



POLICY REPORT DEVELOPMENT AND BUILDING

Report Date: April 24, 2012
Contact: Kent Munro
Contact No.: 604.873.7135
RTS No.: 9567
VanRIMS No.: 08-2000-20
Meeting Date: May 15, 2012

TO: Vancouver City Council
FROM: Director of Planning
SUBJECT: CD-1 Rezoning: 1401 Comox Street

RECOMMENDATION *

- A. THAT, the application by Henriquez Partners Architects, on behalf Westbank Projects/Peterson Investment Group, to rezone 1401 Comox Street, (*Lots 19 & 20, Block 47, District Lot 185, Plan 92; PID: 015-761-487 and 015-761-495 respectively*) from RM-5 (Multiple Residential) District to CD-1 (Comprehensive Development) District, to increase the density from 1.50 to 7.19 FSR to permit construction of a 22-storey market rental residential building, be referred to a Public Hearing, together with:
- i) plans received November 30, 2011;
 - ii) draft CD-1 By-law provisions, generally as presented in Appendix A; and
 - iii) the recommendation of the Director of Planning to approve, subject to conditions contained in Appendix B;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary CD-1 By-law generally in accordance with Appendix A for consideration at Public Hearing.

- B. THAT, subject to enactment of the CD-1 By-law, the Parking By-law be amended to include this CD-1 and to provide parking regulations generally as set out in Appendix C;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law at the time of enactment of the CD-1 By-law.

- C. THAT Council approve in principle a Housing Agreement pursuant to the Short Term Incentives for Rental (STIR) Program securing all 186 residential units as rental for the life of the building or 60 years, whichever is longer, including no separate sales and a no stratification covenants in respect of such units and such other terms and conditions as are more particularly described in the body of this Report and are to the satisfaction of the Director of Legal Services and Managing Director of Social Development;

FURTHER THAT the Director of Legal Services be instructed to bring forward a by-law pursuant to Section 565.2 of the Vancouver Charter to authorize such Housing Agreement, and after enactment of the Housing Agreement by-law, to execute and register the Housing Agreement.

- D. THAT, Recommendations A through C 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 bylaw 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.

REPORT SUMMARY *

This report evaluates a rezoning application to rezone this site from RM-5 (Multiple Residential) District to CD-1 (Comprehensive Development) District. The proposed rezoning would increase the maximum density and height to allow for a 22-storey residential building providing a total of 186 market rental housing units. The rezoning application was submitted under the Short Term Incentives for Rental Housing (STIR) Program and is consistent with Council housing priorities for the creation of purpose-built, affordable rental housing that contributes to the City's affordable housing goals identified in the Housing and Homelessness Strategy. The project also provides additional rental units in the West End where vacancy rates are generally below 1%, while a vacancy rate of 3-5% is considered to be a healthy market. While there have been significant concerns expressed by West End residents about this proposal, staff have concluded that the application has undergone significant changes in response to public comments, resulting in a form of development that meets the RM-5 Design Guidelines and represents an acceptable urban design response to the site and context. The Director of Planning recommends approval of the application, subject to the design development and other conditions outlined in Appendix B.

COUNCIL AUTHORITY/PREVIOUS DECISIONS *

Relevant Council Policies for this site include:

- Rezoning Applications and Heritage Revitalization Agreements during Community Plan Programs in the West End, Marpole and Grandview-Woodland (July 28, 2011)
- Housing and Homelessness Strategy (February 1, 2011)
- Short Term Incentives for Rental Housing (STIR) Program (June 18, 2009)
- Urban Agriculture Guidelines for the Private Realm (January 20, 2009)
- Green Buildings Policy for Rezoning (June 10, 2008; last amended July 22, 2010)
- Rental Housing Stock Official Development Plan (May 2007)
- Financing Growth Policy (Community Amenity Contributions) (January 20, 1999; last amended February 12, 2004)
- West End RM-5, RM-5A, RM-5B & RM-5C Guidelines (September 26, 1989; last amended January 20, 1998)
- High Density Housing for Families with Children Guidelines (March 24, 1992).

*CITY MANAGER'S/GENERAL MANAGER'S COMMENTS **

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

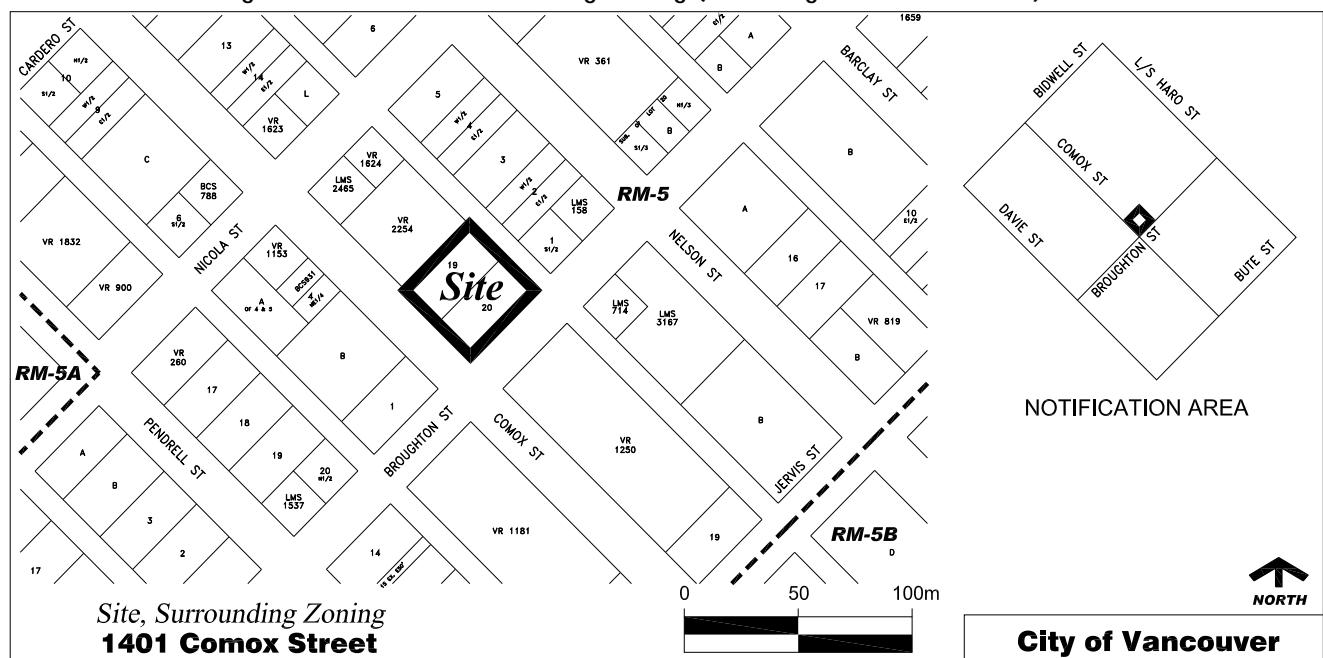
REPORT

*Background/Context **

1. Site and Context

This 1 606.5 m² (17,292 sq. ft.) site is situated at the northwest corner of Comox and Broughton streets (see Figure 1 below). The site is comprised of two legal parcels and has 39.9 m (131 ft.) of frontage along Comox Street and 40.2 m (132 ft.) frontage along Broughton Street. Until recently it was occupied by the St. John's United Church, built in 1983 to replace the original 1906 church destroyed in a fire.

Figure 1: Site and surrounding zoning (including notification area)



Zoning for the site is RM-5 (Multiple Residential) District. The blocks surrounding the subject site contain a variety of building types and heights. While the majority are wood-frame three- to four-storey apartments, there are also some concrete apartment buildings in the 10- to 22-storey range. Within two blocks, east and west of the 1400 block are seven taller (18- to 22-storey) towers, including an 18-story tower (Nelson Place) across the lane from the subject site. This mix of low, medium and a lesser number of taller buildings is one of the aspects that gives the West End its unique character.

2. Policy Context

STIR Program: On June 18, 2009, Council adopted the Short-Term Incentives for Rental Housing (STIR) program, which included a deadline of December 15, 2011, for new applications under the program. STIR was a time-limited program to provide a strategic set of incentives to encourage and facilitate the development of new affordable market rental housing throughout the City. Although the deadline for applications under the STIR program has now passed, this application was received in October 2009 making it eligible for consideration under the program.

As permitted under the STIR Program, this application is undergoing concurrent processing of the rezoning and development permit applications to provide an expedited process.

The STIR Program has been instrumental in demonstrating that the City, using various regulatory tools, can incent the building of purpose-built rental stock. In the preliminary report to Council on March 27, 2012, staff showed the results of the 2.5 year program which demonstrated a 270% increase in the annual number of rental units being approved in the period from 2006-2010.

Housing Policy: The site is located in the RM-5 District which is subject to the Rental Housing Stock Official Development Plan (ODP), the intent of which is to preserve purpose built rental housing. Since the previous use was a church, this site would not be subject to the ODP. Although the West End has the highest concentration of rental units in the city (over 23,000 rental units), most of the rental stock was built during the 1960s and 1970s, and this project would be the first purpose built rental building since that time. The addition of rental housing in the West End also supports the City's economic goals by locating affordable housing options for employees in close proximity to the approximately 170,000 jobs in the downtown. In fact, approximately 40% of residents in the West End walk to work, which is the highest proportion of pedestrian commuters in the city (the city wide average is 12%) and makes the addition of additional rental housing a key element of the city's sustainability objectives.

On July 29, 2011 Council endorsed the Housing and Homelessness Strategy 2012-2021 which includes Strategic Direction 1: Increase the supply of affordable housing and Strategic Direction 2: Encourage a housing mix across all neighbourhoods that enhances quality of life. The 3-Year Action Plan 2012-2014 identifies priority actions to achieve some of the Strategy's goals. The priority actions that relate to this application are to refine and develop new zoning approaches, development tools and rental incentives to continue the achievement of secure purpose built rental housing; and to use financial and regulatory tools to encourage a variety of housing types and tenures that meet the needs of diverse households.

West End Community Plan: On July 28, 2011, Council approved a community planning process for the West End neighbourhood. An interim rezoning policy was approved as part of the community planning process, which allows for continued consideration of rezoning applications that were received prior to this date. This consideration of this application is consistent with the rezoning policy.

3. Application Revisions

The original application, submitted in October 2009, proposed an increase in the overall maximum density from an FSR of 1.5 to 7.5, to allow the construction of a 66 m (216.5 ft.) 22-storey market rental residential tower and a 3-storey free-standing townhouse building. The buildings would provide 193 market rental units, including 13 townhouses at ground level. Along Comox Street, the proposal included a 8.7 m (28.5 ft.) by 37 m (121.4 ft.) landscaped public open space, including a children's play area, community gardens, and open lawn area.

There has been extensive engagement of the neighbourhood on this proposal, and in direct response to their feedback two major revisions of the original application have been submitted:

The revised application, received March 22, 2010, included the following changes:

- To address concerns that the proposal did not provide enough neighbourhood benefits, a community facility was incorporated into the smaller building (eliminating one townhouse) and six of the proposed housing units were designated for inclusion in the SAFER Program.
- To address concerns regarding the character of the building, modifications were made to the architectural expression of the building.

The revised application, received November 30, 2011 included the following changes:

- To reduce the height, the roof-top amenity space was relocated to the main floor, bringing the height down from 66 m (216.5 ft.) to 61 m (200 ft.) while still retaining 22 storeys;
- To address concerns about shadowing on the Broughton mini-park, the tower was sculpted and repositioned on the site, thereby also increasing the Broughton Street setback (to the building face) from 1.56 m (5.1 ft.) to 6.60 m (21.7 ft.).
- To provide more green space between the tower and the neighbour to the west, the small free-standing building containing the community amenity facility and townhouses was removed, increasing the interior side yard from 0.8 m (2.6 ft.) to 8.5 m (27.9 ft.).
- The revisions resulted in a slight reduction in the number of housing units, resulting in a total of 186 market rental units, including six townhouses at grade.
- As a result of the design changes discussed above, the density was slightly reduced to 7.19 FSR.

*Strategic Analysis **

4. Housing Proposal

Census data shows that although there is a high proportion (81%) of rented dwellings in the West End, the vacancy rate is very low. CMHC data (October 2011) indicates that the overall vacancy rate for apartment buildings in the West End is 0.7% in the West End Local Area, 0.3% in the West End/Stanley Park sub-area (West of Denman) and 1.1% in the English Bay sub-area (South of Davie). A 3% to 5% vacancy rate is considered to be "healthy".

The application proposes a 22-storey purpose-built market rental residential tower, providing 186 units of rental housing. Rental housing for families with children is a high priority for the City, particularly in the downtown peninsula. The RM-5 zoning requires that a minimum of 20% of the housing units contain two bedrooms or more. In this proposal, 35% of the units have two or three bedrooms. In its consideration of the STIR Program, the Mayor's Task Force on Housing Affordability raised a concern about the relatively small number of family units achieved through the program. This proposal strongly addresses this concern, providing a significant number of relatively affordable units suitable for families in the West End. Indoor and outdoor amenity space for the building residents is located on the ground floor and meets the requirements of the City's High Density Housing for Families with Children Guidelines, including the provision of outdoor play space. Staff support the proposed land use, which is permitted as a conditional approval use in the RM-5 District.

Seniors are a key population in the west-end. This application package included the designation by the developer of six studio units, for a minimum of five years, for use under the Shelter Aid for Elderly Renters (SAFER) Program, a Provincial program that provides subsidies for seniors housing. This offering is over and above what is expected under the City's Financing Growth Policy, and as such, will not need to be secured through legal agreements with the City.

Under the Housing Strategy, which is designed to enhance access to affordable housing in the city, the following rental housing targets have been established. The STIR program has played a critical role in enhancing, for the first time in decades, the building of purpose built market rental housing, which is inherently more affordable than home ownership. City data indicates that the average income of a renter is \$34,000 and that of a home owner is \$66,000. The table below incorporates the 186 units proposed for 1401 Comox Street.

Table 1: Rental Housing Targets

	TARGETS ¹		CURRENT PROJECTS				Above or below 2014 Target
	Long Term (2021)	Near Term (2014)	Completed	Under Construction	In Progress ²	Total	
Secured Market Rental Housing Units	5,000	1,500	0	347	1,321	1,668	+168

1. Targets are established in the 2011 City of Vancouver Housing and Homeless Strategy.

2. "In Progress" units are defined as those proposed in rezoning and development applications. This unit count is subject to change, as not all proposed units proceed to approval and development.

5. Density

Under the existing RM-5 zoning, the maximum density permitted on the site is a floor space ratio (FSR) of 1.50 FSR. Through a transfer of heritage floor space from the heritage density bank, a further ten percent density could be achieved, for a maximum FSR of 1.65 under the current zoning. This application proposes an increase in density to 7.19 FSR. The site has a number of characteristics that make it a good candidate to receive extra density, including that the proposed tower meets the RM-5 tower spacing guidelines.

The guidelines allow one tower per block-face. The 1400-north-block of Comox has no existing towers and is characterized by low-rise development. The proposed tower also meets the tower spacing requirement across the lane (of 24 m or 80 feet), as the 18-storey Nelson Place at 1424 Nelson Street would be 81 feet away. Moreover, while the floor space ratio is high compared to the existing zoning, the height and floor-plate size of the proposed tower is comparable to other towers in the West End. The high floor space ratio is attributed to the small site area. While comparable towers may be situated on larger sites, there are at least three examples of towers on small sites with similar densities. In these instances public benefits, mainly in the form of heritage preservation, were achieved. Increased density at 1401 Comox Street would similarly achieve a significant public benefit in the form of new purpose-built rental housing, which has not been built in the West End for several decades.

The comprehensive staff urban design assessment (Appendix D and summarized below) concludes that the proposed additional floor area can be accommodated satisfactorily within the development proposed on the subject site, subject to the design development conditions in Appendix B.

6. Height and Form of Development

The application proposes a 22-storey residential building with townhouses at grade. This building form is very familiar to the West End and this location provides sufficient opportunity to mitigate any impact from the proposed height and density. Parking and loading are proposed below grade, with access from the lane. At street level, along the Comox Street frontage, the application proposes a children's play area, community gardens, and open lawn area. See plans in Appendix G and development statistics in Appendix H.

An extensive analysis of the proposed form of development was conducted, including its urban design and the neighbourliness impacts of a building massing beyond that contemplated under the current zoning. A comparative assessment of shadows and views, as well as open space and privacy/livability was included in this work.

A detailed Urban Design Analysis is provided in Appendix D and is summarized below:

Height: The proposed height of the tower is 60.9 m (200 ft.). The RM-5 District schedule allows for an outright height of 18.3 m (60 ft.) (six to seven storeys), but allows for an increased height of up to a 59 m (190 ft.) (19 to 21 storeys), provided that the livability of the surrounding neighbourhood is not unduly harmed, and based on consideration of the area policies and guidelines, the submission of any advisory group or neighbour, and urban design analysis.

The West End RM-5 Guidelines recommend a minimum 121.9 m (400 ft.) horizontal separation between towers, within the same block-face, that are more than 33.6 m (110.0 ft.) in height. Given the length of blocks in the West End, this guideline effectively limits high towers to one per block-face. The guidelines also recommend a separation distance of 24.0 m (78.7 ft.) between buildings, on adjacent block-faces, that are above 33.6 m (110 ft.) in height. In the case of the subject site, there is no existing tower within the same block face, and the proposed building is separated from the tower across the lane (Nelson Place) by 24.7 m (81.1 ft.), thereby meeting the intent of the guidelines.

Shadowing: Shadow impact is typically measured at 10 a.m., noon and 2 p.m. at the equinox (March 21st and Sept. 21st). During these times, no public open space is impacted by the shadow generated by the proposal. However, to better understand when shadows will affect the Broughton Street mini-park, the applicant has provided additional shadow analyses. The analysis confirms that the proposed building starts to shadow the mini-park at approximately 3:30 p.m. (Equinox). While the proposed building creates a greater shadow on the mini-park than exists today, a building proposal under the current zoning provisions would also result in similar shadow impacts as this rezoning proposal.

In response to concerns from the public regarding shadowing of the Broughton Street mini-park, between Nelson Street and the lane, the tower has been modified from previous versions through both a shift in the tower placement on the site and shaping of the building. These measures have reduced the shadow impacts on the mini-park from previous versions, along with increasing the Broughton Street landscaped setback.

It is also noted that the proposal incorporates an 8.5 m (28 ft.) deep southwest-facing open space along the Comox Street frontage that will be secured for public use, compensating for the late afternoon additional shadowing of the mini-park.

With regard to private open space, concerns were raised by neighbouring residents that the development would result in a loss of sunlight for their buildings. While most of the shadow falls on existing roofs, lane and surface parking areas, it does trace across some neighbouring private open spaces. However, most of the shadows on neighbours' private open spaces have receded by the end of April, leaving them in sun through the summer months of May, June, July and August. Shadow impacts for tower forms built under the existing zoning were also found to have some shadow impact on neighbours' private open spaces, although less extensive (see Appendix D).

Views: There are no existing views from public vantage points that would be affected by the proposal. With regard to private views the proposal impacts existing views from units in five neighbouring towers within a two block radius, diminishing existing views between 4% and 16%, with the tower across the lane being impacted most significantly. Staff consider this degree of private view impact, within the West End context, to be within acceptable limits.

Privacy: The positioning of the tower and the orientation of the units generally provide for the best possible outlook and privacy for neighbouring units. The proposed tower is distanced from the tower across the lane by 24.7 m (81.1 ft.), achieving the 24.0 m (78.7 ft.) tower separation guideline. With regard to other adjacent low-rise buildings, the proposal's performance is equal to or better than that of a lower, squatter building which would be closer to the site property lines.

Built Form "Fit": The proposal is greater in massing than would result under the zoned density, as would be expected when the proposed density is substantially increased. However, the overall height and scale of the proposed tower is comparable to that of nearby towers built in the 1960s and 1970s, as well as more recent towers. The floor-plate of the proposed tower is approximately 557.0 m² (5,995 sq. ft.) which compares to 1277 Nelson at 534.2 m² (5,750 sq. ft.), 1005 Beach at 587.8 m² (6,327 sq. ft.), and 1111 Haro Street at 468.1 m² (5,038 sq. ft.) (see Appendix D, figure 19, floor-plate comparison of West End towers). Staff consider the resulting built form not to be out of context with the surrounding scale of buildings.

Architecture: The proposed tower's contemporary architectural design and simple, clean lines is expected to fit positively into the West End, conveying a lighter, more engaging character than several nearby concrete towers. In the revised drawings, in response to Urban Design Panel comments, refinements were made to simplify the architectural expression of the building, to provide a more modern look in keeping with the West End character.

The street-level townhouses, as well as the heritage gestures recollecting the original 1906 church, add pedestrian interest along the sidewalk.

Public Realm: The minimum street setbacks in RM-5 are 3.7 m (12 ft.) for the front yard (Comox Street) and 3 m (10 ft.) for the flanking street on a corner site (Broughton Street). The intent of the RM-5 setbacks is to provide an attractive residential interface at the sidewalk. Along Comox, the proposal provides an 8.7 m by 37 m (28.5 ft. by 121.4 ft.) landscaped public open space, which incorporates a children's play area, a community garden, and an open lawn area with public seating. These areas are to be accessible to the public, providing a useful addition to the public realm. On Broughton Street a setback of 6.6 m (21.6 ft.) is proposed.

Urban Design Panel: The application was reviewed and supported by the Urban Design Panel on November 18, 2009, March 24, 2010, and February 22, 2012 (see minutes in Appendix F).

In conclusion, there has been an extensive amount of work to address the concerns raised by members of the public during the public consultation process, particularly with regard to shadowing and view impacts, and public realm impacts, specifically along Broughton Street and the mini-park. It is acknowledged that the proposal's overall building volume is measurably greater than that which would occur under present zoning, however, staff believe that the resulting additional impacts on views and shadowing are within acceptable limits, and they do not unduly harm the livability and environmental quality of the neighbourhood. Through the revisions to the proposal, the applicant has responded to concerns, and has positioned and configured the building on this corner site, such that impacts on neighbours' privacy have been minimized. In addition, the provision of open space along the frontage of Comox Street will be a useful addition to the public realm. Staff find that the form of development is supportable and recommend, subject to the public hearing, that the application be approved subject to conditions which seek some additional design development as part of the development permit stage (see conditions in Appendix B).

