



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

Report Date: May 1, 2007
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Meeting Date: May 15, 2007

TO: Vancouver City Council
FROM: Director of Planning
SUBJECT: CD-1 Rezoning - 1409-1477 West Pender Street

RECOMMENDATION

- A. THAT the application by IBI/HB Architects Inc. to rezone the site at 1409, 1425 and 1477 West Pender Street (PID: 015-842-932, 015-842-967, 015-843-203; Lot B of 1&2, Lot A of 2&3, and Lots 4, 5 and 6 EXC Plan 15915, Block 42, DL 185, Plan 92) from DD (Downtown District) to CD-1 (Comprehensive Development District), to permit a mixed-use development containing two residential towers of 36 storeys and 10 storeys and floor space ratio of 10.66, be referred to a Public Hearing, together with:
- (i) draft CD-1 By-law provisions, generally as presented in Appendix A;
 - (ii) revised plans prepared by IBI/HB Architects, received April 12, 2007, presented in Appendix G; and
 - (iii) the recommendation of the Director of Planning to approve the application, subject to approval of conditions contained in Appendix B;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary CD-1 By-law for consideration at the Public Hearing;

- B. THAT, if the application is referred to a public hearing, the applicant be advised to make application to amend the Sign By-law, to establish regulations for this CD-1 in accordance with Schedule E [assigned Schedule "B" (DD)], and that the application be referred to the same Public Hearing; and

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law as set out in Appendix C for consideration at the Public Hearing;

- C. THAT, subject to approval of the rezoning at a Public Hearing, the Noise Control By-law be amended to include this Comprehensive Development District in Schedule B as set out in Appendix C; and
- FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law at the time of enactment of the CD-1 By-law;
- D. THAT, should the application be referred to a Public Hearing, the registered property owner shall submit confirmation, in the form of “Letter A”, that an agreement has been reached with the registered owner of a suitable donor site or sites for the purchase of heritage bonus density as described in this report; and
- E. THAT Recommendations A to D 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; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure 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 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.

GENERAL MANAGER'S COMMENTS

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

COUNCIL POLICY

Relevant Council Policies for this site include:

- Central Area Plan
- Downtown Design Guidelines
- DD Character Area Descriptions
- Triangle West Policies
- 1400 West Hastings & Pender Street Guidelines
- Transfer of Density Policy and Procedure
- Financing Growth Policy

PURPOSE AND SUMMARY

This report assesses an application to rezone the site at 1409, 1425 and 1477 West Pender Street from DD (Downtown District) to CD-1 (Comprehensive Development District) to permit a mixed-use development containing two residential towers of 36 storeys and 10 storeys linked by a 5-storey podium of live-work units with commercial uses at grade across the entire site.

The application requests an increase in the maximum floor space ratio from 6.0 to 10.66 through a transfer of heritage density from two sites in Gastown which are owned by the property owner. The application also seeks an increase in maximum building height from 91.44 m (300 ft.) to 107.4 m (352.2 ft.), and requests that the units in levels 2 to 5 of the podium be in Live-Work use.

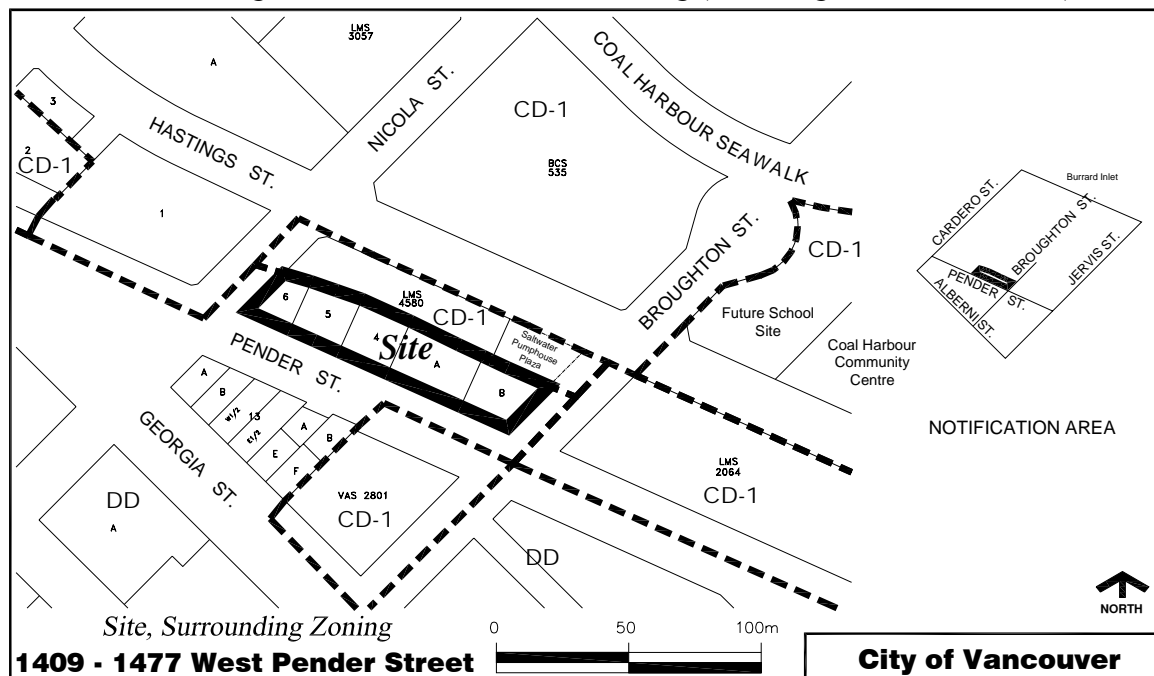
Staff support the application (recently revised from the initial and subsequent submissions) because the development generally fits within the building envelope set out in guidelines approved by City Council for this block and neighbourhood urban design parameters are met. The proposed heritage density transfers also meet the City's objective of preserving heritage buildings. The initial submission, upon which neighbouring property owners had been notified, had incorporated a taller, 15-storey easterly tower on the Broughton Street side. However, due to staff concerns about shadow impacts on nearby public realm, urban design and livability, staff recommended that this tower be reduced in height from 15 to 10 storeys. The applicant agreed and has revised the submission accordingly (revised plans of April 12, 2007).

Staff recommend that the application be referred to a public hearing, together with a draft CD-1 By-law with provisions generally as shown in Appendix A and the recommendation of the Director of Planning that the application be approved subject to the conditions listed in Appendix B.

BACKGROUND

1. **Site and Context:** The 2 228 m² (23,983 sq. ft.) site occupies the north side of the 1400 block of West Pender Street. The site is presently developed with a five-storey office building at the western end and two two-storey commercial buildings at the eastern end. A surface parking lot at mid-block serves the office building to the west. The block-long site, 107.3 m (352 ft.), is quite narrow [about 21.3 m (70 ft.)]. On its west (Nicola Street) side, the topography slopes down steeply towards the Coal Harbour waterfront with a 7.8 ft. drop. On its east (Broughton Street) side, the topography also slopes a 6.1 ft. drop. There is no lane.

Figure 1. Site and Surround Zoning (including Notification Area)



Immediately to the north is the Dockside development at 1478 West Hastings Street. This site was rezoned in 1999 from Central Waterfront District to CD-1 to provide for an FSR of 3.58. Development was completed in 2001 for a 49-unit, 7-storey 'live/work' building with height of 25.0 m (82 ft.).

At the southwest corner of Broughton and Hastings Streets, abutting both the Dockside site and the rezoning site, is the Coal Harbour saltwater pumping station with Pumphouse Plaza above. Opened in 1997, this is one of two pump stations (the other is at False Creek) which are part of Vancouver's Engineering Services and Fire & Rescue Services departments' Dedicated Fire Protection System (DFPS). Designed to withstand an earthquake up to 8.5 on the Richter scale, the DFPS provides continuous fire protection to the downtown peninsula, Kitsilano and Fairview Slopes in the event that the fresh water system is compromised and power is disrupted. Each pump station is equipped with a back up generator, fuel, emergency food and water supplies for operators and other equipment allowing them to operate completely self contained for extended periods. The False Creek Pump Station is manned 24 hours a day, while the Coal Harbour pump station is normally unmanned.

Northeast of the site, at 480 Broughton Street, is the Coal Harbour Community Centre. (See Map Diagram in Figure 1 on preceding page and also the context map in Appendix D, page 2 of 5) The Coal Harbour Official Development Plan adopted in November, 1990, and subsequent CD-1 rezonings in the Coal Harbour area including the CD-1 zoning of the Bayshore Lands to the west, all anticipated an elementary school, a community centre, park space (0.94 ha/2.32 acres), daycare and non-market housing on this site. The first phase now completed includes the community centre located adjacent the waterfront walkway, with the public parking garage behind and the park over top of both. The 1 800 m² (19,375 sq. ft.) size was based on the projected new population for Coal Harbour, the Bayshore project and the Triangle West area. The second phase, at the western end of the site, will consist of an eight storey building with the school on the first two floors, the daycare on the third, and the social housing (40 units) on the top five storeys.

The site is within the 'Triangle West' neighbourhood, which lies generally between Bute Street and Nicola Street, and from Alberni Street to Coal Harbour, at the western end of the Central Business District. Previously developed with a mixture of offices and apartment buildings, commencing in the early 1990s many properties have been redeveloped with high-density residential towers, several as a result of CD-1 rezonings. In 1990, Council had endorsed a program to develop a coherent plan for Triangle West. The 1992 "Triangle West Profile" completed the first stage of planning for the area, providing an overview of development potential in Triangle West and issues to be resolved. In 1993, a Triangle West progress report set out the next stages of work as follows:

1. to implement zoning changes to reflect Central Area Plan policy for 'Choice of Use' in the area, with an emphasis on housing,
2. to develop a public amenities plan and a corresponding Development Cost Levy By-law, and
3. to complete a plan for the public realm.

In 1995, Council approved the streetscape concept plan for the Triangle West neighbourhood, which established an overall public realm concept with guidelines for future development. In April 1997, Council approved zoning changes to implement the 'Choice of Use' concept in area of the CBD outside the core, and including Triangle West, two clusters of blocks, west of Bute Street, which corresponds closely to sub-area 'G' in the Downtown District. Council also approved a Development Cost Levy By-law for Triangle West (see further discussion later).

These zoning changes implemented the policies approved by Council in 1991 as part of the Central Area Plan, when there was a concern that office uses should not be permitted to exceed current limits in the zoning due to the limited capacity of the city's transportation infrastructure to handle increased numbers of commuters. 'Choice of Use' zoning allows an owner to choose between residential and non-residential uses. In the Triangle West area, the maximum total density for all uses, including residential and commercial, is floor space ratio 6.00, except that office uses shall not exceed floor space ratio of 5.00.

2. **Proposed Rezoning:** The application proposes a primarily residential development with commercial uses on the ground floor: (See plans attached as Appendix F and statistics and related information in Appendix G)

- a 36-storey residential tower containing 89 dwelling units at the western end of the site, with height of 108.25 m (352.2 ft.), tower width of 28.7 m (94.2 ft.) and floorplate of approximately 450.6 m² (4,850 sq. ft.),
- a 10-storey residential mid-rise building containing 22 units at the eastern end of the site, with height of 33.0 m (108.2 ft.), tower width of 29.6 m (97.1 ft.) and floorplate of approximately 487.7 m² (5,250 sq. ft.), [Note: This building was initially proposed to be 15 storeys, with height of 48.7 m (159.7 ft.).]
- a 5-storey podium between the two towers containing 32 loft-style live-work units on single-loaded corridors in the upper four floors,
- a full ground floor of commercial floor area is proposed, including the base of the west tower, the ground floor of the podium building, and the base of the east tower adjacent the Saltwater Pump House Plaza, and
- five and a half levels of parking are proposed, underground, with access from Nicola Street and providing 230 parking spaces, 3 loading spaces, and bicycle parking spaces.

The total floor area proposed is 23 750 m² (255,647 sq. ft.). Most of this would be in residential use: 14 790 m² (159,201 sq. ft.) in the west tower and 4 459 m² (48,003 sq. ft.) in the east tower), with 3 125 m² (33,634 sq. ft.) in live-work units in four storeys of the low-rise podium. In addition, 1 376 m² (14,808 sq. ft.) of commercial floor area is proposed, at grade. The total FSR proposed is 10.66 (DD sub-area G maximum is 6.0, which can be increased to 6.6 through heritage density transfer).

The total floor area proposed on the site represents an increase of 10,382 m² (111,755 sq. ft.) or 77.7 percent above the present maximum of 13 368 7 m² (143,898 sq. ft.) which can now be approved. [Note: The latter figure does not include the 10% density increase which may be approved by the Development Permit Board in a development (DE) application.]

