



**CITY OF VANCOUVER**  
**POLICY REPORT**  
**DEVELOPMENT AND BUILDING**

Report Date: September 12, 2006  
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VanRIMS No.: 11-3600-03  
Meeting Date: September 26, 2006

TO: Vancouver City Council  
FROM: Director of Planning  
SUBJECT: CD-1 Text Amendment - 1380 Hornby Street

## RECOMMENDATION

THAT the application by IBI/HB Architects, to amend Comprehensive Development District (CD-1) By-law No. 9116 (reference No. 435) for 1380 Hornby Street (Lot A, Block 111, District Lot 541, Plan BCP12494) to amend the rear yard setback requirement, be referred to a Public Hearing, together with:

- (i) plans received May 24, 2006;
- (ii) draft CD-1 By-law amendments, generally as contained in Appendix A; and
- (iii) the recommendation of the Director of Planning to approve the application, subject to conditions contained in Appendix B.

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending By-law generally in accordance with Appendix A for consideration at Public Hearing.

## GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

## COUNCIL POLICY

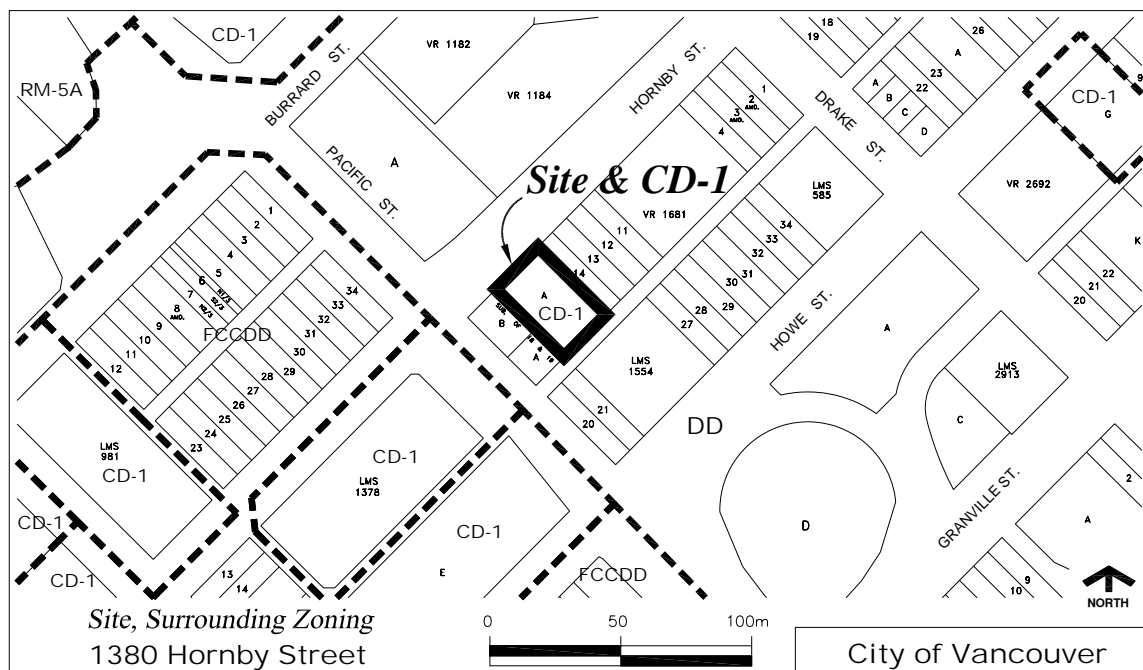
- Downtown South Goals and Policies, adopted May 16, 1991 and November 4, 1993
- Downtown South Guidelines (excluding Granville Street), adopted July 30, 1991 and amended September 29, 1994 and October 7, 1997.

## SUMMARY & PURPOSE

This report assesses an application to amend the CD-1 By-law for the Residence di Umberto Hotel site at 1380 Hornby Street, to amend the upper-level rear yard setback so that it begins at the 5<sup>th</sup> floor level (16.8 m or 55.2 ft.), instead of the 4<sup>th</sup> floor level (12.7 m or 41.5 ft.). The amendment is proposed in order to permit an enclosure to be constructed over a rooftop pool, which was previously approved for the 4<sup>th</sup> floor level of the hotel building. The permanent cover is intended to restrict pool activity noise and allow for extended pool hours.