7. Urban Agriculture

The proposal incorporates a community garden on the south side of the site along Comox Street, co-located with the children's play area. This is consistent with the Agriculture Guidelines for the Private Realm, which encourages edible landscaping and shared gardening opportunities on private land, and will help optimize the utility and enjoyment of both areas. In addition, Vancouver's Food Strategy identifies environmental and social benefits associated with urban agriculture and seeks to encourage opportunities to grow food in the city.

8. Heritage

Until recently, the site was occupied by the St. John's United Church. While the church itself, built in approximately 1983, was not considered to have architectural heritage merit, the site does contain several artefacts from a previous 1906 church, which was destroyed in a fire in 1974. To commemorate the previous churches, the applicant is proposing to integrate the stained glass windows into the front entry of the rental tower; incorporate a memorial marker into the landscape; and place the WWI Roll of Honour within the lobby of the new rental tower. Staff are supportive of this and recommend that, as a condition of approval (see Appendix B), an interpretive plan for incorporating the remaining artefacts and historical fragments be provided.

9. Transportation

The proposed parking and loading comply with the requirements of the Parking By-law provisions, which would require a total of 82 parking spaces and one Class B loading space for this development. The application shows three levels of underground parking, accessed from the lane, providing 79 residential parking spaces, of which two are proposed for shared vehicles. The Parking By-law allows for the substitution of shared vehicles and shared vehicle parking spaces for required parking spaces at a ratio of 1:5. On this basis, one shared vehicle would enable the proposed development to meet the Parking requirements. In addition to the required parking, staff recommend the provision of two additional shared vehicles and shared vehicle parking spaces, for a total of three shared vehicles and three shared vehicle parking spaces.

A Transportation Study completed by Bunt & Associates, and dated October 2, 2009, was submitted with the application. The study analyzed the impact of the proposed development on traffic in the vicinity and concluded that the impacts would be minimal.

The proposal requires a total of 233 bicycle spaces, which must be provided in a separate bicycle room within the building. The applicant has included 136 bicycle spaces in the underground parkade and is proposing to supplement those with in-suite bicycle storage. While residents have the option of using in-suite storage to accommodate their bicycles, staff do not consider this approach acceptable for the purpose of satisfying the minimum number of bicycle spaces required, and recommend compliance with the bicycle requirements of the Parking By-law.

This site is located along the Comox-Helmcken Greenway, which connects Stanley Park to False Creek, the planning of which is currently underway. As part of the City's program to establish a public bicycle system, staff recommend that space be provided on-site to accommodate a Public Bicycle Share station.

Engineering Services staff have reviewed the rezoning application and the Transportation Study, and have no objections to the proposed rezoning provided that the applicant satisfies the conditions regarding parking, loading, and bicycles included in Appendices B and C.

10. Sustainability

Council's requirements for LEED® Gold applies to rezoning applications received after July 30, 2010. As this application was received prior to this date, in October 2009, the policy of the day applies, requiring that rezonings for new construction establish a design that would achieve a minimum of LEED® Silver rating with targeted points for energy performance, water efficiency and stormwater management. While the preliminary LEED® scorecard provided as part of the rezoning application indicates that the project could attain the necessary points to be eligible for LEED® Silver, the applicant has indicated that they will be targeting LEED® Gold.

Redevelopment of a site often generates the need for soil remediation to address contaminants that may be present as a consequence of previous uses on the site. With respect to the subject site, the Environmental Protection Branch has reviewed the site profile and determined that there were no current or historic activities on this site that would require remediation. Should the rezoning be referred to a Public Hearing, the application can be considered without additional enactment conditions related to soil remediation.

11. Neighbourhood Greening

In response to comments received from the community regarding the desire for more green space in the area, as an addendum to the rezoning application, the applicant provided drawings showing an option to "green" Broughton Street between Comox Street and the lane to the north, and offered to donate up to \$50,000 towards the cost of these works. A condition of the applicant's offer is that the money be spent within the next five years. At this time, staff are focused on the planning of the Comox-Helmcken Greenway and its integration into the street network and provision of green space. The greening of this portion of Broughton Street is something which may be considered as part of that planning process, but it should be noted that \$50,000 provides limited opportunity for improvements.

While the applicant has indicated a commitment to providing this donation, this offering is over and above what is expected under the City's Financing Growth Policy, and as such, is not required to be secured through legal agreements with the City.

PUBLIC INPUT

Notification: To advise the general public of the application, a rezoning information sign has been displayed on the site since November 4, 2009. Information about the most recent application was added on January 26, 2012. A total of three public information open houses have been held: the first one was on November 24, 2009; the second, in response to revised drawings, on April 20, 2010; and third, in response to the current drawings, on February 9, 2012. In addition, the application was posted on the City's Rezoning Centre application website to allow citizens to view and comment on the application on-line. Over 1,500 surrounding property owners and tenants, as well as local community groups, were invited to review the application.

The following table summarizes the input received during these three phases of consultation. A detailed summary of public comments is provided in Appendix E and is summarized below in Table 2.

Table 2 – Comments Received via Community Meetings and Correspondence

	Total	Opposed	In Favour	Uncertain
November 2009				
Open House Comment Form	237	139 (59%)	94 (40%)	4 (1%)
E-mails/Letters/Online Forms	248	225 (91%)	18 (7%)	5 (2%)
<i>(Extensive Revisions to Application)</i>				
April 2010				
Open House Comment Form	233	179 (77%)	39 (17%)	15 (6%)
E-mails/Letters/Online Forms	261	121 (46%)	136 (52%)	4 (2%)
<i>(Extensive Revisions to Application)</i>				
February 2012				
Open House Comment Form	195	112 (57%)	68 (35%)	15 (8%)
E-mails/Letters/Online Forms	27	15 (56%)	12 (44%)	0 (0%)

Those in support of the application commented on the following:

- Proposed height and density can comfortably be accommodated.
- Modern character of the proposed building.
- Provision of new rental stock.
- Provision of the six housing units under the SAFER Program.
- Greater supply of housing required for increased affordability of rental housing.

The key concerns raised have been:

- Density and building height, and associated shadowing and view impacts.
- Inappropriate building character within the West End context.
- Inadequate setbacks on Broughton Street.
- Lack of on-site green space.
- Inadequate parking and increased traffic.
- Lack of public benefits to the community.
- Lack of affordability of the housing units.
- Need for a community plan prior to any further development.

As noted earlier in the report, the applicant has twice revised the application to address neighbourhood concerns. While the density and the tower form have remained the same, the current application includes the following improvements over the original application:

- Reduced shadowing on the Broughton mini-park in the late afternoon.
- Increased building setback from Broughton Street.
- Increased green space on the site.
- Modifications to the architectural expression of the building.

PUBLIC BENEFITS

In response to City policies which address changes in land use and density in the Downtown, the application offers the following public benefits:

Required Public Benefits

Development Cost Levies (DCL) — Development Cost Levies (DCL) collected from new development help pay for facilities made necessary by growth, including parks, childcare facilities, replacement housing (social/non-profit housing) and various engineering infrastructure. The subject site is in the City-wide DCL District where the rate for residential and commercial uses developed at a density greater than 1.2 FSR is \$121.96/m² (\$11.33/sq. ft.). Under the provisions of the STIR Program, the applicant has requested that the DCLs, estimated at \$1,408,659, be waived for this development.

Public Art Program — The Public Art Program requires, as a condition of rezoning, that all new developments involving a floor area of 9 290 m² (100,000 sq. ft.) or greater allocate \$1.81/sq. ft. to commission public art or provide cash in lieu. With 11 551 m² (124,330 sq. ft.) proposed in this rezoning, a public art budget of approximately \$225,037 would be anticipated.

Public Realm Improvements: This application delivers public realm enhancements including a landscaped corner bulge at Comox and Broughton and pedestrian scale lighting on Comox Street. The proposal also incorporates an open space along the Comox Street frontage, secured through a right-of-way, providing a children's play area, community gardens, and open lawn area.

Offered Public Benefits

Rental Housing: The applicant has proposed to build 186 units of rental housing (unstratified) under the STIR program. The public benefit accruing from these units is their contribution to the city's rental housing stock for the life of the building or 60 years, whichever is greater.

- **STIR Program:** By encouraging the development of rental housing across the city, the STIR program aligns with Council's priorities to encourage the continued building of strong, safe and inclusive communities that are sustainable, affordable, and environmentally sound. Rental housing provides a more affordable housing option for nearly half of Vancouver's population and, by stimulating the rental housing market, the STIR program is one of a number of City initiatives to sustain socially, economically and environmentally thriving communities. With the recent expiry of the STIR program, staff have conducted a review and assessment of the program outcomes, which is being reported separately to Council.
- **STIR Incentives** — Under the STIR Program various levels of incentives are provided to stimulate the development of for-profit affordable rental housing. The incentives represent a mixture of construction cost savings through regulatory relaxations and forgone revenues from DCLs. The applicant is requesting an incentive package consisting of a DCL waiver on 186 affordable market rental units and increased density. The floor space proposed for the STIR rental housing is 11 551 m² (124,330 sq. ft.), for which DCLs

would not be paid. The DCL waiver for these affordable rental units is approximately \$1,408,659.

- **Affordability** – The main focus of the STIR program is to increase the supply of rental housing that is affordable to households seeking rental housing in the regular housing market. Affordability is achieved through modesty in unit size, finishing and design considerations. The development includes a variety of types of rental units including studios, one-bedrooms, 2-bedrooms, and 3-bedroom townhouses, which the applicant estimates will rent for a range of \$2.00 to \$2.96 per square foot per month, with specific rent levels varying depending on location within the building and unit size. This translates into the following monthly rents ranging from \$860 to \$1,209 for a studio, \$1,128 to \$1,465 for a 1-bedroom, \$1,611 to \$1,988 for a 2-bedroom and \$2,320 to \$2,541 for a 3-bedroom townhouse.

A key goal of the STIR program was to create housing that is affordable to households that cannot afford home ownership. Staff have compared the anticipated monthly rents to the monthly costs of homeownership for the average priced units in the West End, using 2011 Multiple Listings Service data. The rental units in this project will provide an affordable alternative to homeownership, particularly for 2- and 3-bedroom units that are suitable for families with children. Monthly costs of ownership are higher than the anticipated rents by 50% for 2-bedroom units and 260% for 3-bedroom units.

Table 3 below compares proposed rents in the 1401 Comox project to average market rents in the area, including average rents of older West End stock, of newer rental stock and of rented condominiums.

Table 3: Comparable Average Market Rents (CMHC Data)

	1401 Comox St. Proposed Rents	Average Market Rent in Rented Condo Stock – Burrard Peninsula (CMHC)	Average Market Rent in <i>Newer</i> Rental Stock¹ – West End/ Downtown (CMHC)	Average Market Rent – Downtown (CMHC)	Average Market Rent – West End/ Downtown (CMHC)	Monthly Costs of Ownership for Average- Priced Unit – West End² (MLS 2011)
Studio	\$1,040	n/a	n/a	\$1,023	\$964	\$1,824
1-Bed	\$1,340	\$1,494	\$1,299	\$1,194	\$1,151	\$2,200
2-Bed	\$1,890	\$1,920	\$1,697	\$1,866	\$1,775	\$3,750
3-Bed	\$2,520	n/a	n/a	\$2,542	\$2,678	\$8,980

1. Newer rental stock refers to rental buildings constructed since 1990. There are too few studio and 3-bedroom units to be reported.

2. Monthly ownership costs are based on the following assumptions: average of all MLS sales prices in the West End in 2011 by unit type, 10% down payment, 5% mortgage rate, 25 year amortization, \$150-250 monthly strata fees, monthly property taxes at \$3.59 per \$1000 of assessed value.

The City Manager, pursuant to the Vancouver Development Cost Levy By-law, has determined this rental housing proposal to be affordable as proposed in the rezoning application. Further review of the finishing, unit size and design features in this development in comparison with industry standards of construction would occur at the development permit stage to ensure that the affordable rental units are basic quality construction. The DCL waiver on the affordable rental floor area is exercised at issuance of building permit, when DCLs are payable.

If this rezoning application is approved, the rental housing would be secured through a Housing Agreement with the City, and would be subject to the conditions noted in Appendix B.

Community Amenity Contribution (CAC): In the context of Financing Growth Policy, the City anticipates the offer of a community amenity contribution (CAC) from the owner of a rezoning site to address the impacts of rezoning. Contributions are negotiated and evaluated by staff in light of the increase in land value expected to result from rezoning approval.

Real Estate Services staff have reviewed the applicant's development proforma. The review concluded that after factoring in the costs associated with the provision of market rental housing units, there was no increase in the land value generated by the rezoning (i.e., the additional density improves the economic viability of the rental housing but does not create any lift in land value).

Implications/Related Issues/Risk (if applicable)

*Financial **

The applicant has applied to have the rental component of the project considered under the Short Term Incentives for Rental Housing (STIR) Program, approved by Council on June 18, 2009, to facilitate the development of new residential market rental housing. Under the STIR Program, the City will waive the DCLs applicable to the rental component of the development estimated at \$1,408,659.

The financial contributions that may accrue to the City, should Council approve this application, are estimated at \$225,037 in Public Art contributions. In addition, the application includes the provision of 186 units of market rental housing.

*CONCLUSION **

This proposal will make a significant contribution to Council housing priorities for the creation of purpose-built for-profit affordable market rental units for residents of Vancouver. It will contribute to the City's affordable housing goals in the form of a net increase of 186 long-term market rental units.

Through significant community input over the last 2½ years, concerns have been raised relating to the form of development proposed for this site, particularly with regard to the proposed height and density, but also to the siting of the building, to the amount of green space on site, to shadowing on the Broughton mini-park and to building character. Through several revisions to the proposal, the applicant has worked hard to address a number of the latter concerns, while still retaining as many of the proposed rental housing units as possible.

Staff assessment of this rezoning application has concluded that, along with making a significant contribution to the achievement of key affordable housing goals of the City, the form of development represents an acceptable urban design response to the site and context and is therefore supportable. The Director of Planning recommends that the application be referred to Public Hearing together with the draft CD-1 By-law as generally shown in Appendix A and with a recommendation that these be approved, subject to the Public

Hearing, along with conditions of approval listed in Appendix B, including approval in principle of the form of development as shown in plans included as Appendix G.

DRAFT CD-1 BY-LAW PROVISIONS
1401 Comox Street

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

Zoning District Plan amendment

1. This By-law amends the Zoning District Plan attached as Schedule D to By-law No. 3575, and amends or substitutes the boundaries and districts shown on it, according to the amendments, substitutions, explanatory legends, notations, and references shown on the plan marginally numbered (____) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

[Schedule A is not attached to this appendix. It is a map that will be included with the draft by-law to be posted prior to the Public Hearing.]

Uses

- 2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (____).
- 2.2 Subject to Council approval 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 within CD-1 (____) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
 - (a) Multiple Dwelling;
 - (b) Cultural and Recreational Uses, limited to park or playground;
 - (c) Institutional Uses, limited to Child Day Care Facility; and
 - (d) Accessory Uses customarily ancillary to the uses listed in this section 2.2.

Density

- 3.1 Computation of floor space ratio must assume that the site consists of 1 606.5 m², being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications.
- 3.2 The floor space ratio for all uses must not exceed 7.19.
- 3.3 Computation of floor space ratio must include:
 - (a) all floors, including earthen floor, measured to the extreme outer limits of the buildings; and
 - (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.

3.4 Computation of floor space ratio must exclude:

- (a) open residential balconies or sun decks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that:
 - (i) the total area of all such exclusions does not exceed twelve percent of the residential floor area; and
 - (ii) no enclosure of balconies is permissible for the life of the building.
- (b) patios and roof gardens, if the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are 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, those floors or portions thereof so used, which are at or below base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;
- (d) amenity areas including day care facility and amenity areas accessory to a residential use, including recreation facilities and meeting rooms, except that:
 - (i) the total excluded area must not exceed the lesser of 10 per cent of the permitted floor space or 1 000 m², and
 - (ii) there may be an additional excluded area of the lesser of 10 per cent or 500 m² for day care facilities, if the Director of Planning, on the advice of the Director of Social Planning is satisfied that a need exists for a day care facility in the immediate neighbourhood;
- (e) areas of undeveloped floors located:
 - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (f) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (g) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² for a dwelling unit, there is to be no exclusion for any of the residential storage space above base surface for that unit;
- (h) bicycle storage at or below base surface, except there must be a secured and separate bicycle room equipped with bicycle racks capable of storing at least one bicycle for every four dwelling units;

3.5 The use of floor space excluded under section 3.4 must not include any purpose other than that which justified the exclusion.

Building height

- 4.1 The building height, measured above base surface, must not exceed 61 m.
- 4.2 Section 10.11 of the Zoning and Development By-law is to apply to this By-law, except that the Director of Planning may permit a greater height than otherwise permitted for mechanical appurtenances such as elevator machine rooms.

Horizontal Angle of Daylight

- 5.1 Each habitable room must have at least one window on an exterior wall of a building.
- 5.2 The location of each such exterior window must allow a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.
- 5.3 Measurement of the plane or planes referred to in section 4.2 must be horizontally from the centre of the bottom of each window.
- 5.4 If:
 - (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
 - (b) the minimum distance of the unobstructed view is not less than 3.7 m;the Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement.
- 5.5 An obstruction referred to in section 5.2 means:
 - (a) any part of the same building including permitted projections; or
 - (b) the largest building permitted under the zoning on any site adjoining CD-1 (___).
- 5.6 A habitable room referred to in section 5.1 does not include:
 - (a) a bathroom; or
 - (b) a kitchen whose floor area is the lesser of:
 - (i) 10% or less of the total floor area of the dwelling unit, or
 - (ii) 9.3 m².

Acoustics

- 6. 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

* * * * *

**PROPOSED CONDITIONS OF APPROVAL
1401 Comox Street**

Note: Recommended approval conditions will be prepared generally in accordance with the draft conditions listed below, subject to change and refinement prior to finalization of the agenda for the Public Hearing.

Note: Further design development and response to circumstances resulting from the Public Hearing may result in additional design and technical conditions as part of the Director of Planning approval.

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Henriquez Partners Architects, and stamped "Received City Planning Department, November 30, 2011", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Urban Design

- 1. Design development to improve the tower's apparent slenderness through further articulation of facades, balconies and guardrails, as well as consideration of passive design shading elements on the south and west facades to address solar heat gain.

Note to applicant: Detailed sections and elevations illustrating high quality material treatments is required.
- 2. Design development to improve the public realm interface of the ground-oriented townhouses facing Broughton Street with the provision of planter walls and entry gates enhanced with high quality materials and treatments.
- 3. Design development to relocate and incorporate the garage exhaust vents to improve the interface on the sidewalk and at the neighbouring entry walkway.
- 4. Design development to reduce the depth of the rooftop mechanical penthouse as much as possible while still providing screening for any necessary equipment.
- 5. Design development to the balconies to provide more visual interest within the overall façade composition.

Note to applicant: Variation of material treatments should be explored.

Sustainability

6. Identification on the plans and elevation of the built elements contributing to the building's sustainability performance in achieving LEED® Silver equivalency, including at least three optimize energy performance points, one water efficiency point, and one storm water point.

Note to Applicant: Provide a LEED® checklist confirming LEED® Silver equivalency and a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development. Both the checklist and description should be incorporated into the drawing set. Pursuit of LEED® Gold rather than Silver is encouraged, as are registration and application for Certification of the project.

Crime Prevention Through Environmental Design (CPTED)

7. Design development to respond to CPTED principles, having particular regards for:
 - a. theft in the underground parking;
 - b. residential break and enter;
 - c. mail theft; and
 - d. mischief in alcove and vandalism, such as graffiti.

Landscape

8. Resolution of conflict between the proposed excavation and the neighbour trees near the west property line.

Note to Applicant: the trees were retained and protected during the demolition phase. Either this protection method or an alternative method should be integrated into the new proposal through design development, to the satisfaction of a project engineer, the project arborist and staff. Arborist report will be required. The arborist must consider the feasibility of removing individual trees within the group, should that be proposed, regardless of ownership. Alternatively, an application for a tree permit can be made to remove/ replace the trees and accompanied by a written consent letter from the neighbour. Further comments may be outstanding.

9. Where applicable, provision of a certified arborist report, to the satisfaction of staff.

Note to Applicant: the report should provide information, advice and solutions regarding the impacts of neighbour trees in close proximity to excavation. Arborist setback dimensions should direct design, where applicable. Further comments may be outstanding.

10. Where applicable, provision of a letter of assurance that the arborist has been hired to supervise and manage tree retention for the project.

11. Design development to the Broughton Street public/private interface.

Note to Applicant: where the double row of trees is not accepted by the City Engineer, the inboard westerly row of trees should be setback onto the private property patios. The underground parking slab should angle down a minimum distance of three feet in the vertical and horizontal plane to provide a continuous soil planting trench connected to the open soil. The planters on the westerly patios will need to be re-configured accordingly. Provide layered planting on the city boulevard, leaving a one foot lawn setback from the sidewalk.

12. Further design development to the demonstration garden.

Note to Applicant: further consideration should be given to the security, programming and ownership of the space. An adequate amount of tool storage, hose bibs and a compost station must be provided in close proximity. Locate storage within or attached to the building; or, an alternative, such as lockable, hidden storage within the benching. Integrate edible planting into the planting scheme, including adding additional replacement trees species and a starter plant list for the garden plots. Provide detailed sections and plans.

13. Design development to provide sufficient soil depth and volume to ensure long term plant health.

Note to Applicant: soil depths to meet or exceed BCLNA Landscape Standards (latest edition).

14. Provision of a detailed landscape/planting plan.

Note to Applicant: provide details of all hard and soft landscaping, including a detailed plant list and clarification of all surface materials. The plant list should be appended to plant symbols on the plant list.

15. Provision of a Tree Plan, including dimensioned tree protection barriers.

Note to Applicant: refer to *Protection of Trees Bylaw* (sec. 4.0, 4.3) and the tree protection requirements processed at time of demolition permit. For staff to consider removal of any neighbour trees, a separate tree permit application accompanied by a neighbour consent letter must be submitted. Replacement tree considerations should be explored in advance of the application.

16. Provision of large scale sections through the landscaped areas.

Note to Applicant: include all four sides of the building (townhouse interface, the slab-patio-planter relationship, the lane interface, the west neighbour relationship) and common areas (childcare, demonstration garden, courtyard). For planting on slabs, detailed sections should include the soil profile, root ball and slab/ retaining walls.

