



POLICY REPORT  
DEVELOPMENT AND BUILDING

Report Date: January 22, 2015  
Contact: Kevin McNaney  
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VanRIMS No.: 08-2000-20  
Meeting Date: February 3, 2015

TO: Vancouver City Council  
FROM: General Manager of Planning and Development Services  
SUBJECT: CD-1 Rezoning - 1070 and 1090 West Pender Street

**RECOMMENDATION**

- A. THAT the application by Musson Cattell Mackey Partnership to rezone:
- (i) 1070 West Pender Street (PID: 024-551-945, *Lot 1, Block 2, District Lot 185, Group 1, New Westminster District Plan LMP42705*) on behalf of Bentall Kennedy Prime Canadian Property Fund Ltd., and
  - (ii) 1090 West Pender Street (PID: 004-920-392, *Lot 10, Block 2, District Lot 185, Plan 92*) on behalf of 1090 Pender Properties Ltd.,
- from Downtown District (DD) to a Comprehensive Development (CD-1) District, to increase the floor space ratio from 11.0 to 18.22 (with the proviso that these lands will not be developed to a floor space ratio greater than 17.5, as discussed in this report) to allow for the construction of a 52,222 m<sup>2</sup> (562,135 sq. ft.) 31-storey office building, with retail uses at grade, be referred to a Public Hearing, together with:
- (i) plans prepared by Musson Cattell Mackey Partnership, received November 27, 2013;
  - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A; and
  - (iii) the recommendation of the General Manager of Planning and Development Services 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, if the application is referred to a Public Hearing, the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B to the Sign By-law [assigned Schedule "B" (DD)], generally as set out in Appendix C, be referred to the same Public Hearing;

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

- C. THAT, subject to enactment of the CD-1 By-law, the Noise Control By-law be amended to include this CD-1 in Schedule A, generally as set out in Appendix C;

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

- D. THAT, 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.

- E. THAT, Recommendations A through D be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a 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 1070 and 1090 West Pender Street from DD (Downtown District) to CD-1 (Comprehensive Development) District. The proposed zoning would increase the maximum density from a floor space ratio of 11 to 18.22 to allow for a 31-storey office building, with retail uses at grade. Although this report recommends an increase

in floor space ratio to 18.22, the development on 1070 and 1090 West Pender Street will be limited to a floor space ratio of 17.5. The additional floor space ratio of 0.72 is required to support a previous transfer of density from 1070 West Pender Street to 1050 West Pender Street which is discussed below. This application helps achieve City economic policies through the creation of 52,222.3 m<sup>2</sup> (562,135 sq. ft.) of office and job space in the Central Business District, adjacent to rapid transit.

Staff have assessed the application and support the uses and form of development of this application, subject to design development and other conditions outlined in Appendix B. Staff recommend that the application be referred to a Public Hearing, with the recommendation of the General Manager of Planning and Development Services to approve it, subject to the Public Hearing.

### ***COUNCIL AUTHORITY/PREVIOUS DECISIONS***

Relevant Council Policies for this site include:

- Vancouver Neighbourhood Energy Strategy (2012)
- Vancouver Economic Action Strategy (2011)
- Rezoning Policy for the Central Business District (CBD) and CBD Shoulder (2009)
- Green Buildings Policy for Rezoning (2009, last amended 2014)
- Rezoning Policy for Sustainable Large Developments (2008, last amended 2013)
- Metro Core Jobs and Economy Land Use Plan: Issues and Directions Report (2007)
- Community Amenity Contributions – Through Rezonings (1999, last amended 2004)
- Public Art Policy for Rezoning Development (1994, last amended July 31, 2014)
- Heritage Policies and Guidelines (1986)
- Downtown Official Development Plan (1975)
- Downtown Design Guidelines (September 30, 1975; last amended December 14, 1993)
- Childcare Design Guidelines (1993)
- Civic Childcare Strategy (1990)
- DD (except Downtown South) C-5, C-6, HA-1 and HA-2 Character Area Descriptions (1975)

### ***CITY MANAGER'S COMMENTS***

This development proposal aligns with the Metro Core Jobs Strategy, the Vancouver Economic Action Strategy, and the Transportation 2040 Plan in that it involves the creation of significant job space adjacent to a major transit hub. One of the key directions set forth in the Vancouver Economic Action Strategy is to attract and retain human talent through measures that include increased access for working families to amenities, particularly childcare facilities.

The City's Civic Childcare Strategy, approved by Council in 1990, recognizes the critical shortage of affordable licensed, quality childcare for children of working parents and insufficient access to quality early childhood programs. Almost 24 years later, the demand for childcare continues to far exceed the supply, with long wait lists for existing spaces. There is a clear shortage of childcare spaces for working parents, particularly for children under 3 years old. It is estimated that about 9,700 additional childcare spaces serving 0 to 4 year olds

are needed to meet current need, and this figure is anticipated to increase as Vancouver's population grows in the future.

## REPORT

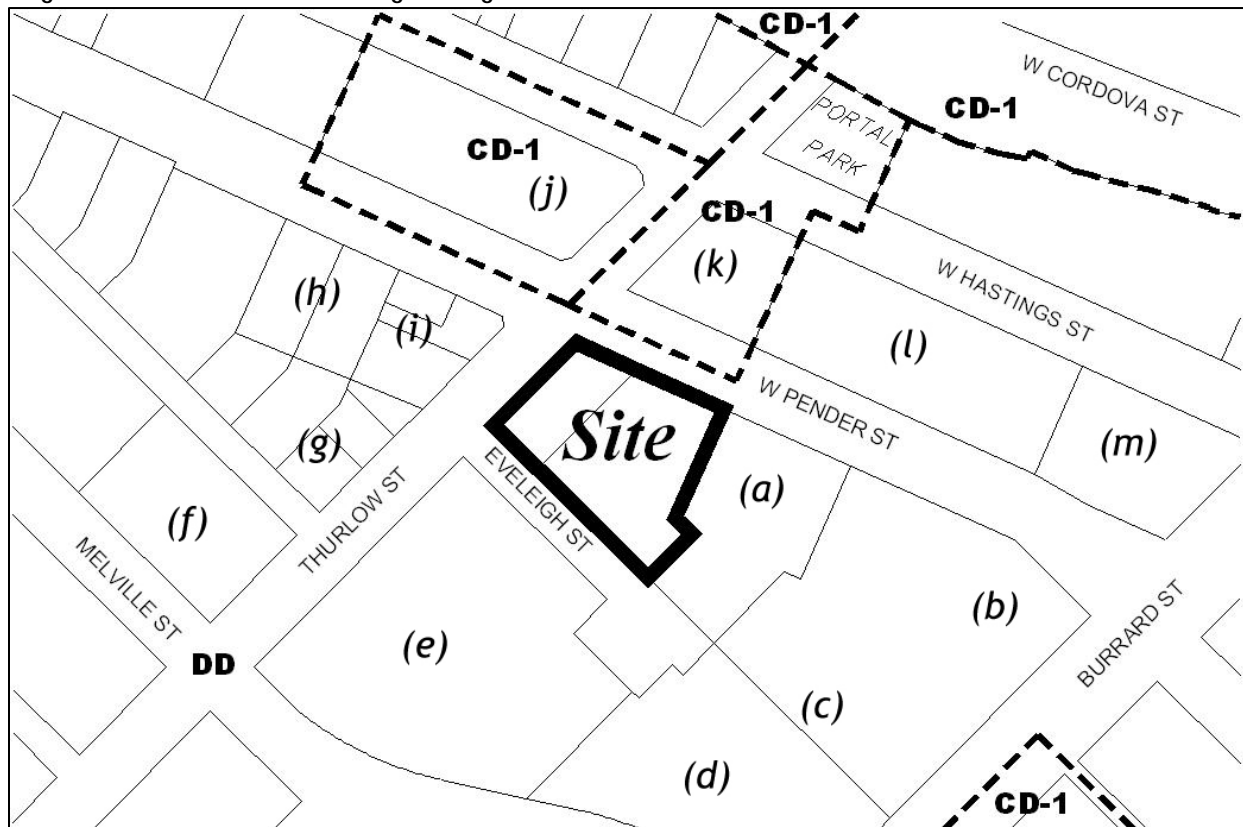
### Background/Context

#### 1. Site and Context

This 2,984 m<sup>2</sup> (32,122 sq. ft.) site is situated at the southeast corner of West Pender and Thurlow Streets in the core Central Business District (CBD) (see Figure 1). The site is comprised of two legal parcels and has 52.2 m (171.16 ft.) of frontage along West Pender Street and 37.7 m (123.72 ft.) along Thurlow Street. To the south is Eveleigh Street, a small cul-de-sac street that provides access to the Bentall Centre and surrounding office developments.

The parcel at 1090 West Pender Street is currently occupied by a small 12-storey office building which is listed on the Recent Landmarks Inventory. The parcel at 1070 West Pender Street is occupied by a six-storey building including some commercial uses and above-grade parking, serving the office buildings at 1090 West Pender Street and 1050 West Pender Street.

Figure 1 - Site and surrounding zoning



The blocks surrounding the subject site contain primarily commercial buildings ranging from older buildings with heights of ten- to twelve-storeys to newer buildings up to 36 storeys. Significant development in the immediate area are shown in Figure 1 and listed below:

- (a) 1050 West Pender Street, a 21-storey office building
- (b) Bentall One, 505 Burrard Street, a 21-storey office building
- (c) Bentall Two, 555 Burrard Street, an 18-storey office building
- (d) Bentall Three, 595 Burrard Street, a 32-storey office building
- (e) Bentall Four, 1055 Dunsmuir Street, a 35-storey office building
- (f) 1111 Melville Street, a 12-storey office building
- (g) 535 Thurlow Street, an eight-storey office building
- (h) 1130 West Pender Street, a 15-storey office building
- (i) 1112 West Pender Street, a nine-storey office building
- (j) Marriott Hotel, 1128 West Hastings Street, a 36-storey hotel building
- (k) Manulife Place, 1095 West Pender Street, a 22-storey office building
- (l) Oceanic Plaza, 1066 West Hastings Street, a 26-storey office building
- (m) 401 Burrard Street, an 18-storey office building

Located in the core Central Business District (CBD), the subject site is extremely well located with regard to transit, with the Burrard Skytrain, and multiple bus routes nearby, as well as bicycle routes on the adjacent streets.

## 2. Policy Context

**Metro Core Jobs and Economy Land Use Plan:** The Metro Core Jobs and Economy study was initiated in 2005 to review the need for development and transportation capacity to accommodate future job growth and economic activity in the Metro Core. By 2007, after extensive research and analysis, the study concluded that there was an anticipated 5.8 million square foot shortfall in commercial capacity in the Downtown and that zoning and policy changes would be required to meet Vancouver's long-term (30-year) job space needs. In 2009, as part of the Metro Core Jobs and Economy Land Use Plan, Council addressed the job space gap by adopting zoning changes to the Downtown Official Development Plan and a *Central Business District (CBD) and CBD Shoulder Rezoning Policy*, with the objective of intensifying job space in the CBD, and mitigating against additional residential speculation, within the City's key commercial area.

**Rezoning Policy for the CBD and CBD Shoulder:** The adoption of the *Rezoning Policy for the CBD and CBD Shoulder* is strategic and seeks to increase the potential for commercial capacity by guiding rezonings for non-residential buildings to heights and densities up to the view cones, thereby improving the climate for new office development. Rezoning of the remaining viable commercially-zoned sites in the CBD to maximize their job space potential is fundamental to Council's objective of closing the 5.8 million square foot gap in job space that has been identified. This application for an office building within the City's CBD addresses the intent of this policy.

**Vancouver Economic Action Strategy:** The *Vancouver Economic Action Strategy* provides directions to enhance the City's economic performance, with a focus on creating a climate for economic growth and supporting business investment and trade. The *Strategy* further seeks to attract and retain talent through measures that include increased affordability and availability of family housing and of childcare for working families.

## Strategic Analysis

### 1. Proposal

This rezoning application proposes a total of 52,222.3 m<sup>2</sup> (562,135 sq. ft.) of commercial floor area, with retail uses at street level and office uses above.

### 2. Land Use

The proposal includes 1,329 m<sup>2</sup> (14,301 sq. ft.) of retail and service uses on the lower two floors, with 50,893.8 m<sup>2</sup> (547,834 sq. ft.) office uses above. In addition to these uses, the draft CD-1 By-law provisions allow for a wide range of non-residential uses to support future employment opportunities.

The existing zoning is Area "A" of the Downtown District, with land use regulated by the Downtown Official Development Plan (DODP). Area "A" forms a key part of the CBD, the premier business and cultural district for Vancouver and the focal point of the region's transportation system. To ensure continued economic vitality and competitiveness of this centre of commerce, policy in the CBD prioritizes commercial uses and increased job space, and also encourages the rezoning of commercial sites to maximize their job space potential. This application for an office building within the City's CBD addresses the intent of these policies.

**Office Development:** Table 1 shows how major office development has been accelerating since Council's policy changes for the Metro Core and for areas outside of the Downtown. Included in the "Under Construction" and "Approved Rezoning and Development Permit" totals for the Metro Core is new job space totalling 346,331 m<sup>2</sup> (3,729,000 sq. ft.). This is a significant change from the five-year period prior to Council's policy changes when very little office space (particularly stand-alone office buildings that the business community favours) was built due to high building costs and high land costs resulting from residential speculation in the CBD. If this application is approved, a further 52,222.3 m<sup>2</sup> (562,135 sq. ft.) of office space will be added to this total.

