



CITY OF VANCOUVER

P2

POLICY REPORT DEVELOPMENT AND BUILDING

Report Date: December 21, 2007
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Meeting Date: January 15, 2008

TO: Vancouver City Council

FROM: Director of Planning

SUBJECT: SEFC ODP and CD-1 By-law Text Amendments for 140 W 1st Avenue
(formerly 102-160 W 1st Avenue)

RECOMMENDATION

- A. *THAT the application by GBL Architects Group on behalf of Wall Financial Corporation to amend the Southeast False Creek Official Development Plan By-law (the "SEFC ODP By-law") to permit an increase in height for 140 West 1st Avenue generally in accordance with Appendix A be referred to Public Hearing, together with the recommendation of the Director of Planning to approve the application; and*

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

- B. *THAT, subject to enactment of the CD-1 By-law for 140 West 1st Avenue approved by Council, along with certain conditions of approval, on September 26, 2006, Council refer to public hearing the application of the Director of Planning to amend the CD-1 By-law, generally in accordance with Appendix B, and the conditions of approval, generally in accordance with Appendix C, together with the recommendation of the Director of Planning to approve the application; and*

FURTHER THAT Council instruct the Director of Legal Services to prepare, for consideration at the public hearing, the necessary by-law to amend the CD-1 By-law for 140 West 1st Avenue.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services recommends approval of A and B.

CITY MANAGER'S COMMENTS

The City Manager recommends approval of the foregoing.

COUNCIL POLICY

- Southeast False Creek Official Development Plan (SEFC ODP)
 - enacted on July 19, 2005 and amended on March 21, 2006
- Southeast False Creek Public Benefits and Compatible Housing Strategy
 - approved on June 15, 2006
- CD-1 Rezoning and Cultural Amenity Bonus: 102 - 160 West 1st Avenue (Playhouse Theatre Company Site)
 - approved September 26, 2006

PURPOSE

The purpose of this report is to recommend referral to Public Hearing of an amendment to the Southeast False Creek Official Development Plan By-law to permit an increase in height for 140 West 1st Avenue; an amendment to the CD-1 By-law (the "CD-1 By-law"); and amendments to the rezoning conditions for 140 West 1st Avenue (the Playhouse Theatre Company Site) (the "Rezoning Conditions").

BACKGROUND

On September 26, 2006 City Council approved the CD-1 By-law Rezoning and Cultural Amenity Bonus for 140 West 1st Avenue. This CD-1 By-law allows for four residential buildings from 11 to 15 stories with a maximum height of 47 M.

On December 12, 2007 GBL Architects Group made an application to amend the Southeast False Creek Official Development Plan to permit an increase in height by one storey for Tower 2. A Development Application has been submitted by GBL Architects which reflects this proposed change in height and also reflects reduced heights for other buildings (see Discussion for details).

Additionally, since July 2007, Engineering Services and Planning staff have identified some minor revisions required to the CD-1 By-law and "Rezoning Conditions".

The Discussion section below provides a brief explanation of the proposed amendments and why staff support them.

DISCUSSION

1. SEFC ODP Height Amendment

The SEFC ODP maximum allowable building height for Sub Areas 1B and 2B is generally 38 m, with a few exceptions for higher building forms at a maximum height of 47 m to define landmark locations (see: Figure 1).