3. **Application History:** Application was initially submitted January 31, 2005 for the most easterly lot of the property, 1409 West Pender Street, where a 20-storey residential tower was proposed with FSR 13.66 and elevator-only access to below-grade parking. Following considerable analysis and review of the proposed elevator access to parking, including major concerns about shadow impacts, staff determined that the application could not be supported.

The applicant was encouraged to rethink the project, and possibly enlarge the site. The other properties on the block, at 1425 and 1477 West Pender Street, were subsequently acquired. A significantly revised application was submitted June 29, 2006 which proposed a 34-storey residential tower at the western end of the site, a 15-storey residential tower at the eastern end, and the towers joined by a 3-storey podium containing 9 live-work units. The proposed floor space ratio was stated to be 10.6 (later corrected to 10.7).

On October 16, 2006, a revised application was submitted in which the width of the west tower was reduced and setbacks from Nicola and Broughton Streets were increased to respond to Guidelines, and the podium was raised from three storeys to four, with commercial uses at grade now proposed over the entire site.

The application was further revised on April 12, 2007, in response to staff concerns about shadow impacts on nearby public realm, urban design and livability. The height of the 15-storey easterly tower at the Pender/Broughton corner was reduced to 10 storeys, and the podium was raised to 5 storeys. These changes were undertaken with a small impact on density, reducing the requested FSR from 10.7 to 10.66.

4. **Proposed Heritage Density Transfer:** The developer proposes to achieve the requested increase in density of 10 382 m² (111,755 sq. ft.) through a transfer of heritage bonus density. The heritage density transfer would have two elements:

- 1 337 m² (14,389 sq. ft.) as the 10% density increase which may otherwise be approved by the Development Permit Board in a development (DE) application, and
- 9 045 m² (97,366 sq. ft.) transfer through rezoning as is encouraged by the Transfer of Density Policy.

The developer has two donor sites in Gastown from which it is proposed to transfer this heritage bonus density:

- 5 648 m² (60,800 sq. ft.) which was earned by the rehabilitation of the heritage building at 55 Water Street, and
- 4 734 m² (50,955 sq. ft.) which is anticipated from the heritage rehabilitation now underway at 210 Carrall Street.

DISCUSSION

1. **Land Use:** The proposed use of the site is primarily dwelling use (111 units), with retail and service uses at grade, and live-work use in 32 loft-style units. This redevelopment would replace existing commercial floor area of 4 057.4 m² (43,675 sq. ft.), including a small five-storey office building of 2 258 m² (24,309 sq. ft.).

The dwelling and commercial uses can be considered and are supported in this 'choice of use' area. The loss of existing commercial floor area is regretted in the context of City and community concern about the decline in commercial capacity in Vancouver's downtown, however the site is in sub-area G of the DD, and not sub-areas A and B where residential use is not permitted and not in sub-area C for which City Council has approved Interim Policies discouraging new residential development and conversion to residential use.

Plans submitted with the application show Restaurant use on the ground level of the east tower, with outdoor area next to the Saltwater Pumphouse Plaza. Initial plans showed restaurant use spilling over into the plaza area. Animating the plaza with more active public use might be a good thing, but several reservations have been identified. Engineering staff have identified a need for periodic access to the pumphouse and residents of the Dockside (1478 West Hastings Street) which abuts the site have expressed concern about the potential noise impacts of

outdoor restaurant activity. Staff recommend a separate process, subsequent to rezoning, for consideration of restaurant use, liquor licensing, outdoor seating, and related matters.

The proposed live-work units are also supported, although the site is not identified in the DODP as one where this use can be considered and approved by the Development Permit Board. There is precedent for staff recommendation and Council approval of live-work use in a rezoning on the basis that the DODP provisions do not limit the opportunity for live-work use to be provided in a rezoning.

Nevertheless, when live-work use was introduced more recently in the Victory Square, Gastown, Chinatown, and Hastings Street area in October, 2005, staff recommended and Council approved “THAT no further expansion to live-work zoning be approved by Council until after a solution to the property assessment, classification and taxation issues has been implemented” (report “Live-Work Use in the Victory Square, Gastown, Chinatown, and Hastings Street Areas” dated August 30, 2005). Notwithstanding this resolution, and in anticipation that property assessment difficulties will be resolved, staff have recommended and Council has approved live-work use in some CD-1 rezonings in the South East False Creek ODP area. Staff similarly support and recommend approval of this use on this site. We do this with some confidence insofar as the developer owns two buildings in Gastown where they maintain 76 rental live-work units and have considerable experience with their property assessment and taxation characteristics.

2. Form of Development: (See plans in Appendix F) This section summarizes a more detailed urban design analysis reported in Appendix D (Urban Design Analysis).

The Urban Design Analysis considered the Downtown Design Guidelines, DD Character Area Descriptions and the 1400 West Hastings & Pender Street Guidelines (November, 1999). The latter guidelines provide for the possibility of a tower at each/either end of the site, within established height limits (91.44 m / 300 ft.), joined by a low-rise podium, with 2 m setbacks from all property lines. At the time the 1999 Guidelines were adopted, the Pender-fronting portion of the block (now the subject site) contained three unconsolidated properties and there was a need to preserve some development potential under the zoning for these properties. With the consolidation of the subject site, a more optimal development form can be pursued. After comparative design analysis of various development forms, the most optimal development was determined to consist of a tall, slim tower at the west end of the site and a much shorter mid-rise building at the east end, with a low, linking podium.

The urban design analysis took into account detailed shadow impacts on the surrounding Public Realm, Coal Harbour Community Centre Park and Coal Harbour Seawall, livability for surrounding existing and future proposed dwelling units as well as the resultant built-form scale. Analysis of private view impacts for upland sites was also undertaken, based on concerns expressed by owners of dwelling units in the area to previous proposals in the Triangle West and Coal Harbour area that proposed towers are too high, too wide and/or sited such that views to Coal Harbour, Stanley Park, and the mountain backdrop beyond will be blocked.

Staff analysis concludes that, although the site is constrained, the proposed form of development successfully accommodates the requested additional density. The taller, 36-storey tower at the west end of the site, at height of 107.4 m (352.2 ft.), fits in well in the family of surrounding towers. The height of the east mid-rise tower (reduced from the 15 storeys initially submitted to 10 storeys, and now at 33.0 m (108.2 ft.)), has been set so as not to increase existing shadowing of the Broughton Street and waterfront public realm. It also allows for maximized separation between existing towers, as well as and the proposed west tower, thereby maintaining livability

for neighbouring units and it provides a well-defined edge of compatible scale at the Pender / Broughton Streets corner. Limiting the height of the east tower to 10 storeys (33.0 m / 108.2 ft.) for shadowing, livability and built-form scale reasons achieves the further benefit of preserving private views for units in neighbouring towers that would otherwise be impacted by a taller tower at this location.

The Urban Design Panel supported the application (see minutes in Appendix E).

Staff support the proposed form of development and recommend that it be approved subject to conditions which seek additional design development at the development application stage (see draft By-law provisions in Appendix A and design development conditions in Appendix B).

Note: The tower heights shown above and throughout this report reflect a correction of those in the revised plans (105.4 m / 345.8 ft. and 32.1 m / 105.1 ft. respectively) which were calculated from the Pender Street grade rather than from 'base surface'.

3. Density: Urban design assessment, as summarized above, concluded that the proposed additional floor area can be accommodated within the development proposed on the subject site. Staff thus support the proposed increase in density from FSR 6.0 to 10.66.

The proposed FSR on this site will result in an overall block density of 7.0 FSR, which is consistent with other sites and blocks within this part of the DD. Other individual sites in this area, zoned DD, could achieve 6.6 FSR given the 10% increase in density which is possible through approval of heritage density transfer by the Development Permit Board.

In supporting the requested increase in density, staff also support the density transfers proposed by the developer. Heritage bonus density of 10 382 m² (111,755 sq. ft.) is proposed to be transferred from the developer's two donor sites in Gastown:

- 5 648 m² (60,800 sq. ft.) of bonus density which was earned by the rehabilitation of their heritage building at 55 Water Street, and
- 4 734 m² (50,955 sq. ft.) from the bonus density which is anticipated from the heritage rehabilitation now underway at 210 Carrall Street.

55 Water Street was undertaken as an early pilot project before the full heritage incentive package was established by the City. Completed in 2002, all of its earned heritage density remains on-site available for transfer off-site. 210 Carrall Street is a current heritage redevelopment application being processed under the full heritage incentives program (Gastown Heritage Management Plan) and is expected to complete in the next year. These two projects provide approximately 76 market rental live-work units. This market rental housing is a critical component of the recently-approved Downtown Eastside Housing Plan.

The proposed density transfers are consistent with the City's Transfer of Density Policy:

- the donor and receiver sites are within the various zones of the Central Area where transfers may be undertaken;
- the heritage effort on the donor sites has been demonstrated to further the intent of Council's policies and regulations for the Gastown area; and
- the density proposed on the receiver site is judged to be sensitive to the impact of additional density on shadowing, floorplate shape and size, height and view corridors.

4. **Parking, Loading, and Circulation:** Parking, bicycle parking and loading spaces, to meet the Parking By-law requirements for the proposed residential and commercial floors are proposed in five and a half levels below grade, with access from Nicola Street (where there is vehicular access to the existing office building).

Staff have reviewed the traffic and parking implications of increased density on this site, considering among other things the Downtown Transportation Plan (approved July 9, 2002). Engineering Services have no objection to rezoning approval subject to conditions (see Appendix B). One of these requirements is provision of funding of 50% of the total cost of a traffic signal at the intersection of West Hastings and Broughton Streets. To address growing pedestrian traffic in the area, and given that Pender Street is a bicycle route (with bike lanes in both directions from Jervis Street west to Stanley Park), the developer is also asked to provide some of the funding for a pedestrian/bicyclist-actuated signal at the intersection of Nicola and West Pender Streets, or other pedestrian-related improvements identified and approved by Council.

At its meeting on February 21, 2007, the Bicycle Advisory Committee raised no objections to the proposed rezoning, commenting that the West Pender Street bicycle route will be enhanced when the proposed development removes the two existing curb cuts providing vehicular access on this block.

5. **Sustainability:** The applicant states that the project will incorporate many principles of sustainable design:

- The mixed-use nature of the building and its location within the downtown core will help to reduce travel between home and work, reducing the need for automobiles and cutting greenhouse gases.
- A waste and energy conscious approach will be upheld during construction.
- Efficient heat pump heating and cooling systems and energy-wise appliances will be installed in the suites, saving on electricity and/or gas.
- Large operable windows and doors in every suite will allow the residents to passively control the temperature.
- Maximizing glazing will allow for daylighting of suites, requiring less electric lighting during the day.
- Low E glass will be used in the glazing system, cutting down on solar heat gain.
- Water use will be cut through the specification of water-wise appliances.
- Use of durable, recycled, recyclable, and/or natural materials throughout the project shall be encouraged in order to reduce landfill waste throughout the life of the building.
- Intensive green roofing systems and additional landscaping at grade will diminish urban heat island effects and remove carbon dioxide from the air.
- A geo-thermal heating and cooling system will be considered for the project and implemented if the building footprints allow the development of an efficient system.

Staff support all of the above and recommend that these measures be pursued through the development application stage and that further, the applicant be encouraged to make best efforts to achieve a LEED silver standard as the detailed building design proceeds.

6. **Public Input:** The usual public notification about the rezoning application was undertaken, including information signs on the site and letter mail-out (see detailed discussion in Appendix E). A supplementary notification was needed as a result of strata lot owners at 1333

West Georgia Street being missed in the first notification. A further letter notification was undertaken about the revised application. The applicant team held two Open Houses.

In total, about 60 written communications were received by staff, in the form of open house comment sheets, e-mails and letters. All but two are opposed to the rezoning. The following summarizes the opinions expressed:

- concerns about impact on views (39), shadowing (11) and privacy (1),
- opposition to tower heights (24),
- concerns about the density proposed (27),
- concerns about traffic (11),
- concerns about impact on property values (3),
- concern about need for amenities to serve neighbourhood (2), green space (1) and 1 suggested the site should be used for community centre (1), and
- 1 person expressed concern about 'overseas investors' (units which are infrequently occupied).

The large majority of concerns are about the impact of views from people's apartments, and, related to that, concerns about tower heights and density. The urban design analysis completed by staff concluded that the proposed tower heights and density could be supported. Regarding the concerns about traffic, Engineering Services Department had no objection to the proposed rezoning, subject to the developer contributing to improved intersection signalization in the area.

