



**POLICY REPORT
DEVELOPMENT AND BUILDING**

Report Date: March 10, 2015
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Meeting Date: March 24, 2015

TO: Vancouver City Council
FROM: General Manager of Planning and Development Services
SUBJECT: CD-1 Rezoning: 508 Helmcken Street

INTRODUCTION

Beginning in early 2013, the site at 508 Helmcken Street went through a rezoning application process and, after a public hearing on July 16, 2013, was approved in principle by Council, subject to those conditions set out in Appendix B of this report. The new zoning, By-law 10870, was enacted on March 11, 2014. In response to a court challenge to the rezoning and the resulting B.C. Supreme Court decision, the By-law for 508 Helmcken Street was quashed and it was directed that a new Public Hearing be held.

This report brings back to Council the same rezoning application for 508 Helmcken Street with the following exceptions:

1. Recommendations to Council: Except for the Sign By-law, the Recommendations in this report do not include recommendations to amend other by-laws that are necessary consequential amendments if a new by-law rezoning 508 Helmcken Street is enacted. Consequential amendments were made to these other by-laws concurrently with the enactment of the rezoning by-law (By-law 10870) that was quashed by the Court. These amending by-laws (Parking and Noise By-laws) are set out in Appendix C. The amended by-laws remain in place pending the outcome of this rezoning application.
2. Appendix A: The same draft rezoning by-law as considered at the previous Public Hearing, except for the removal of the use “adult retail store” from section 2.2 (Uses) of the by-law. [See draft By-law in Appendix A.].

3. Appendix B(c) Conditions of By-law Enactment: Generally the same recommended conditions of approval that were considered at the previous Public Hearing, noting that while By-law 10870 was quashed, the rezoning conditions, set out in Appendix B(c) of the report considered at the previous Public Hearing, were not the subject of the Court decision. These conditions were fulfilled by the rezoning applicant prior to enactment of By-law 10870. Legal agreements securing these conditions were entered into, however these are now in abeyance pending the outcome of this rezoning application. The lane adjacent to the 508 Helmcken Street site was consolidated with the 508 Helmcken site to create one legal parcel prior to enactment of By-law 10870. Further details on the consolidated site are provided in this report.

RECOMMENDATION

- A. THAT the application by GBL Architects Inc., on behalf of Brenhill Developments Ltd. (with consent in writing of the registered owner, City of Vancouver), to rezone 508 Helmcken Street (*PID: 029-261-317, Lot C, Block 94, District Lot 541, Group 1, New Westminster District, Plan EPP35544*) from DD (Downtown) District to CD-1 (Comprehensive Development) District, to increase the floor area from 3.0 FSR to 17.19 FSR and the height from 21.3 m (70 ft.) to 97.5 m (320 ft.) to allow for a 36-storey building with 448 residential units, of which 110 are secured market rental housing, with retail and a private pre-school/kindergarten space at grade, be referred to a Public Hearing, together with:
 - (i) plans prepared by GBL Architects, received April 26, 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 Recommendations A and B 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 Brenhill Developments Ltd.; 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

In January 2015, the B.C. Supreme Court quashed By-law 10870, which was the by-law that rezoned 508 Helmcken Street, and directed that a new Public Hearing be held. The Court identified a number of process and information issues which were behind the decision to quash the By-law. This report has been written to try to address the concerns raised by the Court, and staff are now bringing back the rezoning application to Council for a decision on referral to Public Hearing. The rezoning application contains generally the same recommended conditions of approval previously supported by staff and approved by Council.

This report evaluates an application to rezone the site at 508 Helmcken Street from Downtown District (DD) to CD-1 (Comprehensive Development) District, to allow for a 36-storey building containing 448 residential units, of which 110 are proposed as secured market rental housing, with retail use and a private pre-school/kindergarten facility at grade.

The City's plan to resolve homelessness and enable the development of more social and affordable housing (*City of Vancouver Housing and Homelessness Strategy 2012-2021*) is the highest priority of Council. In the absence of sufficient ongoing programs at the provincial and federal levels of government, Council has directed staff to find innovative ways to facilitate the development of new social and affordable housing.