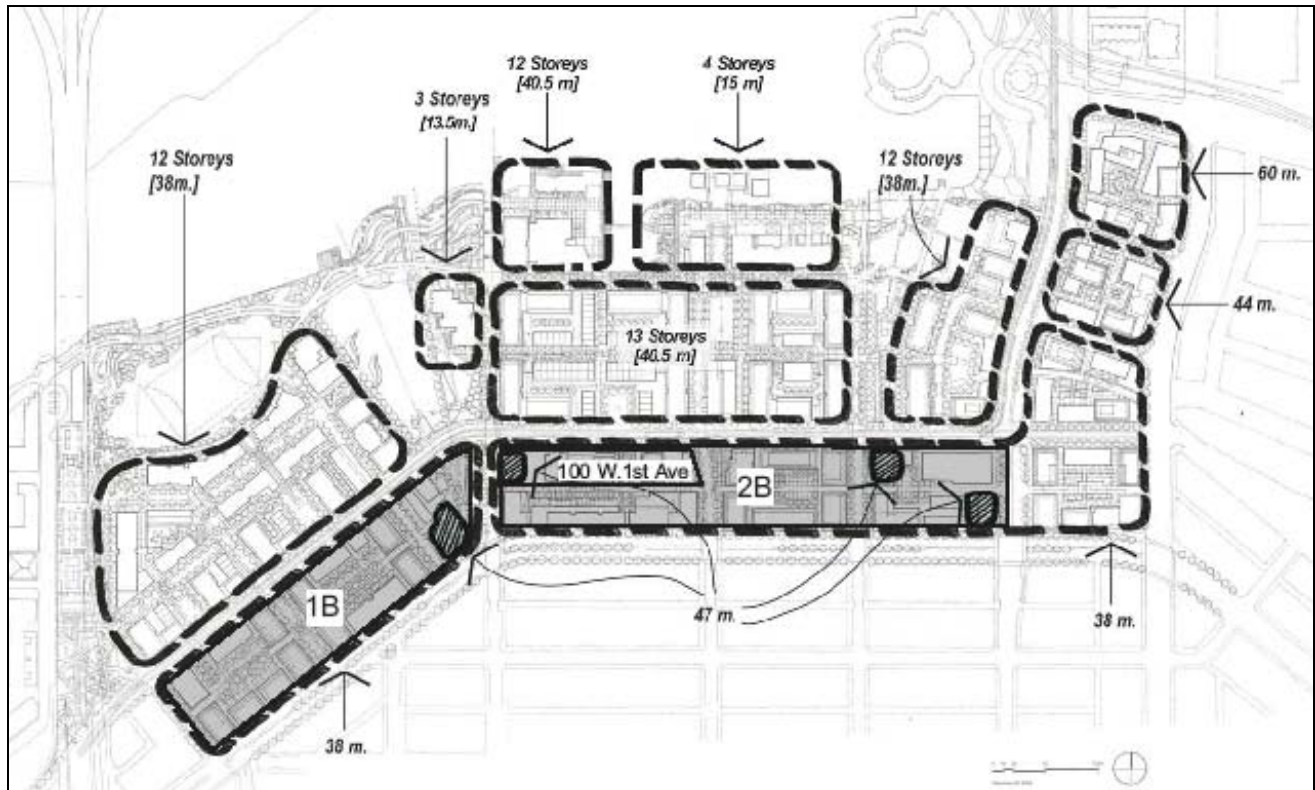


Figure 1: SEFC ODP Maximum Heights

In their ODP Text Amendment application and Development Application, GBL Architects have proposed a height increase from 38 m to 42 m for Tower 2 (see Figure 2). This would result in 4 m of additional height above the current allowable ODP height. Tower 3 (see Figure 2) has also been increased by one storey (4 m) however the height falls within the 38 M height limit of the ODP, and therefore does not require an ODP text amendment.

The proposed increases in height are accompanied by reductions in height on other buildings. The height of the podium between Towers 3 and 4 has been reduced by one storey (2.6 m) and the shoulder massing of Tower 4 has been reduced by two storeys (5.6 m).