PUBLIC BENEFITS

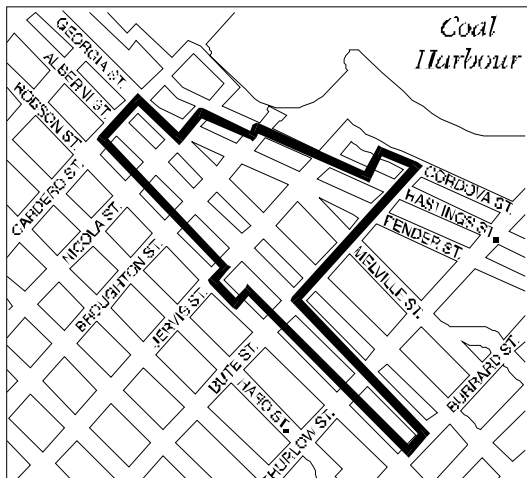
1. **Public Art:** The Public Art Program requires for rezonings involving floor area of 15 000 m² (161,463 sq. ft.) or greater that they allocate a portion of their construction budgets (\$.95 per foot/\$10.23 m²) to public art as a condition of zoning enactment. For this rezoning, a public art budget of \$242,865 is anticipated required.

2. **Development Cost Levies (DCLs):** Development Cost Levies (DCLs) collected from development help pay for facilities made necessary by growth. These facilities include: parks, child care facilities, replacement housing (social/non-profit housing), and sewerage, water, drainage and highway facilities projects. DCL by-laws establish the boundaries, set the rates, and describe how to calculate and pay the levy. Levies collected within each DCL district must be spent within the area boundary (except replacement housing projects which can be located outside).

There is a Vancouver DCL District which applies to most of the City and several area-specific DCL districts, some of which are excluded from the Vancouver DCL District. In 1997, City Council approved a Development Cost Levy (DCL) District for Triangle West neighbourhood (see Figure 2 below), which includes the rezoning site, and it adopted policies to guide administration of DCLs in the neighbourhood. The approved DCL rate is \$100.75 per m² (\$9.36 per sq. ft.), and levy proceeds are to be spent in the following proportions: 53% for park acquisition and development, 33% for replacement housing, and 14% for daycare.

For the development proposed in this application, DCLs of \$2,392,856 are anticipated, and would be collected prior to building (BU) permit issuance.

Figure 2. Triangle West DCL Area



3. **Community Amenity Contribution (CAC):** The City anticipates the offer of a community amenity contribution (CAC) from the owner of a rezoning site to address the impacts of rezoning. For a downtown rezoning, this contribution is generally evaluated by staff in relation to the increase in land value expected to result from rezoning approval.

The developer has offered a cash CAC of \$3.0 million addressing amenity needs and City objectives in the area surrounding the rezoning site. Staff recommend that this offer be accepted. We have determined that there is no community amenity which can be accommodated on site, such as a childcare facility or park space. A cash CAC could be helpful in addressing neighbourhood needs.

One very good possibility is the interim funding which is needed for the construction of the shell structure required at 460 Broughton (adjacent the Coal Harbour Community Centre) to enable the planned daycare and affordable housing to be built above. While there are currently about \$10 million in DCLs collected from the Triangle West area, and a potential for an additional \$5.4 million over the next few years, a challenge is that these funds must be spent within the boundaries of the Triangle West area and these just skirt the Coal Harbour Community Centre site. Staff have noted another challenge which is that because Triangle West is close to being built out, there are relatively few sites left to consider for park land purchase and development, daycare property acquisition and facility construction, and replacement housing, all of which are anticipated needs in Triangle West.

While DCLs must be spent within the area in which they are collected, CACs may be accepted from individual CD-1 rezonings and be spent where Council specifies, and be used to fund any public amenity. The second phase of the Coal Harbour Community Centre project was to proceed when funding for its school component and affordable housing are available. The exact funding requirements would need to be reviewed and updated, including an investigation of whether or not a school is actually required and whether an expanded Community Centre with increased recreational facilities should be developed instead. However, there can be little doubt that the CAC which is offered with this rezoning could contribute significantly to facilitate this second phase, and thereby making a significant amenity contribution to serve this neighbourhood.

4. Heritage Density Transfer: The heritage bonus density which is proposed to be transferred to this site and thereby be removed from the heritage density bank has a value of almost \$5.6 million. The total value of public benefit offered by the proposed rezoning, not including DCLs, is \$8.6 million.

FINANCIAL IMPLICATIONS

Approval of the report recommendations will have no financial implications with respect to the City's operating expenditures, fees, or staffing.

APPLICANT COMMENT

The Applicant wishes to thank city staff for their diligent efforts in processing this complex application. We also wish to thank the members of the public who wrote in and attended our two community open houses. Their collective input was informative in allowing us to ultimately arrive at an exceptional development that meets specific council policy for the site, the rigorous measures of livability for the neighbourhood, and contributes significantly to the viability of the Heritage Density Bank and Council Housing Policies.

CONCLUSION

Staff assessment of this application concluded that the proposed predominantly residential use, density, and height are supported. The Director of Planning recommends that the application be referred to a public hearing, together with a draft CD-1 By-law generally as shown in Appendix A and a recommendation of the Director of Planning that it be approved, subject to the conditions listed in Appendix B, including approval in principle of the form of development as shown in plans included here as Appendix F.

* * * * *

1409-1477 West Pender Street
DRAFT CD-1 BY-LAW PROVISIONS

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

1. Uses

1.1 Subject to approval by Council of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Dwelling Uses;
- (b) Institutional Uses, limited to Child Day Care Facility, Social Service Centre, and Special Needs Residential Facility;
- (c) Live-Work Use;
- (d) Office Uses;
- (e) Retail Uses;
- (f) Service Uses;
- (g) Accessory Uses customarily ancillary to the above uses.

2. Conditions of Use

2.1 Any development permit issued for live-work use must stipulate as permitted uses:

- (a) dwelling unit;
- (b) general office, health care office, barber shop or beauty salon, photofinishing or photography studio, or artist studio - class A; and
- (c) dwelling unit combined with any use set out in subsection (b).

3. Floor Area and Density

- 3.1 The maximum floor space ratio is 10.66, subject to the limitation set out in 3.2. For the purpose of computing floor space ratio, the site is deemed to be 2 228 m² (23,983 sq. ft.), being the site size at time of application for rezoning, prior to any dedications.
- 3.2 Computation of floor space ratio must include all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, to be measured to the extreme outer limits of the building.

3.4 Computation of floor area must exclude:

- (a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed 8 percent of the residential floor area being provided;
- (b) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;
- (c) the floors or portions of floors used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which, in the opinion of the Director of Planning, are similar to the foregoing, that, for each area, is at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length;
- (d) undeveloped floor area located above the highest storey or half-storey with a ceiling height of less than 1.2 m and to which there is no permanent means of access other than a hatch;
- (e) residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit;
- (f) amenity areas, including day care facilities, recreation facilities, and meeting rooms, provided that the total area excluded does not exceed 1 000 m²; and
- (g) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness.

3.5 Computation of floor area may exclude, at the discretion of the Director of Planning or Development Permit Board:

- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure subject to the following:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed 8 percent of the residential floor area being provided; and
 - (ii) no more than 50 percent of the excluded balcony floor area may be enclosed;
- (b) windows recessed into the building face to a maximum depth of 160 mm, except that the Director of Planning may allow a greater depth in cases where it improves building character;
- (c) unenclosed outdoor areas at grade level underneath building overhangs, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any overhangs, and provided that

the total area of all overhang exclusions does not exceed 1 percent of the total floor area being provided; and

- (d) structures as such pergolas, trellises and tool sheds which support the use of intensive green roofs or urban agriculture.
- 3.6 The use of floor space excluded under section 3.4 or 3.5 must not include any purpose other than that which justified the exclusion.
4. Height
- 4.1 The maximum building height, measured above base surface, must not exceed 107.4 m (352.2 ft.), except as provided for in 4.2.
- 4.2 Sections 10.10 and 10.11 of the Zoning and Development By-law are to apply to this By-law, except that the Director of Planning or Development Permit Board may allow the following:
- (a) additional height of 1.37 m (4.5 ft.) for rooftop guardrails, if they are architecturally integrated into the design of the building, and
 - (b) mechanical appurtenances such as elevator machine room which in total exceed one-third of the width of the building and cover more than 10 percent of the roof area on which they are located, if they are appropriately integrated into the design of the building and if they do not exceed a height of 7.6 m (25 ft.) above the parapet level.
5. Parking, Loading and Bicycle Parking
- 5.1 Off-street parking, loading and bicycle parking shall be provided, developed and maintained in accordance with the applicable provisions of the Parking By-law, including those for relaxation, exemptions and mixed-use reduction, except that Dwelling uses shall be required to provide parking as per the Coal Harbour Standard of a minimum of 0.9 space for each dwelling unit plus 1 space for each additional 200 m² of gross floor area, and a maximum of 1.1 spaces for each dwelling unit plus 1 space for each 125 m² of gross floor area except that no more than 2.2 spaces for each dwelling unit need be provided.
6. Acoustics
- 6.1 All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of dwelling units listed below do not exceed the noise level set opposite such portions. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and is defined simply as noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45

* * * * *

1409-1477 West Pender Street
PROPOSED CONDITIONS OF APPROVAL

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

FORM OF DEVELOPMENT

- (a) THAT the proposed form of development be approved by Council in principle, generally as prepared by IBI/HB Architects in revised plans and stamped "Received Planning Department, April 12, 2007", 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

- i) design development to enhance public realm and pedestrian amenity at all sidewalk interfaces, with particular care taken along the sloping Broughton and Nicola frontages;

Note to Applicant: Blank walls are to be avoided. High quality landscape and materials, along with public art, are sought. Particular attention is needed for the garage entry off Nicola Street;
- ii) design development of the interface with Pumphouse Mews, to enhance and, as much as possible, activate this public open space, taking into account operational and service requirements of the equipment within the open space;

Note to Applicant: Delete all proposed improvements to the plaza, and make separate arrangements to the satisfaction of the General Manager of Engineering Services for any changes or improvements.
- iii) design development to enhance the architectural treatment of the blank elevator core walls on Pender Street;
- iv) design development to the space between the proposed podium and the Dockside development to the north to maximize daylight access and landscape treatment;
- v) design development to detailing and specification of curtain wall and other exterior materials to ensure that the high quality of the proposed dynamic architectural form is achieved.

Social Planning

- vi) design development to provide a minimum 130 m² secure outdoor children's play area with a covered seating area for adult surveillance and/or an adjacent common amenity room, following the High Density Housing for Families with Children Guidelines, to the satisfaction of the Director of Social Planning.

Note to Applicant: Particular care should be given to avoid the use of toxic plants and landscaping materials in and around the play area. A list of toxic plants is available as an appendix to the City's Childcare Design Guidelines and is available online at: <http://vancouver.ca/commsvcs/Guidelines/C017.pdf>

Crime Prevention Through Environmental Design (CPTED)

- vii) 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

- viii) consider provision of permanent landscaping on the podium and tower roof areas;

Note to Applicant: Planters should meet or exceed BCLNA (B.C. Landscape & Nursery Association) Standards.

- ix) provision of high efficiency irrigation for all landscaped areas and hose bibs for each individual private patio, semi-private patio and extensive green roof spaces;
- x) provision of new street trees adjacent the site.

Note to Applicant: Ensure that tree root barriers are specified for trees. New street trees should be noted "Final species, quantity and spacing to the approval of the City Engineer and Park Board." Contact Eileen Curban (604.871.6131) of Engineering Streets Division regarding street tree spacing and quantity. Contact Bill Stephen (604.257.8587) of Park Board regarding tree species.

Sustainability

- xi) a preliminary LEED score card should be submitted with development (DE) application showing proposed strategies for attainment of at least LEED Silver or equivalent.

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

AGREEMENTS

- (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

- (i) Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:
- A. Consolidation of Lots A, B, 4, 5 & 6 is required.
 - B. Dedication for road purposes of a 3 foot by 3 foot corner-cut at the southwest corner of the site (at Nicola and West Pender Streets) is required. No portions of the building above or below grade, or any constructed landscape features are to be proposed within this corner-cut area.
 - C. For the release of the following Easement and Indemnity Agreements prior to occupation of any new development. 236999M, 259196M, 378854M and 405763M.
 - D. Provision of either funding of 50% of the total cost of a Pedestrian/Bicycle Actuated signal at the intersection of Nicola and West Pender Streets, subject to approval by City Council or funding of \$50,000 toward other pedestrian related improvements identified and approved by Council.
 - E. Provision of funding of 50% of the total cost of a traffic signal at the intersection of West Hastings and Broughton Streets subject to Council Approval within 5 years of occupancy of the complete project.
 - F. Upgrading of the water system to meet the service demands of this development. Upgrading of the water main on West Pender Street between Nicola Street and Broughton Street is required. Please provide details of fire flow demands to determine full extent of upgrading.
 - G. Provision of Triangle West sidewalk improvements on Broughton Street and Nicola Street adjacent the site.
 - H. Provision of improved sidewalks on Pender Street adjacent the site.
 - I. Provision of street trees adjacent the site where space permits.
 - J. Undergrounding of all existing and new utility services from the closest existing suitable service point. All services, and in particular vista switches and 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.