This application is part of a complex land exchange agreement between the City of Vancouver and Brenhill Developments Ltd. (Brenhill) which resulted in the applicant committing to build 162 units of social housing on land it owns at 1099 Richards Street (across the street from 508 Helmcken) and to transfer the building and the land as a turn-key social housing operation to the City at occupancy; in exchange, the City committed to transfer the lands it owns at 508 Helmcken Street to the applicant for future development, pending Council approval of the rezoning. The elements of the land transaction are outlined later in the report. The Community Amenity Contribution generated by this rezoning would contribute toward the construction of the social housing on 1099 Richards Street.

The current Jubilee House located on the Helmcken Street site, is an 87-unit social housing development which is on City Land and is in need of significant capital investment. The plan calls for the residents of Jubilee House, all low income tenants, to transfer to the new social housing development at 1099 Richards Street on its completion.

In view of the BC Supreme Court decision of January 2015, staff have done a thorough reassessment of this application and also revised the report to address the comments of Justice McEwan. Staff continue to support the proposed uses (other than Adult Retail Store) and form of development, subject to the conditions outlined in Appendix B. The report recommends that the Community Amenity Contribution (CAC) from this rezoning be allocated

towards both the construction of 162 social housing units with appropriate amenities at 1099 Richards Street, including 87 replacement units for the current Jubilee House residents and 75 new social housing units, and a contribution to the City's affordable housing fund. If, after Public Hearing, Council approves in principle this rezoning application and a new rezoning bylaw is enacted, the applicant will be required as part of the land transaction to complete the social housing on Richards Street prior to commencing the development at 508 Helmcken. Recommencement of the construction of the social housing, which is currently under a stop work order due to the quashing of the development permit by the Court, is subject to a separate process under the Development Permit Board.

COUNCIL AUTHORITY

Relevant Council Policies for this site include:

- Housing and Homelessness Strategy - 2012-2021 (2011)
- Mayor's Task Force on Housing Affordability with Council approved action plan (2012)
- Council approved policy - "Potential Benefit Capacity in Downtown", allowing for consideration of site-specific rezonings in the Downtown South up to the height limits imposed by the approved view corridors (2008)
- Downtown Official Development Plan (1975; amendments to the DODP are concurrently being considered by Council)
- Downtown South Guidelines (1991; last amended 2004)
- Green Buildings Policy for Rezoning (2009; last amended 2014)
- High Density Housing for Families with Children Guidelines (1992)
- Community Amenity Contributions – Through Rezonings (1999, last amended 2004)
- Downtown South Public Benefits Strategy (2007 - 2021) (2007)
- Public Art Policy for Rezoning Development (1994; last amended 2014)

PREVIOUS DECISIONS

The by-laws enacted as consequential amendments to rezoning By-law 10870 for 508 Helmcken Street are:

- Sign By-law – By-law No. 10895
- Noise By-law – By-law No. 10893
- Parking By-law – By-law No. 10894
- Housing Agreement – By-law No. 10869

These by-laws have not been quashed or repealed. This report recommends that the required amendments to the Sign By-law be referred to the same Public Hearing as the draft CD-1 By-law. The remaining by-laws will stay in place pending the outcome of the rezoning application.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

This report responds to the decision of the B.C. Supreme Court in regard to processes related to the rezoning of 508 Helmcken Street, and which set aside the resulting By-law and directed that a new public hearing be held. The decision of the Court raises a number of very significant issues at law which will have far reaching consequences for the City and other local governments in the area of land use regulation; thus the decision is under appeal. Staff are bringing forward the report, without prejudice to the appeal, because there is a critical need to achieve some clarity regarding the status of the social housing at 1099 Richards Street, which is the main public amenity offering resulting from this rezoning. So, in returning to Council with this rezoning report, staff have endeavoured to reflect the issues raised by the judge by providing a more comprehensive and detailed explanation of the relationship between the sites at 508 Helmcken Street and 1099 Richards Street, including more detail on the proposed land exchange which has previously been approved by Council in a separate process under the Vancouver Charter.

The General Manager of Planning and Development Services recommends APPROVAL of the recommendations of this report.

BACKGROUND/CONTEXT

1. B.C. Supreme Court Decision

On January 27, 2015, the B.C. Supreme Court (Community Association of New Yaletown v. Vancouver (City) 2015 BCSC117):

- quashed the by-law that rezoned 508 Helmcken Street (By-law 10870) and directed a new Public Hearing;
- quashed the development permit for social housing under construction at 1099 Richards Street; and
- quashed the Downtown Official Development Plan (DODP) amendments by-law (By-law 10865) which incorporated amendments required for the implementation of the West End Plan.