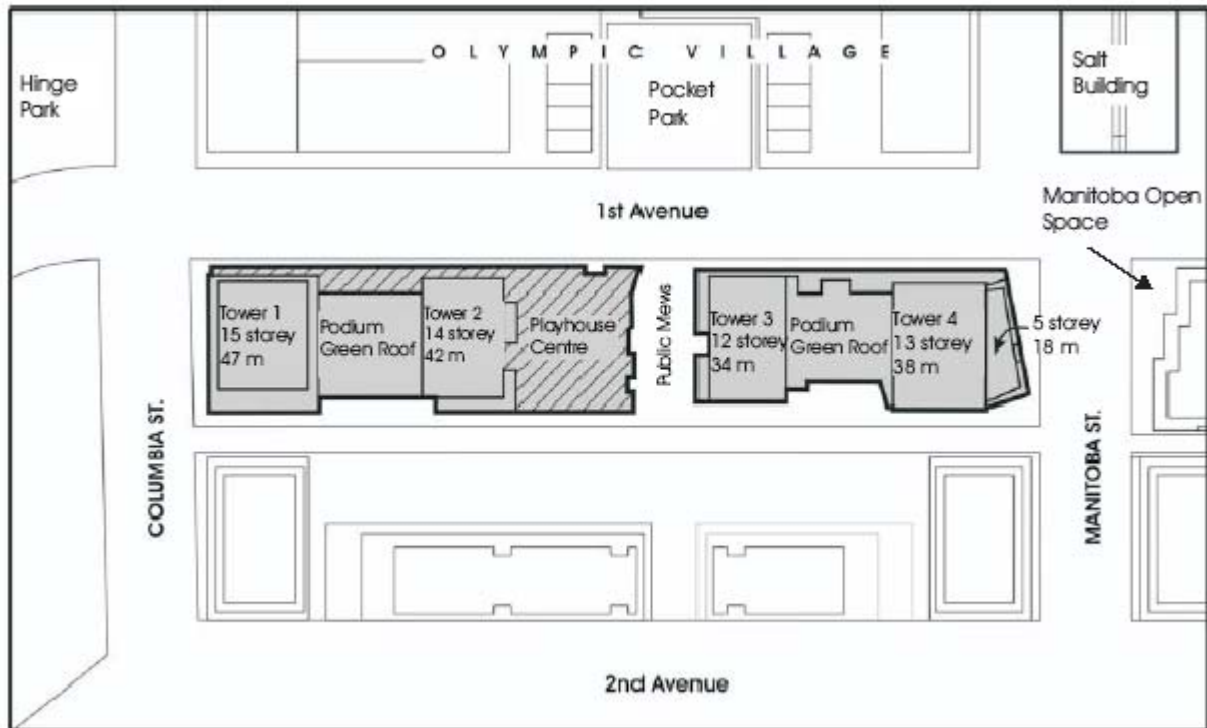


Figure 2: Proposed Heights for 100 West 1st Avenue

Staff have reviewed the proposed adjustments to the Form of Development and the proposed remassing reduces shadow impacts on the Manitoba Street public open space. The proposed remassing has shadow impacts along 1st Avenue and on the pocket park on the north side of 1st Avenue comparable to the Form of Development approved by Council on September 26, 2006 (see: shadowing diagram in Appendix D). This has been achieved by reducing the podium between Towers 3 and 4, by reducing the shoulder height of Tower 4 and by setting back the additional floors requested on Towers 2 and 3 such that no significant additional shadowing occurs. The revised Form of Development maintains a comparable massing while maintaining an SEFC ODP urban design objective of creating a variety of heights across the site. No additional density is being proposed; rather height increases are balanced out by height decreases elsewhere on the site (Note Plans Appendix E).

Staff note that this development is unique in SEFC in that it is accommodating a substantial cultural amenity bonus for provision of the Playhouse Theatre Centre. The CD-1 By-law approved FSR for the site is 5.3 compared to 3.5 FSR on most of the SEFC Private Lands sites. The bonus density has made massing within the ODP height limits challenging while maintaining good overall urban design. The height changes, in the view of staff, improve the overall urban design of the development.

The various changes in height from the CD-1 By-law form and the Development Permit proposal are noted in the table below.

Building	Approved in principle September 2006	Proposed
Tower 2	13 storeys/38 m	14 storeys/42 m
Tower 3	11 storeys/31 m	12 storeys/34 m
Podium between Towers 3 and 4	6 storeys/17.4 m	5 storeys/14.8 m
Shoulder building beside (east of) Tower 4	7 storeys/ 20.3 m	5 storeys/14.7 m

The revised height of 42 m (building 2) meets the CD-1 By-law requirement that “no building measured above the base surface exceed 47 m.” Therefore, a CD-1 By-law Text amendment is not required to allow the increased height on Tower 2.

The Urban Design Panel considered the Development Permit Application and revised Form of Development on November 21, 2007 and unanimously supported the massing adjustment (See the Panel’s comments in Appendix D).

2. CD-1 By-law Amendment

A minor correction needs to be addressed in the CD-1 By-law for 140 West 1st Avenue (see Appendix B).

The CD-1 By-law incorrectly states “Dwelling Uses, limited to Multiple Dwelling” are permitted, when it should state “Dwelling uses in conjunction with any of the uses listed in this section 3.2”.

A “Multiple Dwelling” by definition in the Zoning and Development By-law is a building containing ONLY dwelling uses. This was not what was intended in the CD-1 By-law, which allows for commercial and other uses at street grade contained within the buildings.