Staff support the proposed amendment and recommend that the application be referred to a public hearing and approved, subject to conditions.

Figure 1. Site and Surrounding Zoning



## BACKGROUND

**Background:** On April 22, 2004, City Council approved an application to rezone the subject site at 1380 Hornby Street from Downtown District (DD) zoning to CD-1 to permit development of a new 16-storey boutique hotel comprised of a three-storey podium base (containing a lobby, meeting rooms, lounge, and back-of-house facilities) and a 12-storey tower with 40 suites, at an overall Floor Space Ratio (FSR) of 6.67. The proposal considered by Council also

included a landscaped rooftop terrace with an outdoor pool above the podium at the 4<sup>th</sup> floor level at the rear of the property. At the public hearing, Council requested the provision of an Operations and Management Plan (OMP) to address concerns raised with respect to uses and activities, both internal and external, of the hotel and restaurants. (See Additional Information in Appendix C).

The proposal was subsequently approved by the Development Permit Board on July 4, 2005, under Development Permit (DE) 408825, subject to conditions. Given concerns voiced by neighbours about potential noise impacts of the rooftop pool operation, a condition of approval of the DE permit presented two options to the applicant: limit the hours of operation for the pool, or provide an enclosure over the pool to restrict noise. To satisfy the condition, the applicant opted to restrict pool hours, and the permit was issued on October 5, 2005.

The applicant has subsequently submitted a new DE application (410332) on May 5, 2006 to construct an enclosure over the rooftop pool to restrict noise and enable extended pool hours. At this time staff identified that a rezoning application was needed first to amend the rear yard setback requirement in the CD-1 By-law in order to permit the pool enclosure. This rezoning application was submitted on May 24, 2006.

## DISCUSSION

**Proposal:** The proposal is to amend the rear yard setback for the building's upper level so that it begins at the 5<sup>th</sup> floor level, instead of the 4<sup>th</sup> floor level. The CD-1 By-law presently requires a rear yard setback of 0.18 m (0.59 ft.) for the building's three-storey podium base, up to and including a height of 12.7 m (41.5 ft.). Above this height, a rear yard setback of 9.6 m (31.5 ft.) is required to ensure that the building's tower is pulled forward on the site, thereby maximizing sunlight to the landscaped terrace of the neighbouring north property. The proposed CD-1 amendment would have the rear yard setback for the building's upper level begin at a height of 16.8 m (55.2 ft.), at the 5<sup>th</sup> floor level, instead of 12.7 m (41.5 ft.), in order to permit a one-storey enclosure over the 4<sup>th</sup> level outdoor pool. (See illustrations in Appendix D). The proposed amendment will not affect the location of the building's 12-storey tower, as approved in the original rezoning in 2004. As such, the tower will maintain the Downtown South Guideline of providing a minimum distance of 24.4 m (80 ft.) between towers.

The proposed pool enclosure will be approximately 128.4 m<sup>2</sup> (1,362 sq. ft.) and have a height of 4.1 m (13.5 ft.). It will be located along the property's rear property line and set back from the north adjacent property by 4.0 m (13.2 ft.) and from the south adjacent property by 1.3 m (4.4 ft.). The enclosure will be accommodated within the maximum permitted density approved for the hotel building at 6.67 FSR.

The Urban Design Panel (UDP) was not asked to review this application as there are no substantive urban design issues with the proposed pool enclosure. The proposed design for the enclosure has been reviewed, and staff have concluded that the architectural quality, character, and expression of the submission are consistent with that previously approved for the hotel building.

An outdoor pool has been of concern for some local residents, who spoke of potential noise impacts during the original rezoning and DE permit processes for the hotel building in 2004 and 2005. Enclosing the rooftop pool is considered a beneficial change for both the hotel and the neighbours, since neighbouring residents would be less likely to be bothered by the noise of an outdoor facility. Stair access to the pool is proposed within the enclosure from the floor below. Staff recommend that the Operation and Management Plan be amended to reflect the change to the pool and patio hours of operation as a result of the pool being covered (refer to Appendix B - condition (b) (i)).