This report responds to the Court's decision related to the quashing of By-law 10870 for 508 Helmcken Street. This application originally went through a thorough process of staff review and public consultation prior to being referred by Council to Public Hearing in accordance with the Vancouver Charter. The City undertakes between 30 and 50 rezonings per year and there is a longstanding and detailed process utilized to support and enable Council to understand the views of the public and the full extent of the land use application prior to making its decision following Public Hearing.

This rezoning had a unique feature in that the public amenity flowing from the rezoning was connected to an innovative land exchange between the City and the developer with the goal being the generation of 162 units of purpose built social housing on the developer's land which would, at completion, come under the ownership of the City. The key elements of this transaction were discussed in the original report, however following a careful review of the Judge's comments and to address the Court's concerns, staff have provided a more in-depth,

description of the process behind the land transaction as well as more information in regard to the key elements of the overall agreement.

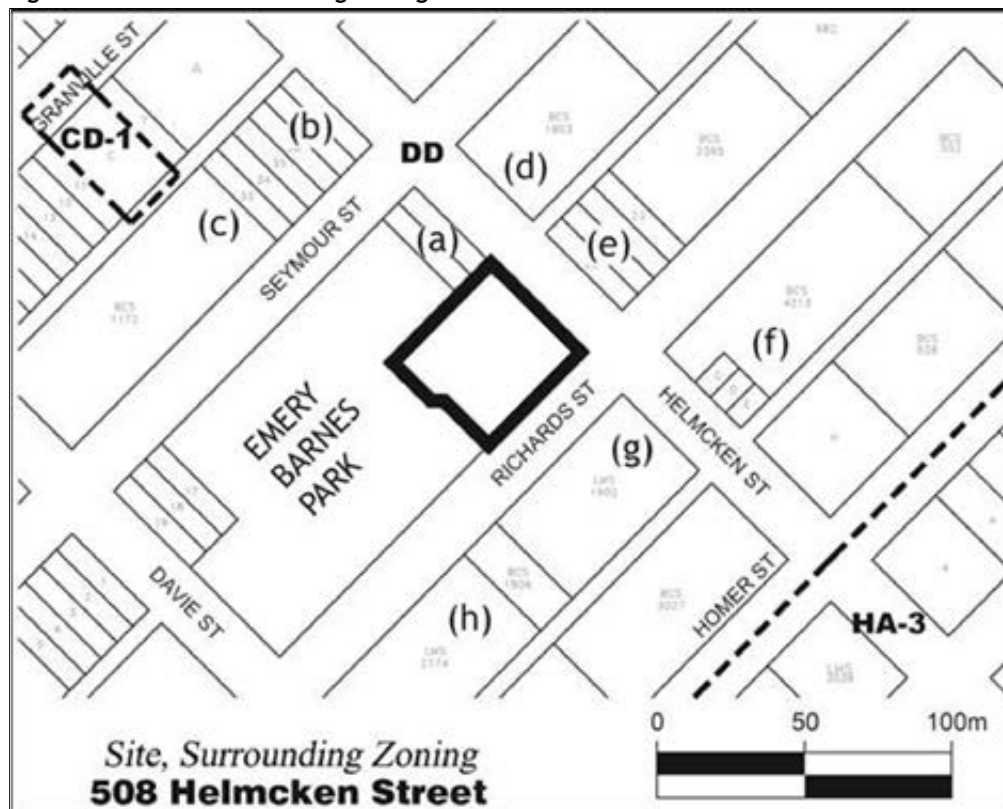
2. Site Context

This 1,945.8 m² (20,945 sq. ft.) site is situated at the corner of Helmcken and Richards streets, and is adjacent to the north end of Emery Barnes Park (see Figure 1 and Figure 2). The site has a frontage of approximately 42.6 m (140 ft.) along Helmcken Street and 44.2 m (145 ft.) along Richards Street. The site is currently occupied by the three-storey Jubilee House building which contains 87 social housing units. The site to be rezoned was originally comprised of five legal parcels and an adjacent lane located to the west and the south of the parcels (see Figure 2). The lane adjacent to 508 Helmcken Street was consolidated with the five parcels to create one legal parcel prior to enactment of the quashed By-law. References in this report to the 508 Helmcken Street site are to the consolidated site.