3. Rezoning Conditions Amendments

There are a number of corrections to be addressed in the Rezoning Conditions for 140 West 1st Avenue contained in Appendix C.

In September, 2006 Council approved a condition of development (c) (vii) in Appendix B, 140 West 1st Avenue) that required a 0.8 m dedication on the north of the site (along 1st Avenue) for road purposes. Engineering staff have undertaken further design work on the needs of the streetcar along 1st Avenue and have noted that an increased dedication on the north east end of site would be optimal to accommodate a wider streetcar station platform at a future date. Engineering staff have not yet completed the final geometric design to determine the specific dedication requirement; however they note that an upper limit of 2 m (a 1.2 m increase from the previous dedication requirement of 0.8 m) will be adequate. Staff will work with the applicant to ensure underground parking is not adversely affected. Condition (c) (vii) has been changed to reflect this increased dedication for road purposes.

Council also approved a condition of development ((c) (ix) in September 2006 that required provision of a 1.5 m right of way along the south property line of the site adjacent to the lane for “pedestrian purposes”. Engineering staff have determined that a right of way for “pedestrian purposes” is not necessary - this can be achieved through the Form of Development. However, they wish to replace the condition with one that requires the same

1.5 M right of way "for utility purposes" to ensure City crew access for maintenance of lane lighting that is to be installed in this right of way (because there is not room in the public lane for this lighting). This is not intended to preclude underground parking from encroaching into the right of way up to the current property line.

Finally, an error was made in the Community Amenity Contribution (CAC) amount included as a condition of approval in September 2006. Condition (c) (xxiii) incorrectly stated that the CAC would be in the amount of \$3,812,220. The developer had intended that the CAC would be consistent with \$11.50 per sq. ft (\$123.78 per sq. m) buildable noted in the SEFC Public Benefits and Compatible Housing Strategy approved by Council on June 15th, 2006. At \$11.50 per sq. ft, the CAC offering should have been \$4,103,552. Condition (c) (xxiii) has been updated with the correct amount.

To allow the CD-1 By-law to proceed to enactment prior to the amendments to the Rezoning Conditions, the developer has agreed to the registration on title to the site of a No Development Covenant. After the Rezoning Conditions have been amended, the No Development Covenant will be released from title concurrently with the registration on title of the legal agreements required for all of the Rezoning Conditions.