17. Provision of high efficiency irrigation for all planted areas, hose bibs for garden plot areas and private patios of areas equal or greater to 9.3 m² (100 sq. ft.).

Note to Applicant: in addition to hose bibs, drip irrigation should be provided for planters on private patios. Illustrate symbols, written specifications and notations on the landscape plans in this regard.

18. Provision of new street trees adjacent to the development site, to be confirmed prior to the issuance of the building permit, to discretion of the General Manager of Engineering.

Note to Applicant: Contact Eileen Curran, Streets Engineering, ph: 604.871.6131 to confirm tree planting locations and Park Board, ph: 604.257.8587 for tree species selection and planting requirements. Provide a notation on the plan, "Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6cm calliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches in deep. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion".

19. Provision of layered planting on the inside boulevard.

Note to Applicant: refer to *Engineering Guidelines for Planting on Boulevards*.

Engineering

20. Provision of a marked hatched area for the pedestrian corridor between parking spaces 3 and 4 on P3.
21. Provision of a 1.5 m (5 ft.) access corridor for disability spaces 19, 29, 40 and 41 on P2.

Note to applicant: Clarify if the space between stalls 40 and 41 on P2 is the disability stall access aisle or a parking space. Engineering recommends the conversion of stall 1 on P2 to a disability stall with a shared access aisle with stall 2, and of stall 6 on P1 to a disability stall.

22. Provision of an improved plan showing the maneuvering of the truck from the lane into and out of the loading space and back out into the lane.

Note to applicant: This is to confirm that the trucks can turn around on site without having to back out into the lane and assess if parking across the lane needs to be removed.

23. Confirm that 2.3 m (7' 6 ½") of vertical clearance is being provided on P2 underneath the storage room for disability parking.

Note to applicant: Section drawing AA measures 2.2m at this location.

24. Provision of all Class A bicycle storage on P1 level.
25. Provision of 6 additional Class B bicycle parking spaces on public property as space permits.

Note to applicant: a separate application to the GMES is required.

26. Delete the landscaping (including trees) shown within the curbed sidewalk area in the lane on Page A1.03. This must remain as pavement (note vine pockets could be considered).
27. Doors and gates are not to swing over the property lines (transformer and stairwell exit gates on drawing A1.04).

Social Development

28. Design development to the common amenity room and children's play area to improve the physical and visual connections between the two spaces, and to secure the children's play area by providing gates and fencing, in accordance with the High Density Housing for Families with Children Guidelines.
29. Design development to ensure an accessible washroom is provided off the amenity room. Consideration should be given to adding a diaper change table to the washroom to assist parents with infants.
30. Design development to the "Community/Demonstration Garden" on the south side of the site to include on-site composting, tool storage, hosebibs and potting benches which support urban agricultural activity, and to make some garden plots universally accessible as per the "Urban Agriculture Guidelines for the Private Realm". Consideration should be given to a rainwater collection system to assist with irrigation.

Heritage

31. Submission of an commemoration program including an interpretative plan for incorporating remaining artifacts and historical fragments from the church and hall.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the Director of Planning, the Managing Director of Social Development, the General Manager of Engineering Services, the Managing Director of Cultural Services and Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Consolidation of Lots 19 and 20, Block 47, DL 185, Plan 92 to create a single parcel.
2. Provision of a Services Agreement to detail the on and off-site works and services necessary or incidental to the servicing of the site (collectively called "the services") such that they are designed, constructed and installed at no cost to the City, and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the following services is provided:
 - (i) improvements to the proposed demonstration garden by providing a water drinking fountain, seating, and pedestrian scale lighting adjacent the walk, all to be located on private property;
 - (ii) provision of pedestrian-scale lighting on Comox Street adjacent the site;
 - (iii) provision of a landscaped corner bulge at the north west corner of Comox and Broughton streets including relocation of utilities and services impacted by bulge construction;
 - (iv) provision of a concrete pedestrian lane crossing and curb ramps at the lane south of Nelson Street on the west side of Broughton Street;
 - (v) provision of broom-finished concrete sidewalks on Comox Street adjacent to the site to the City of Vancouver Greenways standard (1.8 metres wide with saw cut joints);
 - (vi) provision of street trees adjacent to the site where space permits;
 - (vii) provision of the adjustment of parking regulation signage in the lane as a result of changes to vehicular access;
 - (viii) the General Manager of Engineering Services will require all utility services to be underground for this development. All electrical services to the site must be primary with all electrical plant, including but is not limited to, junction boxes, switchgear, kiosks, other utility kiosks and pad mounted transformers, are to be located on private property. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.
3. Provision, operation, and maintenance of three shared vehicles, and the provision and maintenance of three parking spaces for use exclusively by such shared vehicles, with two of such parking spaces to be in addition to the

minimum parking spaces required by the Parking By-law, and with all three vehicles and spaces under the conditions outlined below:

- (i) a professional shared vehicle organization, satisfactory to the Director of Planning and General Manager of Engineering Services, is to manage the shared vehicles;
 - (ii) the registration against the title to the development, with such priority as the Director of Legal Services may require, and in form and substance satisfactory to the Director of Legal Services, of a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, providing that the shared vehicle spaces in the development must be accessible to members of the car sharing organization including those who do not reside in the development; and
 - (iii) the provision of, prior to issuance of any development permit, details on arrangements that will allow members of the shared vehicle organization access to the car share parking spaces.
- 4. Provision of space on the site to accommodate a Public Bicycle Share Station, and arrangements for the appropriate rights of way to allow public access to the Bicycle Share Station.
 - 5. Provision of appropriate agreements to ensure on-going maintenance of non-standard landscaping features on public property adjacent to the site.

Comox Public Open Space

- 6. Make arrangements to the satisfaction of the Director of Planning and the Director of Legal Services, to secure public access over the 8.7 m (28.5 ft.) by 37 m (121.4 ft.) public open space fronting onto Comox Street, including community gardens, children's playground, and open lawn area, as shown on diagram A1.04 (Ground Floor Plan).

Note to Applicant: A statutory right-of-way will be required to provide public access to this open space. Construction, installation, maintenance and lighting will be the owner's responsibility.

Affordable Rental Housing

- 7. Execute a Housing Agreement pursuant to the Short Term Incentives for Rental (STIR) Program to secure all 186 residential units in this development as rental for the life of the building or 60 years, whichever is longer, and to include registrable covenants in respect of all such units prohibiting stratification, separate sales and rental for a term of less than one month at a time, and subject to such other terms and conditions as are satisfactory to the Director of Legal Services, the Managing Director of Social Development.

Note to Applicant: This Housing Agreement will be entered into by the City by by-law pursuant to Section 565.2 of the Vancouver Charter.

Public Art

8. Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Public Art Program Manager (a checklist will be provided).

Note to applicant: Please contact Bryan Newson, Program Manager, 604.871.6002, to discuss your application

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DRAFT CONSEQUENTIAL AMENDMENTS
1401 Comox Street

DRAFT AMENDMENTS TO THE PARKING BY-LAW NO. 6059

1. This By-law amends the indicated provisions of the Parking By-law.
2. Council repeals section 4.1.5, and substitutes:

"4.1.5 CD-1 District Parking Requirements

Unless otherwise provided in Schedule C or in a CD-1 By-law:
 - (a) the parking requirements for a CD-1 District located within the area depicted on Map 4.3.1, must be calculated in accordance with section 4.3; and
 - (b) the parking requirements for a CD-1 District located outside of the area depicted on Map 4.3.1, must be calculated in accordance with section 4.2."
3. In section 5.1.1, Council strikes out "In", and substitutes "Unless otherwise provided in Schedule C or a CD-1 By-law, in".
4. In section 6.1.1, Council strikes out "In", and substitutes "Unless otherwise provided in Schedule C or a CD-1 By-law, in".
5. In section 7.1.1, Council strikes out "In", and substitutes "Unless otherwise provided in Schedule C or a CD-1 By-law, in".
6. In section 16, after the words "Schedules A", Council strikes out "and", and substitutes ", ", and after the letter "B", Council adds "and C".
7. After Schedule B, Council adds:

Schedule C
CD-1 Districts Parking Requirements

Address	By-law #	CD-1#	Parking Requirements

* * * * *

URBAN DESIGN ANALYSIS 1401 Comox Street

Introduction

The first test in assessing a proposal seeking a substantial increase in density is to determine from an urban design standpoint if the site can, within its surrounding built context and zoning, accept the additional density appropriately. An analysis and assessment of the proposed form of development was conducted, including any urban design impacts beyond that contemplated for development under zoning. This involved a comparison of the proposed building massing against potential building massing under RM-5 zoning and guidelines in terms of impacts on views, shadows, livability and overall built form “fit” within the neighbouring context.

RM-5 Zoning and Guidelines

The RM-5 District Schedule permits a density of 1.5 FSR. This density may be increased by a maximum of 10 per cent without rezoning (1.65 FSR), through a transfer of heritage floor space from a heritage density bank. In total, this translates to a development potential under present zoning of 28,532 sq. ft. on the subject site. Section 4.75 of the District Schedule also permits the Development Permit Board to consider bonus density in exchange for the provision of a public facility of a social, cultural or recreational nature, subject to Council approval, and taking into account relevant design guidelines.

In terms of height, the schedule specifies an outright height of 18.3 m (60 ft.) (typically 6 to 7-storeys) but allows increases “provided that the livability and environmental quality of the surrounding neighbourhood is not unduly harmed” and after consideration of guidelines and neighbouring concerns to a maximum of 58 m (190 ft.) (10 to 21 storeys). In this case, the West End RM-5 Guidelines specify that a minimum of a 121.9 m (400 ft.) separation occurs between tall towers on the same block face, effectively limiting 58 m (190 ft.) high towers to only one per block face. The Guidelines also reference 33.6 m (110 ft.) high buildings (11 to 12 storeys) in which case a minimum separation between such higher buildings of 24 m (78.7 ft.) should be provided.

Context

The blocks surrounding the subject site contain a variety of building types and heights. The majority are wood frame three to four storey apartments, with a minority of concrete apartment buildings in the 10 to 22 storey range. Within two blocks east and west of the subject block face are seven taller 18 to 22 storey towers on Nelson Street (the next street north of Comox Street), including an 18-storey rental tower (Nelson Place) across the lane from the subject site. This mix of low, medium and a lesser number of taller buildings is one of the aspects that give the West End its unique character.

Assessment of Proposed Built Form

In order to better understand the relative impacts of the proposal over that generated by development forms possible under present zoning, a comparative assessment of shadows and views as well as open space and privacy/livability was conducted. At the outset it must be acknowledged that an almost quintupling of density as proposed is going to result in a larger building. The core question is whether the extent of additional impacts generated by the proposed greater building massing on this particular site is such as to unduly harm the livability and environmental quality of the surrounding neighbourhood. The proposed building

form was compared to the following three possible building forms at the maximum FSR of 1.65 (1.5 FSR + 10% heritage density transfer) (see Figure 2, West End Building Form Options).

1. Outright 18.3 m (60 ft.) high envelope massing (6 to 7 storeys).
2. 33.6 m (110 ft.) (11 to 12-storeys) high tower. This is a very likely proposal under the existing zoning and guidelines, given the advantages of its slim massing (approximately 65 ft. wide x 55 ft. deep: 3,105 sq. ft. floor plate) and consequent generous on-site private open space.
3. 58 m (190 ft.) (18 to 21 storeys) maximum height tower. Such a proposal would comply with the tall tower, 121.9 m (400 ft.) separation guideline (i.e., only one tall tower per block face). An exceptionally slim tower (approximately 54 ft. wide by 40 ft. deep: 1,862 sq. ft. floor plate) would result, probably with only one spacious unit per floor. Although a proposal of such slimness would be highly unusual, there are several relatively recent examples of tall towers built in the West End that were approved on the basis that their slimness freed up generous on-site open space and lower level views through the site for neighbours. In addition, a number of other West End developments have been granted density increases in exchange for a variety of public benefits such as heritage preservation, maintaining on site rental housing and contribution to park acquisition, resulting in tall towers with larger floor-plates (see Table 1 below).

TABLE 1: Tall Towers in the West End (See Fig. 3 & 4 - Photos)

Address	Height	Year Built/ *Approved	FSR
1861 Beach Avenue (Sylvia Tower)	190 ft.	1985	5.0 RM-5B (heritage bonus)
1311 Beach Avenue (Tudor Manor)	210 ft.	1989	3.0 RM-5A (heritage bonus)
1919 Beach Avenue (Eugenia)	180 ft.	1990	2.75 RM-5B
2088 Barclay Street (Presidio)	190 ft.	1990	2.75 RM-5B
1111 Haro Street	170 ft.	1994	2.75 RM-5B
1277 Nelson Street	170 ft.	1995	3.71 RM-5B (heritage bonus & 41 retained rental units)
1005 Beach Avenue (Alvar)	270 ft.	2004	2.90 CD-1 (park acquisition)
1215 Bidwell Street	210 ft.	2009*	6.27 CD-1 (Heritage & 49 Rental Units)

The proposed tower is 60.96 m (200 ft.) high to its main roof parapet (22 storeys). Although its width, at 19.9 m 65 ft. east/west (Comox Street frontage) is comparable to that of both the 33.6 m (110 ft.) and slimmer 58 m (190 ft.) tower options above, its depth at 30.56 m (100 ft. north/south (Broughton Street frontage) is clearly broader.

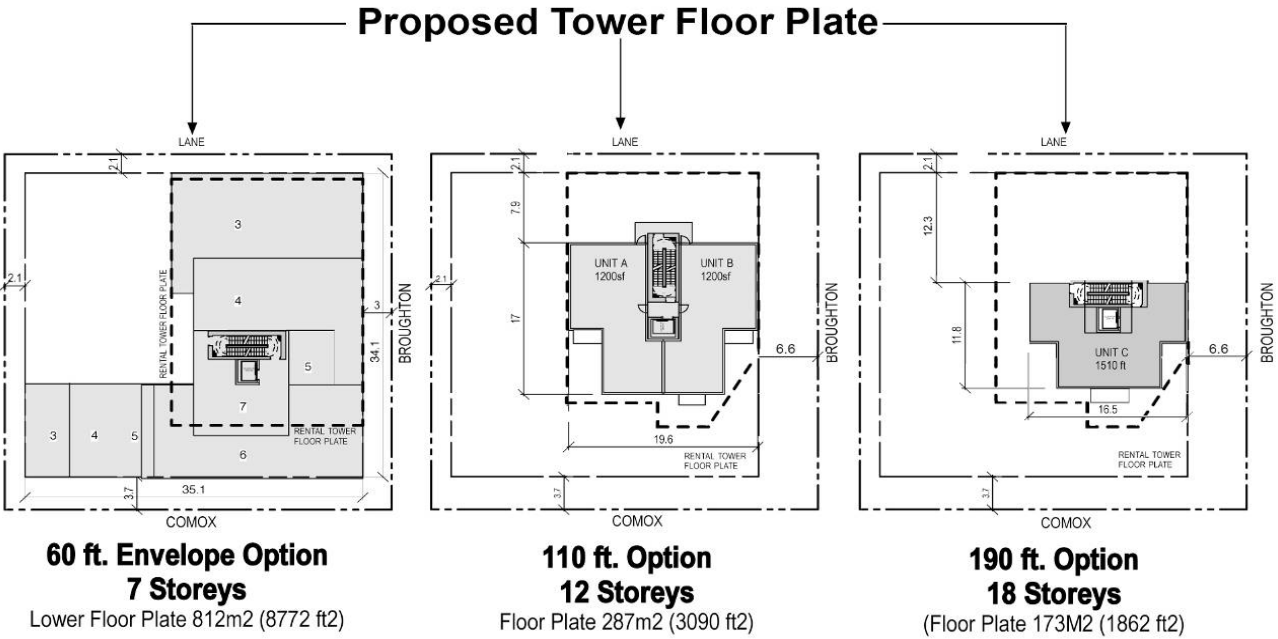
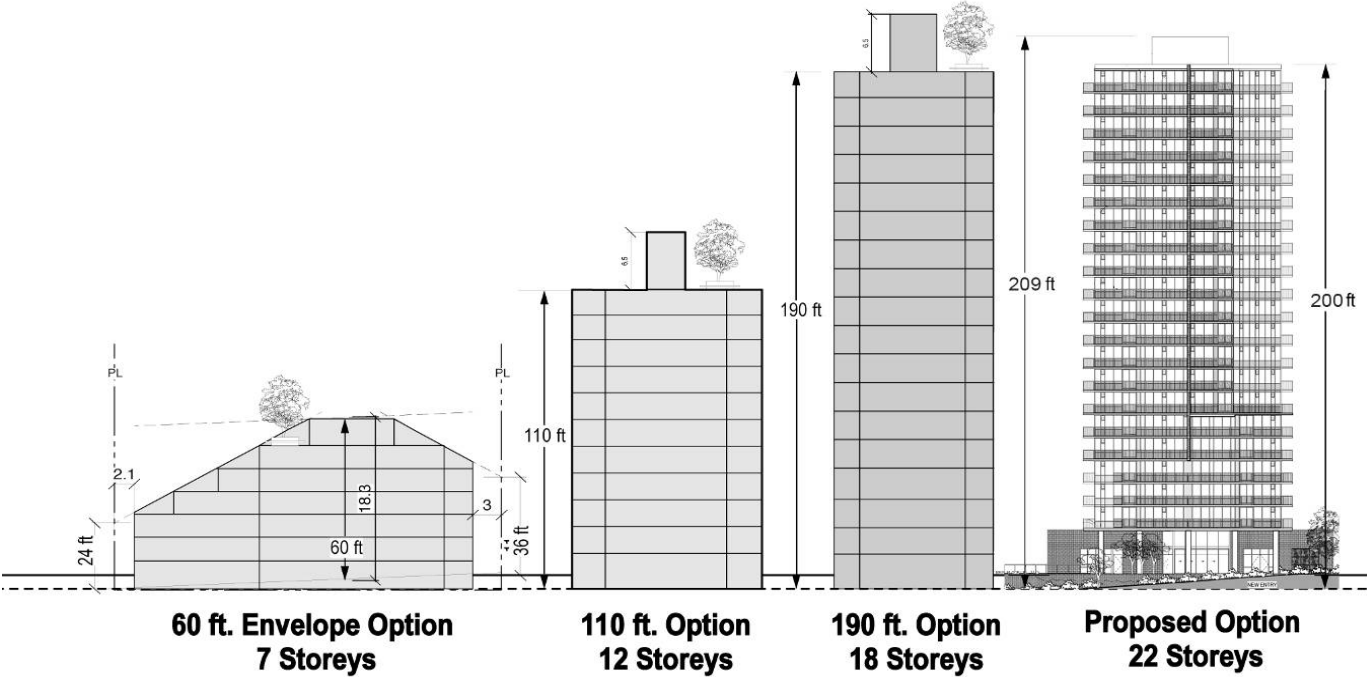
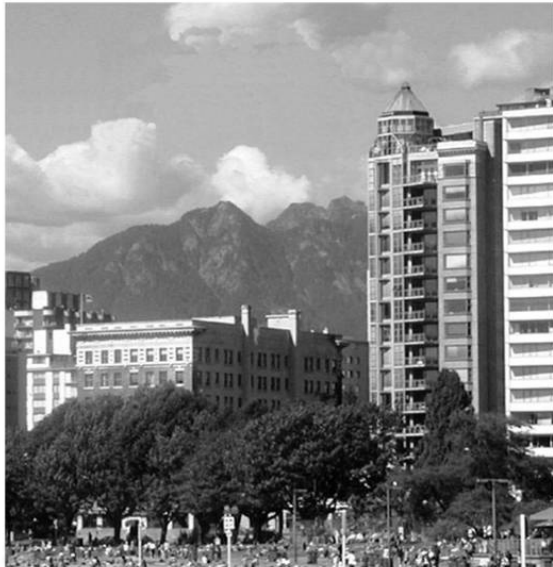


Figure 2: WEST END BUILDING FORM OPTIONS



Sylvia Tower - 1861 Beach Ave (190ft high)
5.0FSR: RM-5B (with Heritage Density
Bonus for retaining and restoring Sylvia Hotel)



Eugenia Place - 1919 Beach Ave
(180ft high) 2.75FSR: RM-5B



The Presidio - 2088 Barclay St
(190ft high) 2.75FSR: RM-5B



Tudor Manor - 1311 Beach Ave (210ft high)
3.0FSR: RM-5A (with Heritage Bonus)

Figure 3: West End Towers



1277 Nelson St (170ft high) 4.0 FSR: RM-5B (with Heritage and Rental Bonus, adjacent 3 storey apartment retained)



Alvar - 1005 Beach Ave (270ft high) 2.9 FSR: CD-1 (from RM-5A: Bonus Density for park acquisition)



1111 Haro St (170ft high) 2.75 FSR: RM-5B



1401 Comox St - Proposed (200ft high) 7.14 FSR: CD-1 (from RM-5: Density for Rental Housing, 6 Seniors Safer units)

Figure 4: West End Towers

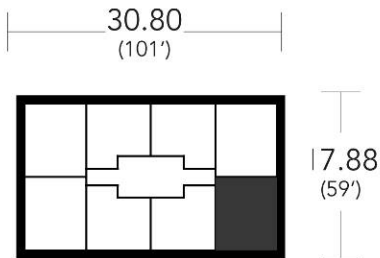
Views: There are no public views affected by the proposal. In terms of private views, the proposal has a measurable impact on existing views from units in five affected neighbouring towers within a two block radius. The closest neighbouring tower, Nelson Place (1424 Nelson Street), the 18-storey rental building across the lane, would be the most affected with a diminishment of up to 16% in horizontal angle of existing present views from most of its south facing units (Figure 5). Qualitatively, however, the most advantageous southwest and west portion of the view to water, mountains and sunset would remain intact as a result of the proposed tower's siting, offset as much as possible from Nelson Place (Figure 10, photo montage). The extent of this view blockage that would occur for the slimmer 58 m (190 ft.) high tower under zoning would be 13 %. Thus, the proposal causes an increment of 3 % additional view impact over this option. Staff consider this extent of incremental view impact to be not significant in this context. Naturally, view impact for 1424 Nelson's upper level units resulting from the 33.6 m (110 ft.) high or 18.3 m (60 ft.) envelope options is considerably less than that of the proposal since views from upper floors would remain intact, although lower level units (below the 13th and 8th floors respectively) would experience some increased view blockage as lower building volume in these options increases.