The blocks surrounding 508 Helmcken Street (seen in Figure 1) contain a variety of building types ranging from small-scale commercial buildings, low-rise to medium height social housing sites, to newer tower and podium developments which generally range up to 91.4 m (300 ft.) in height, with a combination of townhouse and retail uses at street level. Significant adjacent development is shown in Figure 1 and listed below:

- (a) the “Brooklyn Court”, a six-storey social housing site
- (b) a 15-storey social housing development (the Development Permit was issued in November 2014 but the building has not yet been constructed)
- (c) the 26- and 33-storey Brava Towers which contain the Vancouver International Film Centre
- (d) the “Freesia”(19-storey) residential building with commercial uses at grade
- (e) 1099 Richards Street, the proposed location of the 13-storey social housing building discussed in this report as part of the proposed land exchange
- (f) 1088 Richards Street, an 18-storey residential building
- (g) the “Robinson” (16-storey) residential building with commercial uses at grade
- (h) the “Park Plaza” (23-storey) residential building.

Figure 1: Site and surrounding zoning



3. Policy Context

Housing Policy: The City has a goal of ending street homelessness in 2015 and a current target of 500 new social housing units and 500 new secured market rental units per year. On July 29, 2011, Council endorsed the *Housing and Homelessness Strategy 2012-2021*, which includes strategic directions to increase the supply of affordable housing and to encourage a housing mix across all neighbourhoods. Vancouver's downtown has seen a recent rise in the number of street homeless and is experiencing a higher demand for affordable units for low-income singles.

The priority actions which are part of the Strategy that are relevant to this application include:

- Refine and develop new zoning approaches for the delivery of housing across the affordability continuum.
- Use development tools and other incentives to continue the achievement of secured market rental and social housing.
- Use financial and regulatory tools to encourage a variety of housing types and tenures that meet the needs of diverse households.
- Utilize community amenity contributions and leverage from city-owned land to enable the delivery of social housing as a public benefit.
- Work with partners in the private, non-profit and public sector to leverage affordable housing

This application also responds to the recommendations of the 2012 *Mayor's Task Force on Housing Affordability* which include continuing to use City lands to enable the delivery of affordable rental and social housing. The recommendations also call for the City to explore other innovative opportunities to renew and expand social and affordable rental housing. Many buildings are older and in need of investment or renewal, as is the case for Jubilee House.

Rental Housing: The rezoning application for 508 Helmcken Street includes 110 secured market rental housing units. Securing market rental housing through a housing agreement or other legal means is a mechanism which has been utilized over the last four decades by all levels of government to provide sustained affordable housing in Vancouver – nearly half of Vancouver's population currently lives in rental housing which is secured and affordable through such agreements. The City continues to find ways to use its regulatory tools to leverage secured market rental housing which is targeted to moderate income households providing an option that is more affordable than home ownership.

Social Housing: A public benefit that would result from the rezoning for 508 Helmcken Street is the social housing that is proposed to be provided at 1099 Richards Street. Under the definitions in the *Zoning and Development Bylaw*, and under the proposed changes to the *Downtown Official Development Plan*, there are three tests for a development to qualify as social housing:

- at least 30% of the dwelling units are occupied by households with incomes below housing income limits, as set out in the current "Housing Income Limits" table published by the British Columbia Housing Management Commission, or equivalent publication;
- the development is owned by a non-profit corporation, by a non-profit co-operative association, or by or on behalf of the City, the Province of British Columbia, or Canada; and
- the registered owner or the ground lessee of the freehold or leasehold title to the land on which the housing has been built has granted the City a section 219 covenant, housing agreement, or other security – all registered against the title – for the housing commitments required by the City.

Social Housing in Downtown South: Prior to the redevelopment of Downtown South, the Downtown South community was home to a significant number of low-income households, largely living in Single Room Occupancy (SRO) Hotels. One of the goals during the planning of Downtown South was to encourage a neighbourhood with social diversity where existing residents, many of whom were low income, could remain. In response to this context, the 1991 plan for this area had a policy of maintaining a similar number of units for low income households and looked to find ways to replace the SROs as they were recognized to be an outdated housing type, composed of single rooms without bathrooms or cooking facilities. The plan also identified zoning tools as a way to replace the SROs with new contemporary self-contained social housing.