**Traffic and Parking:** The proposal will not increase parking and loading requirements for the development.

**Amenity Contribution:** As the proposal does not increase the overall density for the site, a Community Amenity Contribution is not anticipated.

**Public Input:** A public open house was hosted by the applicant on February 21, 2006 from 4:00 p.m. to 6:00 p.m. Three people attended the open house from the neighbouring properties. The attendees were generally supportive of the benefit of the pool being enclosed. They also conveyed some concerns and suggestions around design development of the pool enclosure structure to the applicant for consideration.

A letter dated June 23, 2006 notifying of the proposal was mailed to surrounding property owners in the area.

There has been minimal response to the notification letter, with only two e-mails received and both objecting to the proposal. One e-mail states that the proposal should not be supported on the basis that it would prevent the Downtown South Guideline for tower separation of 24.4 m (80 ft.) from being achieved. However, as outlined above under Proposal, the approved tower location will not change and the minimum 24.4 m (80 ft.) separation will be maintained. The second e-mail states that the applicant should not receive any further concessions.

**Public Benefit:** With no increase in density proposed for this application no community amenity contribution is anticipated to address any offsite impacts of an increase in density.

**Applicant Comment:** The applicant has been provided with a copy of this report and concurs with its contents.

## FINANCIAL IMPLICATIONS

There are no financial implications.

## CONCLUSION

Staff support the proposed amendment to the CD-1 By-law, to amend the upper level rear yard setback requirement by having it begin at the 5<sup>th</sup> floor level, instead of the 4<sup>th</sup> floor level, in order to permit the enclosure of an outdoor pool, which was previously approved for the landscaped terrace on top of the building's three-storey podium base. Staff recommend that the application be referred to a Public Hearing and approved, subject to the proposed conditions of approval, as presented in Appendix B.

\* \* \* \* \*

1380 Hornby Street  
DRAFT AMENDMENTS TO CD-1 BY-LAW No. 9116 (#435)

**Note:** A draft by-law amendment will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

**Setbacks**

In Section 5 (c), replace '12.7 m' with '16.8 m' wherever '12.7 m' occurs.

1380 Hornby Street  
PROPOSED CONDITIONS OF APPROVAL

Note: These are draft conditions which are subject to change and refinement prior to finalization of the agenda for the public hearing, to the satisfaction of the Director of Legal Services.

FORM OF DEVELOPMENT

- (a) THAT the amended form of development be approved by Council in principle, generally as prepared by IBI/HB Architects, and stamped "Received, City of Vancouver Planning Department, May 24, 2006", provided that the Director of Planning may allow minor alterations when approving the detailed scheme of development.
- (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, who shall consider the following conditions:
  - (i) make arrangements to the satisfaction of the Director of Planning, for amendment to the Operations and Management Plan to reflect the change to the pool and patio hours of operation.

**1380 Hornby Street  
ADDITIONAL INFORMATION**

**Site, Surrounding Zoning and Development:** This 836.1 m<sup>2</sup> (9,000 sq. ft.) site is located on the east side of Hornby Street north of Pacific Boulevard. The site has a frontage of 22.86 m (75 ft.) and a depth of 36.58 m (120 ft.). The site contains the historic Leslie House.

To the north is a high-rise L-shaped rental apartment building, Pacific Terrace Apartments (1360 Hornby Street), which steps up from 7 to 11 storeys. It has a rooftop landscaped terrace, open to the common property line towards the lane, at the first level.

Directly south of the proposed development site is a one-storey restaurant, Il Giardino, on the corner of Hornby and Pacific Streets (1382 Hornby Street). Il Giardino is part of the Umberto restaurant complex and will be physically and functionally connected to the approved development. However, it is under separate ownership and is not part of the development site.

Across the lane to the east is a 19-storey hotel/residential tower, the Executive Hotel/Portofino Tower (1383 Howe Street), with two low-rise (one- and two-storey) restaurants facing Pacific Street.

To the west across Hornby Street is the Anchor Point complex, with 7- and 8-storey mixed-use buildings.

All surrounding sites are zoned Downtown District (DD) Area N.