Figure 2: Rendering of Proposed Building



Table 1: New Office Floor Space (Major Developments\*) in Vancouver since January 2009

Completed	Sq. ft.	Projects	Jobs (Estimated)
Metro Core	739,000	11	2,460
Rest of City	638,000	6	2,130
<b>City Total</b>	<b>1,377,000</b>	<b>17</b>	<b>4,590</b>
<b>Under Construction</b>			
Metro Core	2,243,000	9	7,480
Rest of City	490,000	3	1,630
<b>City Total</b>	<b>2,733,000</b>	<b>12</b>	<b>9,110</b>
<b>Approved Rezoning and Development Permit</b>			
Metro Core	1,486,000	9	4,950
Rest of City	1,608,000	3	5,360
<b>City Total</b>	<b>3,094,000</b>	<b>12</b>	<b>10,310</b>
<b>Completed, Under Construction and Approved Rezoning and Development Permit</b>			
Metro Core	4,468,000	29	14,890
Rest of City	2,736,000	12	9,120
<b>City Total</b>	<b>7,204,000</b>	<b>41</b>	<b>24,010</b>

\*Major Developments are those that add at least 50,000 sq. ft. of office space.  
Source: City of Vancouver development tracking as of December 2014.

#### 4. Density and Form of Development

**Density**— Under the existing DODP, the density permitted on the site in Area “A” is a floor space ratio (FSR) of 11 and through a transfer of floor space through the Heritage Amenity Bank, a further ten percent density could be achieved, for a maximum of 12.1 FSR. This rezoning application proposes an overall floor area of 52,222.3 m<sup>2</sup> (562,135 sq. ft.), equivalent to 17.5 FSR. This increase in density is consistent with the intent of the *Rezoning Policy for the CBD and CBD Shoulder*, and the staff urban design assessment concludes that the proposed floor area can be appropriately accommodated, subject to the design development conditions in Appendix B.

**Single Site Covenant** – In the 1990s, to facilitate the construction of a mixed-use commercial building on the adjacent site at 1050 West Pender Street beyond what was permitted under zoning at time, the City permitted the transfer of unused development density from 1070 West Pender Street to 1050 West Pender Street. The City permitted a total of 2,152.8 m<sup>2</sup> (23,173.2 sq. ft.) of unused floor area (the “Transferred Density”) to be used by the development on 1050 West Pender Street. A condition of the use of the Transferred Density was that a single site covenant be registered against both 1070 and 1050 West Pender Street.

City staff have determined that the single site covenant is still required as the Transferred Density is still being used by 1050 West Pender Street. Accordingly, the CD-1 By-law must provide an additional FSR of 0.72 or 2,152.8 m<sup>2</sup> (23,173.2 sq. ft.) of floor area in addition to the 17.5 FSR proposed under this rezoning.

**Height:** While the maximum discretionary height permitted under the existing zoning is 137.2 m (450 ft.), the site is restricted by the Laurel Landbridge (C2.2) view cone which

limits the height of this proposal including all appurtenances to 123.4 m (405 ft.). As the proposed building extends to the underside of this view cone, staff have concluded that the height can be supported.

**Form of Development:** The application proposes a 31-storey tower form with commercial spaces at the base facing Thurlow, Pender and Eveleigh Streets. Setbacks range from zero lot line conditions at the top of the tower, to 6.1 m (20 ft.) of setback on grade facing Thurlow Street. This setback provides a substantial open space, in combination with the public sidewalk that can provide a pedestrian amenity along the quieter Thurlow Street frontage. The Thurlow setback is also consistent with that provided by nearby buildings at grade, helping to open views down the street towards the water.

The Rezoning Policy for Large Sustainable Developments applies to this application, and recommends consideration of building siting and orientation, building shape and massing, solar shading, and the landscape design. In this instance the Sustainable Site Design parameters are more challenging to apply due to the relatively constrained site and the proximity of nearby towers. Staff expect that the building will rely on careful envelope design as its main passive design feature, including the proposed solar shading elements.

**Urban Design Panel:** This proposal was reviewed by the Urban Design Panel on February 12, 2014 and was supported (see Appendix E).

Staff support the proposed form of development, subject to the conditions in Appendix B, which seek further design refinement at the development permit stage. The form of development drawings are included in Appendix F and the development statistics are included in Appendix H.

## 5. Heritage (1090 West Pender Street)

The building at 1090 West Pender, designed by Gerald Hamilton & Associates and constructed in 1970-1971, is a twelve-storey commercial building listed on the Recent Landmarks Inventory (but is not listed on the Heritage Register). It was designed in the Formalism style and features pre-cast concrete patterned cladding. The building is valued for its association with the modern development of Vancouver's Central Business District. A Statement of Significance (SOS) was provided as part of the application and is included in Appendix D.

The applicant has explored the possibility of retaining this building. However, there are a number of issues that make this a challenging option, including seismic and building code issues. Further, the building is no longer in keeping with the requirements of Class A office tenants. A heritage review of the building determined that the elements of possible interest are the precast units that are a component of the office facades which have heritage value and are design features of interest. The applicant has committed to explore the re-use of some of these elements during design development.

**Vancouver Heritage Commission (VHC):** The VHC reviewed the SOS on April 28, 2014, and the overall proposal on June 16, 2014, and supported the effort of the applicant to commemorate the heritage building's precast elements in the proposed redevelopment of the site (see Appendix E).



## 6. Parking and Transportation

**Parking:** The application includes seven levels of underground parking accessed off of Eveleigh Street, a small, dead end, service-oriented road.

Based on the Parking By-law, the proposed development would require a minimum of 358 vehicle parking spaces. In addition, the site must provide for the adjacent building at 1050 West Pender Street, the greater of 175 parking spaces or the number of parking spaces required by the Parking By-law, which is in this case 179 parking spaces, for a total of 537 parking spaces. A total of 487 parking spaces are proposed, representing a shortfall of 50 spaces, which would be resolved through the Development Permit process.

In the downtown area, a property owner has the opportunity to address a shortfall in parking supply by securing additional parking off-site or through the "payment-in-lieu" provisions of the Parking By-law. These provisions require a payment of \$20,200 per parking space at the development permit stage, which is used to fund downtown parking structures or green mobility initiatives. The applicant is exploring options of meeting the current shortfall of parking, including increased bicycle spaces and the addition of shared vehicle spaces. The draft amendments to the Parking By-law contained in Appendix C allow for up to five shared vehicle spaces, equivalent to 25 parking spaces.

**Loading:** For this proposal the Parking By-law would require a total of seven class A and eight class B loading spaces. The application proposes to provide 9 Class A and four Class B loading spaces. Engineering staff have reviewed the application and recommend that a minimum of five Class A and two Class B loading spaces be provided. Therefore, the proposal exceeds the minimum Engineering requirements for loading.

**Bicycle Facilities:** The application will meet or exceed the Parking By-law requirements for bicycle spaces.

Further, at the Development Permit stage, in response to the *Rezoning Policy for Large Sustainable Developments*, the provision of a more detailed Green Mobility and Clean Vehicles Strategy is required, demonstrating measures to prioritize sustainable modes, including cycling, public transit and provisions for low carbon vehicles.

## 7. Environmental Sustainability

**Green Building Rezoning Policy:** The Green Building Rezoning Policy (amended by Council on June 25, 2014) requires that rezoning applications achieve a minimum of LEED® Gold rating, with targeted points for water efficiency and stormwater management and a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, along with registration and application for certification of the project. The applicant submitted a preliminary LEED® scorecard, which generally conforms to the Rezoning Policy, indicating that the project could attain the required LEED® points and energy efficiency and, therefore, would be eligible for a LEED® Gold rating.

**Rezoning Policy for Sustainable Large Developments:** The *Rezoning Policy for Sustainable Large Developments* applies to rezoning proposals having either a total minimum site size of 8,000 m<sup>2</sup> (1.98 acres) or containing more than 45,000m<sup>2</sup> (484,375 sq. ft.) of new development floor area. The intent of the policy is to achieve higher sustainability outcomes through

strategies that implement opportunities for low carbon energy, sustainable site design, green mobility, sustainable rainwater management, enhanced solid waste diversion, and housing affordability and mix. As this is a non-residential development in the CBD, strategies regarding housing affordability and mix are not required.

One of the strategies of this policy is the provision of low carbon energy. The *Greenest City Action Plan* seeks to reduce citywide greenhouse gas emissions by 33 % or 1,110,000 tonnes of CO<sub>2</sub> per year by 2020. Neighbourhood Energy Systems (NES) are targeted to deliver 11 % of this reduction by more efficiently delivering thermal energy to connected buildings while also incorporating low carbon energy sources into the NES network. In October, 2012, Council adopted the *Vancouver Neighbourhood Energy Strategy* which identified the Downtown as a target area for NES development. The City is working with utility partners on expanding downtown NES and converting them to low carbon energy by 2020. Increasing the amount of connected floor area will effectively improve the business case for the fuel switch and associated GHG reductions. Therefore, in lieu of conducting a site specific low carbon energy study (as required under the *Sustainable Large Developments Rezoning Policy*), the applicant has contributed to a neighbourhood energy feasibility study, in partnership with the City's designated NES utility provider for the downtown. Conditions are set out in Appendix B.

Staff have reviewed the applicant's preliminary response to the policy and recommend the conditions in Appendix B which seek the provision of more detailed studies and refinements to the sustainability measures at the development permit stage, and secure the low carbon energy requirements of the development at enactment of the zoning.

### ***PUBLIC INPUT***

**Public Notification:** A rezoning information sign was installed on the site on December 16, 2013. Notification and application information, as well as an online comment form, was provided on the City of Vancouver Rezoning Centre webpage. A total of 4,656 notifications were distributed within the neighbouring area on or about January 20, 2014.

**Public Response:** Staff received one public response in support of this application, noting that the density of the downtown business core is less than it could be, and that increased floor area in this area would be beneficial.

### ***PUBLIC BENEFITS***

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

#### **Required Public Benefits:**

**Development Cost Levies (DCLS)** — Development Cost Levies collected from development help pay for facilities made necessary by growth, including parks, childcare facilities, affordable replacement housing and various engineering infrastructure. The subject site is in the Vancouver DCL District where the rate for commercial uses is \$138.53/m<sup>2</sup> (\$12.87/sq. ft.). It is anticipated that the new floor area of 52,222.3 m<sup>2</sup> (562,135 sq. ft.) associated with the proposed tower will generate DCLs of approximately \$7,234,677. DCLs

are payable at building permit issuance and their rates are subject to Council approval of an annual inflationary adjustment which takes place on September 30<sup>th</sup> of each year.

**Public Art Program** — The Public Art Policy for Rezoning Development requires that rezonings involving a floor area of 9,290.0 m<sup>2</sup> (100,000 sq. ft.) or greater allocate a portion of their construction budgets to public art as a condition of rezoning. The current (2014) rate is \$1.81 sq. ft./19.48 m<sup>2</sup>. On this basis, with 52,222.3 m<sup>2</sup> (562,135 sq. ft.) of new floor area proposed in this rezoning, a public art budget of approximately \$1,017,464 is anticipated. The Public Art rate is finalized at the development permit stage and is subject to annual Council approval of an inflationary adjustment which takes place on September 30<sup>th</sup> of each year.

#### **Offered Public Benefits:**

Within the context of the City's financing growth framework, an offer from a rezoning applicant to make a public benefit contribution to address the impacts of rezoning can be anticipated. As part of this application, a voluntary \$2 million cash contribution will be made by the applicant to the City, prior to enactment, to fund a childcare facility or facilities elsewhere in the Downtown area.

The provision of childcare facilities in the Downtown area assists in recruitment of talented workers and companies, contributing to economic development and supporting job growth in the Downtown core. Staff, therefore, recommend that the offering be accepted and that it be fully allocated to childcare.

Rezoning for large office developments have been relatively infrequent and an approach to determining needed public benefits has not been established to the same level as that for residential rezonings. With the assistance of Vancouver Economic Commission staff, a review will be undertaken to identify key public amenities which will be supportive of the goals of the Vancouver Economic Action Plan, the Metro Core Jobs Strategy, as well as all other land use policy within the Downtown core, with a report back to Council in 2015.

See Appendix G for a summary of all of the public benefits for this application.

#### ***Financial***

As noted in the section on Public Benefits, the applicant has offered a cash contribution of \$2 million towards the provision of a childcare facility or facilities in the Downtown area.

The site is within the Citywide DCL District. If the rezoning application is approved, it is anticipated that the applicant will pay \$7,234,677 in DCLs.

The applicant will also be required to provide new public art on site, or make a cash contribution to the City for off-site public art, at an estimated value of \$1,017,464.

#### ***CONCLUSION***

Staff assessment of this rezoning application has concluded that the proposed land uses, density and height are supported, and that the application, if approved, will contribute to Vancouver's job space and economic development objectives.

The General Manager of Planning and Development Services recommends that the application be referred to Public Hearing together with a draft CD-1 By-law as generally shown in Appendix A and with a recommendation of the General Manager of Planning and Development Services that these be approved, subject to the Public Hearing, along with the conditions of approval listed in Appendix B, including approval in principle of the form of development as shown in plans included as Appendix F.

\* \* \* \* \*

1070-1090 West Pender Street  
PROPOSED CD-1 BY-LAW PROVISIONS

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

**Zoning District Plan Amendment**

- 1.1 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 Z-( ) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D, to By-law No. 3575.

*[Note: Schedule A, not attached to this appendix, is a map that amends the City of Vancouver zoning map. Should the rezoning application be referred to Public Hearing, Schedule A will be included with the draft by-law that is prepared for posting.]*

**Uses**

- 2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 ( ).
- 2.2 Subject to approval by Council of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in the By-law or in a development permit, the only uses permitted and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
- (a) Cultural and Recreational Uses;
  - (b) Institutional Uses;
  - (c) Office Uses;
  - (d) Parking Use, limited to parking garage
  - (e) Retail Uses;
  - (f) Service Uses; and
  - (g) Accessory Uses customarily ancillary to any use permitted by this section.