4. Land Exchange Proposal

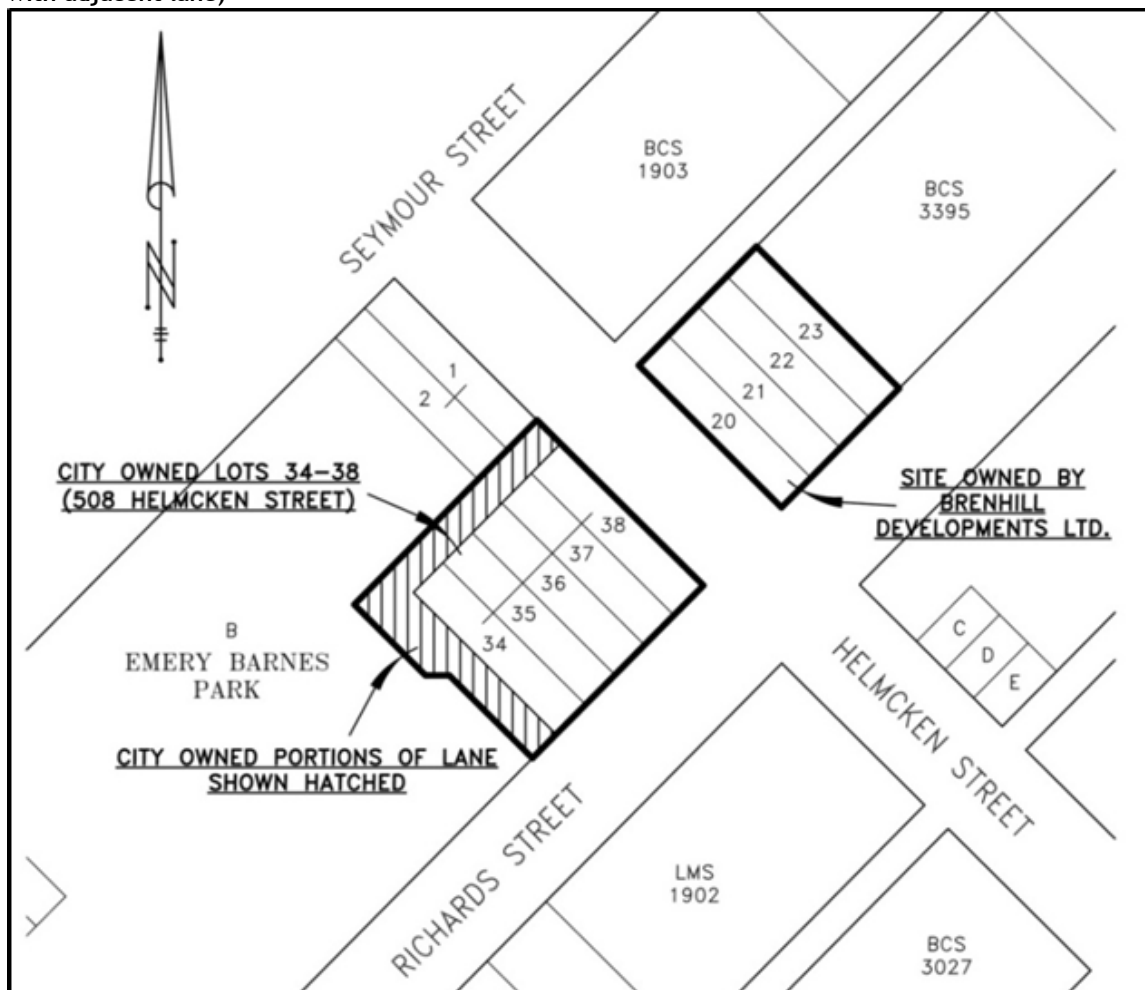
Section 190(b) of the Vancouver Charter authorizes Council to dispose of City-owned property deemed to be surplus to the City's needs, subject to an affirmative vote of two-thirds of all members of Council for the disposition of property exceeding \$400,000 in value. Council

policy is to dispose of City-owned land through a public tender process. However, Council policy further provides for the direct sale of property without a public tendering in certain circumstances, including where sales are for social purposes, such as those set out in this report.