FINANCIAL IMPLICATIONS

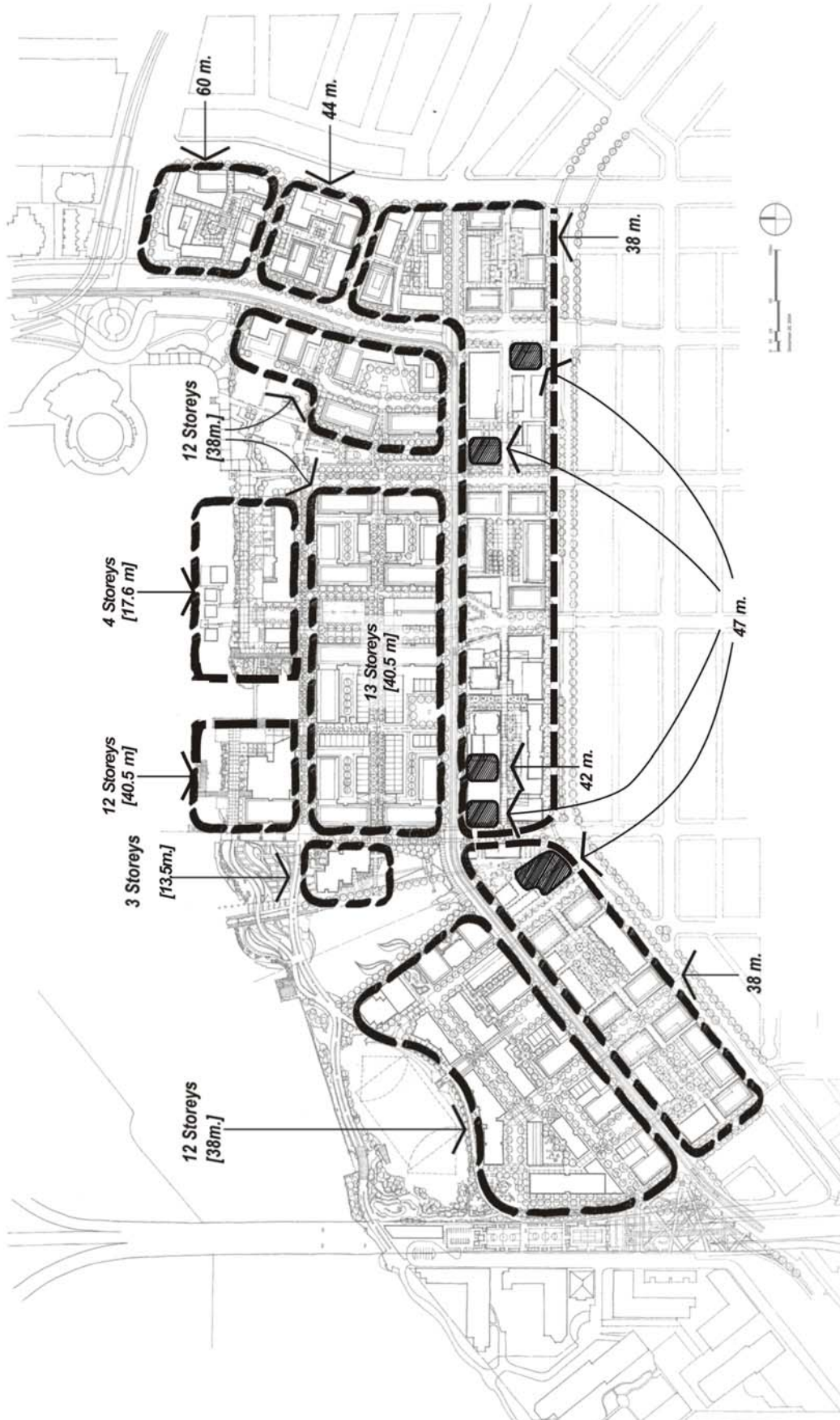
There are no financial implications.

CONCLUSION

The Director of Planning recommends support for the proposed height increase from 38 m (125 ft.) to 42 m (138 ft.) for Tower 2 of 140 West 1st Avenue and that the ODP be amended to reflect this. This amendment will improve the Form of Development for the site and remains consistent with the intent outlined in the SEFC ODP. Staff also support the changes to the CD-1 By-law and Rezoning Conditions for 140 West 1st Avenue as outlined above.

* * * * *

Figure 9: Maximum Heights



Appendix B

PROPOSED AMENDMENTS CD-1 BY-LAW for 140 West 1st Avenue

3.2. Uses

- (b) Dwelling Uses, in conjunction with any of the uses listed in this section 3.2.

Appendix C
PROPOSED CHANGES TO THE REZONING CONDITIONS FOR CD-1 BY-LAW OF 140 WEST 1st AVENUE

Replace requirement (c) (vii) with the following:

- (vii) Dedication up to a 2.0 m wide strip along the north property line of the site for road purposes.

Note to applicant: The width of the strip to be dedicated along the north property line will be 0.8 M except for 20 M along the east part of the strip where the width of the strip will be up to 2.0 m;

Replace requirement (c) (ix) with the following:

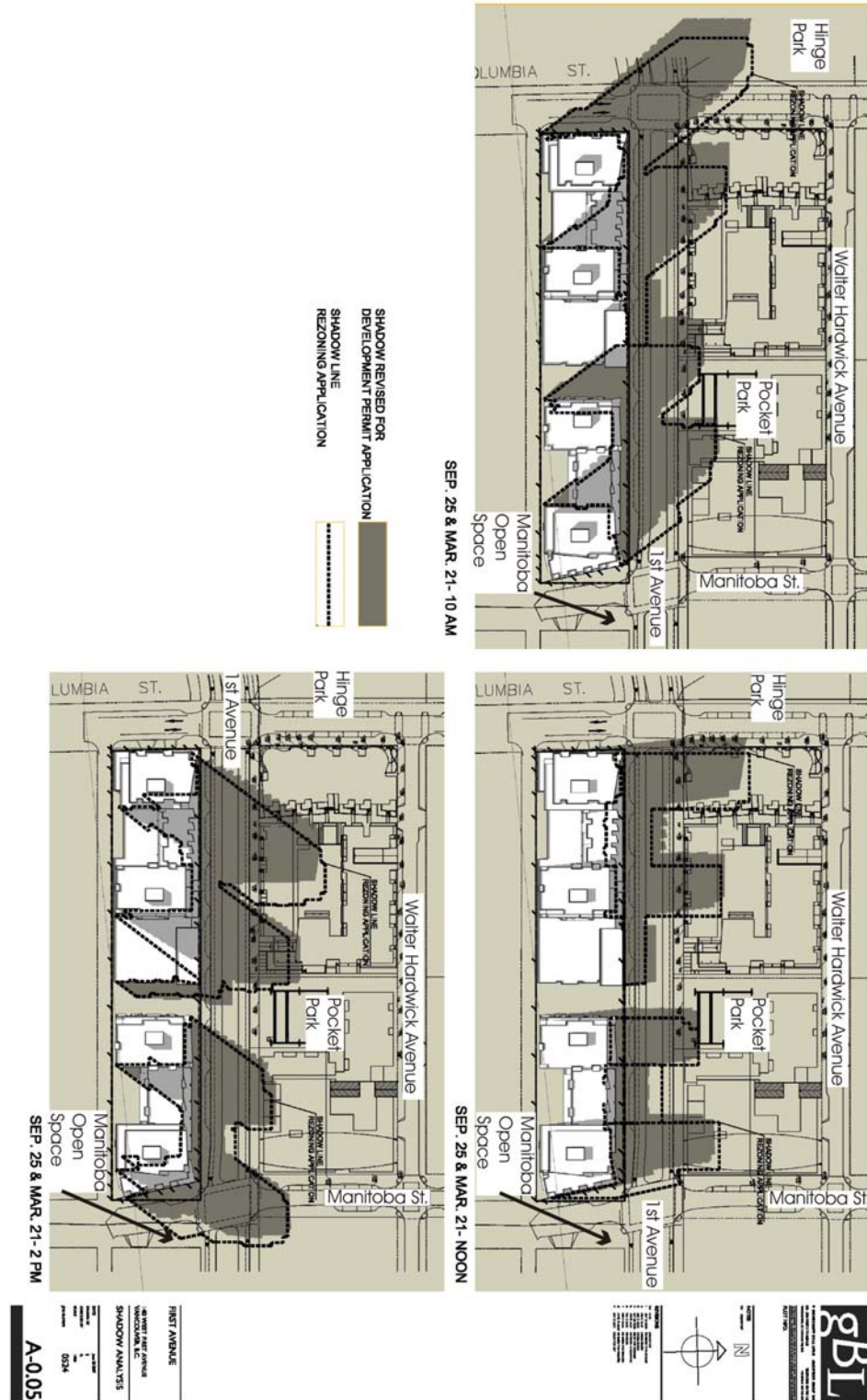
- (ix) provision of a 1.5 m right of way along the south property line of the site along the lane for utility purposes;

Replace requirement (c) (xxiii) with the following:

- (xxiii) execution of Section 219 Covenant providing that prior to issuance of the development permit the agreed Community Amenity Contribution in the amount of \$4,103,552, is to be paid to the City, such Covenant to be on terms and conditions satisfactory to the Director of Legal Services;

140 West 1st Avenue ADDITIONAL INFORMATION

1. Shadow Diagram



2. Urban Design Panel

The Urban Design Panel reviewed this proposal on November 21, 2007 and supported (6-0) the use, density and form of development and offered the following comments.

- **Panel's Consensus on Key Aspects Needing Improvement:** While the Panel had no major concerns with this proposal, several aspects were mentioned by the majority of Panel members;
 - provide a more meaningful passive response to the south and west facades of all the towers, but particularly the westerly tower facing the park; and
 - the tower design to be further refined to improve the overall architectural expression and increase the relative distinctiveness of the four towers.
- **Related Commentary:** The Panel supported the proposal.

The Panel supported the adjustments to the heights of the towers with several Panel members suggesting the swoop of the tower heights could be more pronounced by adding height to the two end towers. One Panel member suggested better integrating the mechanical penthouses into the building massing. The panel had no concern about the width of the westerly tower and thought the proposed unit design would help mitigate any privacy concerns.