On April 22, 2004, City Council approved an application to rezone this site from DD to CD-1 to permit the development of a 16-storey boutique hotel comprised of a three-storey podium base containing a lobby, meeting /banquet rooms, lounge and back of house facilities and a 12-storey tower with 41 units. The development was approved for a maximum overall height of 56.7 m (186 ft.) and an overall FSR of 6.67. The historic Leslie House, will be restored and connected to the hotel lobby by a glazed covered walkway.

Prior to public hearing, the original rezoning application process included public consultation with surrounding residents to mitigate potential impacts to neighbours. Modification to the original proposal included moving the tower mass towards Hornby Street and consolidating the lower bulk of the proposed tower up against the south wall, along the mutual property line, of the Pacific Terrace Apartments to the north, thus maximizing their sun access and views to the extent possible. It also increased the separation between the tower and the Executive Hotel/Portofino Tower to the east. The approved proposal ensures a distance of at least 24.4 m (80 ft.) between towers, a separation distance prescribed by the Downtown South Guidelines.

The original rezoning application went to public hearing on April 20 and 22, 2004. Council, after considerable deliberation given the concerns raised by owners, neighbours and renters



approved the application subject to conditions, including instruction to staff and the applicant to engage with the neighbours in a co-design process to address issues relating to the interface to the north of the property as well as to operations, particularly of the deck environment. As well, Council requested the provision of an Operations and Management Plan (OMP) to address concerns raised with respect to uses and activities, both internal and external, of the hotel and restaurants. Staff facilitated several co-design sessions focusing on design development considerations. Staff also met with interested neighbours, and/or their representatives to review the draft OMP.

The original proposal was approved under Development Permit (DE) 408825. Given concerns voiced by neighbours about noise impacts of pool operation and rooftop patio activities a condition of approval of the Development Permit presented 2 options to the applicant: limit the hours of operation for the pool and patio activities or cover the pool. As the plans presented to the Development Permit Board did not include a pool covering the operating hours were restricted.

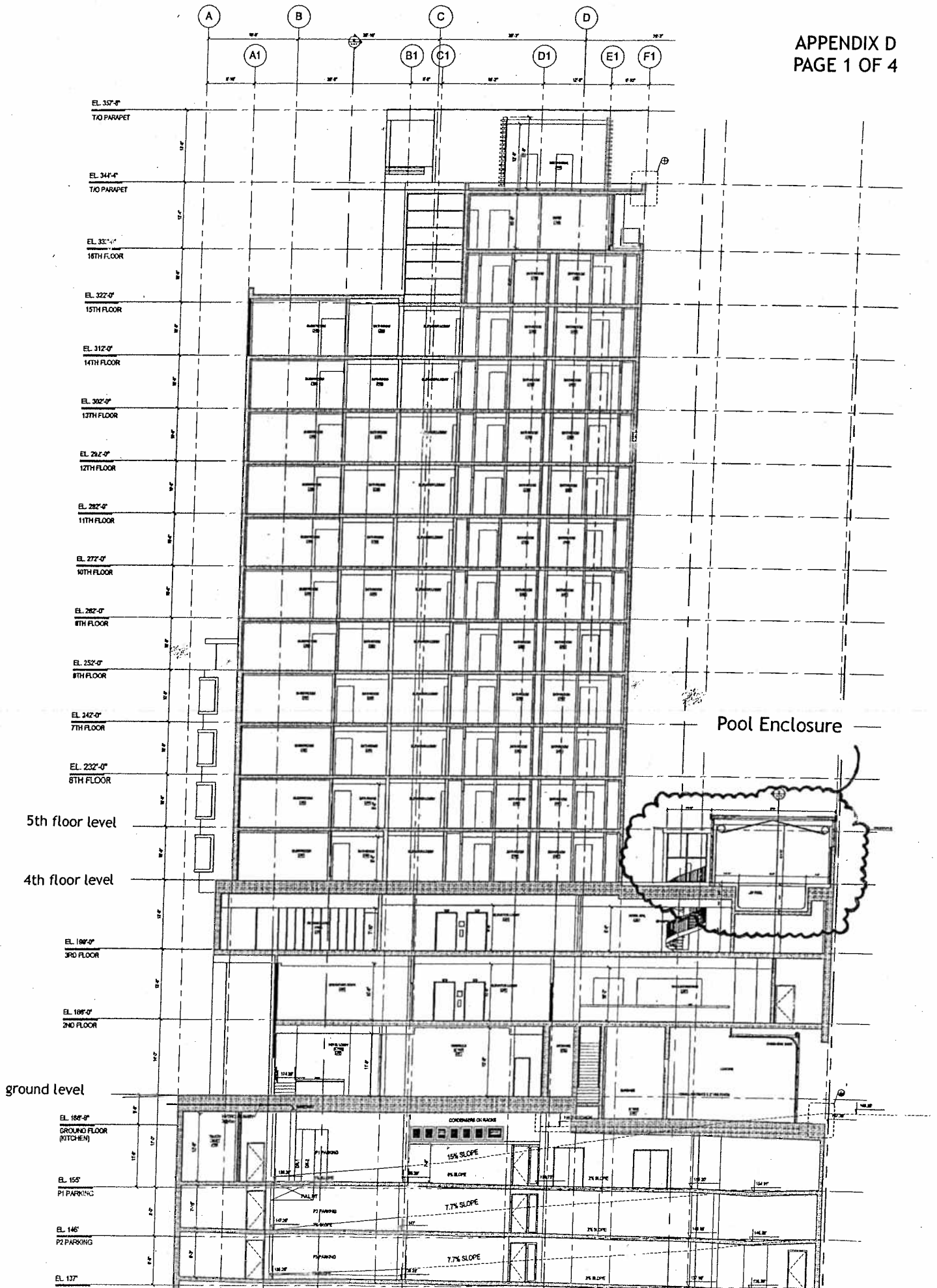
The front yard setback of the base of the proposed tower (the first three floors) is as prescribed by the Downtown South Guidelines (1.83 m [6 ft.]). A four-storey bay will extend 0.9 m (3 ft.) into this setback. The approved front yard setbacks were supported as they increase the articulation of the facade and respond to the context of the buildings on either side of the site. The proposal will not change these setbacks.