**Building Height**

- 3.1 The building height, measured above base surface, must not exceed 123.4 m [405 ft.] to the top of the roof parapet.

**Floor Area and Density**

- 4.1 Computation of floor space ratio must assume that the site consists of 2,984.2 m<sup>2</sup> [32,122 sq. ft.], being the site size at the time of the application for the rezoning evidenced by this By-law.
- 4.2 The floor space ratio must not exceed 18.22, except that:

- (a) the floor space ratio for all uses combined on the site must not exceed 17.5, and
  - (b) floor area of 2,152.8 m<sup>2</sup> [23,173.2 sq. ft.] is authorized by this By-law solely for use in on the development site located at 1050 West Pender Street, in accordance with the single site covenant registered against the titles to 1050 and 1070 West Pender.
- 4.3 Computation of floor area must include all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, measured to the extreme outer limits of the building.
- 4.4 Computation of floor area on the site must exclude:
- (a) patios and roof gardens only if the Director of Planning first approves the design of sunroofs and walls; and
  - (b) 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 the base surface, except that the exclusion for a parking space must not exceed 7.3 m in length;
- 4.5 Computation of floor area on the site may exclude amenity areas, at the discretion of the Director of Planning or Development Permit Board, except that the total exclusion must not exceed the lesser of 20 % of the permitted floor area or 929 m<sup>2</sup>.
- 4.6 The use of floor area excluded under section 4.4 or 4.5 must not include any purpose other than that which justified the exclusion.

\* \* \* \* \*

1070-1090 West Pender Street  
DRAFT CONDITIONS OF APPROVAL

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.

**CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT**

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Musson Cattell Mackey Partnership, and stamped "Received City Planning Department, November 27, 2013", provided that the General Manager of Planning and Development Services 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 frontage along Eveleigh Street for safe pedestrian movement.

Note to applicant: This can be accomplished by providing a continuous sidewalk on the site and setting the building back at street level across the south side of the development.

- 2. Design development to improve the passive design of the building.

Note to applicant: Consider revising the north and south facades to have visibly different responses to the different solar exposures. Additional envelope measures such as triple glazing may be required to meet ASHRAE or other energy targets.

- 3. Design development to the canopy and other base elements to bring more light to the ground plane and open up views past the building.
- 4. Design development to the ground level facades to add pedestrian scaled interest and detail.

**Landscape**

- 5. Provision of a double row of street trees to the Thurlow Street frontage.

Note to applicant: See also Engineering condition (c)6(e). The second row of street trees should be on private property.

6. Design development to increase the area dedicated to urban agriculture on the fourth floor amenity deck.

#### **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.

Note to applicant: Building features proposed in response to this condition should be noted on the plans and elevations. Consider use of a legend or key to features on the drawings.

#### **Sustainability**

8. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance as required by the Green Buildings Policy for Rezoning.

Note to applicant: Provide a LEED® checklist confirming the above and a detailed written description of how the LEED® points have been achieved with reference to specific building features in the development, and notation of the features on the plans and elevations. The checklist and description should be incorporated into the drawing set. Registration and application for certification of the project is also required under the policy.

#### **Heritage**

9. Design development to re-use the existing pre-cast patterned concrete panels on site, noting the applicant has indicated the cladding can be salvaged for interpretive and commemorative purposes.

#### **Engineering**

10. Clarification that the building is shown encroaching slightly over the south property line on pages A103 and A205 to A217. Delete any encroaching portions.
11. Confirm that there is adequate clearance between parking levels P2-7 (Drawing Nos. A201-202) and the rapid transit tunnel structure which traverses the site. Confirmation from the appropriate Transit authorities that the parkade provides adequate clearances is required. Charge 146806L, which required written approval of any development plans by former owner CP Rail, may now require approval from current owner BC Transit.



12. Provision for a recessed or relocated entry to the mechanical room on Eveleigh Street such that the door does not swing over the property line.
13. Delete referenced building grades shown on several plans; they are not City issued building grades. Please show the grades issued on City Engineering building grade plans "BG120153 and BG130013".
14. Features such as stairs, planters and other grade differences on Thurlow Street frontage are to be adjusted to provide for the widened sidewalk resulting in a consistent sidewalk elevation along this frontage of the site for the width of the SRW area.
15. A canopy application is required.
16. A crossing application is required.
17. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

Note to applicant: The following items are required to meet provisions of the Parking By-law and the parking and loading design supplement:

- (a) Provision of an increased parking ramp width to achieve a minimum 23 ft. width through the curved section near the entrance.
- (b) Provision of a more detailed design of the loading area.
  - i. Additional dimensioning of loading spaces and area surrounding.
  - ii. Design elevations within the loading area and adjacent corridors to determine slopes and crossfalls.
  - iii. Details of the garbage storage and recycling space to be provided. Please refer to the Garbage and Recycling Storage Facility Supplement available on the City's public website. [http://vancouver.ca/files/cov/Garbage\\_and\\_Recycling\\_Storage\\_Facility\\_Supplement.pdf](http://vancouver.ca/files/cov/Garbage_and_Recycling_Storage_Facility_Supplement.pdf)
- (c) Provision of internal access to all commercial/retail units without requiring the use of stairs. There does not appear to be access to the commercial/retail units along the Thurlow Street frontage of the site.
- (d) Clearly identify the location of required Class A loading spaces.

Note to applicant: The Transportation Study (page 11 of Appendix 5) indicates that the Class A spaces will be on level P1, but the Level P1 Floor Plan (drawing A203) does not identify any loading spaces.

Note to applicant: An interconnected water service will be required for this development.

### Sustainable Large Sites Policy

18. Provision of a Green Mobility and Clean Vehicles Strategy that includes the requisite infrastructure where appropriate to prioritize sustainable transportation modes including walking, cycling, public transit, and provisions for low carbon vehicles (e.g., electric vehicles), completed to the satisfaction of the General Manager of Engineering Services, and prior to Development Permit issuance the completion of any legal agreements required by this Strategy on terms and conditions acceptable to the City.
19. Provision of a Sustainable Rainwater Management Plan that utilizes sustainable strategies to allow for infiltration, retention, treatment and utilization of rainwater where applicable and appropriate on site.
20. Provision of a Solid Waste Diversion Strategy that addresses waste diversion in all solid waste generating activities within the complex;

Note to applicant: The Strategy must identify/provide space, infrastructure and an operational approach to divert organics and recyclables from the waste stream, and minimize the vehicle trips required for collection, to the satisfaction of the General Manager of Engineering Services, and prior to Development Permit issuance the completion of any agreements required by this Strategy on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services.

21. Provision of an Access to Nature Plan demonstrating how the project will contribute to improving access to nature as described in the Rezoning Policy for Sustainable Large Developments, to the satisfaction of the Manager of Park Planning and Research.

Note to applicant: The application provides landscape plans describing tree planting and provision of public and private open spaces. The following comments outline ways to strengthen the submission so requirements are met.

Trees: Provide number of trees to be planted and identify species, spacing, and soil volumes. Consider maximizing soil volume and tree canopy where possible. Consider street tree planting along West Pender, or an in lieu contribution to street tree planting in another downtown location if this site does not allow for additional street trees.

Habitat: Provide all tree and plant species planned. Consider plant design and species selection that supports pollinators, as well as pollinator support structures like mason bee lodges, apiaries, and others.

22. Provision of a Sustainable Food System Plan to include a minimum of three food systems assets as described in the *Rezoning Policy for Sustainable Large Developments*, to the satisfaction of the Director of Social Policy.

Note to applicant: The application identifies food assets that can count towards the required three food assets that must be delivered as part of the development. The three identified food assets are: (1) community gardens/community orchards; (2) edible landscaping; and (3) community kitchen. The following comments outline ways to strengthen the submission so requirements are met.

Community gardens/community orchards:

- Increase the number of community garden plots (“Urban Agriculture Planters”) on the Amenity Deck from 10 plots to 20 plots in order to increase opportunities for tenants of the building to take part in food growing. Consider installing the additional 10 plots in the space currently designated for “Open Lawn / Yoga Space” to create a stronger urban agricultural presence on the Amenity Deck.
- Provide a landscape plan for the garden in accordance with the Urban Agriculture Design Guidelines for the Private Realm (<http://vancouver.ca/files/cov/urban-agriculture-guidelines.pdf>). Please note that this includes hose bibs, a potting bench, tool storage area and compost bins. Given the location of the garden plots on a rooftop, sun and shading should be considered, and wind protection barriers should be installed.
- In constructing raised bed community garden plots, ensure that Community Gardens Accessibility Guidelines are met (<http://vancouver.ca/files/cov/Community-Gardens-Accessibility-Guidelines-2011.pdf>). Please note that at least 5% of plots should be accessible raised beds; 10-20% is ideal.

Edible landscaping:

- In order to enhance the urban agricultural component of the Amenity Deck and create a stronger urban agricultural presence, incorporate fruit or nut-bearing trees or shrubs in the “Planting Area” (#10) of the Amenity Deck. This can also be considered as part of the “Tree Bosques” (#3) on the Corporate Roof.
- Consider plant design and species selection that supports pollinators, as referenced in “Access to Nature” section.
- The Urban Agriculture Design Guidelines for the Private Realm are applicable to this site (see above). As such, the Applicant should ensure that design and stewardship requirements for edible landscaping are met.

Community kitchen:

- The rezoning package shows the presence of a community kitchen on the corporate roof, however a community kitchen does not appear to be present. The City of Vancouver understands community kitchen as “a public facility where people have the opportunity to come together to share the cost, planning and preparation of healthy meals” (see p. 89 of Vancouver Food Strategy <http://vancouver.ca/files/cov/vancouver-food-strategy-final.PDF>). If a community kitchen that adheres to this description is not feasible in the current submission, the Applicant should be aware that in lieu of a third required food asset, the City may also consider a contribution to citywide food infrastructure that supports a just and sustainable food system. This may include food processing, storage or distribution infrastructure.

Additional comments:

- Consider food waste reduction strategies as part of Zero Waste Planning requirements of Sustainable Large Developments Policy.

23. To meet the requirements of *the Rezoning Policy for Sustainable Large Developments* pertaining to Low Carbon Energy Supply:

- (a) The proposed approach to site heating and cooling, developed in collaboration with the City and the City's designated NES utility provider, shall be provided in detail prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.
- (b) The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with a neighbourhood energy system, as selected by the General Manager of Engineering Services, for the supply of all heating and domestic hot water requirements that are not provided through heat recovery and reuse internal to the development. The development shall adhere to the City's Neighbourhood Energy Connectivity Standards - Design Guidelines, and shall connect to and receive heat energy from a centralized thermal energy centre (or mechanical room) within the development, at a mutually agreed upon location, unless otherwise approved by the General Manager of Engineering Services. Design provisions related to neighbourhood energy compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to applicant: At the building permit stage, the applicant will be required to submit final detailed drawings for review, and a declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied. Design shall provide suitable space for the installation of the equipment with adequate provisions for connection to off-site NES distribution

pipng and communications conduit. Such equipment may include, but is not limited to: a steam to hot water converter station (approximately 93 m<sup>2</sup>), energy transfer station, and/or temporary boiler equipment.

- (c) On-site energy works, including all equipment and infrastructure associated with the generation, transfer, and distribution of thermal energy to buildings within the development (i.e. heat generating/transfer/recovery equipment, thermal energy distribution piping, and in-building energy transfer stations) shall be designed in conjunction with, and owned by, the City-designated NES utility provider to which the development is connecting.
- (d) Where the integration of the development into a City-designated NES is deemed unfeasible or inappropriate by the General Manager of Engineering Services at the time of development permit, the approach to site heating and cooling shall incorporate a development-scale low carbon energy system that reduces the development's greenhouse gas emissions at buildout by a minimum of 50% relative to a business as usual ("BAU") approach to heating and cooling.
- (e) Any on- or off-site low carbon energy supply system serving the development, where applicable, shall be designed in such a way as to enable energy metering and the monitoring of performance metrics during system operation for the purpose of optimizing system performance and preparing system performance reports. The applicant shall refer to the Performance Monitoring and Reporting Requirements for Renewable Energy Systems for a summary of minimum requirements. The applicant will be required to demonstrate compliance with these requirements prior to issuance of building permit.
- (f) No heat producing fireplaces, electric resistance heat, or distributed gas-fired make-up air heaters shall be installed within any building.