SOILS

- (ii) 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
- (iii) 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.

HERITAGE DENSITY TRANSFER

- (iv) secure the purchase and transfer of 10 382 m² (111,755 sq. ft.) heritage bonus density to the site at 1409-1477 West Pender Street from a suitable donor site or sites.

Note to Applicant: Letter B in the City's standard format is to be completed by both the owner of the subject site, also referred to as the "receiver" site, and the owner of the "donor" site, and submitted to the City together with receipt(s) of heritage density purchase(s), including the amount, sale price, and total cost of the heritage density.

PUBLIC ART

- (v) provide public art according to the Public Art Policies and Guidelines through an agreement to the satisfaction of the Director of Cultural Affairs.

COMMUNITY AMENITY CONTRIBUTION

- (vi) payment of the community amenity contribution of \$ 3.0 million which has been offered to the City is to be secured prior to enactment of the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services.

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 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-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.

* * * * *

1409-1477 West Pender Street
DRAFT CONSEQUENTIAL AMMENDMENTS

DRAFT AMENDMENTS TO THE SIGN BY-LAW NO. 6510

Amend Schedule E (Comprehensive Development Areas) by adding the following:

“1409-1477 West Pender Street [CD-1 #] [By-law #] B (DD)”

DRAFT AMENDMENTS TO THE NOISE BY-LAW NO. 6555

Amend Schedule B (Intermediate Zone) by adding the following:

“[CD-1 #] [By-law #] 1409-1477 West Pender Street”.

* * * * *

1409-1477 West Pender Street
URBAN DESIGN ANALYSIS

Introduction: As with any Rezoning proposing an increase in density, the first test is to determine from an urban design standpoint if the site can, within its surrounding built context and zoning, accept the proposed additional density. The 1400 West Hastings and Pender Block had been the subject of some study at the time the 7-storey Dockside development had been proposed (1999), resulting in block-specific guidelines which attempted to reconcile zoned density of 6 FSR with the unconsolidated parcels (3) on the Pender frontage. Since these parcels could have been redeveloped under the zoning independently, the guidelines provided for the potential of a slim tower at either or both corners of the Pender frontage. As the subject proposal now consolidates the Pender frontage, an optimal development form can be undertaken on this atypically configured (only 70 ft. deep) site.

Several built-form scenarios were assessed, including options which retained the existing westerly 5-storey office building and positioning of the majority of building massing at the easterly (Broughton) corner. Analysis of impacts led to the determination that the west (Nicola) edge of the site could accommodate the greatest extent of density and height with least urban design impact, while the east (Broughton) edge was the more sensitive portion. While the objective of preserving the westerly 5-storey office building weighed heavily, its unusually small size (2 258 m² / 24,309 sq. ft.), relatively uncompetitive office floor plate size and age (45 +/- years old) brought into question its long term viability, particularly noting that this west portion of the site offers the greatest potential for siting of a substantial new building.

These factors on balance favoured the proposed scenario that replaces the area in this existing structure with as much commercial area as can be provided on the ground floor of a totally redeveloped site, (in addition to allowing for a far more efficient parking arrangement) as well as a maximization of live-work use in a new podium structure.

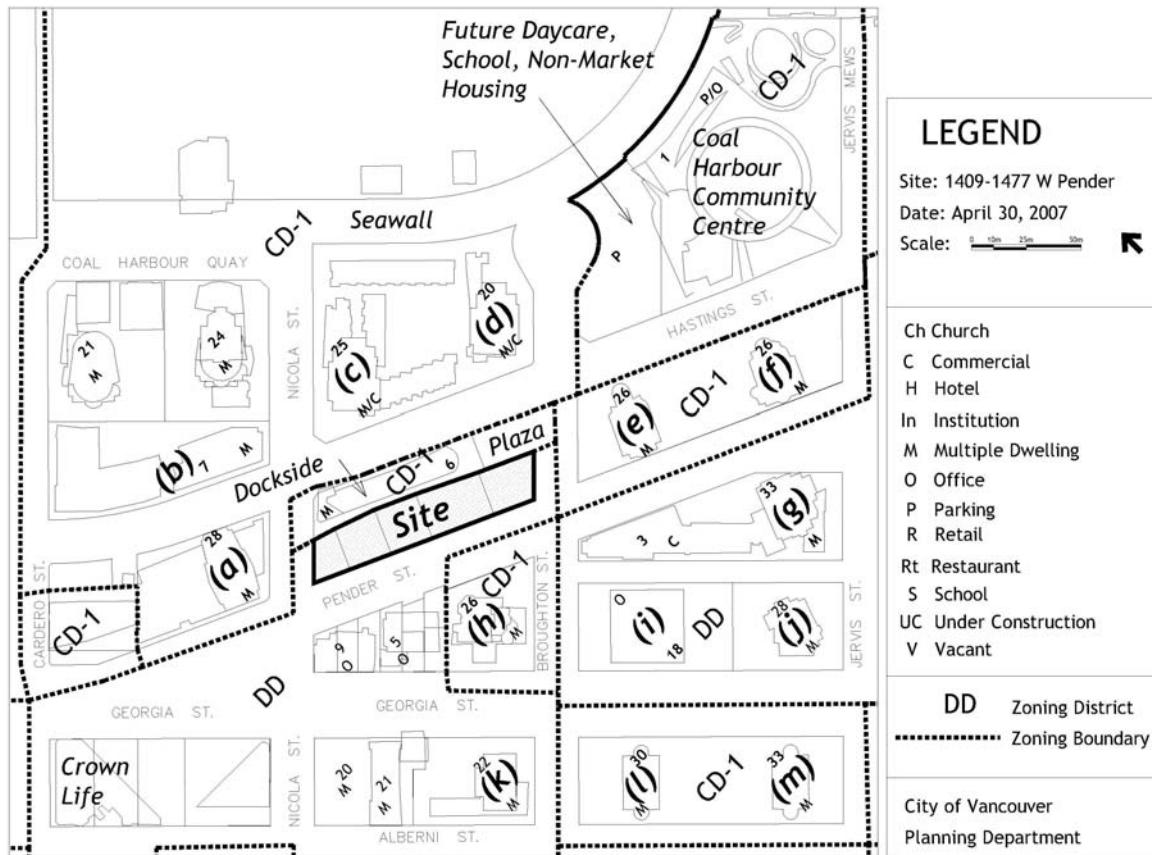
Site: The 2 228 m² (23,983 sq. ft.) site occupies the north side of the 1400 block of West Pender Street. The site is presently developed with a five-storey office building at the western end and two two-storey commercial buildings at the eastern end. The surface parking lot at mid-block serves the office building to the west. The block-long site, 107.3 m (352 ft.), is quite narrow (average 21.3 m / 70 ft.). On its west (Nicola Street) side, the topography slopes down steeply towards the Coal Harbour waterfront with a 7.8 ft. drop. On its east (Broughton Street) side, the topography also slopes a 6.1 ft. drop. There is no lane.

Context: The existing built form context is quite varied, comprised of a majority of residential towers, typically 91.44 m (300 ft.) high, residential low and mid-rise street-oriented buildings 3 to 7 storeys and a number of low to mid-rise commercial buildings. To the immediate north is the 7-storey Dockside development and the Pumhouse Plaza on West Hastings Street. To the northeast is the Coal Harbour Community Centre with its rooftop public open space, as well as the future daycare, elementary school and non-market housing (8 to 10-storeys in total) to be located on the existing parking lot. The nearest residential towers are the Bayview to the west, Palais Georgia to the south and the Qube (former Westcoast Transmission Building) to the southeast.

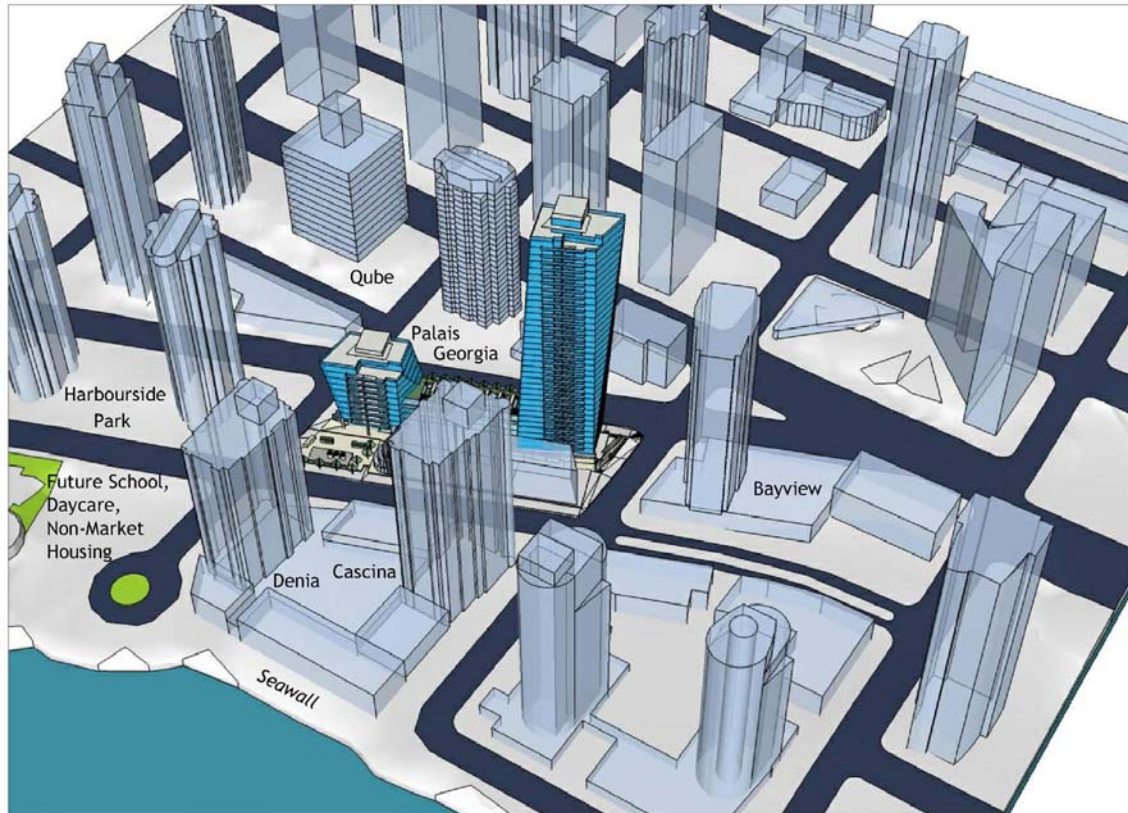
Significant adjacent development includes the following 14 buildings, containing a total of 2,871 dwelling units:

	Building Name	Address	Floors	Year Built	Units
(a)	Bayview	1529 W. Pender	28	2000	237
(b)	Coal Harbour Co-op	599 Nicola (1515 W Hastings)	7	1998	85
(c)	Cascina	590 Nicola	25	2001	117
(d)	Denia	499 Broughton	20	2003	86
(e)	Harbourside Park I	588 Broughton	26	1995	191
(f)	Harbourside Park II	555 Jervis	26	1996	191
(g)	Classico	1328 W. Pender	38	2003	191
(h)	Palais Georgia	1415 W. Georgia	26	1992	86
(i)	Qube	1333 W. Georgia	18	1968 *	180
(j)	The Pointe	1331 W. Georgia	33	1997	208
(k)	The George	1420 W. Georgia	22	2003	183
(l)	Lions West Tower	1367 Alberni	30	2000	208
(m)	Lions East Tower	1331 Alberni	33	1999	243

*converted from office use to residential in 2004



Data from the 2006 Census shows that the population of Triangle West has grown from 3,972 in 2001 to 5,562, and increase of 1,590 (+40 percent). The housing stock grew from 3,012 dwellings to 3,642 over the same period, an increase of 630 units (+21 percent). In the Bayshore/Coal Harbour area, population grew from 837 to 3,676, an increase of 2,839 (+339 percent) while the number of dwellings increased from 526 to 2,333, an increase of 1,807 (+343 percent).



