is to be addressed at the development permit stage:

20. Provision of the following details for the ETS room. The ETS room shall be located at the basement or ground level, preferably at or adjacent to an outside wall with suitable space for the installation of the NEU system ETS equipment, and with adequate provision for connection to outside NEU distribution piping and communications conduit all to the satisfaction of the General Manager of Engineering Services. The developer shall make available use of sewer and potable water piping in each ETS room. The ETS room shall be ventilated as required by the Vancouver Building By-law and heated during the winter to minimum 15° C. The developer must provide a dedicated 15 amp 120V, 60 Hz single-phase electrical service for operation of the ETS, all to the satisfaction of the General Manager of Engineering Services. Please contact Kieran McConnell of the NEU office at 604-871-6981;

21. Column setback is to comply with the requirements of the Engineering Parking and Loading Design Supplement;
22. Parking spaces 49 & 51 on parking level P3, 64 on P2, have structural columns within the parking space;
23. Provision of correctly dimensioned disability parking spaces;

Note to Applicant: disability spaces must be a minimum of 18' in length.
24. Clarify if there is a wall between parking spaces 34-50 and 49-64, and if not provide wheel stops for all spaces in this area;
25. Provision of an unobstructed vertical clearance of a minimum 3.5 m (11.5 ft.) in the Class B loading space is required;
26. Provision of detailed lane lighting design is required;
27. Provision of details of the extent of overhead electrical infrastructure that can be removed or under grounded in the lane is required;
28. Provision of three streams of waste collection for the site, regular garbage, recycling and future organics collection including outfitting of the spaces for future use.
29. Provision of a minimum 20% of residential parking stalls with 120 V AC single phase outlets (per section 86 of the Canadian Electrical Code);

Housing

30. Ensure that a minimum of 25 percent of the dwelling units contain two bedrooms;
31. Design development to ensure that all indoor amenity rooms comply with the High Density Housing for Families with Children Guidelines;

Note to Applicant: Each of the indoor amenity rooms should have an accessible washroom, a kitchenette and adequate storage area.

Universal Design

32. Applicant to work with a Universal Design consultant to achieve the objectives for Universal Design in reference to "The Safer Home Certification Criteria" and submit a "The Safer Home Certification Check-list";

Environmental Sustainability

33. Applicant to meet the SEFC Green Building Strategy and the EcoDensity Rezoning Policy for Greener Buildings (Action A-1), through identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Silver equivalency, with a minimum of 36 points and including at least 3 optimize energy performance points, one water efficiency point, and one storm water point;

Note to Applicant: Provide a LEED® checklist confirming LEED® Silver equivalency and a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development. Both the checklist and description should be incorporated into the drawing set. A letter from the Mechanical consultant shall be submitted outlining how the minimum of three [3] energy points will be achieved.

Urban Agriculture

34. Design development to confirm the viability of the proposed gardening plots, such as providing an area for composting, non-potable water/irrigation systems, and suitable soil volumes.

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, and to the Director of Planning, the General Manager of Engineering Services and the Approving Officer as necessary, make arrangements for the following:

Rezoning Fee

1. As permitted under the Zoning and Development By-Law Appendix E Zoning and Development Fee By-Law No.5585, section 4, half of the required rezoning fee was submitted at the time of application. In accordance with this provision, the applicant is directed to pay the City the remainder of the fee (\$65,400) within 30 days of Council's approval in principle of the CD-1 by-law.

Engineering

2. Arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:
 - (i) Dedication of the west 11.6 m of the site for road purposes,
 - (ii) Dedication of the north 1.5 m of the site for road purposes,

- (iii) Dedication of a 1.5 m by 1.5 m truncation of the ultimate northwest corner of the site for road purposes,
- (iv) Provision of a statutory right of way over a 0.5 m wide portion of the site along 1st Avenue measured from the ultimate 1st Avenue property line to accommodate the future 1st Avenue road design. No building permitted within the SRW area. See Figures 1 and 2 in Appendix H,
- (v) Consolidation of the six lots into a single parcel,

Note to Applicant: To allow the existing building to remain on the westerly portion of the site and be used as a sales and marketing centre for the project until issuance of the first occupancy permit for the project, an Option to Purchase and Statutory Right of Way Agreement, prepared to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, may be registered over the west 11.6 m and corner cut that are to be dedicated for road purposes pursuant to conditions 2(i), 2(ii), and 2(iii) above. The Option to Purchase Agreement must contain provisions to ensure that soil remediation and road construction are completed prior to issuance of the first occupancy permit for the project. The subdivision of the site would need to occur in two steps as shown on Figures 1 and 2 of Appendix H,

- (vi) Provision of a surface statutory right of way over the south 1.5 m of the site for landscaping and lighting purposes. Note to Applicant: Delete portions of building and structure proposed at and above grade and within the proposed 1.5 m right of way,
- (vii) Release of Easement & Indemnity Agreements 170428M (utility purposes), F5216 (commercial crossing), and Covenants F89517 and G98873 (off-site parking), all prior to issuance of the first occupancy permit for the project,
- (viii) Upgraded storm and sanitary mains are required to serve the site. Upgrading of the sewer and sanitary mains from the south/eastern portion of SEFC to the Terminal pump station is required; this development is to pay their share of the upgrading of the sewer mains which is estimated at \$100,000.00,
- (ix) The applicant is to supply the fire flow rate for this development (maximum GPM to meet fire protection needs as supplied by their mechanical consultants),
- (x) Once a review of this information is completed Engineering will determine if water system upgrading is necessary for this project if so, an appropriate servicing agreement will be necessary. If the applicant does not or cannot supply this information prior to

by-law enactment then a servicing agreement will be necessary that allows for upgrading as determined by the City Engineer as being necessary to be fully funded by the developer with appropriate security being supplied prior to the start of any work by the City,