The Panel thought the public access was treated well but suggested the mid-block street and lane crossing needed to be handled well to make it work. The panel had no concern about the residential liveability of the units facing the pedestrian mews.

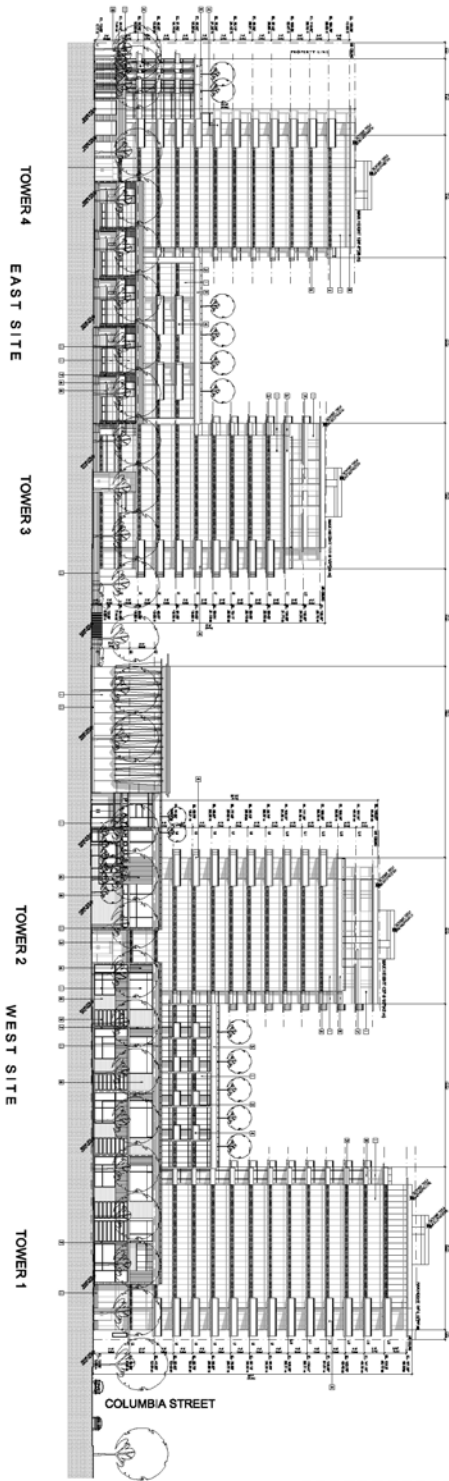
Several Panel members didn't think the approach to passive design was very strong and suggested increasing the solar performance of the south and west façades by further extending the proposed architectural projections or reducing the percentage of glazed openings. Also the Panel suggested increasing the size of the west facing balconies to achieve greater solar shading. One panel member recommended for this project, that the City relax the maximum 8% balcony FSR exclusion in order to achieve a greater environmental benefit.

The Panel felt the project would fit well into SEFC although one member thought it wasn't as successful as other projects in the area. Generally, the panel thought the expression of the four towers was too uniform and monotonous, and could be more distinctive. One panel member suggested using more depth and layers in the facade treatment to create a stronger architectural expression. The panel thought the two storey base expression was more successful than the towers above. One panel member thought the retail expression on Manitoba Street could be stronger, with the project's typical two story base expression continuing along Manitoba Street.

The Panel thought the lobby in the theatre was successful although one Panel member suggested adding more height as it deserved to be more distinctive. The Panel agreed that the lobby was a little jewel in the middle of the development.

The Panel thought the landscaping was the real strength in the project. They agreed that it was well thought out and liked the historical aspects suggesting they be emphasized more. Also, several Panel members suggested making the writing in the granite more obvious. The Panel also agreed that the mews would be a wonderful space and liked the roof top amenity spaces.