Context View

Uses: The proposed uses include predominantly residential, with ground floor commercial and a number of live-work units.

Density: The proposed density is 10.66 FSR. The resultant proposed density for the subject block would be 7.0 FSR.

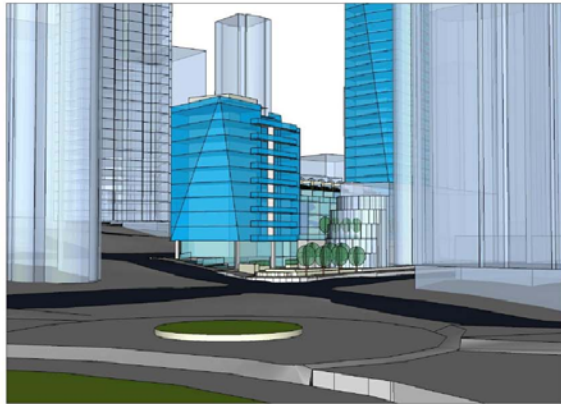
Tower Height: The proposed tower heights are 107.4 m (355.2 ft.) for the west hi-rise tower and 33.0 m (108.2 ft.) for the east mid-rise tower. The prevailing zoning would limit the height to 91.44 m (300 ft.). There are five aspects to consider when addressing additional height in this area: skyline views; shadowing; public views; livability; and private views.

Skyline Views: The proposal at a height of 107.4 m (352.2 ft.), or 15.9 m (52.2 ft.) above the maximum zoned height, does not challenge the desired general skyline of the City. Although it will be somewhat taller than its immediate neighbours, it is not out of context and will blend compatibly with the family of towers rising up the slope to the south.

Shadowing: The standard times of spring/fall equinox (21st March and September) and summer solstice (June 21st) for the times of 11, 12 noon and 1, 2, 3 and 4 p.m. at Daylight Savings Time were studied in detail. In summary, the studies indicate that shadows cast by the west tower coincide almost entirely with shadows already generated by existing towers to the north. The additional height is of little or no consequence on the Public Realm. The relatively low height (10-storeys) of the east mid-rise tower is of considerable benefit shadow-wise to the public realm in maintaining sun access to Broughton Street north of Hastings down to the waterfront walkway, noting the importance of this street presently as a

pedestrian route to the seawall and, in the future, when the expected daycare and school are built.

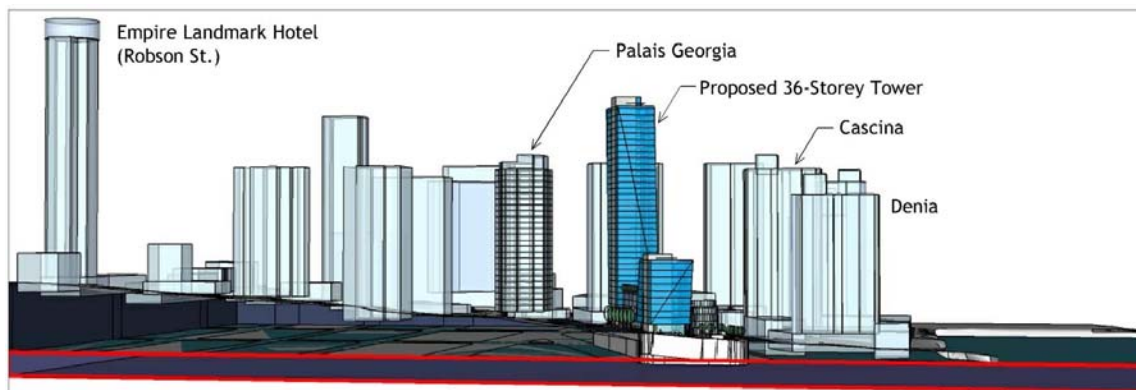
Public Views: The site is not located within any approved View Cones and the proposal does not impact any identified public views.



Proposed 10-Storey mid-rise seen from Coal Harbour Community Centre Park



View north down Broughton Street, with Proposed 10-Storey mid-rise



Context Section: Broughton Street

Livability: Key to the high standard of livability and amenity that has attracted so many residents to this area, despite high density, is the positioning of new buildings relative to existing to maintain privacy, outlook and separation. In addition to a minimum separation between towers of 24.4 m (80 ft.), the off-setting or staggering of tower position, so that new units do not look directly into neighbouring existing units is carefully considered. Further, tower width, depth and floor plate area are shaped so as to maximize tower slimness, allowing neighbouring units to “look past” the proposed tower. The proposed hi-rise tower performs admirably in respect to all the above criteria. The closest neighbour, Bayview, across Nicola Street is 25.9 m (85 ft.) away at its closest point and faces the proposed tower’s exceptionally slim depth of only 17.7 m (58 ft.) (typical towers are 85 to 105 ft. deep). Other neighbouring towers are 30.5 - 48.8 m (100 - 160 ft.) away from the proposed tower, which has an unusually small floor plate of 434.8 - 445.9 m² (4,680 - 4,800 sq. ft.) ([Typical Triangle West towers have floor plates of 603.9 m² (6,500 sq. ft.)]. The unique tilt or cant of the tower’s west façade also diminishes the proposal’s building bulk at lower levels as well as adding a dynamic architectural flare to the scheme.

The easterly mid-rise tower's height of only 10 storeys establishes a relatively low area that benefits the livability of five neighbouring towers, as well as the proposed westerly hi-rise.

Private Views: An obvious benefit of the proposed distribution of building massing, including the relatively modest 10-storey height of the easterly mid-rise, (reduced from initial 15-storey submission) is the preservation of the majority of private views enjoyed through the subject site from the closest neighbouring towers, specifically the Qube and Palais Georgia. Photo montages illustrating the proposal in the existing view from various individual suites indicates that a portion of the water/mountain view (gap between the northerly Denia and Cascina towers) will be obstructed for a number of Qube suites on its lower 2 to 3 floors (Note: The Qube's first floor is raised up above its Georgia Street frontage by the equivalent of 3 levels). A similar degree of view blockage will occur from north-facing suites in the 26-storey Palais Georgia's lower 5 to 6 residential levels.

Naturally, these affected suites will continue to enjoy north water/mountain slot views between other existing buildings as well as the substantial street-end view down Broughton Street. Given that the affected suites are 3 to 4 blocks from the waterfront, Staff consider the extent of private view impact generated by the proposal to be acceptable and notably less than would have occurred had the subject block been developed in two separate proposals (i.e. had the block not been consolidated as is proposed in this application).

Conclusion (Tower Height): The proposed overall building massing, with increased height at the west portion, and notably lower height on the east side, provides improved sun access and livability, with less view impact than would otherwise be achieved by a more symmetric massing conforming to the 91.44 m (300 ft.) height limit. Staff therefore support the proposed height increase.

Built Form: The proposed built form responds well to the scale, built form, and streetscapes of the surrounding area. Its asymmetric massing derives from considerations of sun access to Public Realm and livability and views from neighbouring buildings. Its strong streetwall and active ground floor uses will define and enliven Pender and Broughton Streets. Its unique tower forms will add to the architectural diversity of the neighbourhood.

Conclusion: There are a number of exemplary aspects to the proposal's built form which positively address issues of overall urban design fit, public realm quality, shadowing, livability and public and private views. Staff conclude that the proposed additional density has been satisfactorily incorporated into the proposal, minimizing impacts and achieving a positive and compatible integration with its surrounding context.

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1409-1477 West Pender Street
ADDITIONAL INFORMATION

1. Public Input: On June 29, 2006, the applicant team held an Open House on-site at 1477 West Pender Street. Invitation to Open House was mailed to property owners in the surrounding area using notification area boundaries determined by City staff. The early evening event was well-attended (60 signatures on sign-in sheet), with some positive commentary about the proposed higher tower on the west part of the site and lower tower on the east.

Rezoning application for the site was submitted June 29, 2006. With a notification letter dated July 19, 2006, staff informed property owners within the area bounded by Coal Harbour to the north, Cardero Street on the west, Alberni Street to the south, and Jervis Street (see Figure 1 earlier in the report). For both the Open House and this notification, about 1,950 letters were sent to individual owners. Three information signs were installed for July 26, 2006.

During August staff learned that notification had been incomplete. Due to the nature of the strata title for the building at 1333 West Georgia Street (Qube), the result of a conversion from office use, the strata lots for this property had not been entered in the property data base which staff utilize for mail notifications. A notification letter dated September 11, 2006, with apologies, was mailed to 157 strata lot owners in this building (not including 23 properties in multiple ownership or management).

Following submission of a revised application on October 16, 2006 (setbacks now provided, reduced tower widths, and higher podium), notification letter dated November 21, 2006 was mailed to about 2,100 property owners, including Qube property owners which were missed in the initial notification.

The applicant team held another open house, on the revised proposal, in December 7, 2006, with comment sheets made available. This event was very well-attended, and 13 comment sheets were completed that evening or mailed/faxed later.

In total, about 60 written communications were received by staff, in the form of open house comment sheets, e-mail and letters. All but two are opposed to the rezoning. The following summarizes the opinions expressed:

- concerns about impact on views (39), shadowing (11) and privacy (1).
- opposition to tower heights (24). Some were concerned that the west tower was too high (8) while some were concerned that the east tower was too high (6) or podium too high (2). Some residents suggested there should be just one tower (9). One resident expressed concern for tower widths and setbacks.
- concerns about the amount of density proposed (27). 2 persons expressed concern that too much density was being transferred to the site, with some questioning of Gastown donor sites. Some residents were concerned there would be too many apartments in the area (3), and some were concerned about the loss of office or commercial space (6). 1 person suggested there was a need for more commercial space, 1 person supported the proposed restaurant use near Pumphouse Plaza while 1 was opposed.

- concerns about traffic (11), with more specific concerns about traffic pollution (2), noise (1), odour (1), congestion (1) and parking (1).
- concern about impact on property values (3).
- concern about need for amenities to serve neighbourhood (2), green space (1) and 1 suggested the site should be used for community centre (1).
- 1 person expressed concern about 'overseas investors' (units which are infrequently occupied).

The large majority of concerns are about the impact of views from people's apartments, and, related to that, concerns about towers heights and density. The urban design analysis completed by staff (Appendix D) concluded that tower heights and density could be supported. Regarding the concerns about traffic, Engineering Services Department had no objection to the proposed rezoning, subject to the developer contributing to improved intersection signalization in the area, primarily to improve safety and convenience for pedestrians and bicyclists.

2. Comments of the General Manager of Engineering Services: In a memo dated July 14, 2006, the Manager of the Project Branch, Engineering Services, states that Engineering Services has reviewed the application and provides the following for inclusion in the report:

"Engineering Services has no objection to the proposed rezoning provided the following issues can be addressed prior to by-law enactment.

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

- Consolidation of Lots A, B, 4, 5 & 6 is required.
- Dedication for road purposes of a 3 foot by 3 foot corner-cut at the southwest corner of the site (at Nicola and West Pender Streets) is required. No portions of the building above or below grade, or any constructed landscape features are to be proposed within this corner-cut area.
- For the release of the following Easement and Indemnity Agreements prior to occupation of any new development. 236999M, 259196M, 378854M and 405763M.
- Provision of either funding of 50% of the total cost of a Pedestrian/Bicycle Actuated signal at the intersection of Nicola and West Pender Street, subject to approval by City Council or funding of \$50,000 toward other pedestrian related improvements identified and approved by Council.
- Provision of funding of 50% of the total cost of a traffic signal at the intersection of West Hastings and Broughton Streets subject to Council Approval within 5 years of occupancy of the complete project.
- Upgrading of the water system to meet the service demands of this development. Upgrading of the water main on West Pender Street between Nicola Street and Broughton Street is required. Please provide details of fire flow demands to determine full extent of upgrading.

- Provision of Triangle West sidewalk improvements on Broughton Street and Nicola Street adjacent the site.
- Provision of improved sidewalks on Pender Street adjacent the site.
- Provision of street trees adjacent the site where space permits.
- Undergrounding of all new utility services from the closest existing suitable service point. All services, and in particular vista switches and 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.

The following is to be to the satisfaction of the General Manager of Engineering Services:

- Delete all proposed improvements to the adjoining pump station plaza, and make separate arrangements to the satisfaction of the General Manager of Engineering Services for any changes or improvements.