The rear yard setback up to 12.7 m (41.5 ft.) is approved to be 0.18 m (0.59 ft.). Above 12.7 m (41.5 ft.) the approved rear yard setback is 9.6 m. The proposed rear yard setback would increase the height of the upper rear yard setback from 12.7 m (41.5 ft.) to 16.8 m (55.2 ft.) in order to enclose the approved pool.

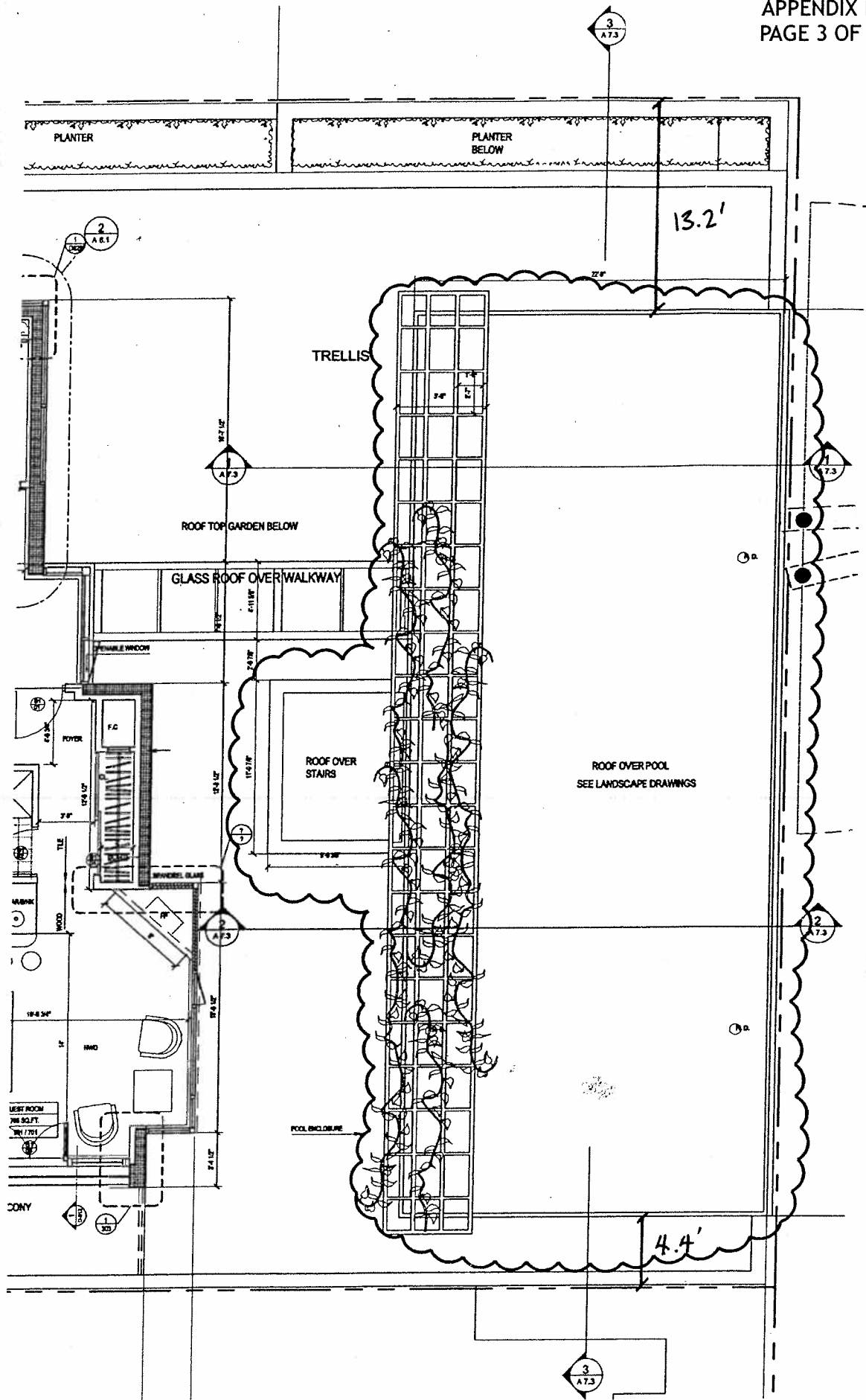
A landscaped terrace is proposed on the fourth floor (12.2 m [40 ft.] plus 0.5 m [1.5 ft.] parapet) adjacent to the common property line, approximately 8.8 m (29 ft.) above the neighbouring terrace to the north.

Above the landscaped terrace, the tower is set back on an angle to ensure a 24.4 m (80 ft.) separation to the tower to the east. The setback of the southerly corner of the tower is 9.6 m (31.5 ft.) and 10.6 m (34.8 ft.) at the northerly corner. The proposal will not change these setbacks.

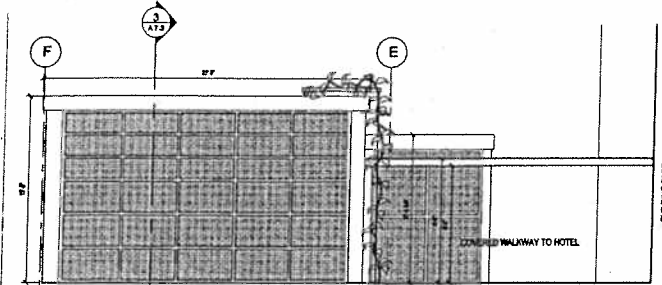
Above the landscaped terrace, the tower is set back a minimum of 2.3 m (7.5 ft.) from the north property line (except where there is a zero lot line condition with the existing building to the north). The setback from the south property line above the landscaped terrace is 1.9 m (6.3 ft.) from the south property line. The proposal will not change these setbacks.