For the other four affected towers (990 Broughton Street, 1348 Barclay Street, 1005 Jarvis Street, and 1100 Jarvis Street), the proposal impacts their views quantitatively by between 2.5% and 8% (Figures 6 to 9). Given the extent of these views that remains intact and the considerable distances between the proposal and affected neighbouring buildings, staff consider this degree of impact, at this location in the West End context, to be within acceptable limits (Figures 10 and 11, photo montages). View obstruction that would result from the slimmer 58 m (190 ft.) tower possible under zoning, compared to that generated by the proposal, would be reduced to between 1.8% and 4%. Again, the 33.6 m (110 ft.) high tower and 18.3 m (60 ft.) envelope options would reduce overall view obstruction for neighbouring units located above the 12th and 7th floors respectively, eliminating even the modest view blockage cited above for these units in the affected buildings.

View impact for units in neighbouring buildings up to four storeys generally will be less than for any of the tower options, including the proposal, in comparison to that of the 18.3 m (60 ft.) envelope option because of the latter's notably greater footprint and consequent reduced open space (Figure 2). For example, units in the low rise apartments across Broughton Street would benefit from the proposal's 11.6 m (38 ft.) setback along Comox Street versus the 3.6 m (12 ft.) setback that would typically be provided in the 18.3 m (60 ft.) envelope option.

Overall, staff consider the view impact for upper level units in nearby towers resulting from the proposal, although greater than that generated by either the 33.6 m (110 ft.) or 18.3 m (60 ft.) envelope options, to be acceptable in this specific context.

View Angles from Tower at 1424 Nelson Street



Floor Plate Area*: 550 m² (5920 ft²)
*May include extensions not indicated in drawings

Stories: 18

Primary View Maintained
see Figure 10: Photo Montage

VIEW BLOCKAGE	
190' Current Zoning Blockage:	13%
Proposal View Blockage:	16%
Incremental Difference:	3%

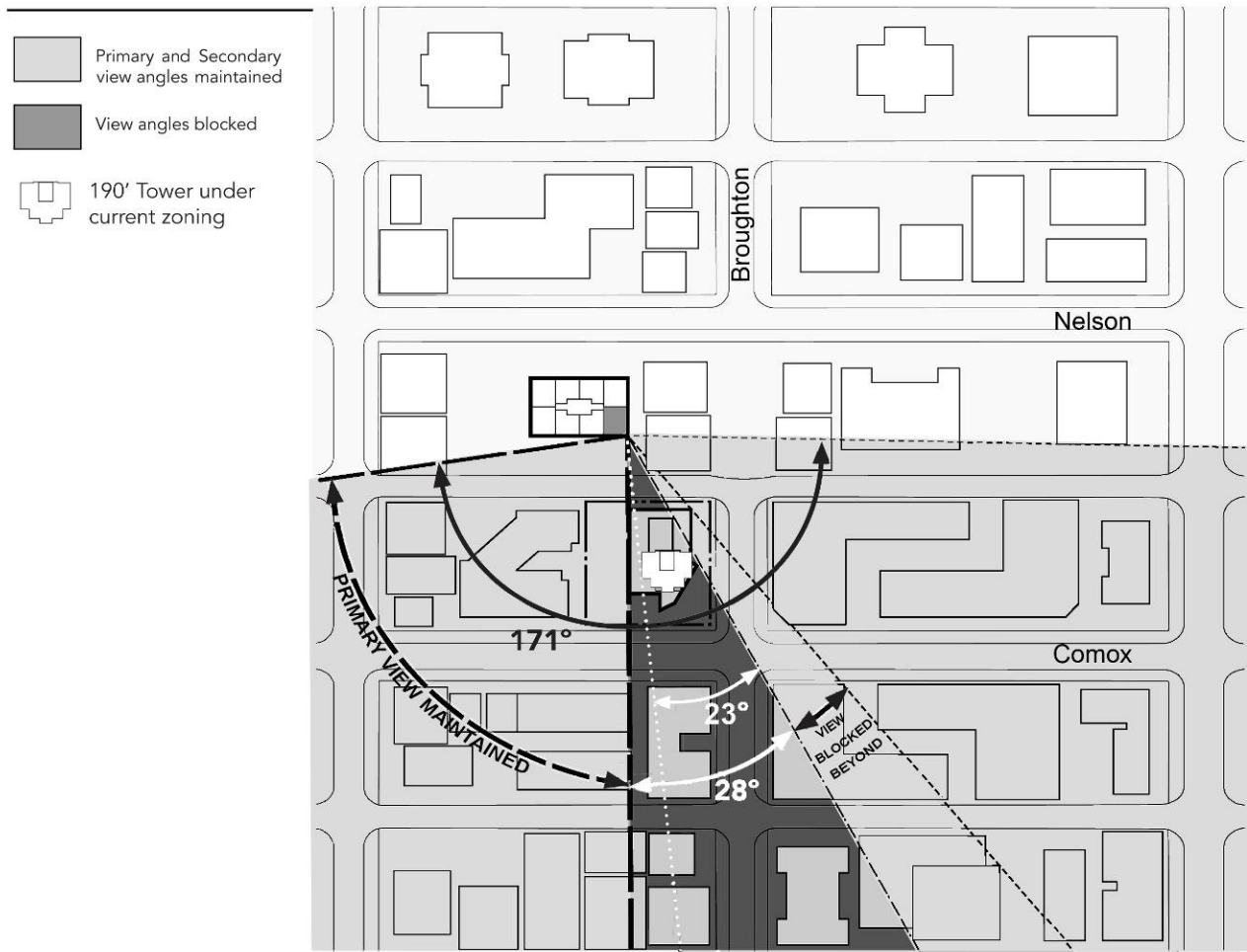
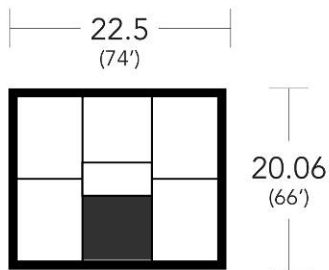


Figure 5: View Impact; 1424 Nelson Street

View Angles from Tower at 990 Broughton Street



Floor Plate Area*: 480 m² (5167 ft²)

*May include extensions not indicated in drawings

Stories: 12

Primary View Maintained

VIEW BLOCKAGE

190' Current Zoning Blockage: 6%

Proposal View Blockage: 8%

Incremental Difference: 2%

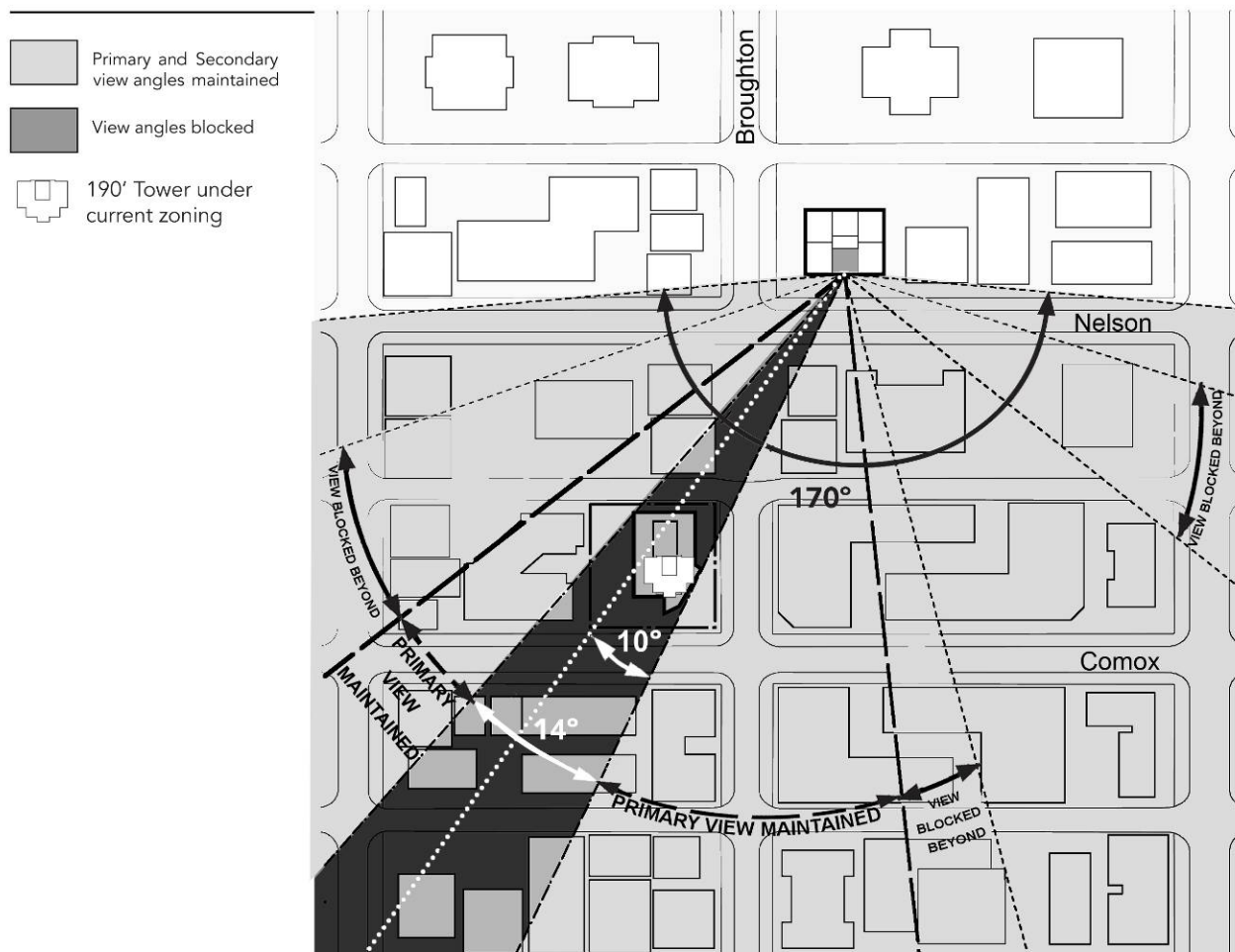


Figure 6: View Impact; 990 Broughton Street

View Angles from Tower at 1348 Barclay Street

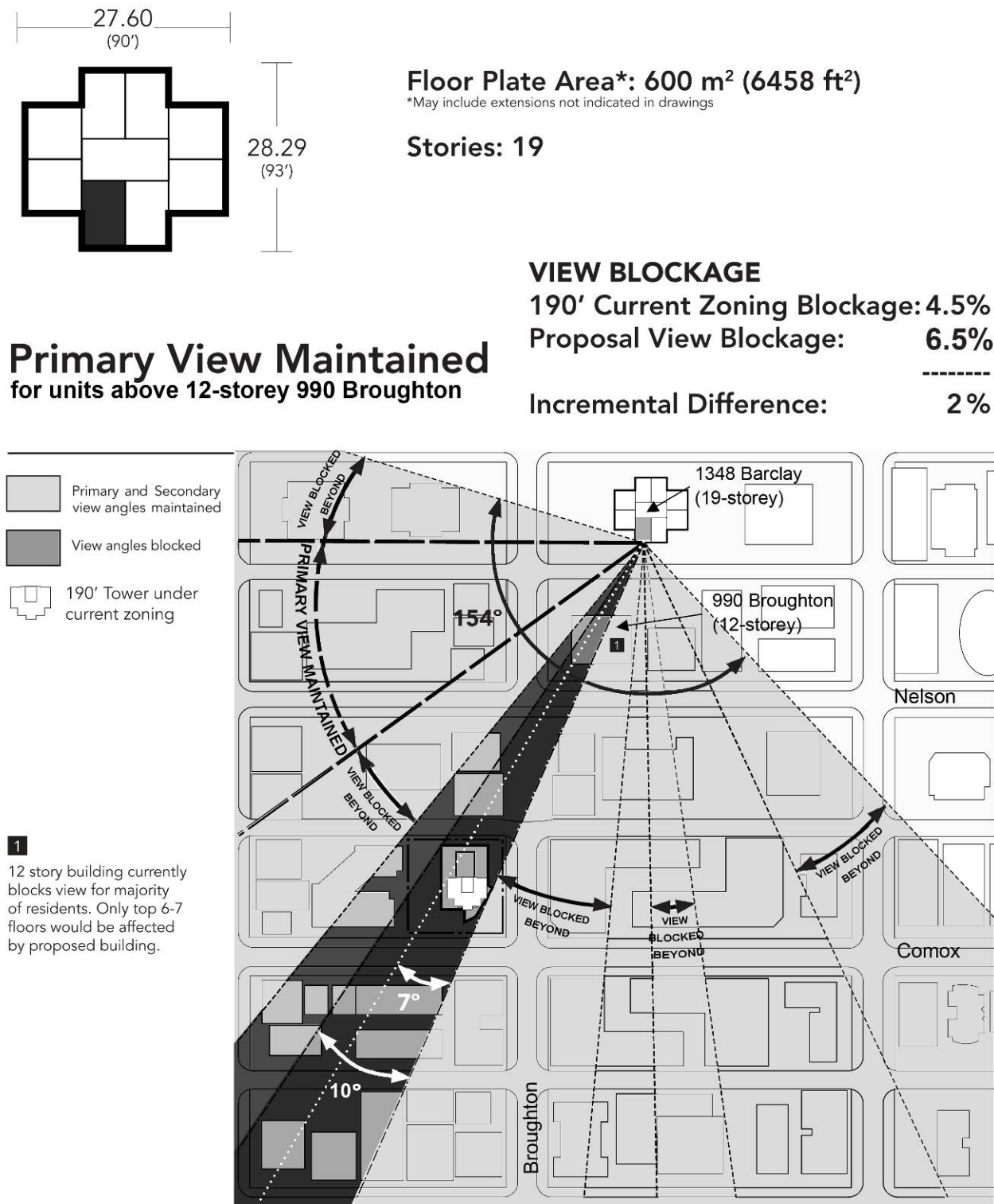
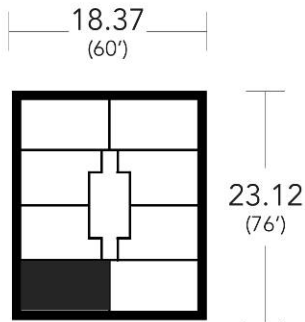


Figure 7: View Impact; 1348 Barclay Street

View Angles from Tower at 1005 Jervis Street



Floor Plate Area*: 503 m² (5414 ft²)

*May include extensions not indicated in drawings

Stories: 18

VIEW BLOCKAGE

190' Current Zoning Blockage: 4%

Proposal View Blockage: 8%

Incremental Difference: 4%

Primary View Maintained
see Figure 10: Photo Montage

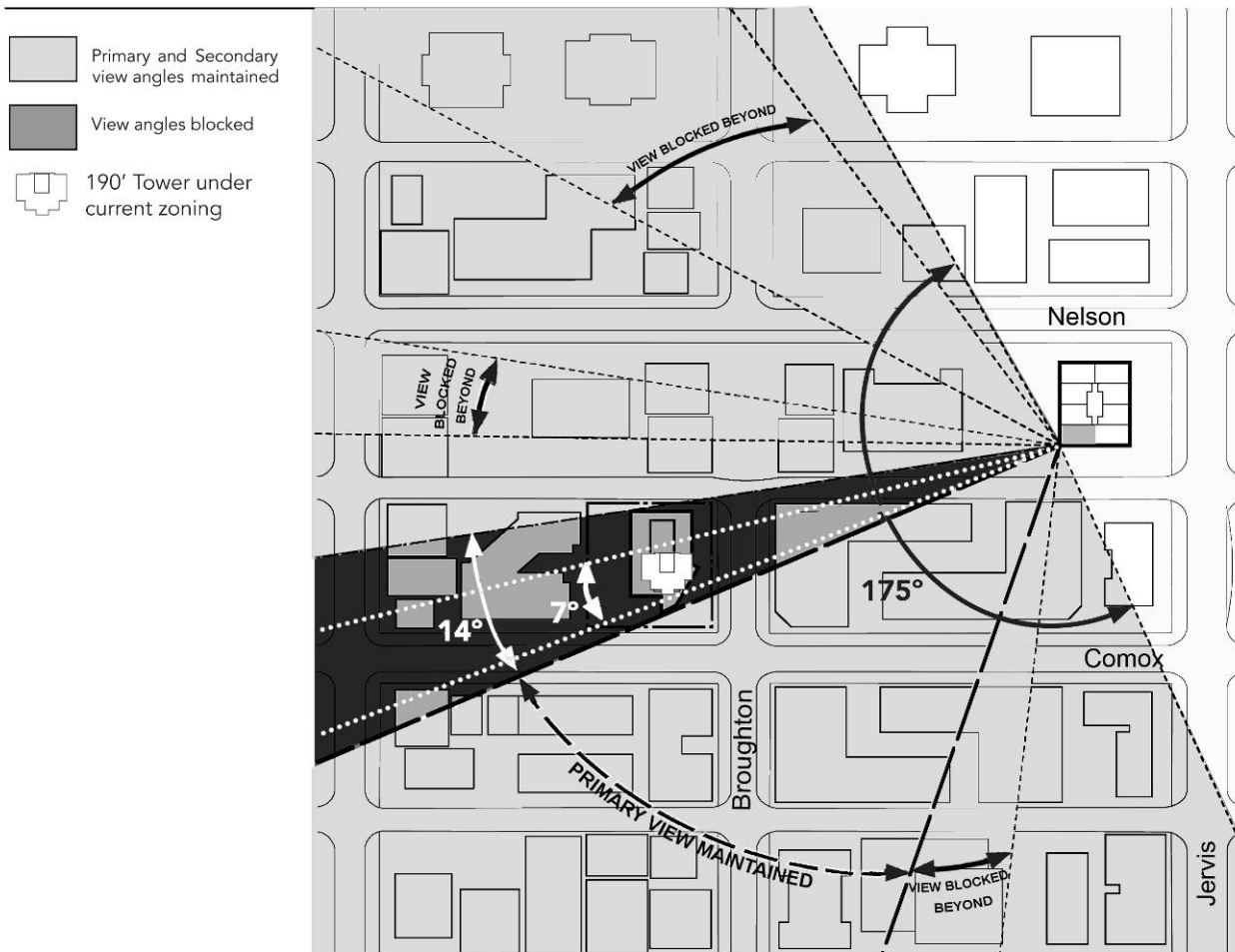
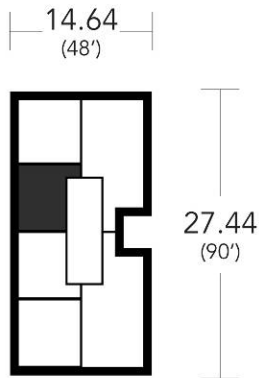


Figure 8: View Impact; 1005 Jervis Street

View Angles from Tower at 1100 Jervis Street



Floor Plate Area*: 401 m² (4316 ft²)

*May include extensions not indicated in drawings

Stories: 19

VIEW BLOCKAGE

190' Current Zoning Blockage: 2.5%

Proposal View Blockage: 4.3%

Incremental Difference: 1.8%

Primary View Maintained
see Figure 11: Photo Montage;
1272 Comox (similar)