The following are to be provisions of the CD-1 zoning:

Off-Street Parking, loading, passenger and bicycle spaces shall be provided and maintained including, provisions for exemption, relaxation and shared use reduction, in accordance with the applicable sections of the Parking By-Law except that Dwelling uses except for non-market and senior housing use shall be required to provide parking as per the Coal Harbour Standard of a minimum of 0.9 space for each dwelling unit plus 1 space for each additional 200 m² of gross floor area, and a maximum of 1.1 spaces for each dwelling unit plus 1 space for each 125 m² of gross floor area except that no more than 2.2 spaces for each dwelling unit need not be provided.

3. Bicycle Advisory Committee: At its meeting on February 21, 2007, the Bicycle Advisory Committee approved the following:

RESOLVED

THAT the Bicycle Advisory Committee has no objection to the proposed rezoning of the site at 1409 to 1477 West Pender Street. West Pender Street accommodates a bicycle route which will be enhanced when the proposed development removes the two existing curb cuts providing vehicular access on this block.

CARRIED UNANIMOUSLY

4. Social Planning: Staff in the Social Planning Department provided the following comments and recommendation:

“The proposed rezoning application includes 158 units, approximately 80 of which - more than 50% of the project total - are suitable for families living with children. In the submitted rezoning report, the applicant has recognized that these larger dwelling units are suitable for family living (section 10.1 of the Rezoning Report). The applicant also intends that these

units fulfill the City's Housing Policy objectives in providing housing diversity in new areas and more housing for families with children.

"Plans indicate a limited amount of amenity space included within the project and none that would be appropriate for children's play. Design schemes show a 757 sq. ft. general amenity space on the ground floor level of tower two and a small, approximately 500 sq. ft., amenity garden space on the ground floor of tower one. In its current design, neither of these spaces would adequately meet the needs of families living with children. The High Density Housing for Families with Children Guidelines suggest that generally a minimum area of 130 m² should be provided for a children's outdoor play area and should have an adjacent (covered) seating area for adult supervision or be located near a common amenity room.

"Incorporating opportunities on site for children's play meets a variety of family and non-family needs. While children will find or create play spaces in a diversity of environments, common outdoor areas designed flexibly to allow a variety of uses can accommodate both adults and children of various ages. When designs of common outdoor areas employ durable, natural materials and incorporate a mixture of hard and soft surfaces, covered outdoor areas, and nearby seating, the needs of families living with children are met. In addition, these design considerations generally enhance the overall project aesthetics and space use and can better accommodate changes in resident population.

"Staff recommend the applicant incorporate the criteria outlined in the High Density Housing for Families with Children Guidelines to include more family-oriented, flexible, multi-purpose amenity spaces for all residents, especially families living with children. Particular attention should be paid to sections 3.2, 3.3 and 3.4 regarding outdoor common and play spaces and adult supervision of these spaces.

"Recommendation:

Design development to provide a minimum 130 square metre secure outdoor children's play area with a covered seating area for adult surveillance and/or an adjacent common amenity room, following the High Density Housing for Families with Children Guidelines, to the satisfaction of the Director of Social Planning.

Note to applicant: Particular care should be given to avoid the use of toxic plants and landscaping materials in and around the play area. A list of toxic plants is available as an appendix to the City's Childcare Design Guidelines and is available online at:
<http://vancouver.ca/commsvcs/Guidelines/C017.pdf>

5. Urban Agriculture: Social Planning staff advised as follows:

"The City of Vancouver Food Policy identifies environmental and social benefits associated with urban agriculture and seeks to encourage opportunities to grow food in the city, including creating opportunities for rooftop gardens. On May 30, 2006, Council approved a motion calling for the creation of 2,010 new food-producing garden plots in the city by January 1, 2010 as an Olympic legacy.

"The rezoning plans indicate that all of the rooftop and terrace space in the project is for private use, therefore opportunities to meet the City's Food Policy objectives will have to be investigated in areas other than the provision of common rooftop gardens and greenspaces.

In order to meet these policy objectives, additional consideration should be given to the types of planted materials used for landscaping. Some forms of edible landscaping may be appropriate to use in place of ornamental plants in spaces requiring landscaping for aesthetic purposes or for use in creating visual for physical barriers for residents' privacy. Raised planters in common areas can meet a variety of design needs and can be used as informal garden plots for use by residents. A bulletin of edible plants and their landscape applications is available at the Enquiry Centre or online at

http://vancouver.ca/commsvcs/socialplanning/initiatives/foodpolicy/pdf/EL_brochure.pdf

6. Urban Design Panel: The Urban Design Panel reviewed this proposal on August 2, 2006. The minutes of this review follow:

EVALUATION: SUPPORT (3-2)

Introduction: Phil Mondor, Rezoning Planner, provided a brief overview of the context and background of the rezoning application and noted the applicant sought public input at an open house held in mid June. The site is located within the "Triangle West" precinct of the Downtown District. In January 2005, the applicant applied to rezone 1409 West Pender Street to allow a 20-storey tower with access to parking below grade from Broughton Street. However, the site was small with difficult access arrangements. It proved to be unworkable. The development site has now been expanded and encompasses the entire block.

The application seeks two residential towers on the site, which was anticipated when Council approved guidelines for the block. The proposal is for a 30-storey (340 ft.) tower at the westerly end, and a 15-storey (160 ft.) tower at the easterly end, joined by a podium of live/work uses with retail at grade. Requested density is 10.66 FSR. 6.0 FSR is the maximum allowable in this district. The earlier rezoning application sought 13.6 FSR. With respect to public benefit to be derived from this application, Mr. Mondor noted the applicant owns a property in Gastown (55 Water Street) which has a significant amount of heritage density available for transfer to this site. Heritage density transfer is identified as a major community amenity among the rezoning recommendations for consideration by Council.

Ralph Segal, Development Planner, referring to the model, conducted a review of the proposal and discussed the various options that might be considered within the zoning and the guidelines. He identified the surrounding buildings and described how the area has been developed to date. He sought the advice of the Panel in the following areas:

- whether the massing (tower positions, proportions, street relationship) achieves an appropriate fit with the surrounding context while minimizing impacts of views, shadowing, privacy, etc.;
- whether the proposed height relaxation from 300 ft. to 340 ft. is appropriate;
- whether the proposed zero street setback street edges are acceptable, noting the guidelines call for 2 m street setbacks;
- whether the proposed additional density (from zoned maximum of 6.6 to 10.66 FSR) is satisfactorily accommodated on this site; and
- appropriateness of the public realm interface.

Mr. Segal responded to questions from the Panel and noted that, in general, staff consider the massing to be a very interesting form with a number of positive aspects.

Applicant's Introductory Comments: Jim Hancock, Architect, noted they considered five different schemes for the site but determined this option caused less view obstruction and shadowing. Jon Stovell, Developer, explained the heritage density is proposed to be transferred from two sites, 55 Water Street and 210 Carrall Street, both of which provide rental accommodation and live/work uses in accordance with Council policy for Gastown and the Downtown Eastside. He said they believe the design guidelines for the block allow for a significant amount of density on the site and a large heritage density transfer, in a way that is respectful of the neighbourhood. Jennifer Stamp, Landscape Architect, provided a brief overview of landscape plan and the applicant team responded to questions from the Panel.

Panel's Consensus on Key Aspects Needing Improvement:

- Mixed reaction to the height;
- Major concern with the separation between taller tower and the neighbouring Dockside building although the smaller tower works quite well in its context;
- Concerns that the density is quite tight, with some suggestions that this could be mitigated by reallocating some of the density around the site;
- Mixed opinions as to whether the requested density is demonstrated to be earned, although given this is a very challenging site it has the potential to be earned by the architecture;
- Strong support for the live/work component on West Pender Street which could contribute to alleviating ongoing concerns about the loss of commercial space in the area.

Related Commentary: The Panel supported this application. It was acknowledged that the scheme has some interesting sculptural qualities and that the applicant has clearly worked hard to find a good fit for the density on this very tight site. However, the Panel considered that a lot more work and fine-tuning is needed to make it work successfully. A comment was made that for a project that achieves the requested density on a very narrow, challenging site, it is extremely well done.

The majority of Panel members thought the proposed height of the westerly tower was supportable although some Panel members found it difficult to assess because of the overriding concern about the tight relationship to the Dockside building which the Panel found unacceptable. Compared to typical tower relationships throughout the downtown, the separation from Dockside seems too constricted and is the main detriment to making this project a good fit in the neighbourhood. One Panel member found the interface of the middle section to Dockside to appear "forced" and not fitting well.

Most Panel members thought the 2 m setback requirement should be met, notwithstanding the challenges of this very tight site. One Panel member suggested it might be worth exploring robotic parking which would provide greater freedom to move the core to the centre of the site and avoid the high blank concrete wall on West Pender Street.

There were no concerns about the lower, easterly tower which was thought to work well in its context. A comment was made that at the pedestrian level this tower has a very nice relationship to the park and its prow over the park is an interesting and compelling form. The applicant was encouraged to highlight these good qualities of the scheme. The relationship to the pumphouse plaza was also supported and it was thought that the restaurant will help to animate and create an active street corner. More work on the Pender/Nicola corner was also recommended, not as a major public open space but as an important intersection in the city that includes a large tower.

The live/work use units were strongly supported and it was noted they seem to be genuine live/work with the potential for retail space at ground level and an authentic townhouse above. This will contribute well to street level animation. There was one suggestion to explore making the townhouses more interesting by providing private internal courtyards which allow good southerly light access and make them more permeable from the street.

There was some concern about the loss of commercial space in the area. While the increased residential use may be good for the neighbourhood, the loss of commercial space is a challenge and affects the potential for retail to work successfully. In this respect, the live/work component of the project on West Pender Street is a very positive aspect of the project.

One Panel member expressed concern about the livability of the units on the north side of the westerly tower.

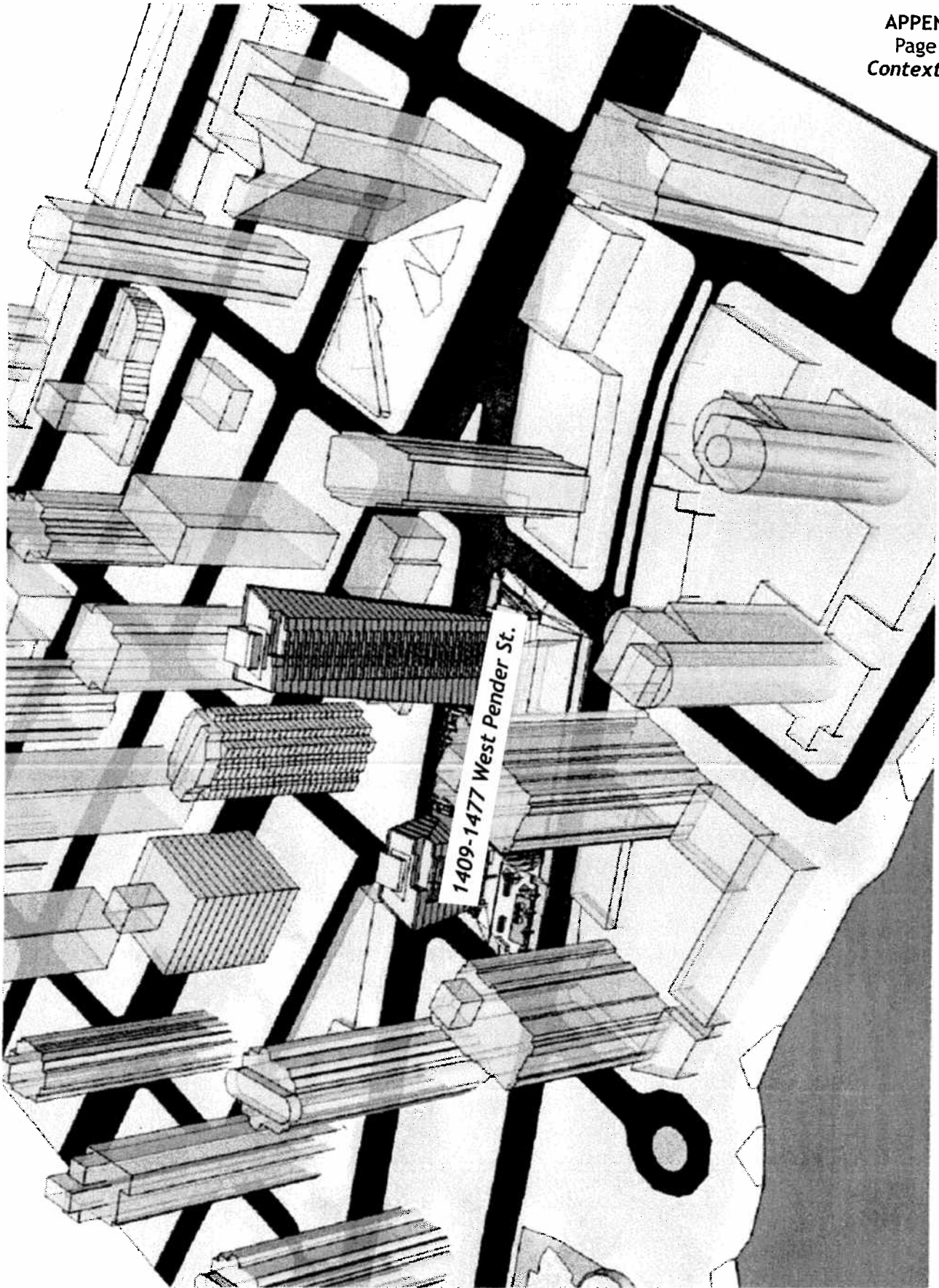
Although it was acknowledged that architecture is not generally a major issue at the rezoning stage, the Panel thought it was an important consideration for this site and this context. The requested density should be tied to design excellence and more details and information are needed to demonstrate how the height, density and subtle relationship issues are resolved and made to work architecturally. While the Panel thought the architecture as shown could work, it is not yet proven out. There was a comment that the pure form of the towers seems somewhat unrelenting. One Panel member also found the architectural expression to be somewhat commercial, albeit that the geometric strategy is very good.