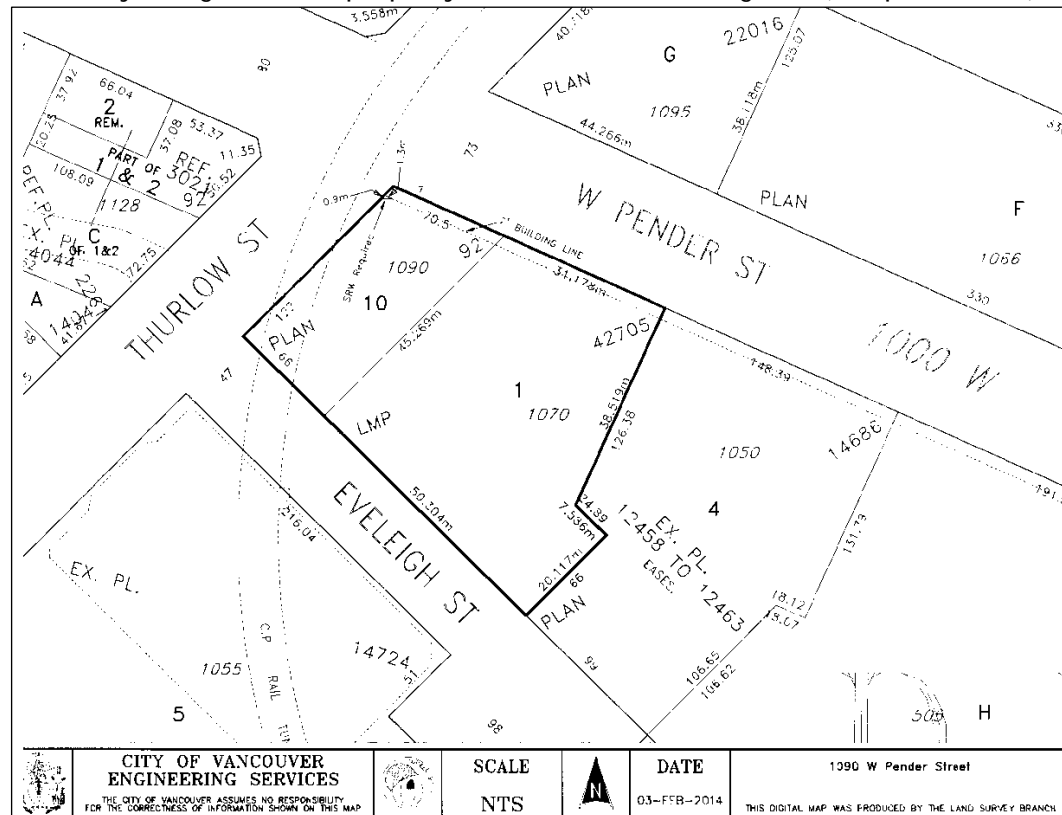
#### CONDITIONS OF BY-LAW ENACTMENT

- (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 General Manager of Planning and Development Services, 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 Lot 1, Plan LMP42705, and Lot 10, Plan 92; both of Block 2, DL 185 to create a single parcel and subdivision of that site to result in the dedication of the north 7 feet (the building line area) for road purposes.

2. Provision of a surface Statutory Right of Way corner-cut in the northwest corner of the site measured easterly along the building line a distance of 1.3 metres from the west property line, and a distance of 0.9 metres measured southerly along the west property line from the building line (see plan below).



3. Provision of building setback and a surface statutory right of way on the Thurlow Street frontage for pedestrian purposes (widened public sidewalk) to achieve a 5.5.meter distance from the back of the City curb to the building face. A legal survey of the existing dimension from the back of the City curb to the existing property line is required to determine the final setback/SRW dimension.

Note to applicant: The dimensions noted in bullet #2 (SRW corner cut) may be adjusted to reflect the overlap of the Thurlow SRW over the proposed SRW corner cut.

4. Deletion of the portions of the large swooping architectural feature wrapping 3 sides of the building which are shown extending out beyond the ultimate north property line; or make arrangements (encroachment agreements) to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services.

Note to applicant: An application to the City Surveyor is required for any encroachments. The applicant should be advised that building encroachments onto City street will cause problems if strata titling a property, due to Section

244 (1)(f) of the Strata Property Act. In such cases the City may not necessarily support the provision of easements for any part of the building on City Street. If strata titling is proposed, the applicant is advised to seek independent legal advice on the matter.

5. Release of Easement & Indemnity Agreements 523533M & 31931 (commercial crossings) prior to building occupancy.

Note to applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition.

6. 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 services are provided.
  - (a) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicants' mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.
  - (b) Provision of an upgraded sanitary sewer main on West Pender Street from Thurlow Street to the manhole west of Thurlow Street is required (approximately 375 ft. to the west of Thurlow Street). The preliminary estimate for this work is \$500,000.00.
  - (c) Upgrading of the street lighting at the intersection of Thurlow Street and West Pender Street to LED standards.
  - (d) Provision of new sidewalks adjacent the site to current commercial standards, 4 ft. exposed aggregate front filler walks where space permits and broomed finished sidewalks with sawcut joints for the balance. Deletion of the proposed special paving where it encroaches onto public property.
  - (e) Provision of street trees adjacent the site where space permits.
  - (f) Provision of new curb ramps and curb returns to current standards at the intersections of Pender Street and Thurlow Street and at Eveleigh Street and Thurlow Street.

- (g) Consideration of removal of the wood hydro poles on Thurlow Street adjacent the site with the provision of on-site space to accommodate any kiosks or cabinets made necessary by the removal of the wood poles. Confirmation from all of the affected utility companies and any City of Vancouver branches impacted is required.
- 7. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. 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.
- 8. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for securing the low carbon energy requirements of the development, which may include but are not limited to agreements which:
  - (a) require that all buildings within the development receive thermal energy from a low carbon energy system, either on-site through the implementation of a development-scale low carbon energy solution, or off-site through connection to the City-designated Neighbourhood Energy System (NES), whichever is deemed most appropriate by the General Manager of Engineering Services prior to release of development permit;
  - (b) require provision of a minimum 93 m<sup>2</sup> suitable site on the rezoning site to be utilized for a steam to hot water converter station and any associated equipment;
  - (c) grant the City-designated NES utility provider access to all buildings, parkades, utility corridors, equipment and infrastructure associated with the thermal energy system for the development for the purpose of installing, operating, and/or maintaining NES services, if applicable;
  - (d) require that the development's thermal energy system, including all equipment and infrastructure associated with the generation, transfer, and distribution of thermal energy within the development be developed, owned and operated by the City-designated NES utility provider, or transferred (at a cost that represents the developer's direct costs associated with developing the thermal energy system, approvable by the BCUC) to the City-designed NES utility provider at such time that one becomes available, if applicable;



- (e) require the developer to undertake performance monitoring of the thermal energy system for the development on a reporting schedule, containing information, and prepared in a form as requested by the General Manager of Engineering Services; and
- (f) require that responsibility for the operation and maintenance of the development-scale low carbon energy system, if applicable, be assigned to an appropriate party prior to occupancy.

Note to applicant: The applicant is prohibited from entering into any energy supply contract for thermal energy services without prior approved from the General Manager of Engineering Services.

#### **Development Limit Covenant**

- 9. Register a Section 219 Covenant against the consolidated lands which limits the floor space ratio to 17.5 and that the additional density authorized by the CD-1 By-law represents the density previously transferred to 1050 West Pender Street and may not be used on the consolidated lands.

#### **Public Art**

- 10. 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.

#### **Soils**

- 11. If applicable:
  - (a) Submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
  - (b) As required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
  - (c) If required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Planning, the General Manager of Engineering Services and the Director of Legal Services, including a Section 219

Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until a Certificate of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

**Community Amenity Contribution (CAC)**

12. Deliver, prior to enactment of the rezoning by-law, the Community Amenity Contribution of \$2,000,000 to be used by the City to fund a childcare facility or facilities within the downtown area.

Note: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as Covenants pursuant to Section 219 of the Land Title Act.

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject sites as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-laws.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

\* \* \* \* \*

1070-1090 West Pender Street  
DRAFT CONSEQUENTIAL AMENDMENTS

DRAFT AMENDMENTS TO THE SIGN BY-LAW No. 6510

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

“1070-1090 West Pender Street [CD-1#] [By-law #] B (DD)”

DRAFT AMENDMENTS TO THE NOISE CONTROL BY-LAW NO. 6555

Amend Schedule A (Activity Zone) by adding the following:

“[CD-1#] [By-law #] 1070-1090 West Pender Street”

DRAFT AMENDMENTS TO THE PARKING BY-LAW NO. 6059

In Schedule C, Council adds:

Address	By-law No.	CD-1 No.	Parking requirements
1070-1090 West Pender Street	( )	( )	Parking, loading and bicycle spaces in accordance with by-law requirements on <i>(date of enactment of CD-1 by-law)</i> , except for the following: <ul style="list-style-type: none"> <li>• There shall be a minimum of 5 Class A and 2 Class B loading spaces.</li> <li>• The Director of Planning and General Manager of Engineering Services, on conditions that are satisfactory to them, may allow the substitution of shared vehicles and shared vehicle parking spaces for required non-residential parking spaces at a 1:5 ratio, to a maximum of 5 shared vehicles and 5 shared vehicle parking spaces.</li> <li>• The shared vehicle parking spaces must have a minimum parking stall dimension of 5.5 m in length and 2.9 m in width.</li> </ul>

1090 West Pender  
Statement of Significance

1090 WEST PENDER STREET  
STATEMENT OF SIGNIFICANCE  
OCTOBER 2012



**DONALD LUXTON**   
AND ASSOCIATES INC

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1090 WEST PENDER STREET, VANCOUVER

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1090 WEST PENDER STREET, VANCOUVER

## 1.0 INTRODUCTION



Bentall Centre under construction, February 1966, CVA 780-18

### 1.1 Historic Context: Remaking Vancouver's Downtown Core

After the conclusion of World War II, business and industry in Vancouver returned to normal peacetime activities, while pent-up demand for goods and services spurred a sustained economic expansion that would define the middle of the twentieth century. This increased economic activity finally translated into substantial change in the central business district in the 1960s, due to fundamental pieces of legislation that had been enacted over the previous decade, which helped facilitate the radical remake of downtown Vancouver. In 1953, the Vancouver Charter was adopted, granting the City of Vancouver the ability to develop its own by-laws, without provincial interference. In 1956, as part of Vancouver's new legislative powers, the City approved a new zoning and development by-law that would usher in sweeping density changes for the downtown peninsula. Height and floor-scape-ratio limits were relaxed so that developers would be able to construct office and apartment buildings on a scale that had not yet been witnessed in Vancouver. These significant changes did not manifest themselves overnight; indeed, only a handful of new skyscrapers were built downtown through the 1950s and early 1960s. It was not until the mid-1960s, when the construction of Bentall Centre began, that the central business district exponentially grew into a modern, corporate office community. The growth was supported by the formation of the Greater Vancouver Regional District (GVRD, now Metro Vancouver) in 1967, which coordinated regional planning and development efforts under the agreement that Vancouver's downtown core would be the commercial heart of the entire region. By the dawn of the 1970s, there were multiple new office buildings under development in downtown Vancouver.



## 1090 WEST PENDER STREET, VANCOUVER

These new buildings ranged in size from the megablock developments, exemplified by Bentall Centre, to smaller floor plate buildings, such as the 1090 West Pender Building. The influx of new commercial space, designed to serve the needs of the modern, efficient corporation, drew the core of the central business district westward from Granville Street. As additional office towers were constructed through the 1970s and 1980s, the heart of the central business district was firmly established on Burrard Street, with some of the most prominent buildings existing between Burrard Street and Thurlow Street, north of West Georgia Street. The 1090 West Pender Building was one of the original anchors of Vancouver's new core.

**1.2 Redefining Modernism: Formalism Emerges**

The style of Vancouver's mid-century office buildings generally subscribed to Modernist tenets, as architects, corporations and politicians sought to remake downtown in the 'Modern' image. Within the realm of architectural 'Modernism' however, existed many varying forms of building design, including Brutalism, International Style, Neo Expressionism and Formalism. The latter, expressed by the 1090 West Pender Building, began to emerge in the mid-1950s as a rejection of the strict rigidity and confines of Modernism and, perhaps, as a way to dampen the effects of the (overly) streamlined and soulless character of the 'Modern' downtown. Although initially shunned by the architectural mainstream for what was perceived as fussy historicism, American architects Edward Durrell Stone and Minoru Yamasaki (architect of the World Trade Centre Twin Towers in New York City) became widely popular for their development of a "romanticized modernism" that sought inspiration in a variety of classical and historical precedents. Yamasaki's skyscrapers reflected an abstracted Gothicism in their repetitive arched forms and vertical exaggerations. This fusion of a modernist aesthetic and modernist materials with historic, traditional styles became known as Formalism and was most common between 1960 and 1975. Formalism ultimately paved the way for the widespread acceptance of Postmodernism in the late 1970s, as well as a renewed appreciation of historic architecture and the development of the heritage conservation movement.

Formalist buildings often exhibited very classical design features, including columns, entablatures, colonnades, and traditional building scales and proportions. This base of traditional architecture however, was presented through a Modern lens as new innovations in the use of concrete allowed designers to create new forms and shapes, such as the interpretation of a traditional Haida hat in the roof structure of the Vancouver Museum and H.R. MacMillan Space Centre, or the cast-concrete patterns across all elevations of the 1090 West Pender Building, both designed by architect Gerald Hamilton (1923-1999). The plasticity of concrete allowed architects to play with shape and detail in ways that were not before possible, or that had previously required the work of master masons or craftsmen. The design of Formalist buildings focused on a careful organization of space and an emphasis on the exterior structural grid of the building. Often designed as single volume structures, Formalist buildings were typically separated by nature and/or the street level by a designed raised podium or structural base, and many displayed an exotic flavor with patterned exterior wall surfaces of cast stone, brick and marble.

Though Yamasaki and Stone are credited with the establishment of the Formalism style, it was Gerald Hamilton who popularized the style in Vancouver. Several of Hamilton's buildings, including the Vancouver Museum and H.R. MacMillan Space Centre, the East Asiatic Centre, and the 1090 West Pender Street Building, exist today as landmarks of Formalism in the city.