508 Helmcken Street is a City-owned site and is currently occupied by Jubilee House, a social housing building containing 87 units, which is leased to and operated by a non-profit operator, The 127 Society for Housing. BC Housing holds the mortgage on Jubilee House. Jubilee House was built in 1985 and is in need of significant repairs including extensive external envelope work. BC Housing has advised that, if the new social housing at 1099 Richards Street does not proceed, a minimum of between \$1.5 and \$2.0 million will be required to be spent on maintenance and rehabilitation in the near term at Jubilee House.

The site at 1099 Richards Street is owned by Brenhill Developments Ltd. (Brenhill). Figure 2 shows the location of the lands at 508 Helmcken Street and 1099 Richards Street.

Figure 2: Lands at 508 Helmcken Street and 1099 Richards Street (prior to consolidation of 508 Helmcken with adjacent lane)



In 2011, in response to clear City objectives to improve existing social housing and develop more social housing throughout the City, Brenhill approached the City with a land exchange proposal. The proposal involved the transfer to the City of the social housing project to be constructed by Brenhill on its site at 1099 Richards Street in exchange for the transfer to Brenhill of the City site at 508 Helmcken Street, including the adjacent City lane.

Prior to the land exchange agreement, the 508 Helmcken Street site, under the current zoning and guidelines, had significant value for development but was encumbered by the leasehold interest of The 127 Society for Housing (approximately 31 years remaining on the long-term lease). In contrast, the Brenhill site at 1099 Richards Street, directly across the street, was significantly constrained for further market development but was an ideal site for the City to deliver social and low cost housing given the opportunity under the DODP for bonus density related to this public amenity.

To realize the potential market value of the City's site at 508 Helmcken Street, an arrangement was required whereby the lessee (The 127 Society for Housing) would not be compromised and would see some benefits from the real estate transaction to the extent that they would be willing to discharge the lease. The land transaction was designed to enable The 127 Society for Housing to surrender the lease and through that transaction enable the City to achieve the value realization which, along with the proceeds of the land transaction and the Community Amenity Contribution (CAC), would help fund the new and expanded social housing development at 1099 Richards Street with The 127 Society for Housing continuing to be the operator. BC Housing which holds the current mortgage on Jubilee House also agreed to transfer the mortgage to the new facility when it was built.

Council approved this land exchange on October 31, 2012. The arrangement was secured through a land exchange contract dated January 28, 2013, which involved an agreed market price for both the City-owned lands and the Brenhill owned lands. The land exchange was based on BC Assessment valuations and other market data related to the two properties, in work undertaken by the Director of Real Estate Services. In the agreement, the price for the City-owned lands (508 Helmcken Street and the adjacent lane) was set at \$15 million and for the Brenhill lands (1099 Richards Street) at \$8.4 million. The net proceeds of the land sale and land purchase to the City was \$6.6 million, representing the difference in the prices between the two parcels of land (\$15 million for the City's land at 508 Helmcken Street – realized through the agreement of The 127 Housing Society to surrender their long term lease – less \$8.4 million for the purchase of Brenhill's lot at 1099 Richards Street).

Rather than Brenhill making a cash payment of \$6.6 million directly to the City, Brenhill agreed to accept responsibility for the total cost of developing the site and constructing the 162 units of social housing at 1099 Richards Street with the City capping its contribution at \$30.6 million. It was agreed that if the rezoning of 508 Helmcken Street was approved by Council, the negotiated Community Amenity Contribution (CAC) of \$24 million in value is satisfied by the in-kind construction of the social housing at 1099 Richards Street. As such, funding for the construction of the 1099 Richards Street social housing came from an in-kind \$24 million Community Amenity Contribution (CAC) and the net proceeds of \$6.6 million received by the City from the land exchange. (See Table 1).

Table 1: Financial Values Associated with the Land Exchange

	Value (million)
508 Helmcken Street land value - paid by Brenhill to the City	\$15.0
1099 Richards Street land value - paid by the City to Brenhill	\$8.4
City proceeds of Land Exchange	\$6.6
City proceeds of Land Exchange	\$6.6
CAC negotiated for rezoning of 508 Helmcken Street	\$24.0
Total Value made available to Developer for construction of Social Housing at 1099 Richards Street	\$30.6

In addition, a \$1 million cash contribution has been offered by the developer, to be allocated to the Affordable Housing Reserve, and to be used to fund the project management and related legal, tenant relocation, and administrative expenses associated with the development of the site at 1099 Richards Street.