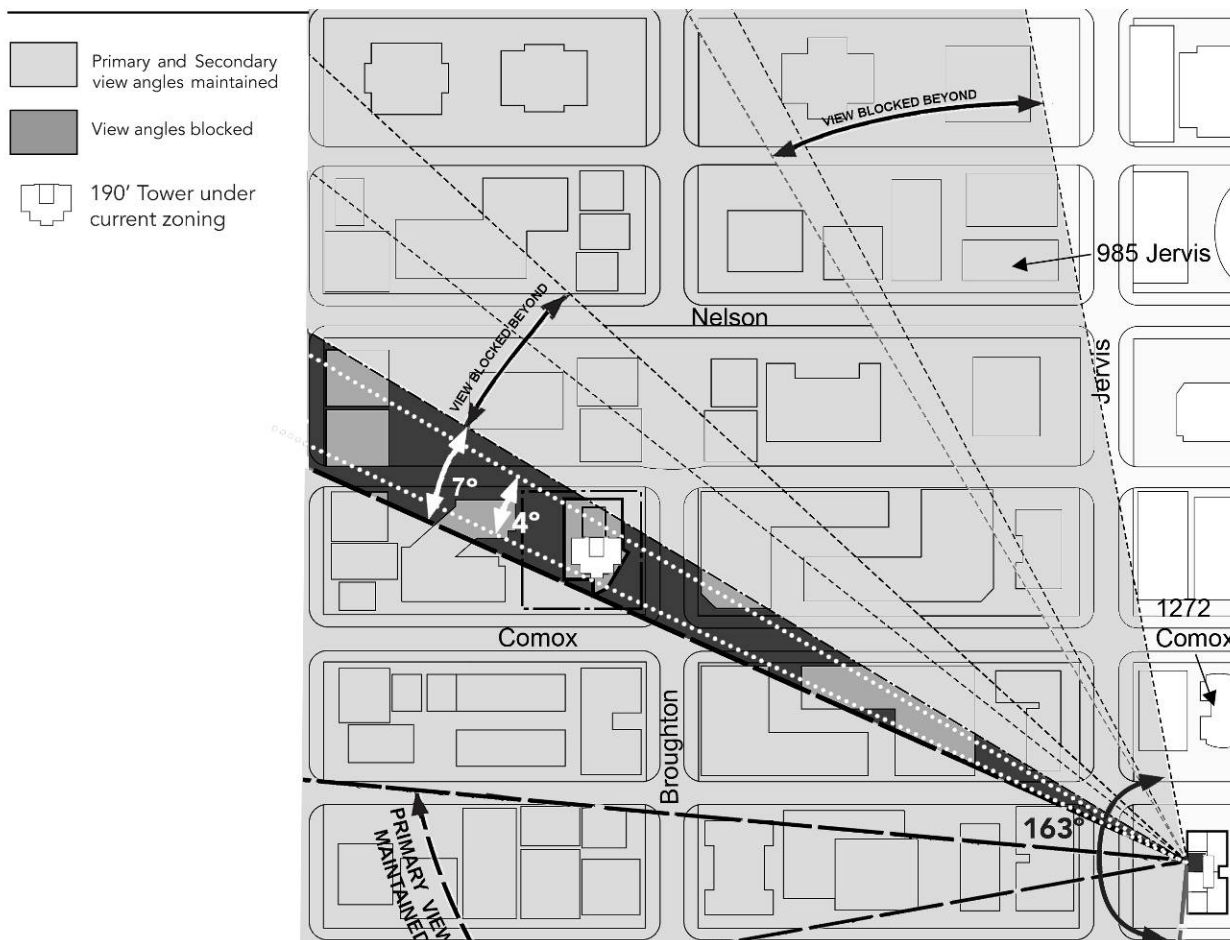


Figure 9: View Impact; 1100 Jervis Street

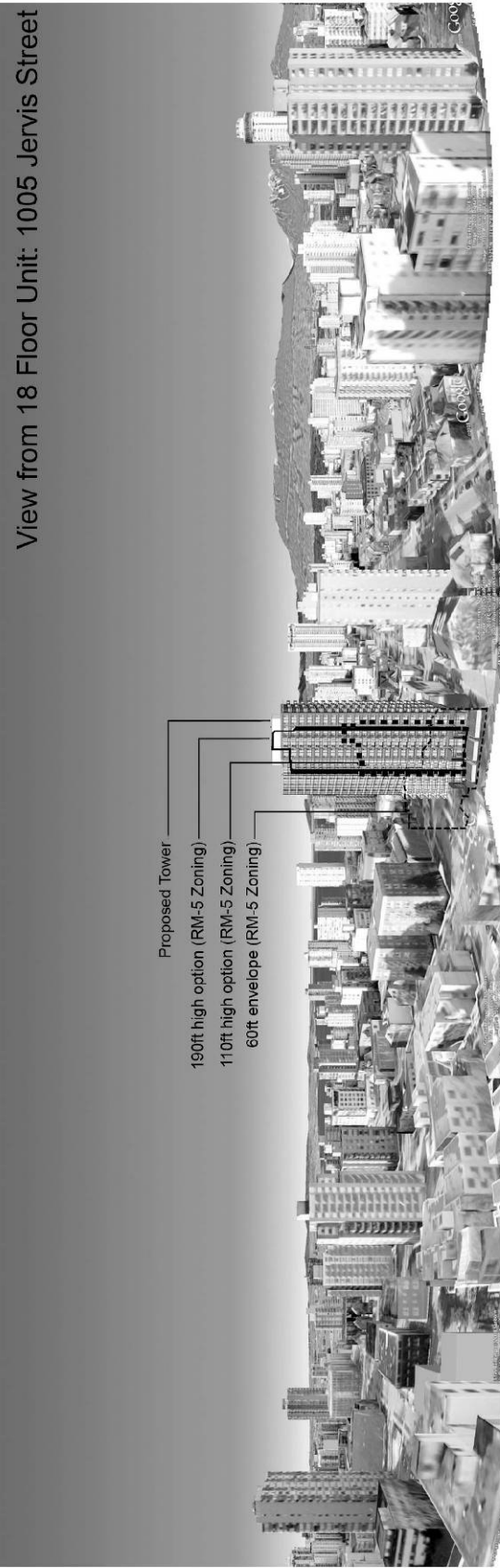
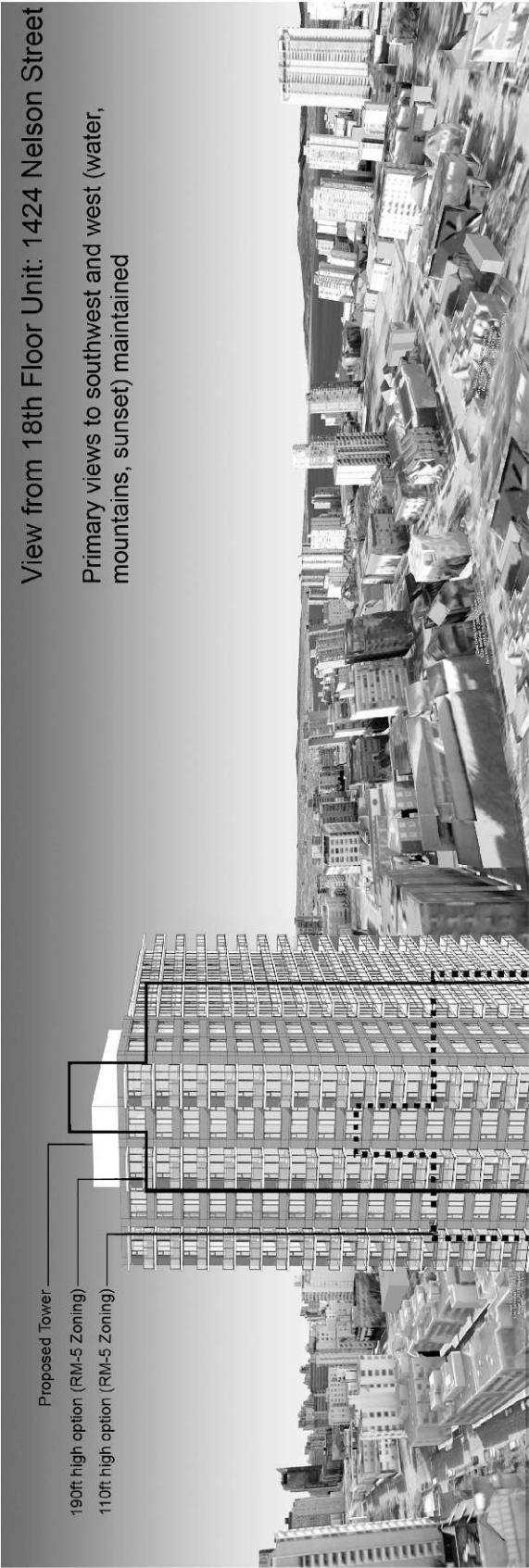


Figure 10: Views; Photo Montage

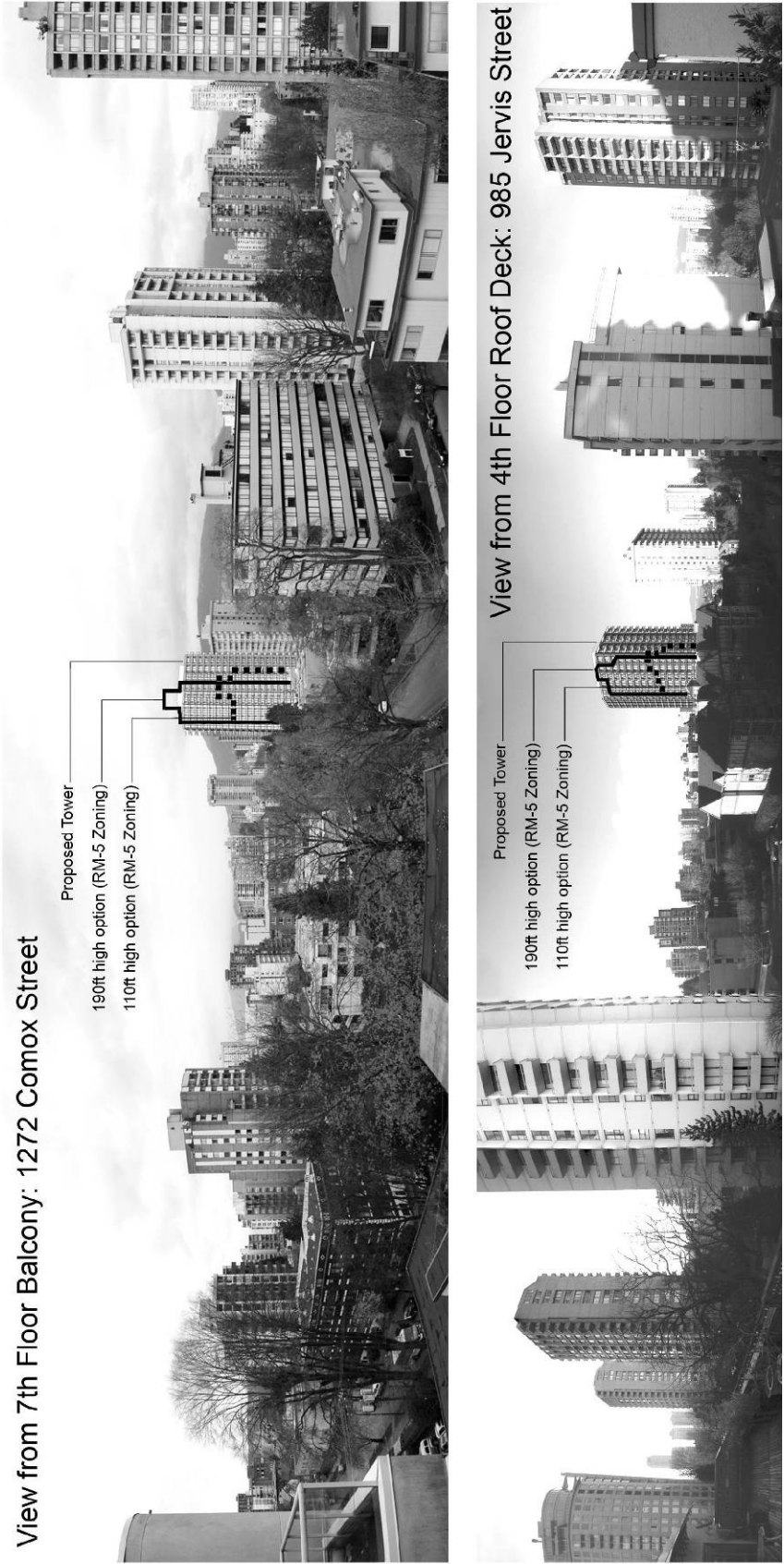


Figure 11: Views; Photo Montages

Shadows: Shadow impact is typically measured at 10 a.m., noon and 2 p.m. at the equinox (March 21st and September 21st). During these times public open space, particularly the Broughton Street mini park, is not impacted by the shadow generated by the proposal. Most of the proposal's shadow falls on existing roofs, lane and surface parking areas, although it does trace across some neighbouring private open spaces (Figure 13, Shadows: Equinox). Most of the shadows that do fall on neighbours' private open spaces have receded by the end of April, leaving them in sun through the summer months of May, June, July and August (Figure 14, Shadows: Summer Solstice).

The area of the shadow cast by the proposal is compared in the diagrams in Figures 13 and 14 to that of the slimmer 58 m (190 ft.) and 33.6 m (110 ft.) high tower options under zoning as well as the 18.3 m (60 ft.) envelope option. Although the proposal's shadow is longer and wider than that of the 58 m (190 ft.) and 33.6 m (110 ft.) tower options, this additional shadow area is tracing across predominantly roof or surface parking areas. After approximately 12:30 p.m. the shadow of the proposal as well as the 58 m (190 ft.) and 33.6 m (110 ft.) tower options is either coinciding with the shadow already cast by the 18-storey Nelson Place (1424 Nelson Street) or is falling across the roof of Gordon Neighbourhood House, a non-residential use directly across the lane. Generally, staff consider the extent of additional shadow cast by the proposal over that of the slimmer 58 m (190 ft.) and 33.6 m (110 ft.) high tower options, given the specific surface areas affected, to be acceptable in terms of actual impact.

The proposal's shadow area compared to that of the 18.3 m (60 ft.) envelope option is substantially greater during the 10 a.m. to 2 p.m. period. However, this is mitigated in the afternoon period (after 12:30 p.m.), as described above, by virtue of the proposal's shadow falling on 1424 Nelson Street's surface parking area and within the shadow already cast by that building. In the morning, the proposal's shadow falls across the roof areas, vehicle ramp to underground parking and some east-facing windows of the four-storey 1465 Comox Street immediately to the west, beginning at approximately 9:00 a.m. By 11:00 a.m. these shadows have moved almost entirely off this neighbouring site.

In light of these adjacent conditions, staff consider that the additional shadow cast by the proposal over that of the 18.3 m (60 ft.) envelope option, although substantially greater in area, does not have a significant impact in terms of the specific spaces affected.

While it is noted that shadow impact is typically measured at 10 a.m., noon and 2 p.m. at the Equinox (March 21st and September 21st) and the proposal's shadow does not impact public open space, an additional shadow analysis was undertaken to assess the 4 p.m. (Equinox) shadow impacts onto the Broughton Street mini park, one of a number of treed, landscaped pedestrian areas established in the West End on closed street rights-of-way (Figure 15).

The comparative shadow analysis of the slimmer 58 m (190 ft.) and 33.6 m (110 ft.) high towers development options demonstrates that the a similar shadow impact would result across the Broughton Street mini park as the current proposal.

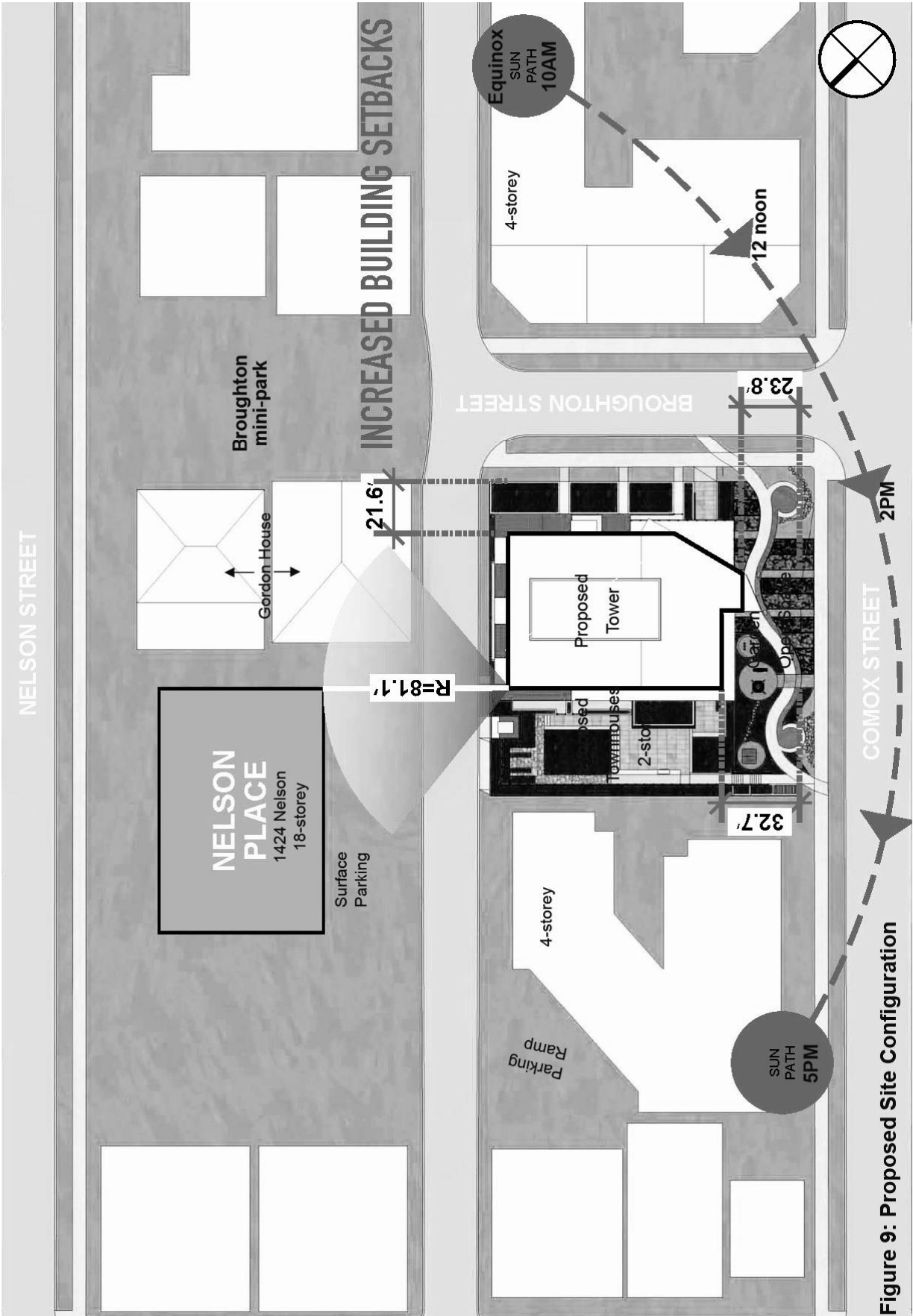


Figure 9: Proposed Site Configuration

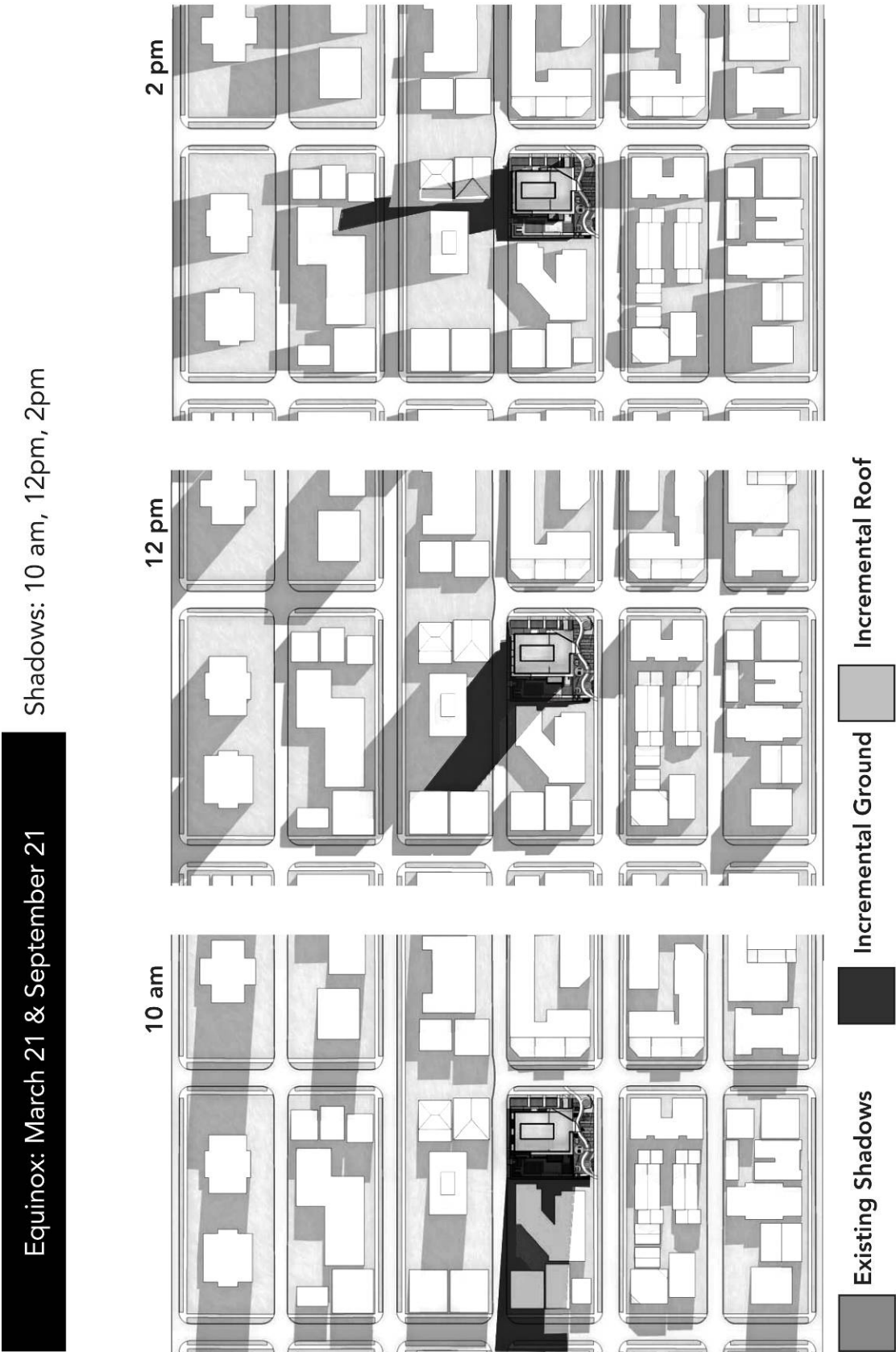


Figure 13: Shadows; Equinox

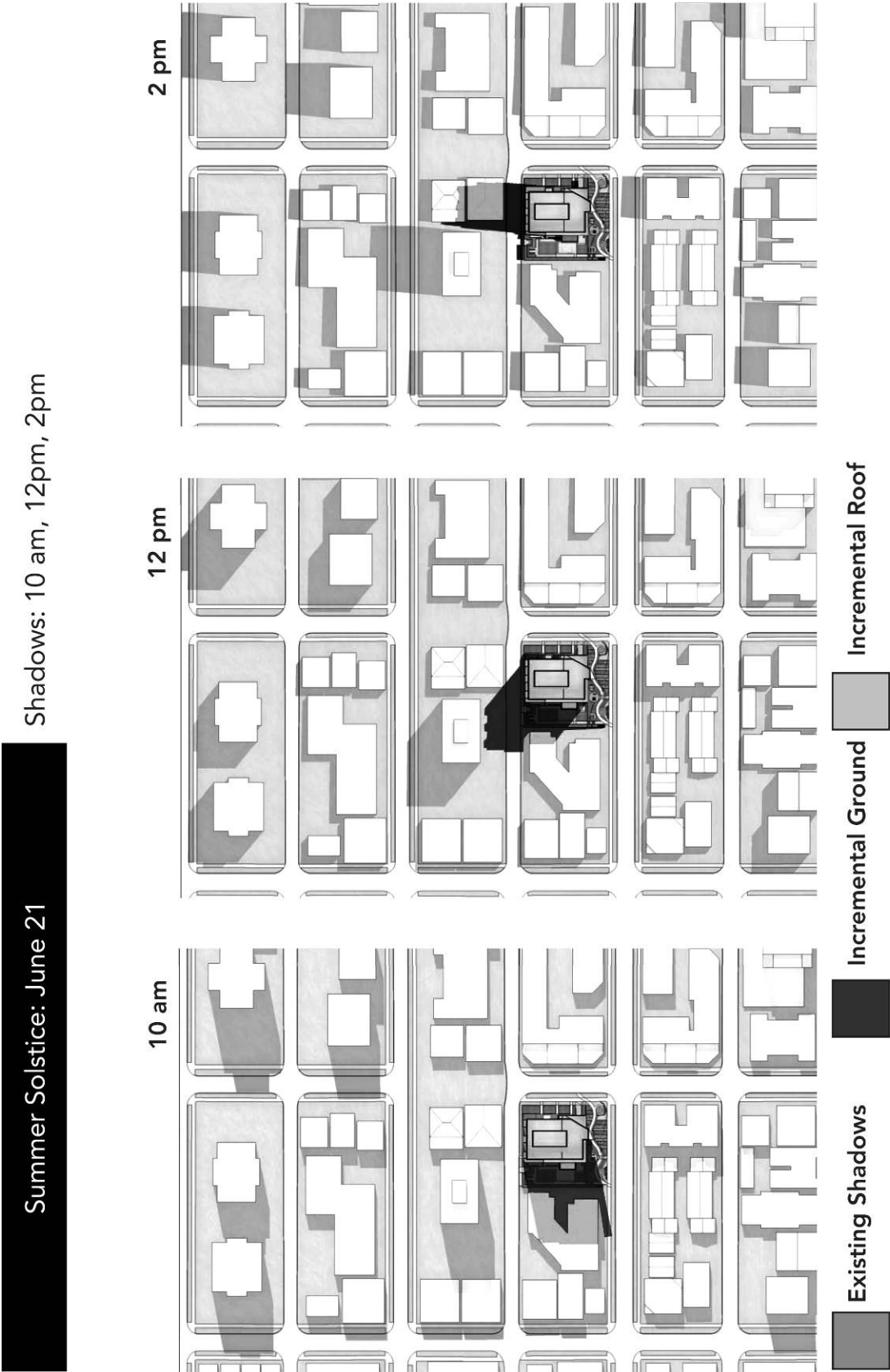


Figure 14: Shadows; Summer Solstice















Figure 15: Photo of Broughton mini-park

Shadows (Cont'd.) The comparative shadow areas for the proposal, slimmer 58 m (190 ft.), 33.6 m (110 ft.) and 18.3 m (60 ft.) envelope options are illustrated in the diagrams (Figures 16 and 17). This analysis confirms that any of the tower options, even the 33.6 m (110 ft.) high option, will shadow the mini-park between approximately 3:30 and 5:30 pm while the 18.3 m (60 ft.) envelope option's shadow will not touch its southern (lane) edge until about 4:00 pm. The additional shadow cast by the proposal at the equinox, compared to that for the slimmer 58 m (190 ft.) and 33.6 m (110 ft.) high tower options adds approximately 15 minutes of shadow to the mini-park (i.e., the proposal's shadow begins to trace across the mini-park at about 3:10 p.m. at the equinox as opposed to 3:25 pm for the two other tower options). The 18.3 m (60 ft.) envelope option's shadow does not reach the south edge of the mini-park until 4:00 pm by which time the existing Gordon Neighbourhood House has begun to shadow the west portion of this public open space, leaving the east portion in sun until about 4:30 pm.