1090 WEST PENDER STREET, VANCOUVER



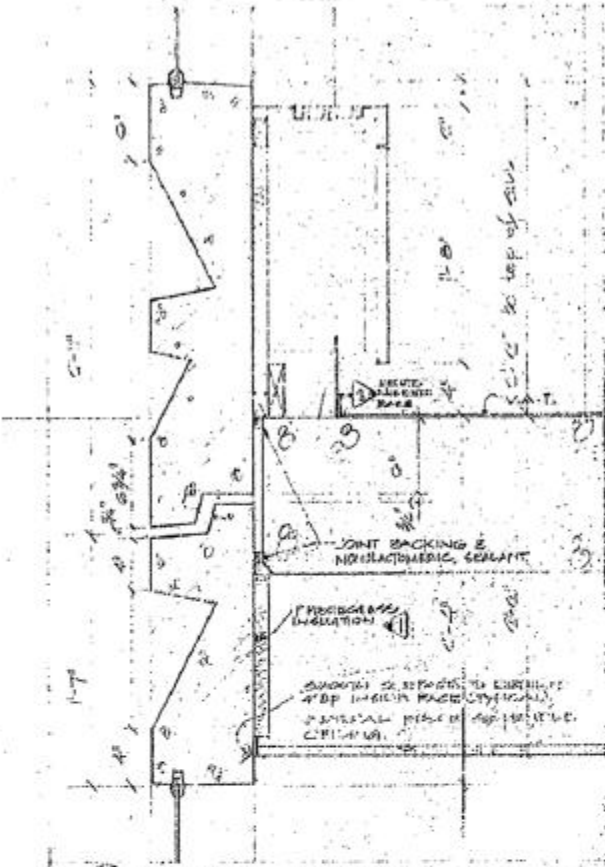
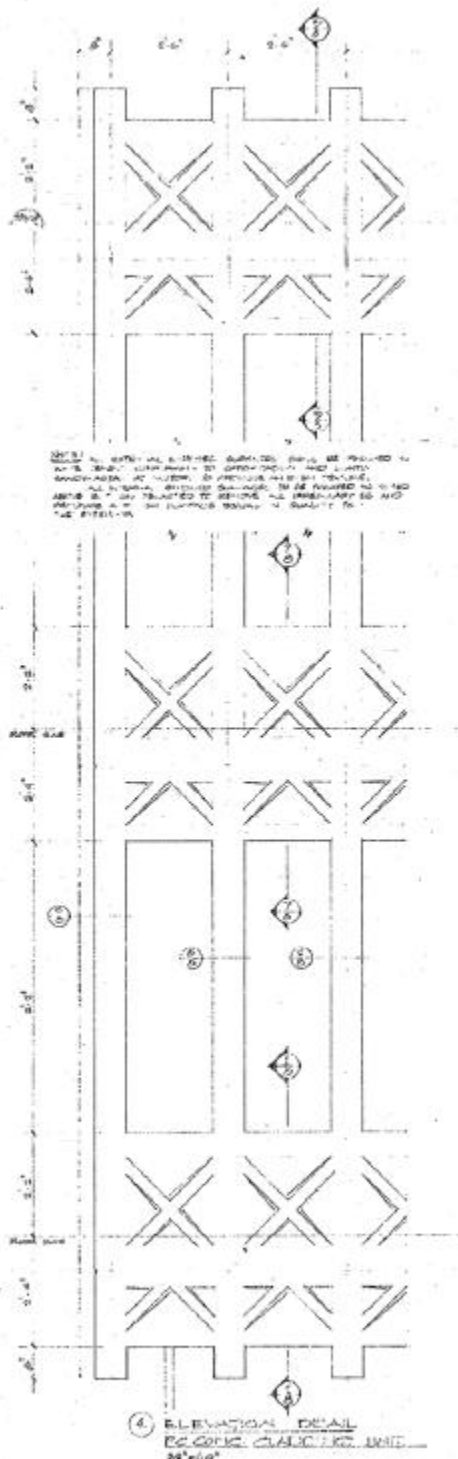
1090 West Pender Street, 1981, CVA A751154

### 1.3 Pre-cast Concrete Cladding System

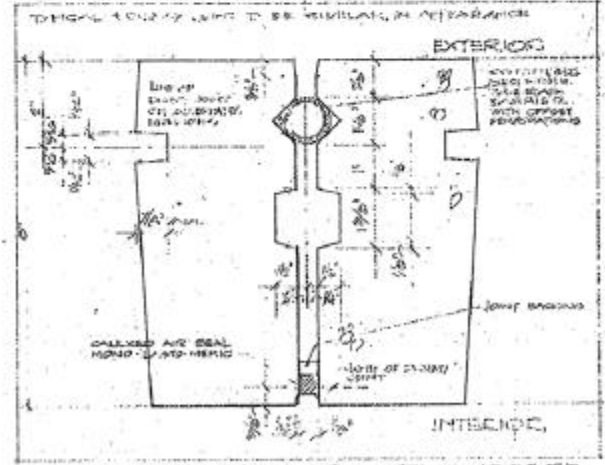
The cladding panels are composed of pre-cast monolithic concrete, without any insulation, and are affixed to the edge of the slab. The panels were designed to fit the 5' modular planning grid for the office space inside; the 2'6" wide panels dictate the width of the windows so that they align with internal lighting and partitions. The cladding system is a character-defining feature of the building and the repetitive, embellished design of each panel illustrates how Formalism rejected the simple and sleek Modernist style, while still incorporating the latest advances in building technology. The images on the next page, taken from the original plans, provide additional details regarding the mechanics of the system.



1090 WEST PENDER STREET, VANCOUVER



7) TYPICAL PRECAST CONCRETE SILL HEAD DETAIL



8) TYPICAL PRECAST CONCRETE MULLION

1090 WEST PENDER STREET, VANCOUVER

## 2.0 STATEMENT OF SIGNIFICANCE



**Name of the Historic Place:** 1090 West Pender Building  
**Address:** 1090 West Pender Street, Vancouver  
**Date of Construction:** 1970-1971  
**Architect:** Gerald Hamilton & Associates

### **Description of the Historic Place**

The 1090 West Pender Building is a twelve-storey commercial building located in the centre of Vancouver's central business district. The building, constructed in 1970-1971, was designed in the Formalism style and features pre-cast, concrete patterned cladding.

### **Heritage Value of the Historic Place**

The 1090 West Pender Building is valued for its association with the modern development of Vancouver's central business district. The centre of the business district had already migrated westward from Gastown to Granville Street by the 1920s and, by the middle of the twentieth century as corporations demanded larger and more efficient floor plans that older buildings could not provide, the business district was developed even further west, along Burrard Street. The former residential district west of Burrard Street and north of West Georgia Street was the focus of an intense period of redevelopment, beginning in the 1960s and resulting in the construction of Bentall Centre, Vancouver's first superblock development. Offering large floor plates spread over progressively taller



1090 WEST PENDER STREET, VANCOUVER

skyscrapers, as well as plenty of parking and retail and amenity space, the Bentall Centre catered to the modern and growing corporate community. Recognizing the opportunity to provide additional office space nearby this new centre of commerce, the 1090 West Pender Building was planned by Dawson Developments Ltd. in 1970, immediately following the completion of the first two Bentall towers, which are located on the same block. John W. (Jack) Poole (1933-2009), who eventually became the Chairman of the Vancouver Organizing Committee for the 2010 Winter Olympics, and Graham R. Dawson (1925-2009) founded the Dawson Developments company in 1964. The firm quickly rose to prominence after successfully developing residential projects throughout British Columbia. The 1090 West Pender Building project was the first commercial development for the company, which would subsequently construct the neighbouring office tower at 1050 West Pender Street. After changing its name to Daon Development Corporation in 1973, the company would go on to become North America's second largest real estate development corporation. In the mid-1980s, the company was acquired by Bell, and subsequently operated under the BCE Development Corporation moniker. The 1090 West Pender Building represents not only the modern development of Vancouver's corporate core, but is also significant as the first commercial venture of a company that would go on to become one of the largest players in the North American real estate market.

The 1090 West Pender Building is also valued as a good example of the Formalism style of architecture, designed by local architecture firm Gerald Hamilton & Associates. Gerald Hamilton (1923-1999) was born in Hamburg and arrived in Vancouver in 1950. He quickly built his own architectural practice, winning contracts for office buildings, apartments and churches. Known as Vancouver's most prolific champion of the Formalism style, Hamilton is credited with the design of some of the city's landmark buildings, including the East Asiatic House on West Pender Street and the Vancouver Museum and H.R. MacMillan Science Centre in Vanier Park. At 1090 West Pender Street, L.R. Doyle was placed in charge of the project, which manifested itself as one of the last major buildings constructed in the Formalism style, as it faded into obscurity after a relatively short existence. The style rejected the simple and streamlined Miesian tenets of Modernism, as well as the heavy Brutalist forms that were gaining popularity through the 1960s and 1970s. Instead, Formalism highlighted Classical proportions and elements, which were often embellished with historic references. The 1090 West Pender Building has not been significantly altered since its construction and features pre-cast, stylized, patterned concrete cladding.

#### **Character-Defining Elements**

Key elements that define the heritage character of the 1090 West Pender Building include its:

- location on a prominent corner lot in Vancouver's downtown core;
- continuous commercial use for the past four decades;
- orientation along Thurlow Street, with a generous setback on West Pender Street;
- commercial form, scale and massing as expressed through its twelve-storey height, rectangular plan and storefront entrances along the ground level;
- Formalism style design features such as its classical proportions and its pre-cast, stylized, patterned cladding composed of monolithic concrete with no insulation on a repetitive five-foot grid; and
- Original fenestration designed to fit the five-foot modular planning grid for the office space.

1090 WEST PENDER STREET, VANCOUVER

### 3.0 RESEARCH SOURCES

**Name of the Historic Place:** 1090 West Pender Building  
**Civic Address:** 1090 West Pender Street, Vancouver  
**Legal Address:** Lot 10, Block 2, District Lot 185, Plan VAP92  
**Date of Construction:** 1970-1971  
**Architect:** Gerald Hamilton & Associates

**Sources:**

City of Vancouver Archives

*Exploring Vancouver: Ten Tours of the City and its Buildings.* Kalman, Harold and John Roaf (photographer). Vancouver: University of British Columbia. 1974.

*Remaking Vancouver: 1940-1970.* Birmingham & Wood. Vancouver. 2006.

1070-1090 West Pender Street  
ADDITIONAL INFORMATION

1. Urban Design Panel Minutes – February 12, 2014

EVALUATION: SUPPORT (7-0)

- **Introduction:** Karen Hoese, Rezoning Planner, introduced the proposal for a rezoning application for West Pender Street located at the intersection of Pender and Thurlow Streets with Eveleigh Street to the south. The site is currently occupied by a small office building and an above-grade parking structure which services both the building and the neighbouring office development at 1050 West Pender Street. The application proposes a 31-storey office building and the intent of the rezoning application is to increase the density beyond that permitted under the current rezoning which is consistent with the policy. Ms. Hoese noted that the site is in Area A of the Downtown District which forms a key part of the Central Business District, Vancouver's prime business district and the focal point of the region's transportation system. She mentioned that recent policy for the area supports the increased commercial capacity. The MetroCore Jobs and Economy Land Use Study which was completed in 2007 identified a significant shortfall in commercial capacity in the downtown. The subsequent rezoning policy for the CBD was adopted in 2009 and allows for the consideration of increased office space through increased density and heights up to the view cones. Ms. Hoese indicated that there are two sustainability policies that apply to the site: Green Buildings Policy for Rezoning and the Rezoning Policy for Sustainable Large Developments.

Sailen Black, Development Planner, further described the proposal and mentioned that the site is on the southeast corner of Pender and Thurlow Streets with the SkyTrain tunnel running below the site. The proposal is for a 31-storey office building with commercial in the first two levels and includes 486 parking stalls. He noted that the City will require a Sustainable Site Design Plan that considers approaches to layout and orientation that reduces energy needs, and facilitates passive design solutions. He added that the intent of passive site design is to reduce energy needs by reducing reliance on mechanical systems for heating, cooling and lighting for the building's needs. Mr. Black also described the goals from the Downtown Design Guidelines, noting that the design should be of a very high quality and create an interface to the sidewalks that is attractive and in scale with the pedestrian.

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

1. Whether the proposed density (18 FSR), height (403 feet) and proposed setbacks (0 to 20 feet) are supportable for the site.
2. Its contribution to an attractive environment for pedestrians through the design shown, including the proposed setbacks and massing at grade.
3. Exterior form as response to its context, including the consideration shown for local site lines.
4. The response to the Rezoning Policy for Sustainable Large Developments.

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

- **Applicant's Introductory Comments:** Mark Whitehead, Architect, mentioned that the site is within one of the bigger blocks in the city with a wide lane for service vehicles and parking. In terms of the public realm, they have acknowledged Thurlow Street with a setback to create a friendlier street by introducing retail with the opportunity for seating in front of restaurants or coffee shops. Mr. Whitehead described the architecture noting in terms of the aesthetics of the building. The response in sustainable terms is to make a good envelope using triple glazing. The

sunshades are on the southwest façade and they have chosen to add them onto the north face for continuity.

Mark Thompson, Architect, further described the architecture and noted that the tapered expression was to help create a better public realm at grade. They have attempted to activate the roof since they have limited space on the site. The amenity decks in the tower will be used by the tenants while the ground floor is designed more for the public. Mr. Thompson described the sustainability strategy noting that they are retaining the water on the site with the use of cistern system for irrigation.

Bryce Gauthier, Landscape Architect, described the landscaping for the proposal and mentioned that there will be urban agriculture on the podium deck and seating will be provided on the roof terraces as well. At the ground level there is a strong relationship between the commercial units and the public realm with the use of planters. The concept of the paving is to reflect and other elements will play off the form of the building.

The applicant team took questions from the Panel.