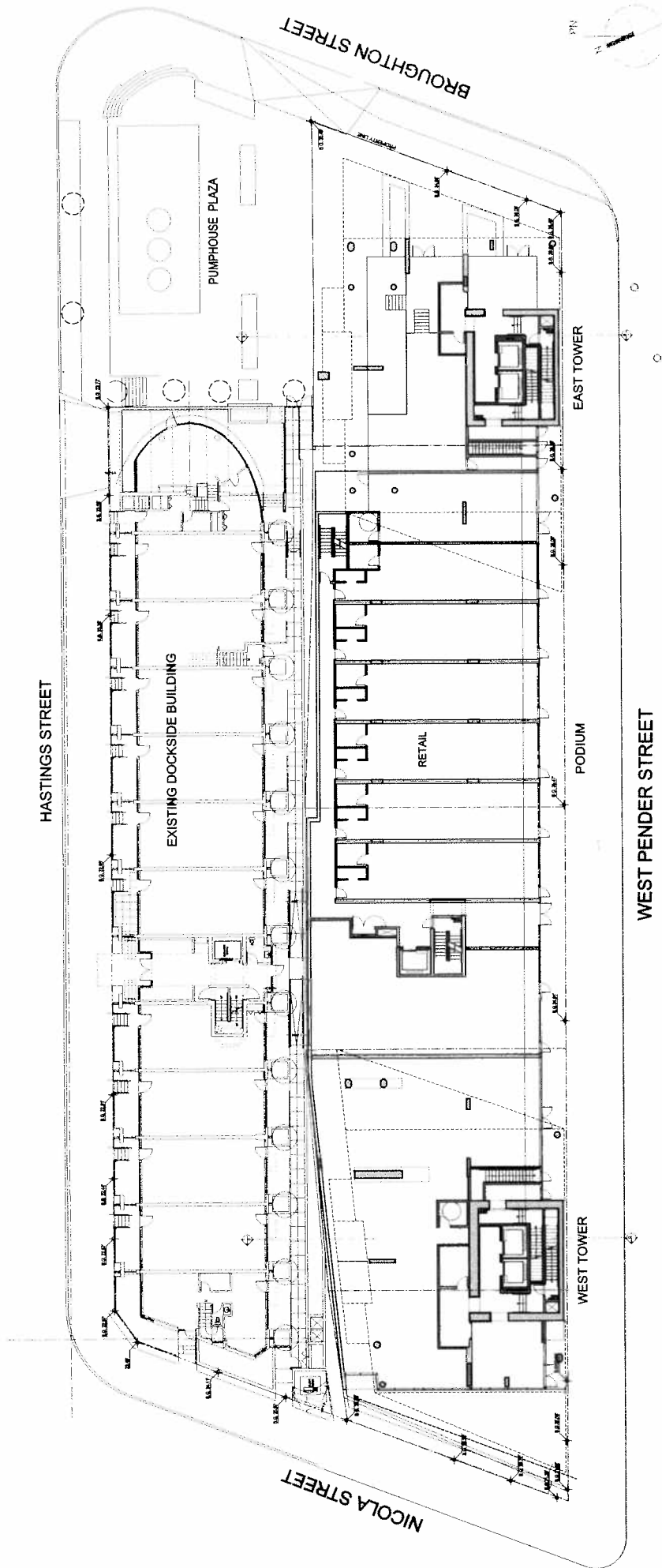
The Panel was concerned about the requested density which seems to be too much for the site. There was a suggestion to consider redistributing some density from the taller to the lower tower while maintaining some height variation.

A comment was made that while the Panel considers the project on the basis of its architecture and urban design, the difficult issue of the impact of the requested density on the surrounding neighbourhood must rest with City Council. While public shadowing impacts are well handled by this scheme, it does undoubtedly create greater private view blockage than would occur without the bonus density.

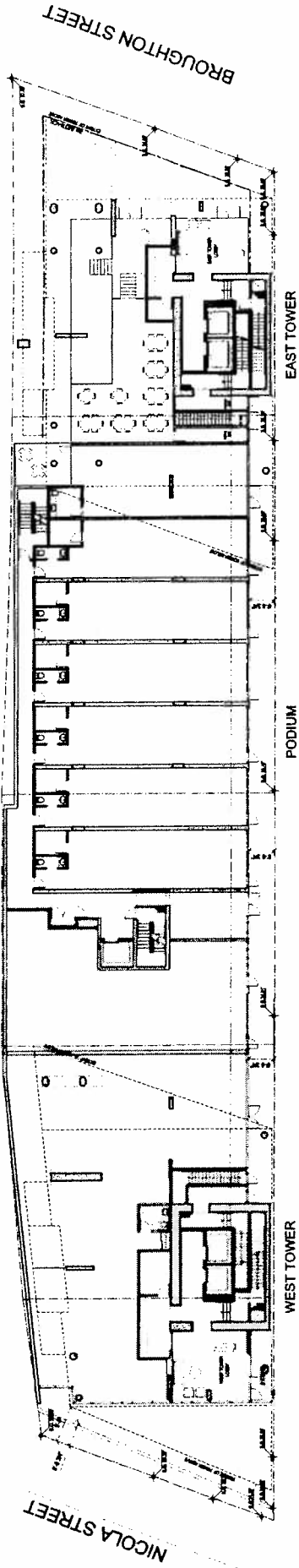
Applicant's Response: Commenting on the loss of commercial space, Mr. Hancock noted the scheme proposes 26,000 sq. ft. compared to 43,000 sq. ft. prior to rezoning. He said the suggestion of earning the additional density through the architecture is well taken and noted there is opportunity to refine it at the next stage of development. Mr. Stovell added, they recognize the livability issues with respect to the north end of the westerly tower and are working with their interior designers to shift the amenity space to that location."

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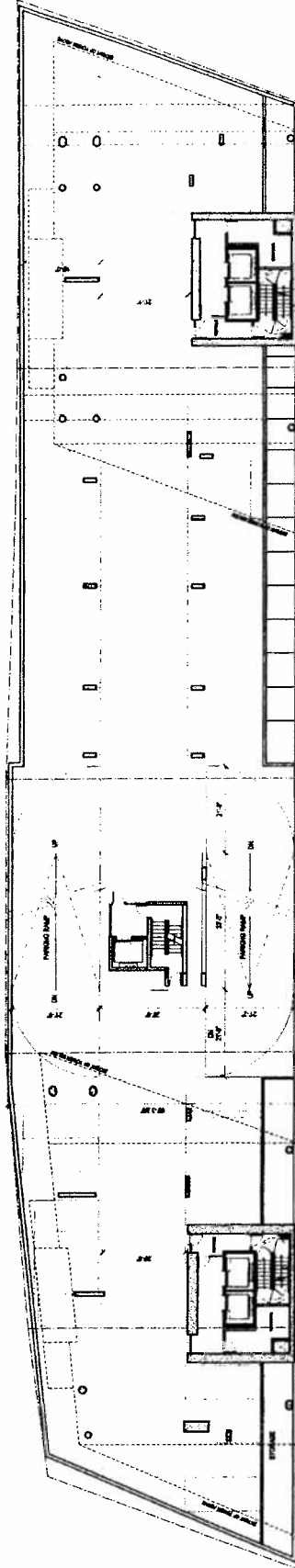


SITE PLAN

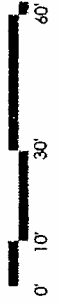


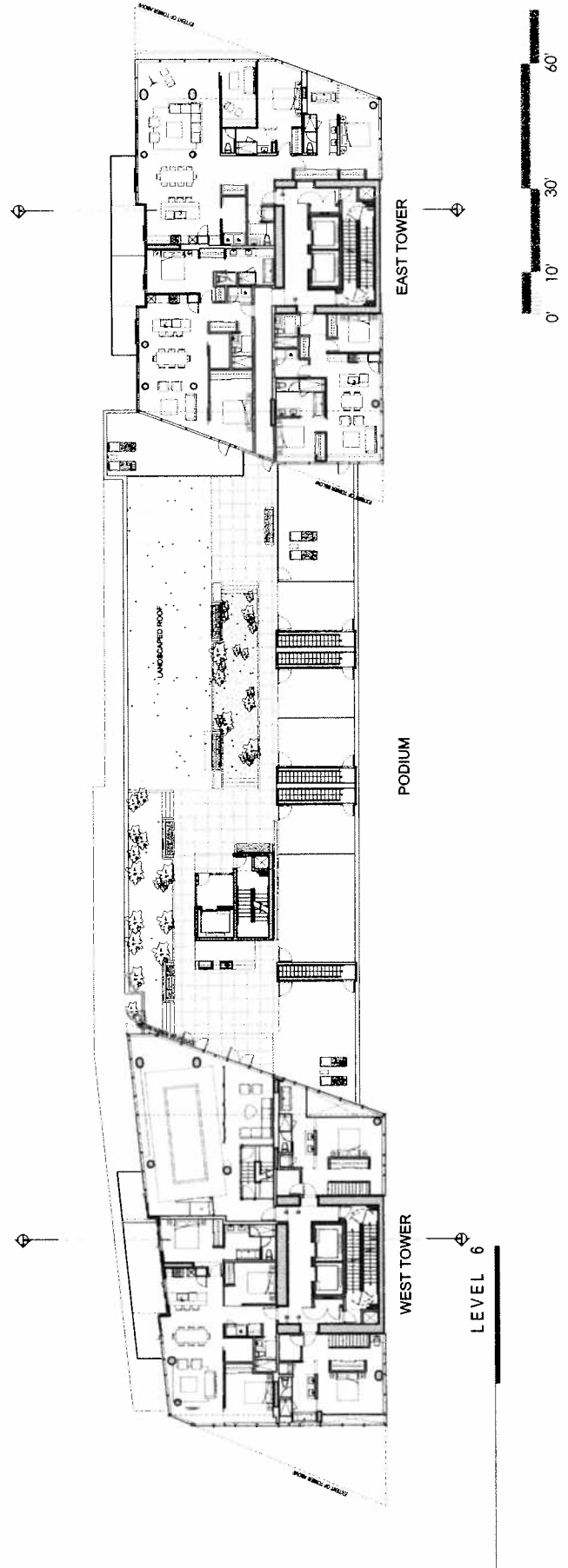
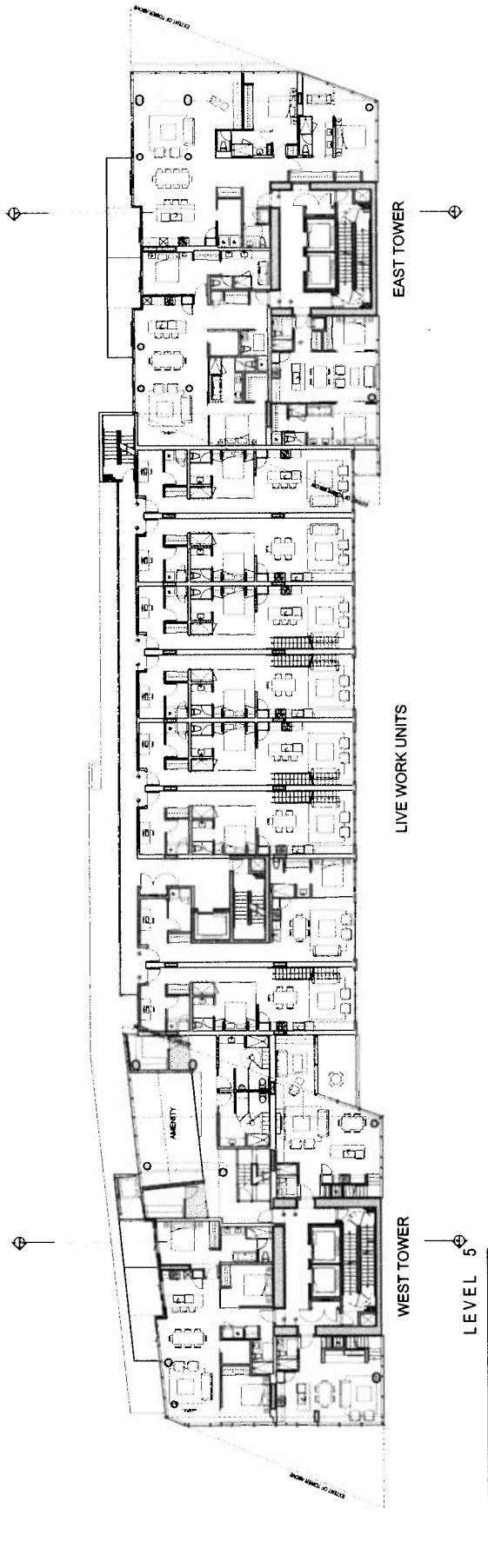
WEST PENDER STREET