Previous versions of this application had the tower located closer to Broughton Street resulting in greater shadow impacts onto the mini-park. Subsequently, the tower has shifted to its current location, providing for a 6.6 m (21.6 ft.) setback along the Broughton Street frontage. Staff have considered that a further westerly shift of the tower is not appropriate as this would begin to seriously compromise views and privacy of units in 1424 Nelson Street across the lane.

In addition to the westerly shift of the tower, the application has been revised from previous iterations with a reshaping of its southeast corner above the 7th floor to allow more sun access to the mini-park between 3:30 and 4:30 pm. Staff consider the extent of shadow, diminished by the revised proposals westerly shift of tower described above, to be an acceptable impact during this late afternoon period, noting that the majority of the mini-park would remain in sun throughout the day until about 4:30 pm at the equinox. To compensate in part for the loss of the mini-park's usability after this time, the proposal incorporates a 8.5 m x 37 m (28 ft. x 121.4 ft.) open space at the Comox/Broughton Street corner which would be available for public use (see Figure 12).





Built Form “Fit” Within Surrounding Context: While the proposed tower’s dimensions (65 ft. wide by 100 ft. deep: 5,920 sq. ft. floor plate) are greater than those of either the slimmer 190 ft. or 110 ft. towers under zoning, its overall massing, height and scale is comparable to that of nearby towers, both of earlier 60’s and 70’s buildings, as well as the most recent (built 1995) 1277 Nelson Street which is 4.0 FSR, 170 ft. high, 70 ft. wide, 103.6 ft. deep with a 5,750 sq. ft. floor plate (Note: 1277 Nelson, containing 79 condominiums, received a Heritage Density Bonus for preserving a 3-storey heritage rental apartment with 41 rental units). A comparison of the proposed tower floor plate with those of recently built towers occurs in Fig. 19.

Overall, Staff conclude that while the proposal is greater in massing than that which would result under the zoned density (as would be expected when proposed density is substantially increased), the resulting built form is not out of context with the surrounding scale of buildings (refer to Figure 18).

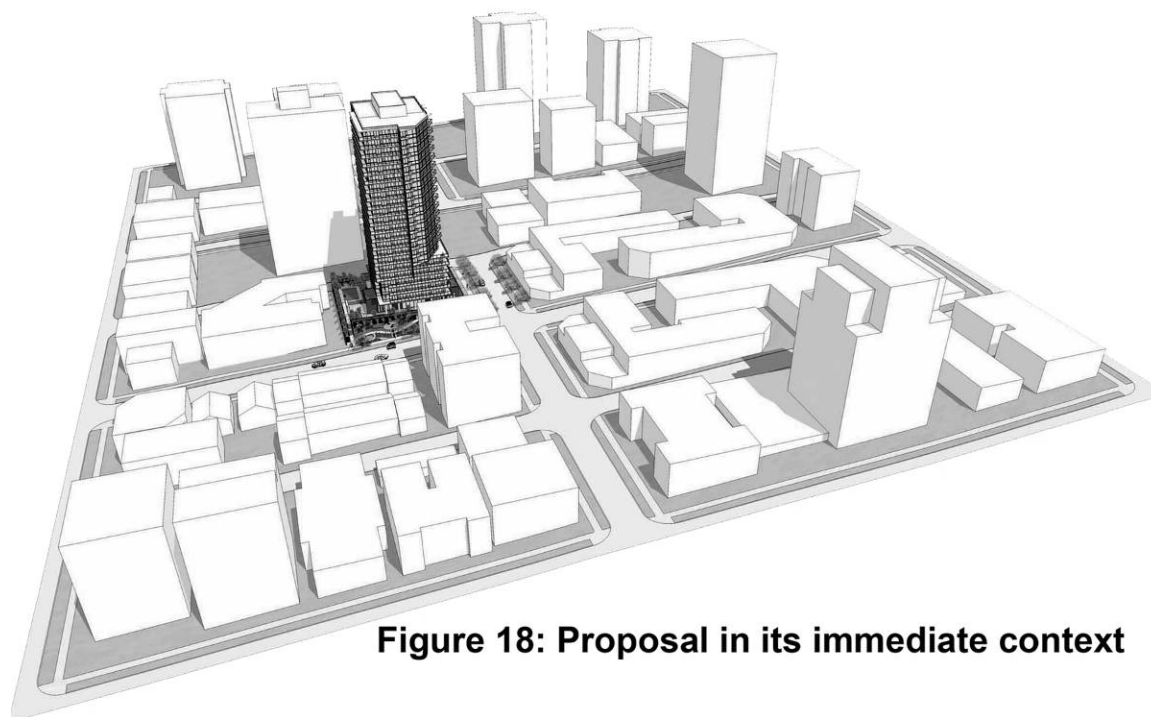


Figure 18: Proposal in its immediate context

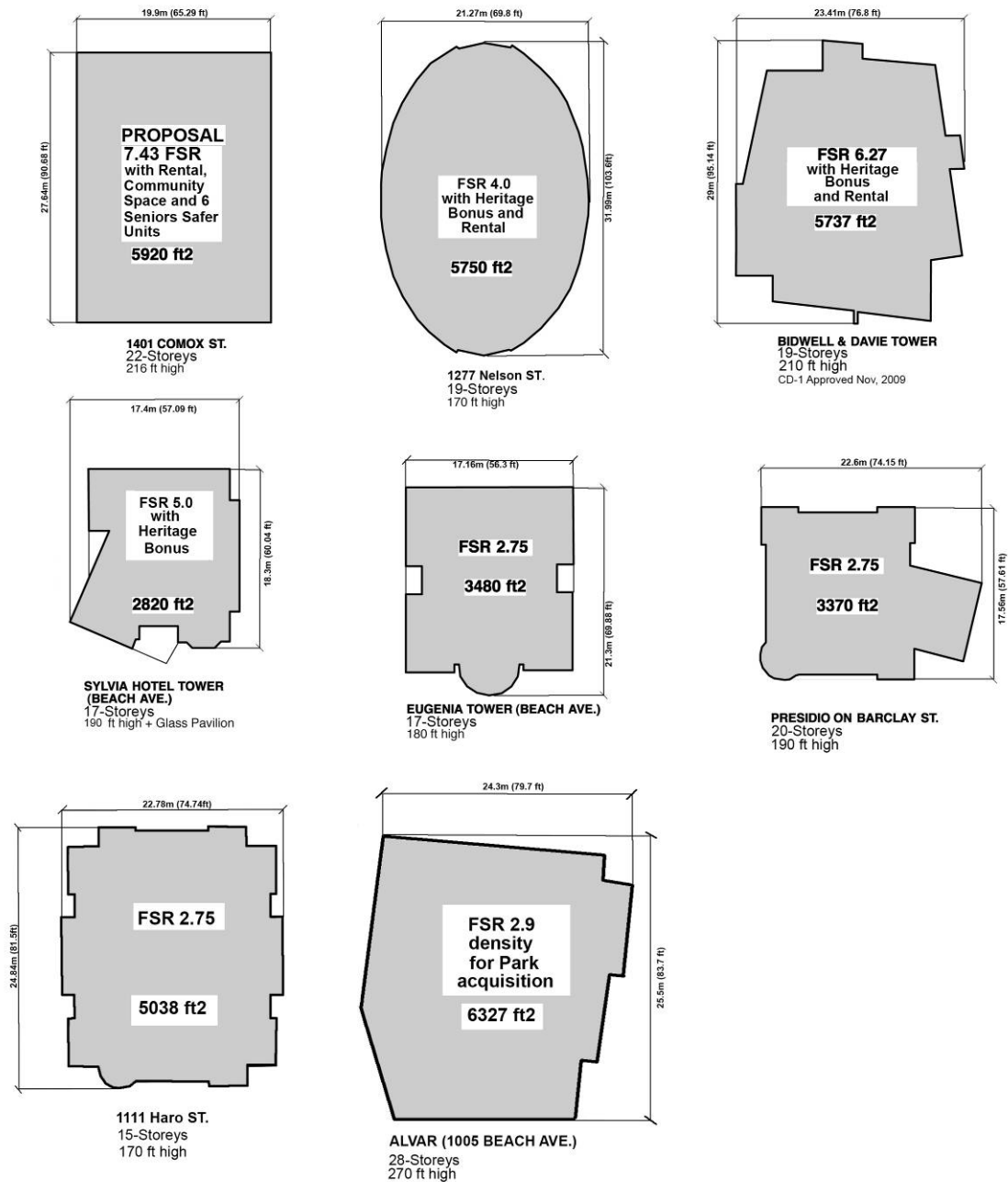


Figure 19: West End Towers; Floor Plate Comparison

Open Space/Public Realm: In order to provide an attractive residential interface at the sidewalk, the minimum street setbacks called for in RM-5 are 3.7 m (12 ft.) for the front yard (in this case Comox Street) and 3 m (10 ft.) for the flanking street on a corner site (Broughton Street). The proposal provides a 8.5 m x 37.5 m (28 ft. x 123 ft.) sunny landscaped corner open space which will be accessible to the public. One of the typical advantages of taller slimmer building forms is the greater amount of on-site open space they free up in comparison to lower squatter 60 ft. high envelope massing. The further benefit offered in the proposal is the public accessibility of this open space, as opposed to the open space being in the private domain for the benefit of the project's residents. This open space is a combination of area devoted to community gardens, children's play area as well as public seating opportunities that enhance the public realm at this corner.

On Broughton St. the tower comes down to grade with 2-storey townhouse units fronting the sidewalk. The proposed setback is 6.6 m (21.6 ft.) greater than the 3 m (10 ft.) sought in the RM-5 District Schedule.

Privacy & Livability: Generally, the proposal's tower positioning and unit orientation provides for the best possible outlook and privacy for neighbouring units, particularly for the closest Nelson Place tower across the lane, from which the proposed tower is fully offset and diagonally distanced, corner to corner, by 81.1 ft., achieving the intent of the 80 ft. tower separation guideline. In terms of neighbouring residential units' privacy and livability in other nearby low buildings, the proposal's performance is equal to or better than that of a lower, squatter, 6 to 7-storey option which would be closer to site property lines and consequently somewhat more impact than the proposal. It should be noted that the 4-storey neighbouring apartment to the west was designed to orient away from the existing 2-storey blank wall of the church positioned at the interior shared property line and therefore incorporates blank walls facing the proposed site. The proposal, with the residential units within the tower base setback from the interior property line of 13.5 m (44 ft.), improves on the existing interface with this neighbour.

Architecture: The proposed tower's contemporary architectural design and clean, understated lines is expected to fit positively into the West End, conveying a lighter, more engaging character than several nearby concrete towers. Further design development to the tower's exterior treatment is recommended (see Appendix B) to improve its apparent slenderness and architectural interest through articulation of its facades, balconies and guardrails. Consideration of shading elements on south and west facades to control solar heat gain is also sought.

The tower's ground oriented townhouses, as well as heritage gestures recollecting the original 1906 church (destroyed by fire in 1974), and glass feature incorporated the residential entry, along with the ground oriented residential units will add eyes on the street and pedestrian interest along the sidewalk.

Conclusion

While the proposal's overall building volume is measurably greater than that which would occur under present zoning, Staff believe that the resulting additional impacts on views and shadowing are within acceptable limits and do not unduly harm the livability and environmental quality of the neighbourhood. The proposal has been massed as compactly as possible for this density and sensitively positioned and configured on this corner site such that neighbouring privacy impact has been minimized. The provision of public open space at the corner of Comox and Broughton will be a useful addition to the public realm. Staff conclude that, subject to several design improvements, including an increase to the setback on Broughton Street, the proposal's urban design and form of development in this specific context is acceptable.

* * * * *

**PUBLIC CONSULTATION SUMMARY
1401 Comox Street**

Public Notification: A rezoning information sign was installed on the site on November 4, 2009; a revised sign was installed on January 26, 2012. Three public information open houses were held: the first was on November 24, 2009, the second one, in response to revised drawings, on April 20, 2010; and third one, in response to the current drawings, on February 9, 2012. Notification and application information, as well as an online comment form, was provided on the City of Vancouver Rezoning Centre webpage www.vancouver.ca/rezapps.

November 2009 Notification and Open House: A notification letter, dated November 3, 2009, was mailed to 1,433 surrounding property owners and community groups. In addition, letters were dropped off at the 40 rental buildings within the notification area. The open house was held on November 24, 2009, at the Coast Hotel with staff and the applicant team in attendance. A total of approximately 308 people attended. In response to the November 2009 open house, 237 comment sheets were submitted (139 opposed/94 in favour/4 uncertain). In addition, the City received 248 e-mails, letters, and online forms during this period (225 opposed/18 in favour/5 uncertain).

April 2010 Notification and Open House (Extensively Revised Application): In response to an extensively revised application, a notification and invitation to a public information open house, dated April 6, 2010, was mailed to 1,445 surrounding property owners, and notices were dropped off at the 40 rental buildings within the notification area. The public open house was held on April 20, 2010 at the Coast Hotel with staff and the applicant team in attendance. Approximately 354 people attended. In response to the April 2010 open house, 233 comment sheets were submitted (179 opposed/39 in favour/15 uncertain). In addition, the City received 261 e-mails, letters, and online forms during this period (121 opposed/136 in favour/4 uncertain).

February 2012 Notification and Open House (Extensively Revised Application): In response to a further extensive revision of the application, a notification and invitation to a community open house, dated January 24, 2012, was mailed to 1,791 surrounding property owners and e-mailed to local organizations. To notify renters in the area, the notice was sent to 8,538 occupants in the notification area through unaddressed airmail. The public open house was held on February 9, 2012 at the Coast Hotel with staff and the applicant team in attendance. Approximately 270 people attended. In response to the February 2012 open house, 195 comment sheets were submitted (112 opposed/68 in favour/15 uncertain). During this period, 27 e-mails, letters and online forms were received (15 opposed/12 in favour).

1. For the comments received in opposition to the project, key concerns were:

- 1.2 **West End Community Plan:** There was a significant desire for more consultation and an updated West End community plan prior to further development and under which to consider development proposals. It was felt that no changes should be considered to the existing zoning without such a plan. The neighbourhood wishes to be engaged in discussion about any proposed changes in the West End.

Staff Comment: In July 2011, Council directed City staff to begin a community planning process in the West End. The rezoning policy that was approved as part of the community planning process allows for continued consideration of rezoning applications that were received prior to this date. This applications is consistent with that policy.

- 1.3 **Height:** Many felt that the proposed tower is of an inappropriate height and scale in the context of an area of mostly low-rise buildings. There were many suggestions about appropriate height that ranged from 4 to 19 storeys. It was commented that a 22-storey building should be built on a high traffic street, in other areas of the city such as Yaletown or Coal Harbour, or close to transit sites, not in a quiet area of the West End.

Staff Comment: The revised application reduced the overall height of the building from 216.5 ft. to 200 ft., by eliminating the roof-top amenity space. The number of storeys, has remained the same, at 22 storeys.

- 1.4 **Density:** Many indicated that they thought the West End is already dense enough and does not need higher density. There were also concerns that the building is too bulky and that the tower should be more slender. It was suggested that increasing the floor space five-fold is too much for this small site, resulting in impacts such as shading, overview, "loss of sky", and lack of green space.

Staff Comment: The maximum conditional density in RM-5 is 1.5 FSR. This rezoning application proposes 7.19 FSR, which allows for 168 units of new purpose-built rental housing to be secured for the long-term. This is a substantial public benefit as no purpose-built rental housing has been built in the West End for several decades. The staff analysis of the proposed form of development has also concluded that the impacts of increased density, cited by respondents, have been addressed through design revisions and that a tower on this site can suitably mitigate the impacts and meet the RM-5 Design Guidelines.

- 1.5 **Setbacks:** There were significant concerns about the lack of setback from Broughton Street, and the negative impact this would have on the streetscape. It was felt that a greater transition between the building and the street was required. Also, that having the building built so tightly to its site restricts its architectural expression. Many felt that the building is inconsistent with the traditional development patterns of the West End, noting that other high-rise buildings in the West End are built on significantly larger parcels of land, feature a considerable street front setback and include either a

large green space or are adjacent to busy thoroughfares. It was also suggested that the tower is too close to other tall buildings.

Staff Comment: In the current proposal the building has been shifted west to increase the Broughton Street setback from (to the building face) from 1.56 m (5.1 ft.) to 6.60 m (21.7 ft.) and a generous right-of-way of 28.5 ft. by 121.4 ft. has been provided along Comox Street. The smaller free-standing building has been removed to provide more on-site green space.

- 1.6 **Shadowing:** There were concerns that the building would result in the loss of sunlight for neighbouring buildings, including adjacent rooftop terraces, thereby impacting the quality of life of those residents and effecting property values. Concerns were also expressed about shadowing of the Broughton Street mini-park during the afternoon.

Staff Comment: In the current proposal the tower has been sculpted and repositioned on site, reducing the late afternoon shadowing on Broughton mini-park.

- 1.7 **Views/Privacy:** Concerns were expressed that the tower would have a negative impact on views from adjacent buildings, and that the tower would create over-look issues, for both indoor and outdoor spaces, resulting in a loss of privacy for surrounding residents.

Staff Comment: The proposal impacts existing views from units in five neighbouring towers within a two block radius, diminishing existing views between 4% and 16%, with the tower across the lane being impacted most significantly.

- 1.8 **Parking/Traffic:** Some felt that inadequate parking was being provided by the development and that this would create critical parking problems. It was noted that parking is very tight in the area as there are many older buildings without parking and that those residents park on the streets, leaving little parking for visitors and trades people. There were also concerns about the amount of vehicles such a development would bring into the area and the resultant impacts on pedestrians, increased traffic noise levels, and traffic congestion on Broughton Street (which is not a through street).

Staff Comment: The proposed parking meets the Parking By-law requirements. In addition to meeting the parking by-law, staff recommendations include the provision of two car share spaces and vehicles.

- 1.9 **Character:** It was generally felt that the proposed building represents a radical change in density that would dramatically change the look, feel and character of the community. It was felt that a tower is unsuitable on a street with mostly three and four-storey buildings and that it does not fit the style of the neighbourhood, noting that existing tower buildings in the West End are surrounded by green space and have significant setbacks. It was also negatively referred to as typical of Yaletown or Coal Harbour developments.

Staff Comment: The current proposal includes generous setbacks and increased green space to have an expression more consistent with the West End "towers in a park".

- 1.10 Green Space:** There were concerns about the loss of the existing green space of the church site and that more open space should be provided as part of this development. There was a suggestion to close Broughton Street between Comox Street and Gordon Neighbourhood House to add green space.

Staff Comment: The current proposal has seen the removal of the smaller free-standing building, increasing the on-site green space. Along Comox Street, a 28.5 ft. by 121.4 ft. public open space, which includes a children's playground and urban agriculture, will be secured through a statutory right-of-way and be accessible to the public.

- 1.11 Public Benefits:** It was thought that the increase in population represented an impact on already limited public facilities and infrastructure, and that contributions towards community resources should be pursued. Suggestions included provision of social housing units, a day-care facility, or community gathering/meeting spaces, upgrading of existing community services, or an increase in park space. A few people expressed uncertainty of whether this is the best location for Qmunity. There were also concerns about the five-year term of the SAFER housing.

Staff Comment: The primary benefit of this application is secured market rental housing. The issue of priorities for other public amenities is being addressed under the community planning process currently underway.

- 1.12 STIR Program:** Some residents thought that STIR is a waste of tax money and a cost to the City in terms of revenues and amenities. There was concern that the program does not address affordability adequately and that it should include a greater proportion of low-income housing units. There was also concern that the units will be converted to condos in the future.

Staff Comment: The need to provide more housing affordability is a City priority. Compared to ownership, market rental is shown to be an affordable option. There has been very little new rental housing built in the past few decades, especially purpose-built market rental which is secure over time (versus condos). Also the existing stock of rental, including that in the West End, is getting very old. The 168 units proposed in this development will be secured over the long term by way of a Housing Agreement, for 60 years or life of the building, whichever is greater, and be subject to a non-stratification and no-separate-sales covenant registered on title.