- **Panel's Consensus on Key Aspects Needing Improvement:**
  - Design development to improve the lane;
  - Consider ways to bring more light to the ground plane;
  - Design development to improve the passive design of the building.
- **Related Commentary:** The Panel supported the proposal and thought it would be a contrast to the other buildings in the area.

The Panel supported the height, massing and form of development and thought the proposal responded to the Rezoning Policy. They thought there had been a lot of effort in the pedestrian environment but felt it could be improved. Improvements should include a more resolved approach for the canopy and its relation to the ground plane and one Panel member suggested adding a sidewalk for people coming out of the parkade.

As well there were a number of Panel members that thought the pedestrian realm needed to have the same power of expression as the tower. One Panel members suggested finding a way to bring more light to the street as well as some delight. The approach to rain protection required better resolution. Another Panel member suggested adding some street trees along Pender Street.

A couple of Panel members thought the curved form was breaking away from the grid and thought it should bend more to have a better interface to the building to the east. One Panel member thought the increase of floor plate size got uncomfortable as the building gets closer to the top.

The Panel thought the applicant needed to improve the passive design for the building. Although Panel liked the horizontal fins being used for sunshades they lacked logic and rationale. Several of the Panel members noted that north façade might not need the same expression as the south façade. As well they thought the canopy intersected oddly to the sunshades.

- **Applicant's Response:** Mr. Thompson that the Panel had some good comments and would take them under consideration as they move forward with the project.

**2. Vancouver Heritage Commission (VHC) Minutes**

**On April 28, 2014, the VHC reviewed the Statement of Significance of 1090 West Pender Street.**

Staff provided an overview of the April 8, 2014, report from the Statement of Significance and Vancouver Heritage Register Sub-Committee, and responded to questions.

MOVED by Jenny Sandy  
SECONDED by Jon Stovell

THAT the Vancouver Heritage Commission supports adding the following buildings to the Vancouver Heritage Register as C-listings:

- 3750 Cartier Street - Stewart House
- 777 Union Street - Lawler House

FURTHER THAT the Commission supports an amendment to the Vancouver Heritage Register for 1296 The Crescent, to amend from a C-listing to an A-listing; and

FURTHER THAT the Commission requests that the Statements of Significance for the following buildings be referred back to the consultants for revisions:

- 3750 Cartier Street, Stewart House
- 777 Union Street, Lawler House
- 1090 West Pender Street
- 6306 Prince Albert Street, Pope House.

CARRIED UNANIMOUSLY  
MOVED by Anthony Norfolk  
SECONDED by Jon Stovell

THAT the Vancouver Heritage Commission respectfully requests with regards to 1090 West Pender Street, consideration be given to the retention and rehabilitation of this building as part of the larger development.

CARRIED UNANIMOUSLY

**On June 16, 2014, the VHC reviewed the rezoning application for 1070 - 1090 West Pender Street.**

MOVED by Commissioner Maust  
SECONDED by Commissioner Brunette

THAT, while regretting the significant loss of 1090 West Pender Street, a mid-century formalist gem, the Vancouver Heritage Commission supports the effort of the applicant to commemorate the heritage building's precast elements in the proposed redevelopment of the site, as presented at its meeting on June 16, 2014.