First Avenue Elevation



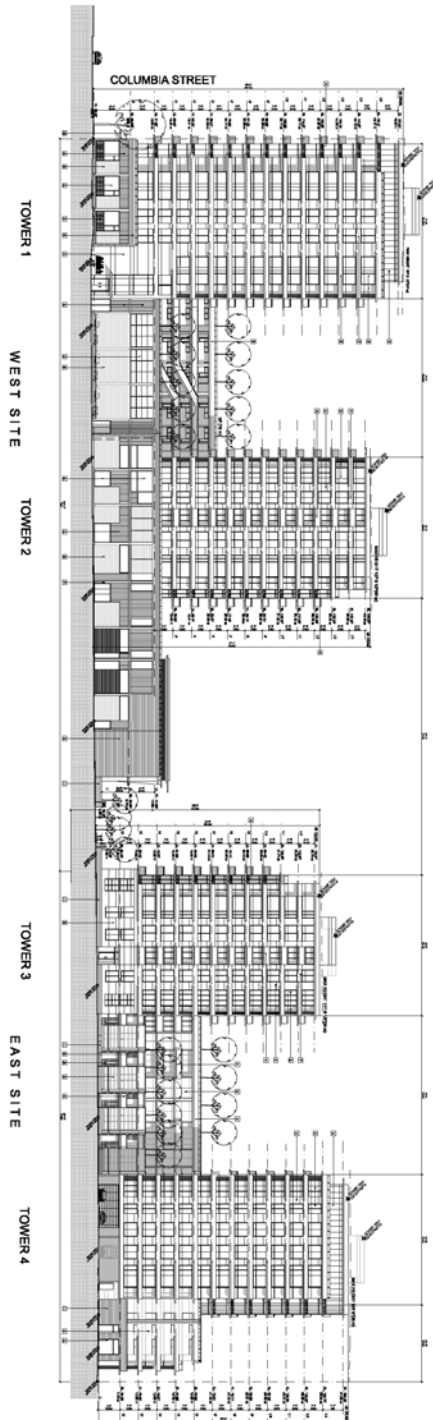
FIRST AVENUE
 400 WEST FIRST AVENUE
 WASHINGTON, MINNESOTA
FIRST AVENUE ELEV.
 PART 1.02
 DATE: 05/24
 DRAWN BY: [unintelligible]
 CHECKED BY: [unintelligible]

A-4.01

- REVISIONS**
- 1. CORRECT WINDOW SIZES
 - 2. CORRECT WINDOW SIZES
 - 3. WINDOW SIZES
 - 4. WINDOW SIZES
 - 5. WINDOW SIZES
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 - 16. WINDOW SIZES
 - 17. WINDOW SIZES
 - 18. WINDOW SIZES
 - 19. WINDOW SIZES
 - 20. WINDOW SIZES



Lane Elevation



FIRST AVENUE
 40 WEST FIRST AVENUE
 ARCHITECTURAL ELEVATION
 LANE ELEVATION
 UNIT 102
 SCALE: 1/8" = 1'-0"
 DATE: 02/24
 PROJECT: A-4.02

- NOTES:**
- 1. REFER TO SHEET A-4.01 FOR GENERAL NOTES.
 - 2. REFER TO SHEET A-4.02 FOR GENERAL NOTES.
 - 3. REFER TO SHEET A-4.03 FOR GENERAL NOTES.
 - 4. REFER TO SHEET A-4.04 FOR GENERAL NOTES.
 - 5. REFER TO SHEET A-4.05 FOR GENERAL NOTES.
 - 6. REFER TO SHEET A-4.06 FOR GENERAL NOTES.
 - 7. REFER TO SHEET A-4.07 FOR GENERAL NOTES.
 - 8. REFER TO SHEET A-4.08 FOR GENERAL NOTES.
 - 9. REFER TO SHEET A-4.09 FOR GENERAL NOTES.
 - 10. REFER TO SHEET A-4.10 FOR GENERAL NOTES.
 - 11. REFER TO SHEET A-4.11 FOR GENERAL NOTES.
 - 12. REFER TO SHEET A-4.12 FOR GENERAL NOTES.
 - 13. REFER TO SHEET A-4.13 FOR GENERAL NOTES.
 - 14. REFER TO SHEET A-4.14 FOR GENERAL NOTES.
 - 15. REFER TO SHEET A-4.15 FOR GENERAL NOTES.
 - 16. REFER TO SHEET A-4.16 FOR GENERAL NOTES.
 - 17. REFER TO SHEET A-4.17 FOR GENERAL NOTES.
 - 18. REFER TO SHEET A-4.18 FOR GENERAL NOTES.
 - 19. REFER TO SHEET A-4.19 FOR GENERAL NOTES.
 - 20. REFER TO SHEET A-4.20 FOR GENERAL NOTES.