- 1.13 Rental Housing:** It was felt by some that the West End already has a high proportion of rental buildings as compared to any other part of the City. Some residents felt that there is not a lack of rental housing, only lack of affordable rental housing, and that this project does not contribute to affordability. There were concerns that the units are too small and that the project lacks family housing. Others felt that more condos rather than rental were needed. Some felt that adding more rental units would increase the transient nature of the area, thereby increasing security concerns and loss of neighbourhood quality.

Staff Comment: Census data shows that although there is a high proportion (81%) of rented dwellings in the West End, the vacancy rate is very low. CMHC data (October 2011) indicates that the overall vacancy rate for apartment buildings in the West End is 0.7% in the West End Local Area, 0.3% in the West End/Stanley Park sub-area (West of Denman) and 1.1% in the English Bay sub-area (South of Davie). A 3% to 5% vacancy rate is considered to be “healthy”.

Other comments cited in opposition were:

- that this project would set a precedent for future development in the West End;
- that construction impacts (noise, dirt, road closures, traffic) will disrupt the neighbourhood for years;
- that the mature trees along western border should be preserved; and
- that the existing church [now demolished] and its park-like grounds should be retained, noting that it could be used as an adjunct to the WE Community Centre or low-rise affordable housing for low-income families or seniors.

2. Comments from those in support of the application included the following:

- 2.1 Height:** Some residents felt that the tower will fit well within the context of the neighbourhood, that it is comparable to other towers in the area, and that more well-placed towers would not diminish the feel or look of the community. Some indicated a preference for new towers, indicating that the West End has too many squat 3-storey 1950s-type walk-ups.
- 2.2 Density:** Some respondents felt that the West End can comfortably accommodate this scale, that the height and density proposed are reasonable, and that the increased density would not have a negative impact on the community. Increased density was supported on the basis of being a more sustainable approach, and it was noted that it is more efficient to increase density in areas like the West End where the infrastructure, including shops and services, already exists. It was also acknowledged that increased density is required to achieve rental housing in the city and that dense environmentally efficient developments make sense especially if the increased density secures the provision of rental housing.
- 2.3 Parking/Traffic:** Some residents felt that things should not be made more attractive for cars; that reduced parking levels, well below normal City required minimums, should be implemented, and that constructing a building with very little parking will help ensure that only those who are willing to be car free will move there, noting that the West End is one of the most liveable, walkable communities in North America. It was also suggested that parking should be reduced in exchange for the provision of some affordable housing.
- 2.4 Character:** It was noted that the West End is a blend of low and high rises and this tower would fit in well. There was support for the architecture of the building. Some residents felt that many of the existing West End buildings reflect the architectural style of the 1970s and 1980s and are outdated, and that the proposed project would modernize and bring a new look and architecture to the neighbourhood.

- 2.5 **Public Benefits:** Some residents felt that the revised application, with the addition of community amenity space and SAFER units, better takes into account the needs of the community, and that the provision of activity/program space for use by Qmunity, Gordon Neighbourhood House and other community groups, adds great value to the project. There was support for the SAFER units to help meet the needs of older people.
- 2.6 **STIR Program:** It was acknowledged that the city needs purpose-built rental buildings that STIR is helping achieve that objective, and that incentives are needed to encourage developers to reinvest in the West End. There was support for achieving rental housing on an abandoned church lot with no existing housing.
- 2.7 **Rental Housing:** There was significant support for the provision of new purpose-built quality rental housing. It is acknowledged that there is a shortage of rentals in the West End, that more rental housing is required close to where so many people work, and that such projects are needed to meet future housing needs in Vancouver. It was also felt that much of the rental housing stock is aged, outdated and in poor repair, and that there is a lack of modern newer quality market rental housing. It was felt that the provision of two- and three-bedroom units addresses the need both for larger units and family units. It was thought that this project will give potential renters increased options—both those who cannot afford to purchase a condo and those who prefer to rent. It was felt that increasing the inventory of rental space will help drive rents down, helping ensure affordability and choice of housing tenure in the area, and that competition from new construction, may force landlords to improve their units or adjust rates to reflect the quality of the unit for rent.

Other comments in support were:

- that increased development will be good for the local businesses of the area;
- that the existing church on the site is not a heritage building and is unusable, and should therefore not be retained; and
- support for incorporating elements of the existing church architecture into the lobby of the building.

* * * * *

ADDITIONAL INFORMATION

1. URBAN DESIGN PANEL (UDP)

The Urban Design Panel reviewed this concurrent rezoning and development permit application on the following dates:

- November 18, 2009: the UDP supported the original application terms of the form of development but requested that the application return for review of development permit details.
- March 24, 2010: a revised application was presented; both the form of development and the development permit details were supported.
- February 22, 2012: a further revised application was presented; both the form of development and the development permit details were supported.

UDP: NOVEMBER 18, 2009

The Urban Design Panel supported (5-1) the density and form of development of the proposed rezoning. It was requested that the applicant return for a second review for consideration of development permit details.

- **Introduction:** Karen Hoese, Rezoning Planner, noted that the proposal was a concurrent rezoning and complete application for the site of the former St. John's Church. The proposal is part of the new STIR program that was approved by Council in June 2009. The program provides a strategic set of incentives to encourage and facilitate development of new market housing with the intent of making the projects economically viable. The incentives include reducing parking, waived DCL's, rental property assessment and where a rezoning is involved, concurrent processing and bonus density. The applicant is asking to rezone the site from RM-5 to CD-1 to allow an increase in the density and height beyond what is permitted under the current zoning. The proposal is for a 22-storey residential tower and a freestanding townhouse component. An amenity room on the roof level of the tower is planned as well as 2 levels of underground parking. There will be 193 rental units ranging in size from 400 square feet (studio) to 1,050 square feet (3-bedroom townhouse). The rental units are guaranteed for the life of the building. As required for all rezoning, a minimum of LEED® Silver equivalent is proposed.

Ralph Segal, Senior Architect/Development Planner, further introduced the project noting the zoning parameters. Under the RM-5 guidelines the site qualifies for a tower of up to 190 feet in height provided there are no other tall buildings on the same half block within 400 feet. There also needs to be a minimum of 80 feet in separation to any other higher building. The siting of the tower minimizes the neighbouring impacts although there will be a shadow impact across private property. The applicant has attempted to create a lower density massing adjacent to the neighbour in order to reduce the impacts.

Advice from the Panel on this application is sought on the following:

1. Has the proposed form of development (tower massing, tower form and height, etc.) appropriately incorporated the increased density?
2. Does the lower level treatment contribute to the Comox and Broughton streetscapes?

3. Is an appropriate level of livability been achieved?
4. Does the project's proposed Green Building Strategy address Sustainability?
5. Overall architecture of the proposal.

Ms. Hoese and Mr. Segal took questions from the Panel.

- **Applicant's Introductory Comments:** Gregory Henriquez, Architect, further described the proposal. He noted that rental housing hasn't been built in the West End since the 1970's and that the challenges of building rental housing are efficiencies and affordability issues. Mr. Henriquez said that they had to deal with the modernist idiom of the towers of the 70's and yet they wanted to be more sensitive on the ground plane in terms of the building's relationship to the neighbours. They have designed 13 townhouses that will be family oriented. He described the sun shades on the western exposures and brick tiles that have been integrated into the architecture. He also noted that they have designed larger balconies to create more outdoor space for the residents. All the units will contain a storage area and an outdoor amenity has been planned with a barbeque. The public realm includes some passive park area to more active areas with a play area to welcome children back into the neighbourhood. Mr. Henriquez noted that the leaded glass panels that were in the church will be integrated into entrance of the building.

Ian Gillespie, Developer, noted that they had met with Gordon House about including a community function on the site. It would be a 3-storey building and would be donated to Gordon House.

Jennifer Stamp, Landscape Architect, described the landscape plans and noted the heritage elements on the site. The sandstone wall on the southwest corner will be rebuilt. In the lawn area there is a church cornerstone.

The applicant team took questions from the Panel.

- **Panel's Consensus on Key Aspects Needing Improvement:**
 - Consider a smaller floor-plate and a taller tower;
 - Consider more exploration for passive design consideration;
 - Consider increasing the amount of space on the balconies.
- **Related Commentary:** The Panel supported the project and commended the team for designing rental building.

The Panel had some concerns with the process of combining a rezoning with a complete as part of the STIR program.

The Panel thought it was an appropriate form and expression for the neighbourhood but would need to be handled with careful detailing. They supported the density and tower form, however, they saw the proposal as a massive building on a small site. They were concerned with the location of the townhouses and thought there were some livability issues regarding a lack of light and overview from the neighbours. A couple of Panel members noted that the relationship didn't feel like it belonged in the West End. Most

of the Panel supported the zero setback on Broughton Street with one Panel noting that if it was shifted back it would have more impact on the internal courtyard.

Several Panel members thought the extensive balconies implied a massing bulk that wasn't contributing solar heat gain mitigation because they are on the south west facade. They also thought the slab extensions created a volume the building didn't have. Several Panel members suggested paring back the slab extensions to give a slim expression on the building. They also thought the floor-plate could be smaller and suggested making the tower taller. One Panel member encouraged the applicant to review the size of the units as there could be renters looking for larger units especially in this neighbourhood.

The Panel supported the landscape plans however thought there could be more open space. They thought the historical elements in the landscape plans were appropriate. A couple of Panel members suggested rotating the townhouses for a better relationship to the courtyard. Also most of the Panel supported a roof top amenity on the townhouses.

Regarding sustainability, a couple of Panel members suggested the applicant go through the modeling exercise. They were concerned with the amount of continuous glazing and thought that more solid walls were more efficient than spandrel glass. They also suggested the applicant consider the glazing and the radiator effect of the slab extensions.

- **Applicant's Response:** Mr. Henriquez thanked the Panel for their comments and said they would work to improve the project.

UDP: MARCH 24, 2010

The Urban Design Panel supported (6-0) the revised application.

- **Introduction:** Karen Hoese, Rezoning Planner, introduced a concurrent rezoning and development permit application for the project that was previously seen by the Panel in November 2009. The application will be under the STIR Program (Short Term Incentives for Rental) which was approved by Council in June 2009. It provides a strategic set of incentives to secure the provision of rental housing. The incentives available and which are being requested by the application include concurrent processing, a reduced parking standard, waived DCLs and bonus density. Since the Panel last saw the application a further public benefit has been incorporated into the development. This benefit is for 3,500 sq. ft. of amenity space which is to be shared by Q-munity, the Queer Resource Centre and Gordon Neighbourhood House. The intention of the application is to rezone the site from RM-5 to CD-1 to allow an increase in density and height beyond what is permitted under the current zoning. The West End RM Guidelines apply and provide direction with regard to the design and development of the site. Also under the Green Rezoning Policy, the project is required to meet a minimum of LEED® Silver equivalent.

Ralph Segal, Senior Architect and Development Planner, further described the form of development noting the zoning guidelines that would allow for an increase in height and density. There is almost a five times increase in density proposed. The applicant has submitted a detailed shadow analysis that described in particular the impacts for the mini-park located in front of Gordon Neighbourhood House. Mr. Segal described the

shadow impacts on the park noting three different massing options that were included in the study. The proposed tower will have a floor-plate of approximately 5,900 sq. ft. and is comparable to other towers in the West End. Mr. Segal described the context for the surrounding area noting the location of other towers. The proposal is for 198 feet to the main parapet (or 216 to the top of the tower which includes the amenity space). Regarding the impact from the building on private views, Mr. Segal noted that there will be a diminishment of between five to fifteen percent for affected units in neighbouring towers. Given distances involved and available views that remain intact, this is considered to be an acceptable impact. A sunny open space has been provided at the Comox Street and Broughton Street corner. Mr. Segal noted the concerns from the last review of the Panel. The key aspects included: concern for the green building performance of the tower as the Panel asked for further consideration be given to passive design strategies; concern that the wrap around balconies contributed visually to the overall bulk of the building. Also the Panel had a negative reaction to the strong brick lower treatment of the tower which has been removed from the design.

Advice from the Panel on this application is sought on the following:

1. Does the overall form of development create an acceptable “fit” within the neighbouring context, taking into account the RM-5 Zoning and Guidelines including aspects of open space, sun access, views and livability?
2. Does the proposed site planning and landscape, including set-backs and on-site public, semi-public and private open space, contribute to the pedestrian amenity and livability?
3. Has Sustainability/Green Building Design been appropriately addressed?
4. Does the proposed architectural character contribute to the West End context?

Ms. Hoese and Mr. Segal took questions from the Panel.

- **Applicant’s Introductory Comments:** Gregory Henriquez, Architects, touched briefly on the primary changes since the last review. The architectural expression at the base of the building has been redesigned to slim down the building and to create more space in keeping with a modernist building. It will be a modest building and one of the first rental building to be built in the West End in thirty years. The brick has been removed and the building has been simplified in terms of responding to some of the sustainability features. The balconies were a random series around the building and they have now used them to create a statement at the front of the building. The space between the building (the mews) has been opened up and in terms of its shadowing, the building won’t affect the park until late in the afternoon. In terms of views, all the primary views of the neighbours have been maintained. A little element has been added on the front of the resource centre which will have a series of meeting rooms for the neighbourhood.

The applicant team took questions from the Panel.

- **Panel’s Consensus on Key Aspects Needing Improvement:**
 - Consideration should be given to increasing the thermal comfort of the west facing units by reducing heat gain and/or increasing ventilation to those units;
 - Design development to improve the Broughton Street relationship at grade particularly when addressing the transition to the tower façade;

- Consider revising the tower form to reduce shadowing on the mini park but only if this can be done without sacrificing the design integrity of the project; and
 - Consider targeting a higher level of sustainable design than LEED® Silver.
- **Related Commentary:** The panel supported the proposal and those it was improved since the last review.

The Panel thought the tower had a modern look and was appropriate for the West End. As well the Panel thought the resource centre was a little gem on the site. Regarding the shadow impacts, the Panel noted that even if the building was ten storeys lower it would still impact the amount of sunlight on the park. The Panel supported the height noting that it was similar to lots of other buildings in the neighbourhood. They agreed that rental housing was very much needed and supported the use.

A couple of Panel members were concerned with the Broughton Street façade regarding the glazing as it carries right to the ground and seemed a little harsh. They also thought more design development would help to improve the townhouses. A couple of Panel members thought the amenity building could be improved with the addition of public lighting and a more distinct entrance. One Panel member thought the front door on Comox Street felt somewhat truncated and would like to see it improved.

The Panel thought there was still room for improvement with the tower and suggested the building could be made more slender. Although the impacts on views and sun access was not going to be significant, the Panel thought making the building more slender would improve the amount of sunlight on the park. A couple of Panel members thought the Broughton Street corner (south east) might need to be modified to allow for more sun access on the mews.

Since it will be a rental building which means people could be moving in and out of the building each month, several Panel members expressed concern that there was only one loading dock. Also they expressed concern with there only being two elevators as only one elevator would be operational when people were moving in or out of the building.

The Panel supported the landscape plans and the setbacks with one Panel member noting that the big front yard gave the site a more residential character. One Panel member suggested the front garden could have some plantings that would add colour in the winter months. The Panel member was concerned that the potted trees might not survive.

Regarding sustainability, several Panel members were concerned with the potential solar gain on the south and west facades. It was noted that the thermal fins could contribute to undesirable heat loss in the winter. The Panel thought that LEED® Silver was the bare minimum and would like to see some specific strategies on how this performance would be achieved. The Panel recommended the applicant go higher than LEED® Silver with one Panel member suggested the applicant target LEED® Gold.

Applicant's Response: Mr. Henriquez thanked the Panel for the comments and said they will endeavour to make it a better building.

UDP: FEBRUARY 22, 2012

The Urban Design Panel supported (10-0) the revised application.

Introduction: Karen Hoes, Rezoning Planner, introduced the proposal for a concurrent rezoning and development permit application. The site is currently vacant as the church that was previously located on the site was demolished last year. The rezoning application proposes to increase the density and height beyond what is permitted under the current zoning. The intent is to construct market rental housing, which can be considered under the STIR (Short Term Incentives for Rental) program. STIR provides incentives to encourage development of new purpose-built market rental housing with the intent of making these projects more economically viable. Incentives available include: a reduced parking started (not requested in this proposal), waived DCLs, concurrent processing of the rezoning and development permit and bonus density.

Ms. Hoes noted that the West End neighbourhood has been approved for a Community Planning program. An Interim Rezoning Policy allows continued consideration of rezoning applications previously received. She added that all rezonings are subject to the Greener Building Policy for Rezonings.

Anita Molaro, Development Planner, further described the proposal at the corner of Broughton and Comox Streets. The site is located in the RM-5 zone and the intent is to permit a variety of residential development with an emphasis placed on achieving development with respect to streetscape character, open spaces, view retention, sunlight access and privacy. The additional intent of the RM-5 district is to require development suited to families with children.

Ms. Molaro described the context for the area and explained that this part of the West End neighbourhood is generally comprised of low rise building with high rises on the block to the north.

The proposal is to increase the density from 1.5 FSR to 7.14 FSR. The RM-5 zone allows for a discretionary increase in height of up to 190 feet. The proposal is slightly beyond this height limit by one floor at 200 feet. Under the RM-5 Guidelines, the site qualifies for a tower of up 190 feet provided there are no other tall buildings on the same half block within 400 feet and there needs to be a minimum of 80 feet separation to any other higher buildings.

Ms. Molaro explained that it is unusual to bring an application back to the Panel after it received support at a previous review but because of the nature of the changes, staff wanted to receive the Panel's advice. The Panel had previously supported the general premise of a tower on this site stating that it "was an appropriate form and expression for the neighbourhood". The Panel also previously supported the density and tower form, however, they saw the proposal as a massive building on a small site. The concerns the Panel raised were: to consider a smaller floor-plate and a taller tower; consider more exploration for passive design considerations; and consider the amount of space on the balconies.

Ms. Molaro explained that the size of the floor is unchanged at 5,920 square feet. She noted that the applicant has made some significant changes to the design including reducing the total height from 226 feet to 200 feet. The amenity space was previously on the top of the

building and has been relocated to the ground floor, and the number of residential floors has remained the same at twenty-two. The previous proposal included a stand alone ground oriented townhouse component was located on the west side of the site that also included a community facility. This part of the proposal has changed, and the townhouses have increased from four to six units and have been incorporated into the base of the tower. This frees up the ground plane to allow for the tower to shift over, increasing the setback along Broughton Street. There is still an 80 foot separation with the Nelson Place tower across the lane. The changes allow for more daylight access onto Broughton Street and the adjacent mini park. A children's play area and community garden is planned in the setback.

The applicant is proposing an optional public realm improvement (that is not directly linked to the RZ/Development application). They propose the "greening" of Broughton Street, between Comox Street and the lane to the north of the site, by closing the street and adding more green space. Ms. Molaro explained that staff are still reviewing the vehicular implications around this option and requested the Panel's advice.

She added that since this proposal is a concurrent application, both a rezoning and a development permit application, this would be the last time the Panel will review the proposal.

Advice from the Panel on this application is sought on the following:

- Rezoning application attributes:
 - distribution of the density, massing and height including (noting UDP commentary and support on previous proposals), taking into consideration the following:
 - height (reduced height of 200 ft.)
 - density (reduced density of 7.14)
 - overall building massing within the neighbourhood context
 - view impacts from nearby tower(s)
 - tower shift and shaping to minimize shadow impacts on the Broughton Mini Park
- Development application attributes:
 - overall architectural expression within the neighbourhood context
 - proposed materials quality
 - sustainability attributes (LEED® Silver)
 - detailed landscape treatments, including quality/integration of the 8.8 m landscape setback on Comox Street as public open space
 - wall (property line) interface with adjacent existing building
- Advice from the panel on the proposed optional 'greening' of Broughton Street, between Comox Street and the lane to the north of the site, by closing the street and adding more green space (note that this option is not directly linked to the Rezoning/Development Application).
- Are their other urban design issues that should be considered

Ms. Hoese and Ms. Molaro took questions from the Panel.

Applicant's Introductory Comments: Gregory Henriquez, Architect, further described the proposal and explained to the Panel the history of the proposal. He noted that the building has increased setbacks on all sides and that there is now a green space that will be sensitive to the building to the west and an increased public open space on Comox Street. In terms of the expression, daylight access has been increased on the mini park with the shaping of the tower. The tower has an architectural concrete frame on the north and east facing facades. They have extended the balconies and overhangs to deal with some of the solar gain on the south and west façades. Mr. Henriquez added that they have worked with their mechanical consultants to make sure they perform to a LEED® Gold energy target instead of Silver. In terms of the height, they eliminated a large element on the roof, which was an amenity space, and have added an under-slung elevator to help reduce the overall height of the building.

Peter Kruek, Landscape Architect, described the landscape plans. He mentioned that the landscape is all on the ground plane and divided into two distinct areas, with the more public side and the semi private/public areas. Along Comox Street a children's play area is proposed, along with a community garden and benches along the walkway. Along Broughton Street there is a transition to the townhouse patios. There is also a garden space with community space that will be shared with the patio spaces.

The applicant team took questions from the Panel.

Panel's Consensus on Key Aspects Needing Improvement:

- Consider extending the red fin to the ground;
- Consider a more detailed expression on the guard rail or upgrade the material choice;
- Conduct a traffic study to determine if Broughton Street can be closed;
- Design development to connect the entry to Comox Street;
- Design development to improve the solar shading on the west façade.

Related Commentary: The Panel supported the proposal and thanked the applicant for giving a history of how the project was developed.

The Panel supported the height, density and massing and most of the Panel would have supported the previously proposed higher height. Most of the Panel members thought the shaping of the building was more important than the height for shadowing on the park which they felt had been improved. They also thought the overlook condition was much better with the amount of green space planned around the tower base, giving the project a "tower in the park" feel complimentary to the West End. The Panel thought there were some interesting architectural moves on the project. One Panel member thought the expression was strong at the top of the tower and suggested that could be expressed at the base. Most of the Panel supported the material and colour palette especially the coloured tiles as they thought they would maintain their brightness over time. They particularly liked the use of the stain glass windows from the church that was previously on the site. However, a number of Panel members thought the red fin that stopped on the 4th floor should come to ground.

The Panel supported the plans for in-suite bike storage, and thought it was an innovative solution.

A couple of Panel members thought the design might be too close to a 1960's or 1970's rental building expression. They suggested that the guard rail component could be detailed differently or upgraded to bring in a more detailed contemporary expression. One Panel member suggested the applicant find a way to bring some delight into the railings as they were an important architectural element.