CARRIED UNANIMOUSLY

\* \* \* \* \*



1070-1090 West Pender Street  
FORM OF DEVELOPMENT



Figure 1: Building Perspectives





Figure 2: Perspective at Grade

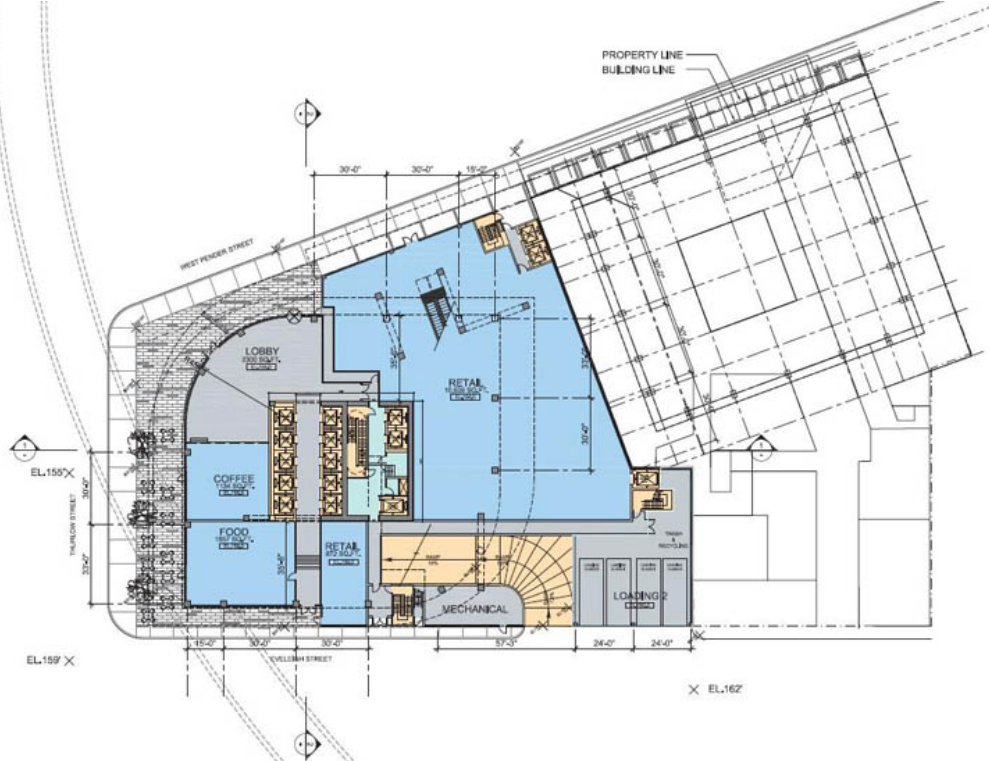


Figure 3: Ground Level Floorplan

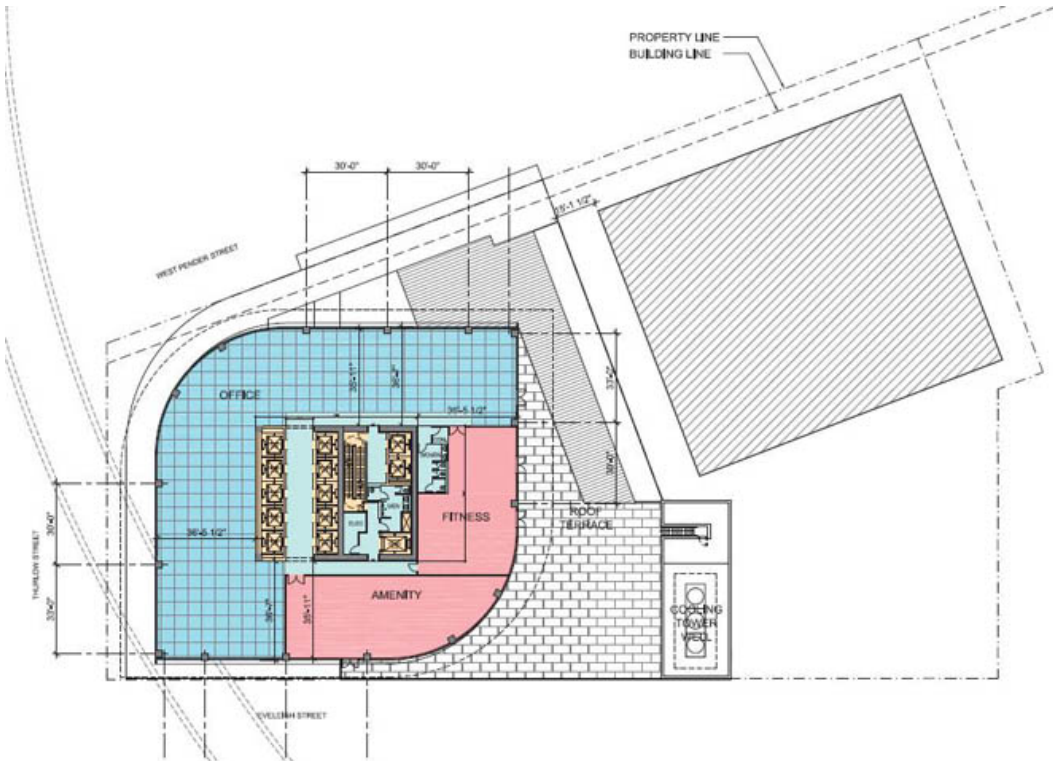


Figure 4: Fourth Level Floorplan

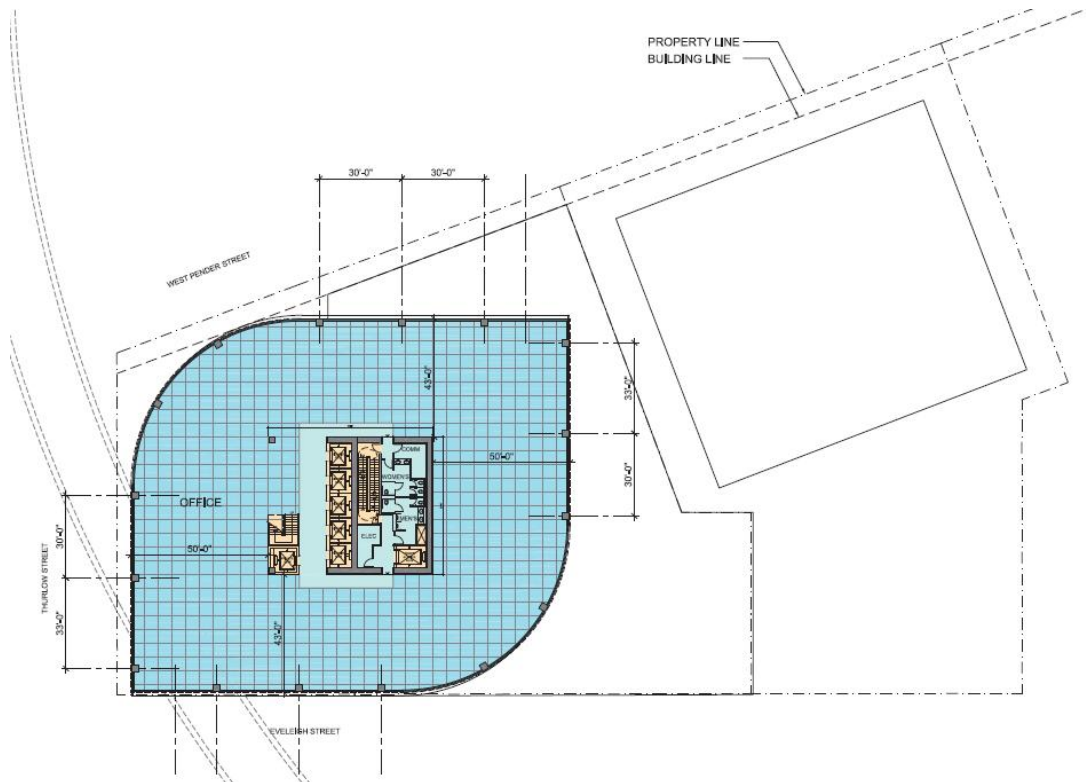


Figure 5: Typical Tower Floorplate

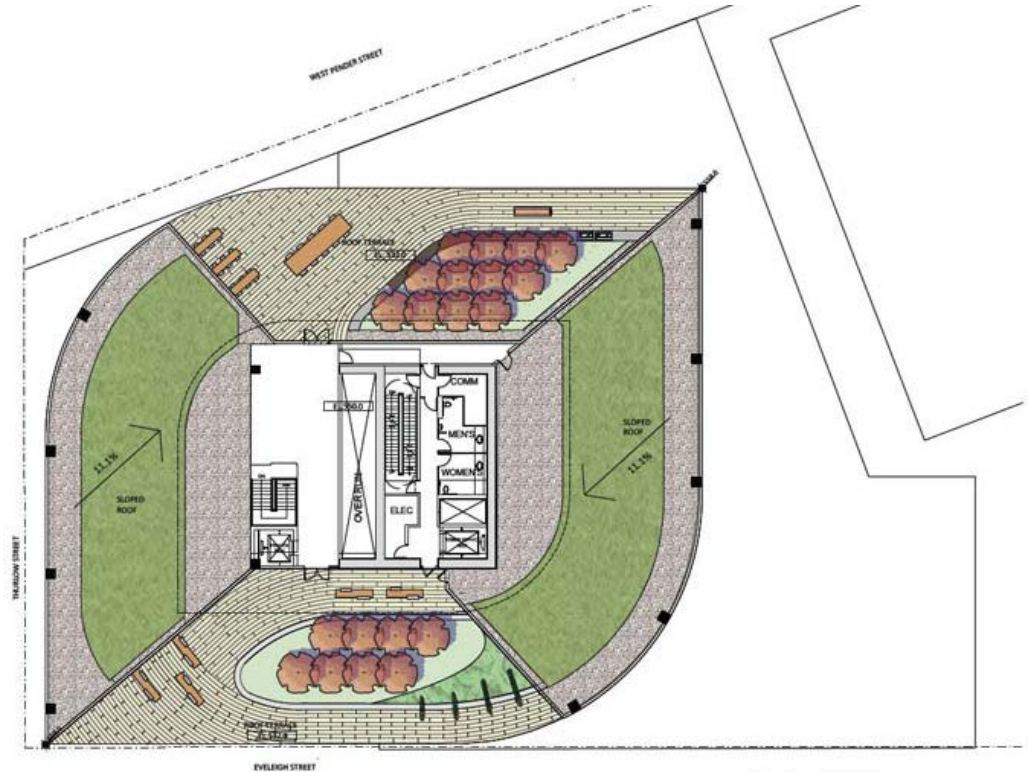


Figure 6: Roof Level Plan



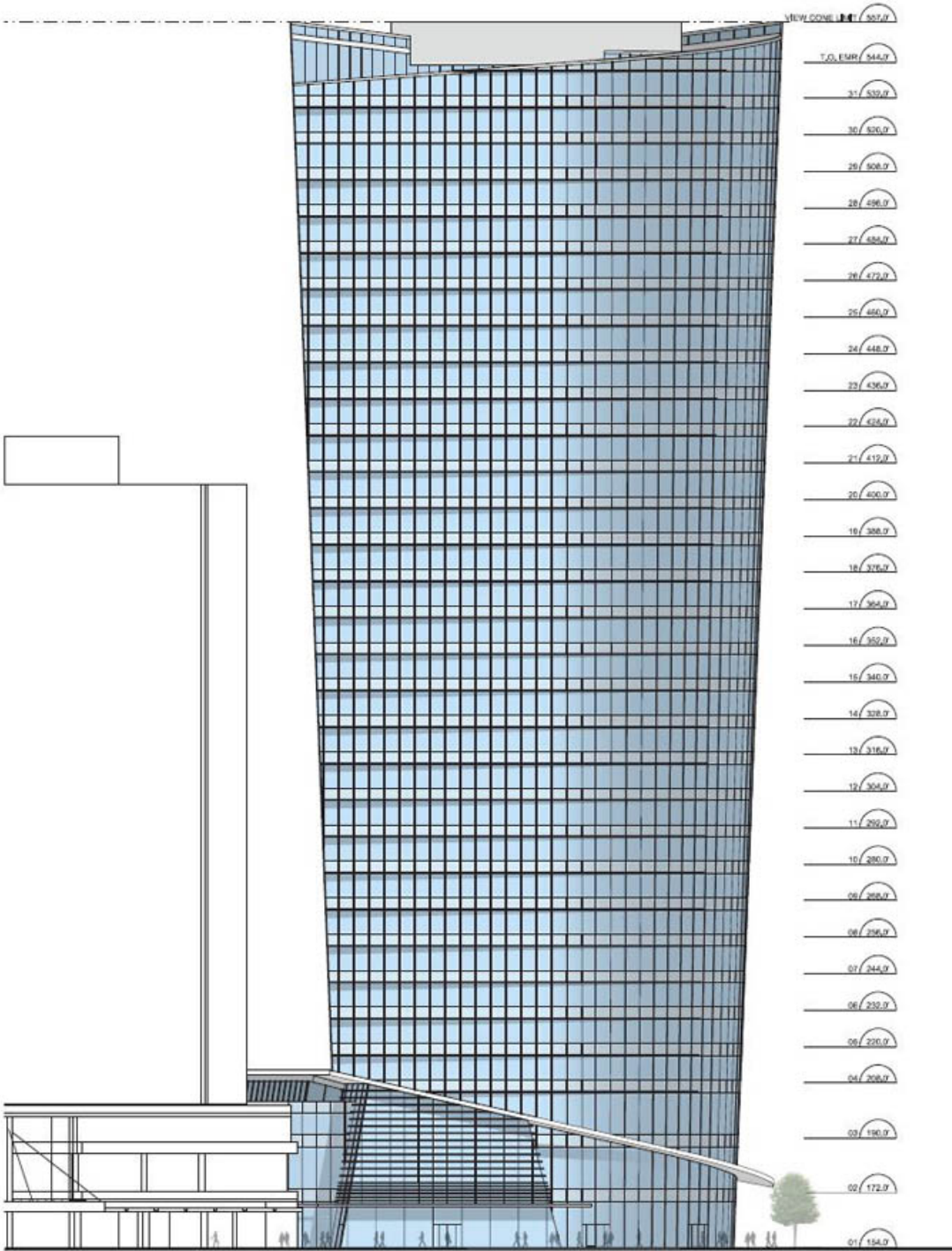


Figure 7: North Elevation

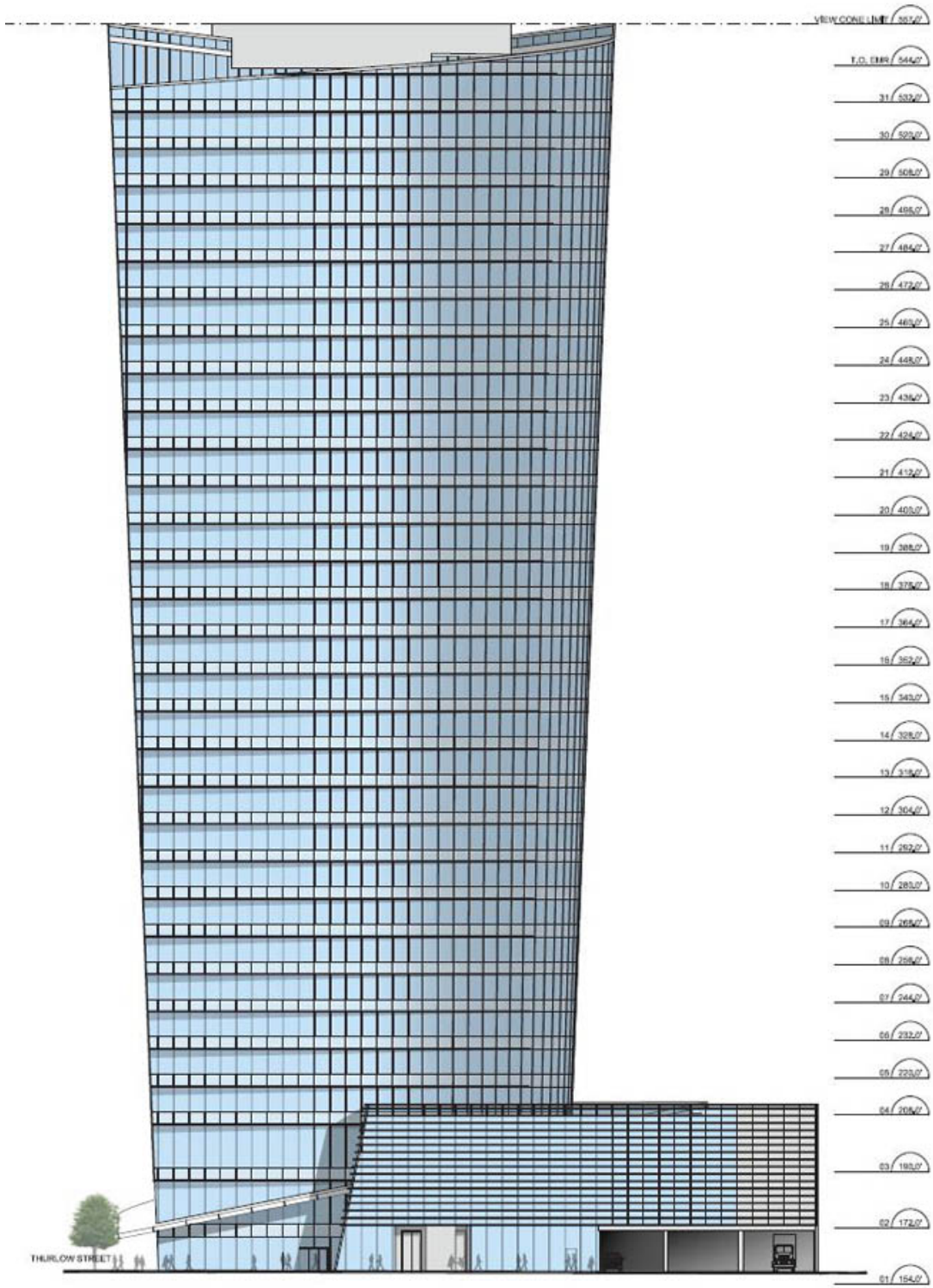


Figure 8: South Elevation

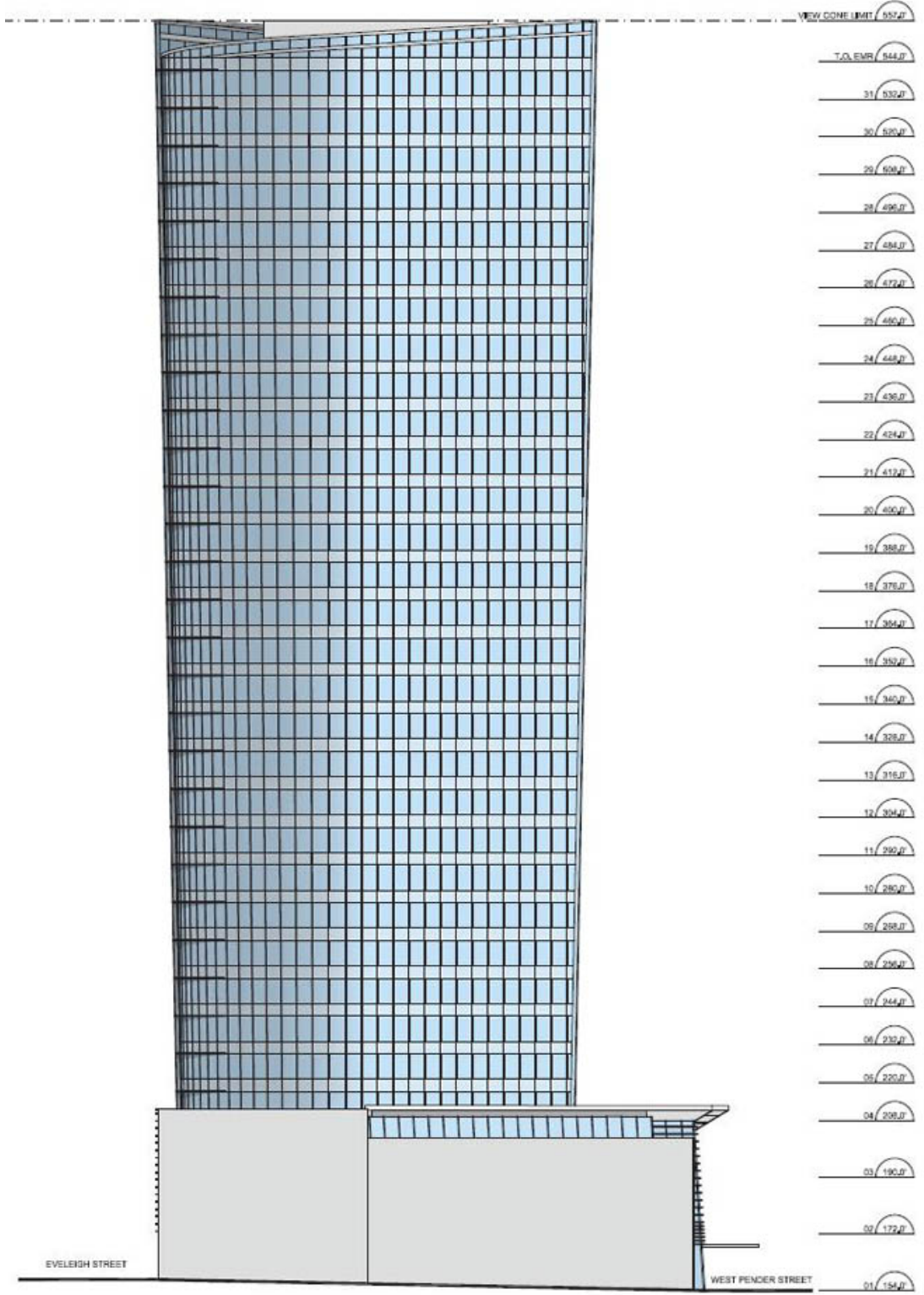


Figure 9: East Elevation



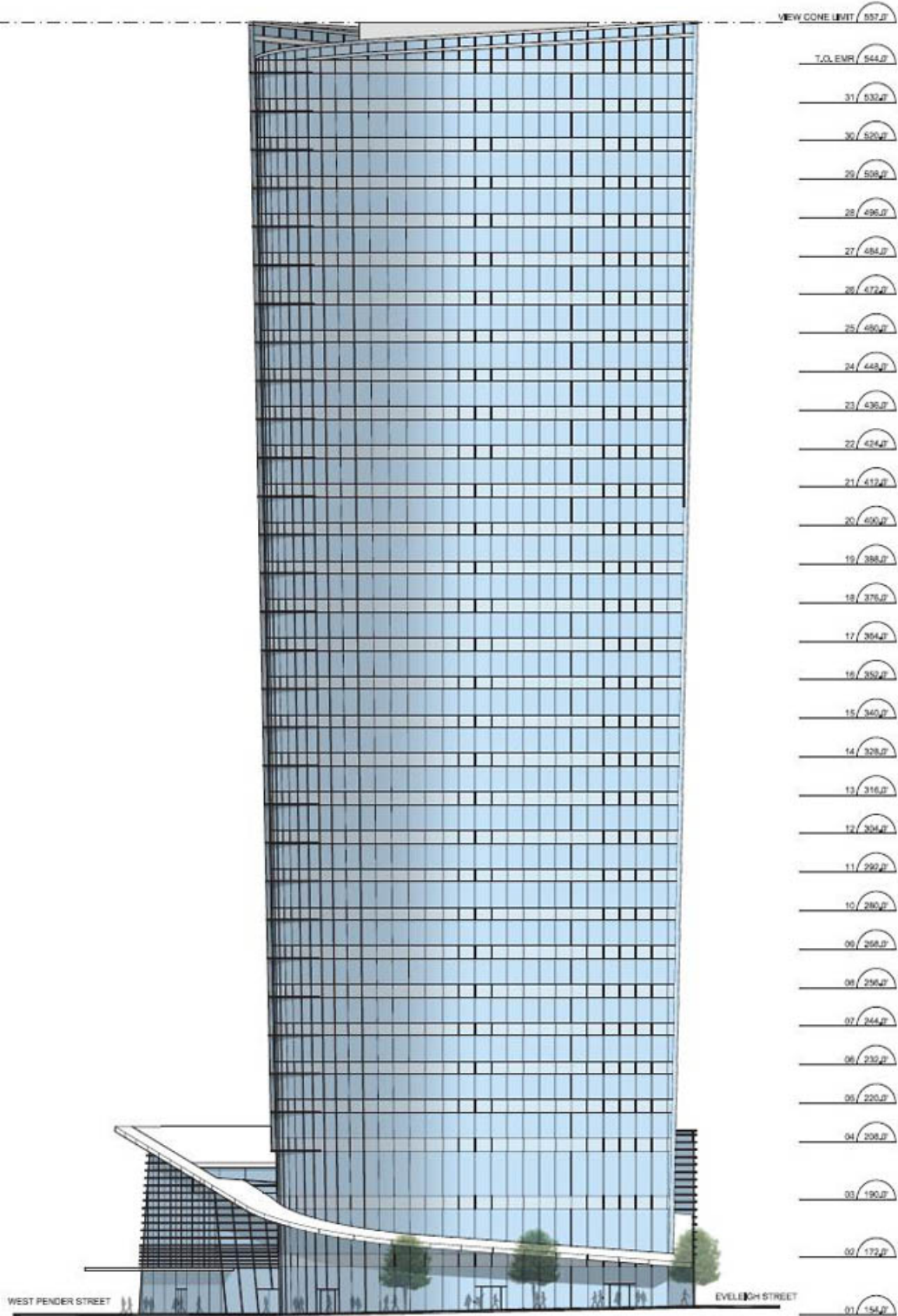


Figure 10: West Elevation

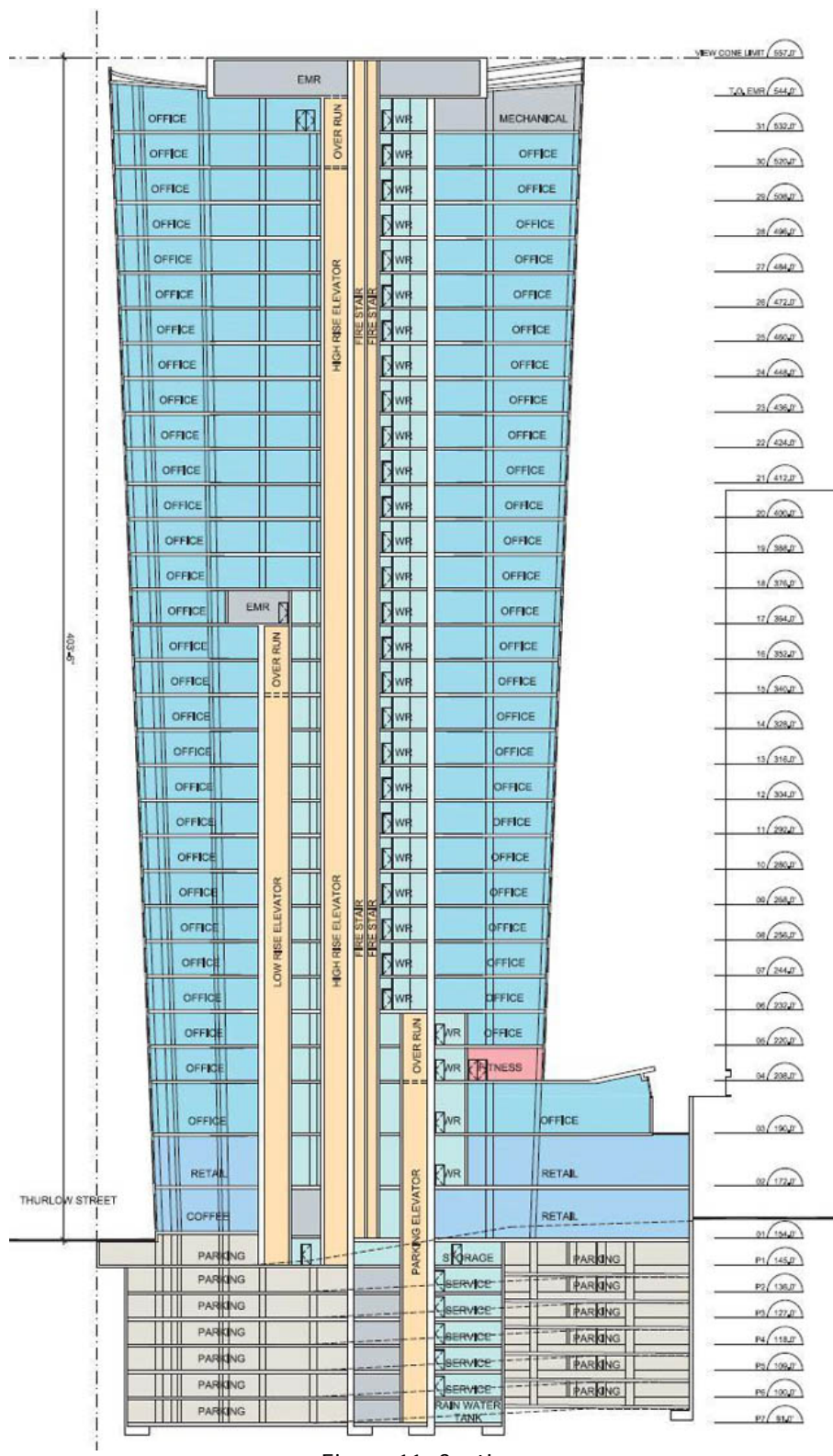


Figure 11: Section



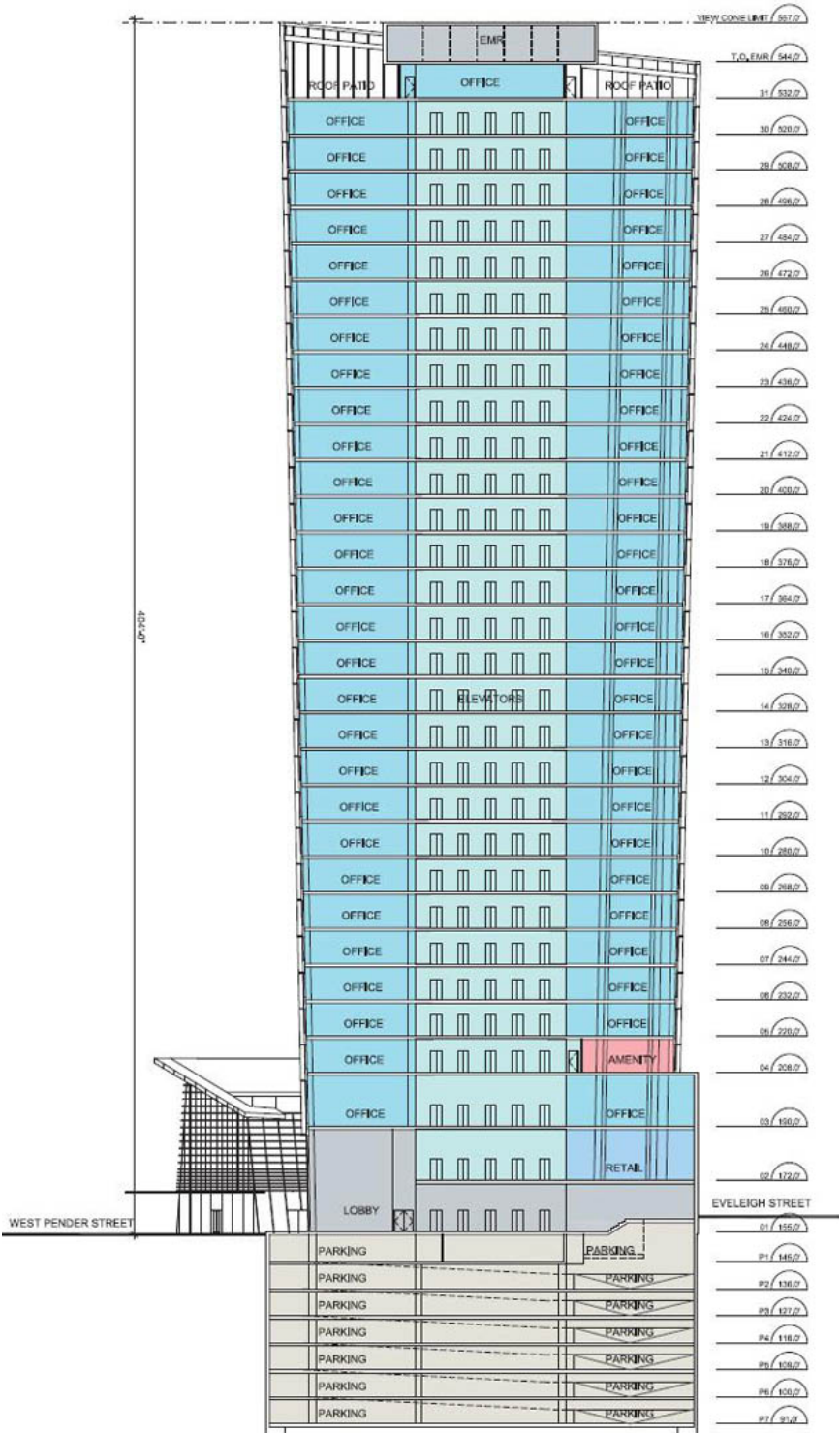


Figure 12: Section

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1070-1090 West Pender Street  
PUBLIC BENEFITS SUMMARY

**Project Summary:**

A 31-storey commercial building including office and retail/service uses.

**Public Benefit Summary:**

The project would result in a public art contribution, and a DCL payment.

	Current Zoning	Proposed Zoning
Zoning District	DD	CD-1
FSR (site area = 32,122 sq. ft.)	11	17.5
Buildable Floor Space (sq. ft.)	353,342 sq. ft.	562,135 sq. ft.
Land Use	Commercial	Commercial

Public Benefit Statistics		Value if built under Current Zoning (\$)	Value if built under Proposed Zoning (\$)
Required*	DCL (City-wide) (\$12.87/sf)	\$3,886,762	\$7,234,677
	DCL (Area Specific)		
	Public Art (\$1.81/sf)		\$1,017,464
	20% Social Housing		
Offered (Community Amenity Contribution)	Heritage)(Note 1)		
	Childcare Facilities		\$2,000,000
	Cultural Facilities		
	Green Transportation/Public Realm		
	Housing (e.g. supportive, seniors)		
	Parks and Public Spaces	N/A	
	Social/Community Facilities		
	Unallocated		
	Other		
<b>TOTAL VALUE OF PUBLIC BENEFITS</b>		<b>\$3,886,762</b>	<b>\$10,252,141</b>

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

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\* 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: The figure noted in the above table represents the value of on-site density bonus to facilitate heritage building rehabilitation, conservation, and protection. The conservation and protection of heritage resources is a community objective as noted in Council policy.