- (xi) Provision of a servicing agreement to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the installation of public realm treatments adjacent to the site (along 1st. Ave, Quebec St. and the lane south of 1st Ave.) between the curb and property lines and within the laneway including curb relocations where necessary, all in keeping with the SEFC Public Realm Plan and SEFC Public Realm Enhancement Guidelines (PREG). Work to include design and installation of SEFC street and lane lighting, street trees, structural soils, landscaping, specialty paving, concrete lane crossings, granite sets and pavers and treatments identified in the SEFC public realm plan and PREG. All existing utilities, electrical, street lighting, traffic signals and related infrastructure are to be relocated where curb adjustments are necessary,
- (xii) Undergrounding of all new and existing utility services from the closest existing suitable service point will be required. All electrical services to the site must be primary with all electrical plant which includes but is not limited to junction boxes, switchgear (vista switches) and pad mounted transformers to be located on private property. In addition, any above ground kiosks required to service the area must be located on private property. The development is not to rely 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. Early contact with the Utilities Management Branch is encouraged,

Note: Preliminary plans show the requirement for a Low Profile Transformer (LPT) on this site.

- (xiii) Provision of car-share vehicles and car-share parking spaces as set out in the parking standards for this rezoning. Calculation is based on both buildings combined. Provision of shared vehicles and shared vehicle parking spaces as outlined below:

<i>Dwelling Units</i>	<i>Shared Vehicle</i>	<i>Shared Vehicle Parking Space</i>	<i>Future Converted Shared Parking Space</i>
<i>1 - 49</i>	<i>None</i>	<i>None</i>	<i>1</i>
<i>50 - 149</i>	<i>1</i>	<i>1</i>	<i>1</i>
<i>150 - 249</i>	<i>2</i>	<i>2</i>	<i>2</i>
<i>250 - 349</i>	<i>2</i>	<i>2</i>	<i>3</i>
<i>Each additional 100 units or portion thereof</i>	<i>+0</i>	<i>+0</i>	<i>+1</i>

Note: car-share vehicles must be operated by a professional car share company and are to be fully accessible to car share members 24/7.

Flood Plan Covenant

3. Execute a Flood Plain Covenant to the satisfaction of the Director of Legal Services and the Chief Building Official;

Cultural Services: (Public Art Program)

4. 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 a preliminary public art plan to the satisfaction of the Public Art Program Manager;

(Note to Applicant: To discuss your application please call Bryan Newson, Program Manager, 604.871.6002.)

Community Amenity Contribution

5. Pay to the City, prior to the enactment of the rezoning by-law, the Community Amenity Contribution of \$1,459,672 which is to be allocated towards affordable housing in SEFC;

Soils

6. Submit a site profile to the Environmental Protection Branch (EPB);
7. 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;
8. 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 satisfactory to the City, for the on-site and off-site contamination, has been provided to the City by the Ministry of Environment;

9. In respect to the road dedications and the existing roads, as applicable, the applicant is to provide confirmation that all road dedications and existing roads are covered by numerical based Certificates of Compliance or other instruments for contamination attributable to past uses of the site, acceptable to the City in its sole discretion. The Certificates of Compliance or other instruments, if applicable, shall be issued by the Ministry of Environment and must confirm that the soils in the roads meet residential land use numerical standards for the top 3 m and commercial land use numerical standards below 3 m and that the groundwater meet drinking water criteria or if proven the groundwater does not support the drinking water criteria, then the aquatic life standards will apply, all as prescribed by the Environmental Management Act and to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services; and if the applicant is not able to provide Certificates of Compliance or other instruments, as described above, to the City prior to enactment, then the applicant will enter into such agreements on terms and conditions that the General Manager of Engineering Services and the Director of Legal Services deem necessary, in their sole discretion, which may include Section 219 Covenants which provide that there will be no occupancy of any buildings or other improvements until the City has received the confirmation that the road dedications and existing roads, have been remediated to the standards described above;

Note to applicant: If any road dedications have contamination attributable to historical filling of the area, and is supported by the Ministry of Environment, the Applicant is to provide confirmation that these contaminants are covered by Certificates of Compliance acceptable to the City in its sole discretion. The Certificates of Compliance shall be issued by the Ministry of Environment and must confirm, at a minimum, that the contamination meets risk-based standards, all as prescribed by the *Environmental Management Act* and to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services. If the Applicant is not able to provide Certificates of Compliance, as previously described, to the City prior to enactment, then the Applicant will enter into such agreements on terms and conditions that the General Manager of Engineering Services and the Director of Legal Services deem necessary, in their sole discretion, which may include Section 219 Covenants which provide that there will be no occupancy of any buildings or other improvements until the City has received the confirmation that the road dedications have been remediated to the standards previously described.

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 rezoning 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 Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law to include this CD-1 in Schedule B of the Noise Control By-law, generally as set out in Appendix C, of the Policy Report dated April 1, 2011, entitled "CD-1 Rezoning: 104-150 East 1st Avenue", for enactment following the approval and enactment of the CD-1 By-law.

(RZ - 104-150 East 1st Avenue)