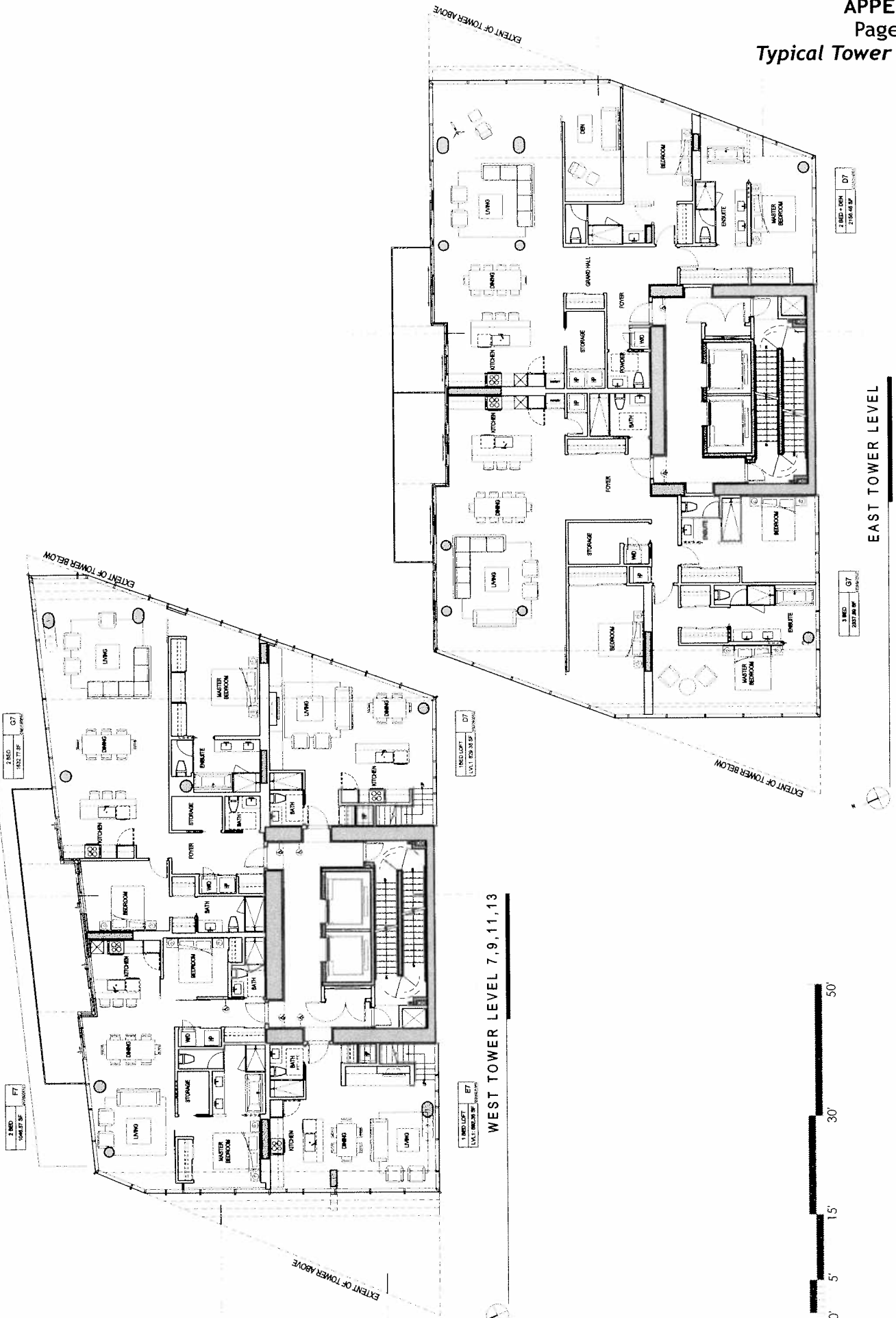
GROUND LEVEL



TYPICAL PARKING LEVEL



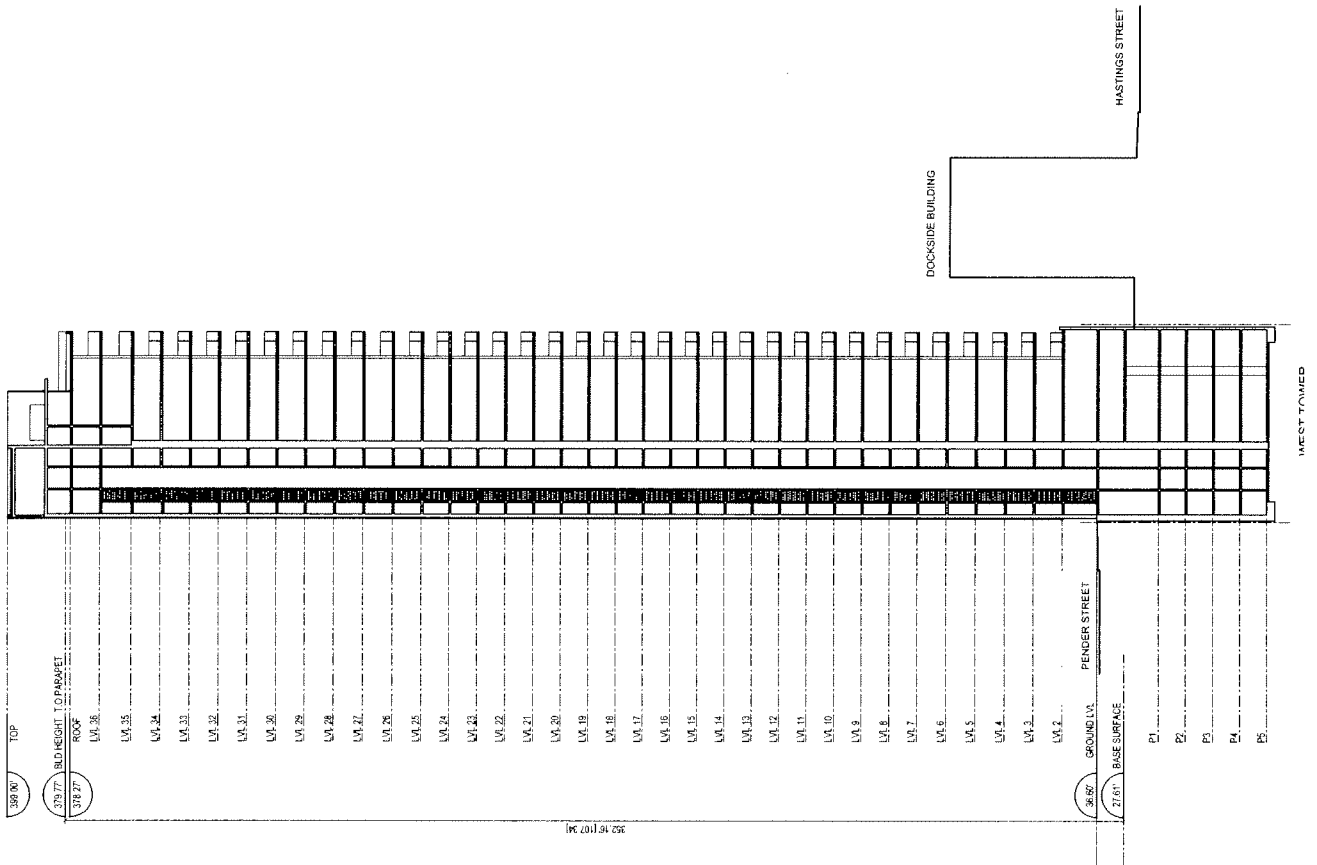




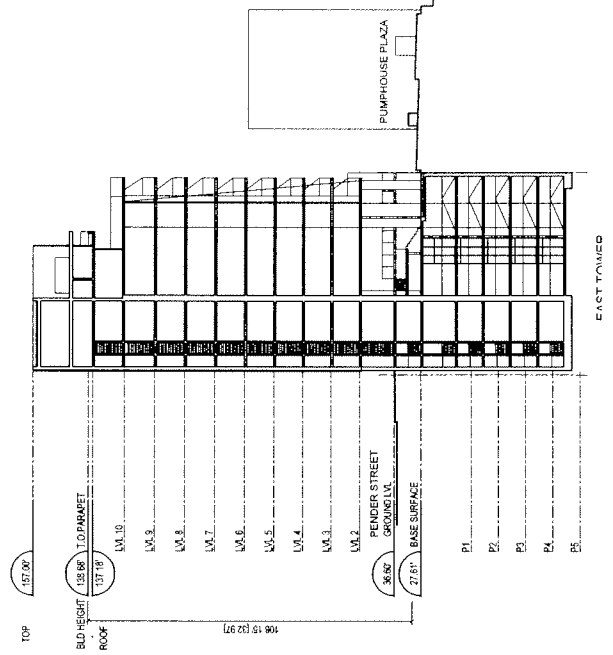
WEST TOWER LEVEL 7, 9, 11, 13

EAST TOWER LEVEL





SECTION B - B



SECTION C - C

**1409-1477 West Pender Street
SITE AND APPLICANT INFORMATION AND DEVELOPMENT STATISTICS**

SITE INFORMATION

Street Address	1409, 1425 and 1477 West Pender Street
PID	015-842-932, 015-842-967, 015-843-203
Legal Description	Lot B of 1&2, Block 42, DL 185, Plan 92, Lot A of 2&3, Block 42, DL 185, Plan 92, and Lots 4, 5 and 6 EXC Plan 15915, Block 42, DL 185, Plan 92
Frontage	107.3 m (352 ft.)
Depth	ranges between 19.7 m - 21. 5 m (64.75 ft. and 70.5 ft.)
Site Area	2 228 m ² (23,983 sq. ft.)

APPLICANT AND PROPERTY OWNER INFORMATION

Applicant	IBI/HB Architects
Architect	IBI/HB Architects (Pawel Mikolajczak)
Property Owner	Reliance Properties (Coal Harbour) Ltd.
Developer	Reliance Holdings Ltd. (Jon Stovell)

DEVELOPMENT STATISTICS

	DEVELOPMENT PERMITTED UNDER EXISTING ZONING	PROPOSED DEVELOPMENT	RECOMMENDED DEVELOPMENT
ZONING	DD	CD-1	As proposed
USES	Dwelling, Retail, Service, Office , and Others	Dwelling, Retail, Service, Office, Live-Work	As proposed
DWELLING UNITS	Not applicable	111 dwellings + 32 live-work	n/a
MAX. FLOOR SPACE RATIO	6.0	10.66	10.66
MAX. FLOOR AREA (NET)	13 367 m ² (143,892 sq. ft.)	23 750 m ² (255,647 sq. ft.)	n/a
Residential		19 249 m ² (207,203 sq. ft.)	
Commercial		1 376 m ² (14,808 sq. ft.)	
Live-Work		3 125 m ² (33,634 sq. ft.)	
MAXIMUM HEIGHT	91.44 m (300 ft.)	107.4 m (352.2 ft.)	As proposed
MAX. NO. OF STOREYS	n/a	36	n/a
PARKING SPACES	See Parking By-law	225 res. + 15 com.	per Parking By-law requirements
LOADING SPACES	See Parking By-law	Residential: 1 Class B Commercial: 2 Class A	"
BICYCLE PARKING SPACES	See Parking By-law	As required	"