1070-1090 West Pender Street  
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

Street Address	1070 and 1090 West Pender Street
Legal Description	PID: 024-551-945, Lot 1, Block 2, District Lot 185, Group 1, New Westminster District Plan LMP42705) on behalf of, and PID: 004-920-392, Lot 10, Block 2, District Lot 185, Plan 92
Applicant/Architect	Musson Cattell Mackey Partnership
Developer/Property Owner	Bentall Kennedy Prime Canadian Property Fund Ltd. 1090 Pender Properties Ltd.

SITE STATISTICS

Site Area	2,984.2 m <sup>2</sup> (32,122 sq. ft.)
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DEVELOPMENT STATISTICS

	Permitted Under Existing Zoning	Proposed	Recommended (Other Than Proposed)
Zoning	DD (Downtown District)	CD-1 (Comprehensive Development) District	
Uses	Office, Retail, Service, Institutional, Cultural	Office, Retail, Service, Bicycle Mobility Centre	Add Institutional and Cultural
Max. Floor Space Ratio	11 FSR (Sub-area A)	17.5 FSR	To continue to satisfy the single-site covenant between 1050 and 1070 W Pender Street, include 0.72 FSR or 2,152.8 m <sup>2</sup> (23,173.2 sq. ft.) of floor area for a total FSR of 18.22
Floor Area	32,826.5 m <sup>2</sup> (353,342 sf) A single-site covenant for 1070 W Pender requires a floor area transfer of 2,152.8 m <sup>2</sup> (23,173.2 sf) of floor area to 1050 W Pender.	Office 50,893.8 m <sup>2</sup> (547,834 sf) Retail 1,328.6 m <sup>2</sup> (14,301 sf) Total 52,222.3 m <sup>2</sup> (562,135 sq. ft)	
Maximum Height	DD - Overall 137.2 m (450 ft.) View Cone 123.4 m (405 ft.)	NE Corner 123.4 m (405 ft.)	May not exceed view cone.
Parking Spaces	1070-1090 W Pender 358 1050 W Pender 179 Total 537	1070-1090 W Pender 312 1050 W Pender 175 Total 487	- Substitution of shared vehicles/parking spaces for required non-residential parking spaces at 1:5, to a maximum of 5 shared vehicles/parking spaces. - Option of payment in lieu for parking deficiencies.
Loading	Cl. A 7 Cl. B 8	Class A 9 Class B 4	The lesser of and 5 Class A and 2 Class B loading spaces or per Parking By-law.
Bicycle Spaces	Class A 104 Class B 12	Class A 107 Class B 0	Per Parking By-law

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