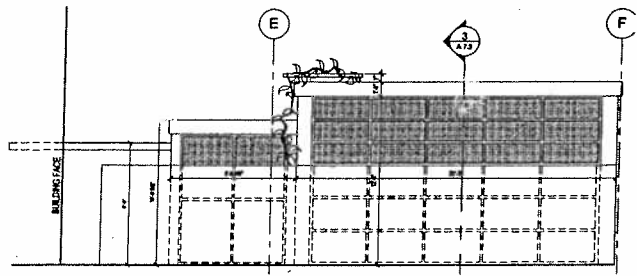




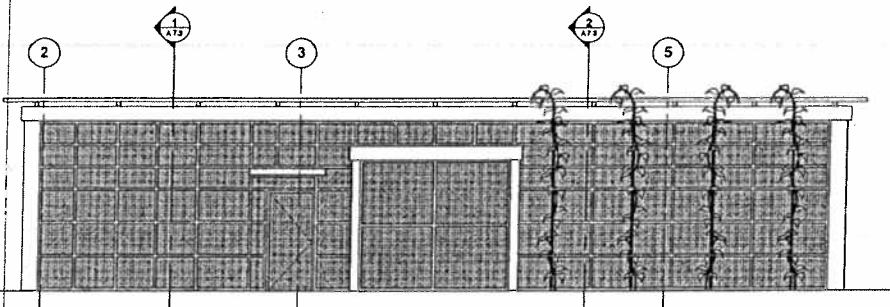
3 LEVEL 5 - ROOF  
SCALE: 1/4" = 1'-0"



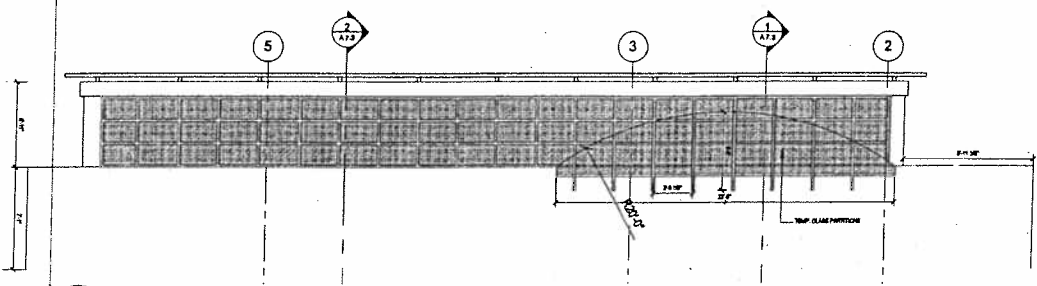
1 NORTHEAST ELEVATION/PARTYWALL  
SCALE: 1/4" = 1'-0"



2 SOUTHWEST ELEVATION/PACIFIC  
SCALE: 1/4" = 1'-0"



3 HORNBY ELEVATION/GARDEN  
SCALE: 1/4" = 1'-0"



4 LANE ELEVATION  
SCALE: 1/4" = 1'-0"

1380 Hornby Street  
APPLICANT AND PROPERTY INFORMATION AND DEVELOPMENT STATISTICS

APPLICANT AND PROPERTY INFORMATION

Street Address	1380 Hornby Street
Legal Description	Lot A, Block 111, District Lot 541, Plan BCP12494
Applicant	IBI/HB Architects
Architect	IBI/HB Architects
Property Owner	Alessandro Holdings Ltd.
Developer	Alessandro Holdings Ltd.

SITE STATISTICS

	GROSS	DEDICATIONS	NET
SITE AREA	836.1 m <sup>2</sup> (9,000 sq. ft.)	N/A	836.1 m <sup>2</sup> (9,000 sq. ft.)

DEVELOPMENT STATISTICS

	DEVELOPMENT PERMITTED UNDER EXISTING ZONING AND DEVELOPMENT PERMITS	PROPOSED DEVELOPMENT
ZONING	CD-1	CD-1 (amended)
USES	Hotel	No change
MAXIMUM FLOOR SPACE RATIO	6.67	No change
MAXIMUM HEIGHT	56.7 m (186 ft.)	No change
STOREYS	16	No change
FRONT YARD SETBACK (excluding Leslie House)	1.8 m (6 ft.)*	No change
SOUTH SIDE YARD SETBACK (excluding Leslie House or courtyard behind it)	Floors 1 - 3: 0 Floors 4+: 1.9 m (6.3 ft.)	No change
NORTH SIDE YARD SETBACK (next to north neighbouring courtyard above its first level)	Floors 1 - 3: 0 Floors 4+: 2.3 m (7.5 ft.) but 0 next to adjacent zero lot line building face	No change
REAR YARD SETBACK	Floors 1 - 3: 0.18 m (0.59 ft.) Floors 4+: 9.6 m (31.5 ft.)	Floors 1 -4: 0.18 m (0.59 ft.) Floors 5+: 9.6 m (31.5 ft.)

\* Except for 4-storey bay, which may extend 0.9 m (3 ft.) into the setback.