The Panel supported the landscape component and thought the greening of Broughton Street was exciting and was a fantastic amenity for the neighbourhood. Some of the Panel did not support closing Broughton Street to traffic. They suggested that a traffic analysis needed to be done. One Panel member thought the Comox Street side did not have a strong relationship between the entry and the street, and thought the front door could reveal itself and step down through the garden as it needs either a more physical or visual connection. Also, urban agriculture has a winter condition and needs to have plantings that offer a green edge in winter. It was also suggested that on the southeast corner some seating be included as this is a space where people will congregate.

The Panel supported the applicant applying for LEED® Gold. A couple of Panel members were concerned that the balconies weren't doing much for solar shading on the west façade but worked better on the south. A couple of Panel members suggested reducing the percentage of window openings on the west.

Applicant's Response: Mr. Henriquez thanked everyone for their comments and said he was willing will do something more with the railings.

2. Comments from Building Code Specialist

The following comments are based on the architectural drawings prepared by Westbank Peterson Group dated Nov.30/11 which have been submitted for the Development Application, DE413347. This is a cursory review in order to identify issues which do not comply with 2007 Vancouver Building By-law.

1. Two exits are required for Level P3 (note also that the one stair that is shown is passing through a vestibule on P2, so currently P3 has no exits).
2. P2 & P1: Maximum glazing per Table 3.1.8.15 is exceeded in the NW stair.
3. P1: H/C Clearances are required beside the door jambs in the Bicycle Storage room.
4. *The maximum distance permitted through an exit lobby is 15 m.
5. The exits for the roof amenity do not meet the minimum remoteness of exits requirement.
6. Upper floors: balcony guards close to the balcony doors are to comply with the guard heights illustrated in Figures A-3.4.6.5.(7).
7. Ground Floor, north central Townhouse requires access to 2 exits.
8. Ground Floor, the townhouses that exit onto the elevated courtyard do not comply with the 3.3.4.4.(3) requirement of being within 1.5 m of adjacent ground level.
9. The children's play area is to have a H/C accessible path to get to it from the apartment.
10. The principal entrance is required to maximum 15 m from the addressed street.

Written confirmation that the applicant has read and has understood the implications of the above noted comments is required and shall be submitted as part of the "prior to" response.

The applicant may wish to retain the services of a qualified Building Code consultant in case of difficulty in comprehending the comments and their potential impact on the proposal. Failure to address these issues may jeopardize the ability to obtain a Building Permit or delay the issuance of a Building Permit for the proposal.

3. **Comments of the Applicant:** The applicant was provided with a draft copy of this report and provided no comments.

* * * * *

FORM OF DEVELOPMENT DRAWINGS
1401 Comox Street

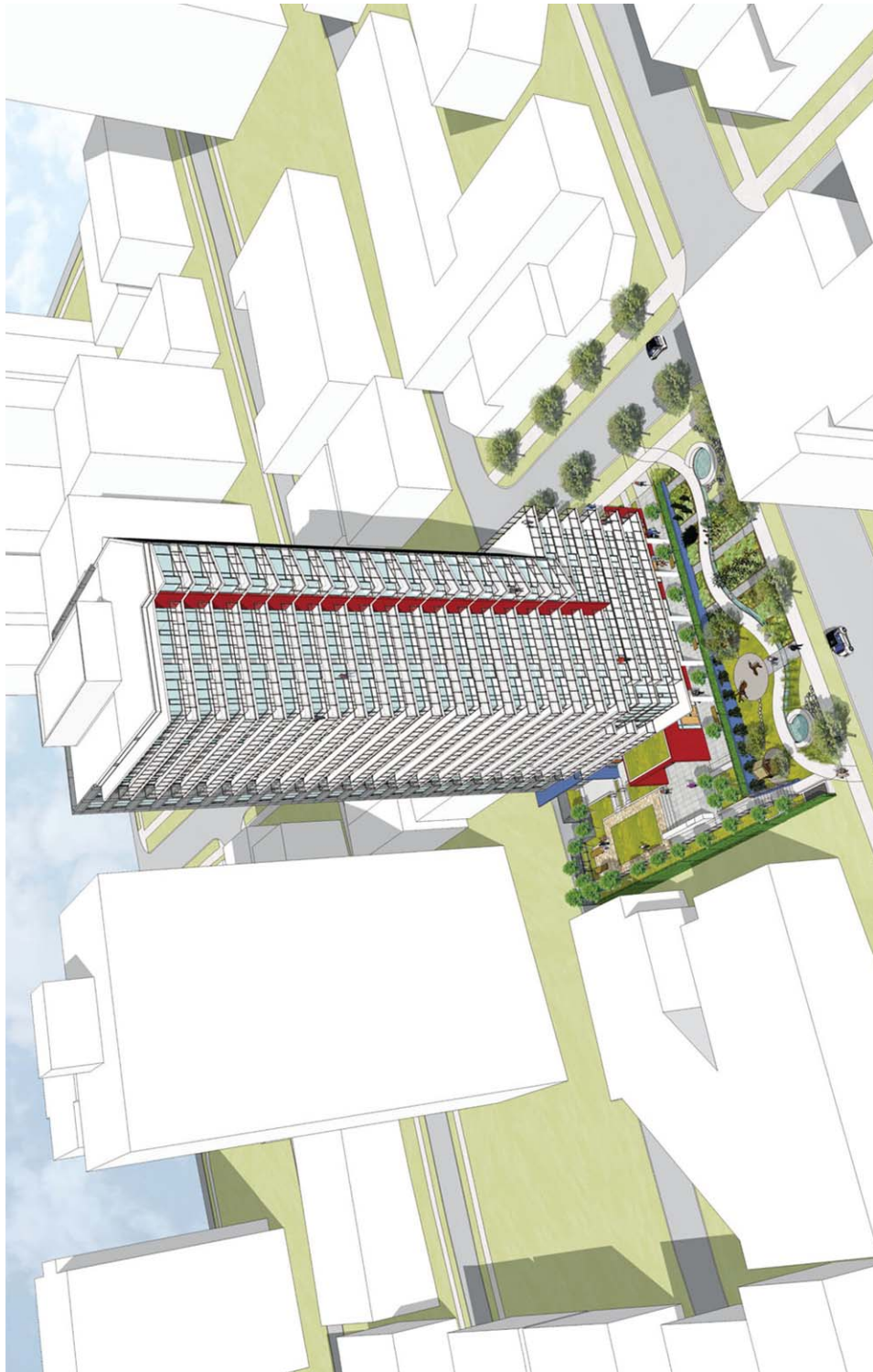
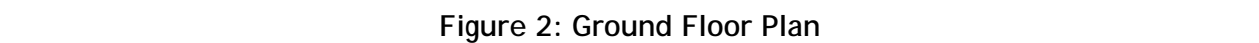


Figure 1: Building Form



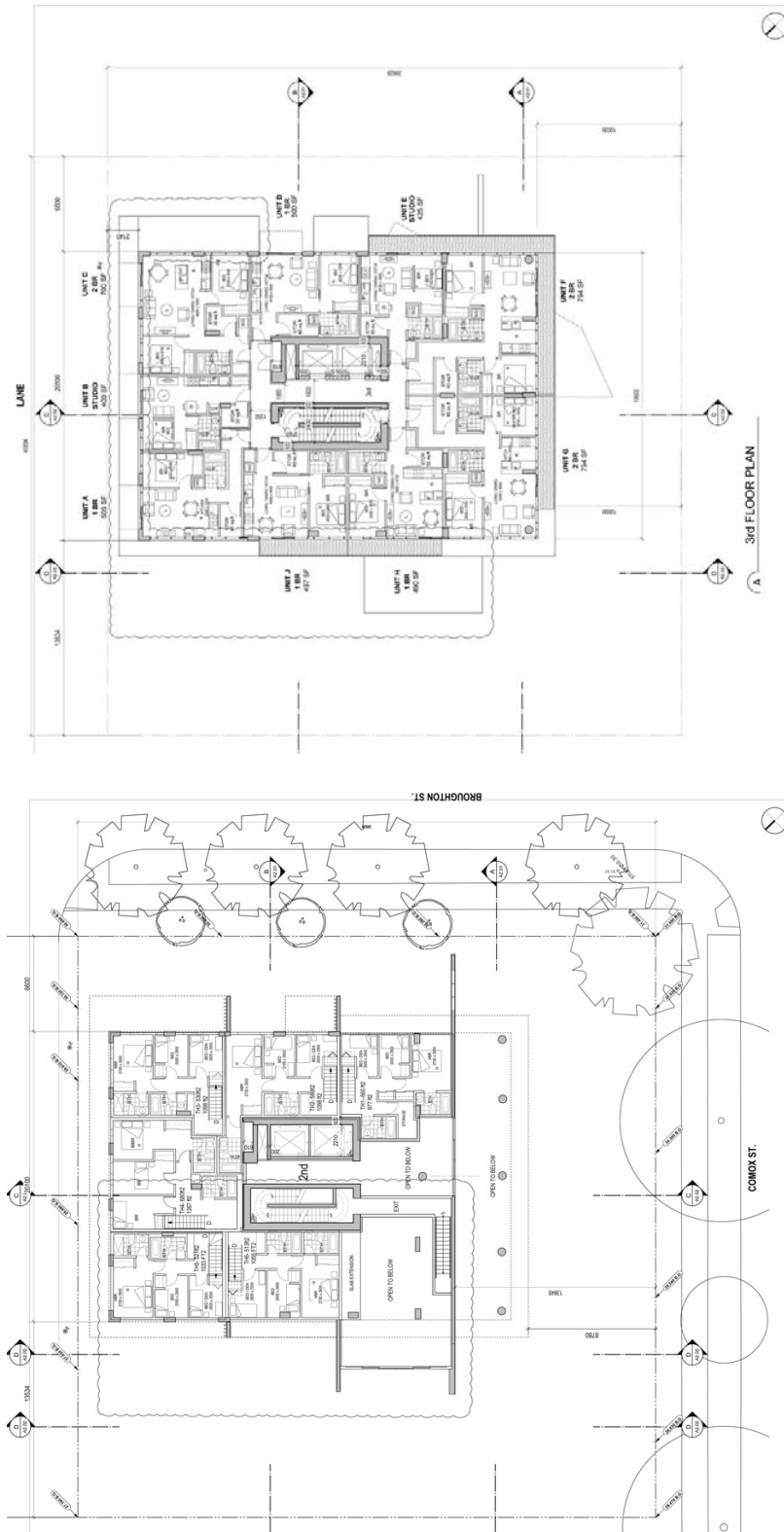


Figure 3: Floor Plans - Levels 2 and 3

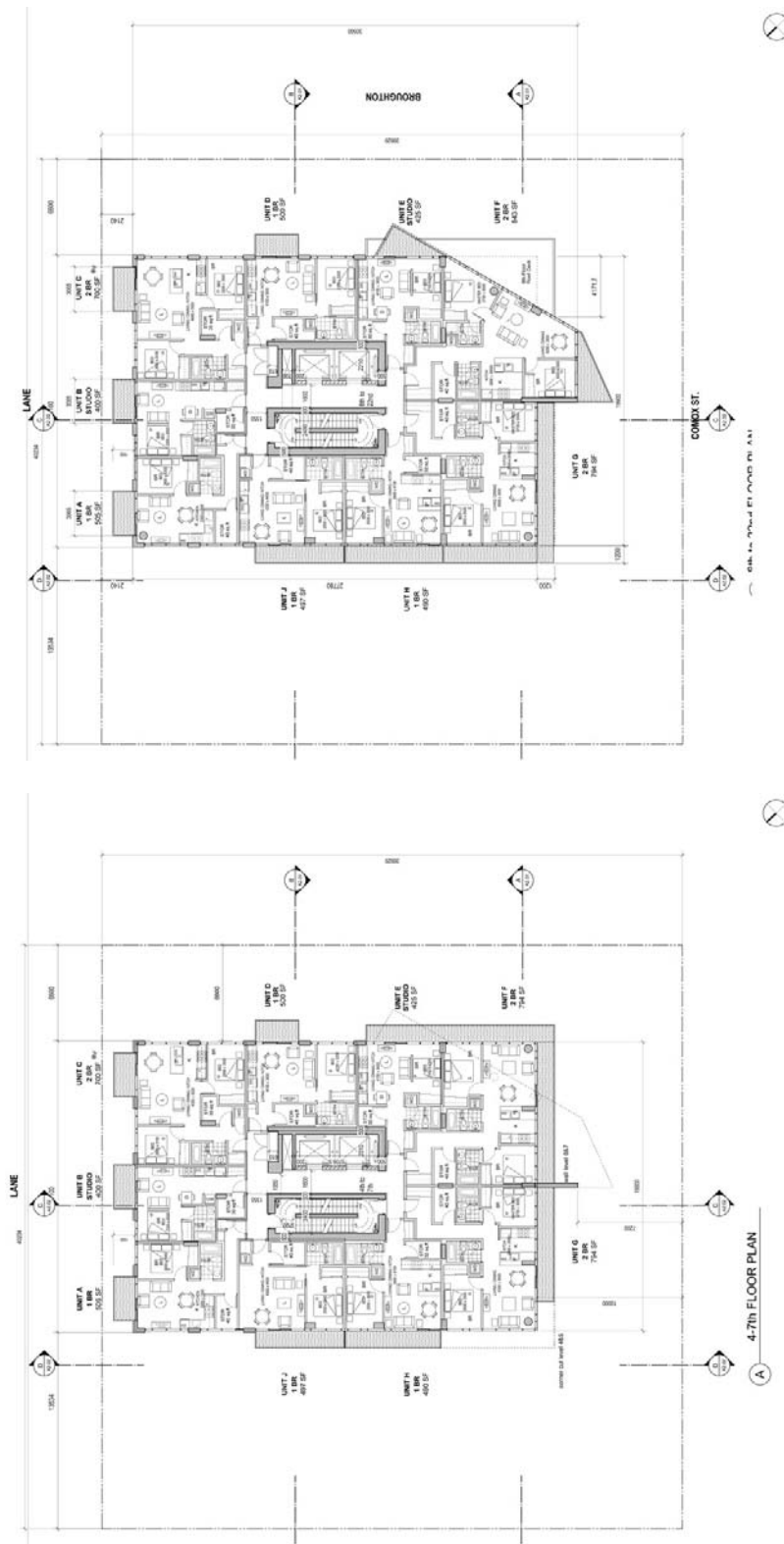


Figure 4: Floor Plans - Levels 4 to 7 and 8 to 22 (Typical Floor Plans)

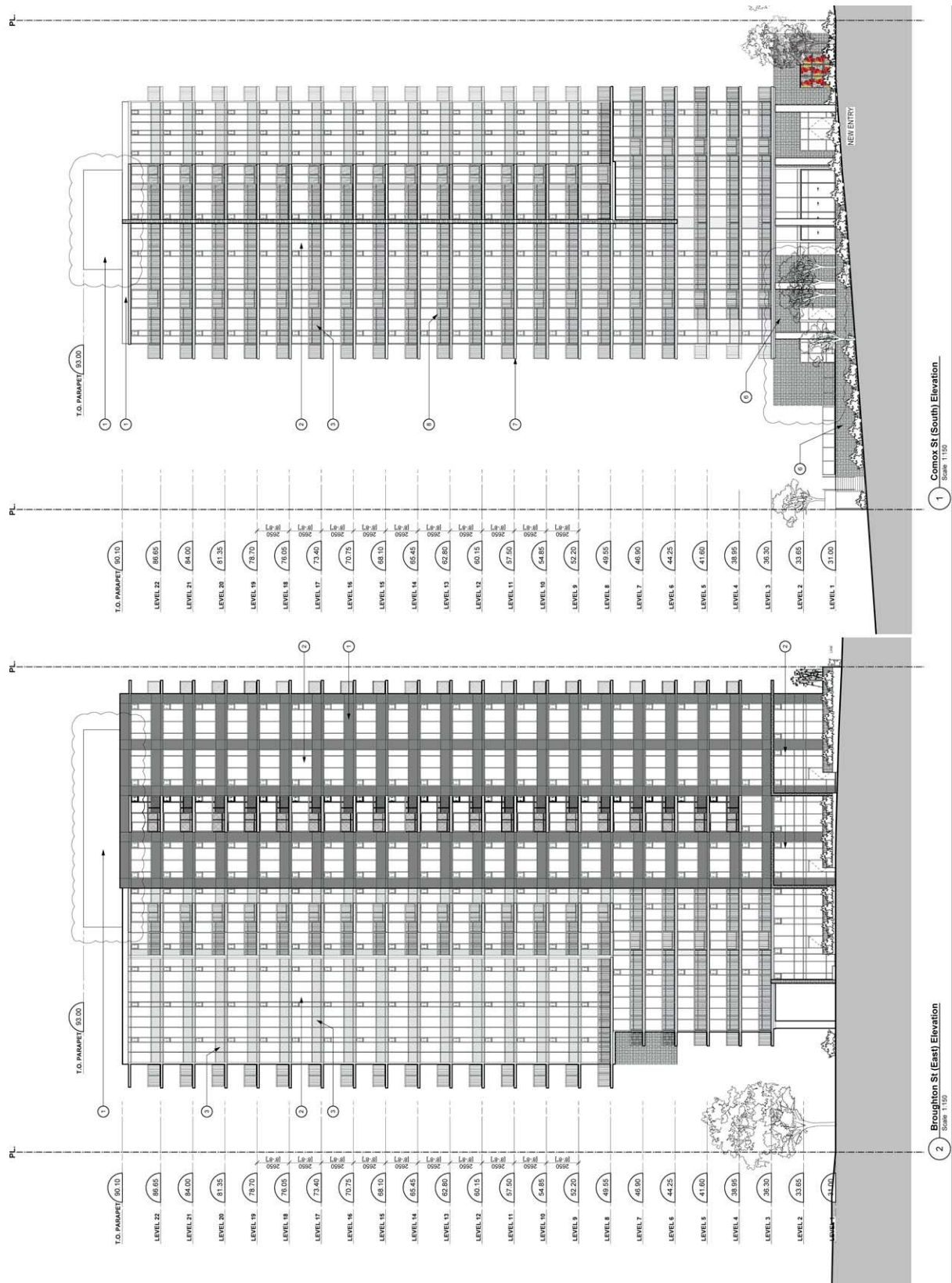


Figure 5: East and South Tower Elevations



Figure 6: North and West Tower Elevations

PUBLIC BENEFITS SUMMARY
1401 Comox Street

Project Summary:

A 22-storey residential building providing market rental housing under the STIR Program.

Public Benefit Summary:

186 market rental housing units and a contribution to the public art program.

	Current Zoning	Proposed Zoning
Zoning District	RM-5	CD-1
FSR (site area = 17,292 sq. ft.)	1.50	7.19
Buildable Floor Space (sq. ft.)	25,938 sq. ft.	124,330 sq. ft.
Land Use	Residential	Residential

Public Benefit Statistics		Value if built under Current Zoning (\$)	Value if built under Proposed Zoning (\$)
Required*	DCL (City-wide) (See Note 1) (\$11.33/sq. ft.)	\$293,876	0
	DCL (Area Specific) (\$15.64/sq. ft.)		
	Public Art (\$1.81/sq. ft.)		\$225,037
	20% Social Housing		
Offered (Community Amenity Contribution)	Heritage (transfer of density receiver site)(Note 1)	\$168,597	
	Childcare Facilities	N/A	
	Cultural Facilities		
	Green Transportation/Public Realm		
	Housing (e.g. supportive, seniors)		
	Parks and Public Spaces		
	Social/Community Facilities		
	Unallocated		
	Other		
TOTAL VALUE OF PUBLIC BENEFITS		\$462,473	\$225,037

Other Benefits (non-market and/or STIR components):

186 units of market rental housing for the life of the building.

Public open space including children's play area, community garden, and open lawn space.

* DCLs, Public Art and Social Housing may have exemptions and/or minimum thresholds for qualification. For the City-wide DCL, revenues are allocated into the following public benefit categories: Parks (41%); Replacement Housing (32%); Transportation (22%); and Childcare (5%). Revenue allocations differ for each of the Area Specific DCL Districts.

Note 1: Under RM-5 zoning, through a transfer of heritage density the floor area may be increased by a maximum of 10%, thereby increasing the floor area up to 1.65 FSR.

1401 Comox Street
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

Street Address	1401 Comox Street
Legal Description	Lots 19 and 20, Block 47, District Lot 185, Plan 92 PID: 015-761-487 and 015-761-495 respectively
Applicant/Architect	Henriquez Partners Architects
Property Owner/Developer	Westbank/Peterson Group

SITE STATISTICS

AREA	1 606.5 m ² (17,292 sq. ft.)
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DEVELOPMENT STATISTICS

	DEVELOPMENT PERMITTED UNDER EXISTING ZONING	PROPOSED DEVELOPMENT	RECOMMENDED DEVELOPMENT (if different)
Zoning	RM-5	CD-1	
Uses	Residential Uses	Residential Uses	
Dwelling Units		186 market rental units (40 studios, 80 1-bdrm, 60 2-bdrm, 6 3-bdrm)	
Max. Floor Space Ratio (FSR)	Outright: 1.0 FSR Conditions: 1.5 FSR +10% heritage density: 1.65 FSR	7.19 FSR	
Floor Area	1.00 FSR: 1 606.5 m ² (17,292 sf) 1.50 FSR: 2 409.8 m ² (25,938 sf) 1.65 FSR: 2 650.7 m ² (28,532 sf)	11 551 m ² (124,330 sq. ft.)	
Maximum Height	Outright: 18.3 m (60 ft) Conditional: 58.0 m (190 ft.)	61 m. (200 ft.) 22 storeys	
Parking Spaces	1 parking space per 140 m ² 82 spaces would be required for this development	Residents 77 Shared car 2 Shared car bonus 8 Total (equivalent) 87	2 shared cars/spaces beyond parking requirements
Loading	Class B (medium-size) 1	Class B (medium-size) 1	
Bicycle Spaces	Class A 233 Class B 6	Class A 151 Class B 6	Class A 233
Comox Street Front Yard	3.7 m (12 ft.)	8.8 m (29 ft.)	
Broughton Side Yard	3.0 m (9.8 ft.)	1.1 m (3.6 ft.) to fin wall 4.5 m (14.8 ft.) to balconies 6.6 m (21.6 ft.) to building	
Interior Side Yard	2.1 m (6.9 ft.)	8.5 m (27.9 ft.)	
Lane Rear Yard	2.1 m (6.9 ft.)	0.75 m (2.5 ft.) to balconies 2.14 m (7.0 ft.) to building	