The overall transaction between the City and Brenhill achieves substantial value and benefits for the City (quantitatively and qualitatively), which are described in greater detail under the heading "Financial Implications/Related Issues/Risk" later on in this report, and include, among other things:

- 272 affordable housing units, consisting of 110 secured market rental housing units and 162 social housing units, positively contributing to the *Housing and Homelessness Strategy 2012- 2021* approved by Council on July 29, 2011;
- opportunity to unlock potential of City land located at 508 Helmcken Street through surrender of long term lease by The 127 Society for Housing;
- eliminates a requirement for the City to incur financing costs related to the 162 unit purpose built social housing facility, such costs to include construction interest costs and legal and other costs related thereto; and
- transfer of substantially all development, financing and timing risk to Brenhill.

5. Legal Agreements

The details and terms which constitute the overall framework of the land exchange proposal are contained in several documents which include: the Land Exchange Contract between the City of Vancouver and Brenhill, the Surrender of Lease Agreement between The 127 Society for Housing and the City of Vancouver, and the Development Agreement between Brenhill and the City of Vancouver. All of these documents can be viewed on the City website:

www.vancouver.ca/508helmcken.

The following terms and conditions relate to the development of 1099 Richards Street:

- Brenhill is wholly responsible for obtaining all permits for the site and for the development itself;

- the building will contain 162 new purpose built social housing units and appropriate amenity space for the residents;
- the City's obligation toward the social housing project is limited to a total value of \$30.6 million (this includes the CAC from 508 Helmcken Street and the net value to the City of the land exchange);
- any cost overruns over \$30.6 million would be the responsibility of the developer;
- Brenhill is responsible for providing a \$1 million contribution for expenses associated with the development of the site (this includes project management and related legal, tenant relocation and administrative expenses);
- the Agreement requires an independent quantity surveyor to be retained to review costs during the course of the construction of 1099 Richards Street;
- if the cost of the project is less than the \$30.6 million, the net savings will be paid to the City by Brenhill;
- once constructed and occupancy permits obtained by the developer, and the residents of Jubilee House are relocated and settled in the social housing facility, there would be a transfer of ownership of the land and building on 1099 Richards Street to the City of Vancouver;
- the new building would house current residents of the Jubilee House, and would be operated by The 127 Society for Housing under a long term lease and operating agreement with the City;
- only after transfer of the Jubilee residents from their current building on 508 Helmcken Street into the new social housing facility would the title on 508 Helmcken Street transfer to the developer and development of that site proceed.

The legal agreements include the following terms relating to 508 Helmcken Street:

- Brenhill is responsible for the application and the rezoning process for the site;
- the transactions contained in the legal agreements are subject to Brenhill receiving appropriate regulatory approval of the rezoning;
- it is explicit in the documents that nothing contained in any of the legal agreements fetters Council's discretion in considering the rezoning application for 508 Helmcken Street;
- transfer of the City's land at 508 Helmcken Street to Brenhill for development under a rezoning bylaw would only occur following occupancy of the social housing building at 1099 Richards Street with the residents of the Jubilee House.

STRATEGIC ANALYSIS

1. Proposal

508 Helmcken Street: The application proposes a 36-storey mixed-use development that includes 338 residential market strata units and 110 secured market rental units. Uses at grade include approximately 111 m² (1,192 sq. ft.) of retail use along the Helmcken Street frontage, townhouses along the Richards Street frontage, and a two-storey 511 m² (5,505 sq. ft.) private pre-school/ kindergarten which faces onto Emery Barnes Park. The school space is proposed for use by the Montessori School, previously located across the street in the building at 1099 Richards Street.

1099 Richards Street: A development permit (DE 416775) was issued on May 28, 2014 for the development at 1099 Richards Street of a 13-storey building, with 162 social housing units, appropriate amenity space for residents and an FSR of 7.04. The Development Permit was quashed by the Court on January 27, 2015, at which time the building was under construction. A new development permit application for 1099 Richards Street (DE 418881) was submitted on February 27, 2015 and is currently under review.

Under existing zoning, the Downtown Official Development Plan (DODP) allows for consideration by the DP Board of social housing up to an FSR of 5.0. The DODP further allows for consideration of density beyond 5.0 FSR, where that additional density is for the provision of low-income housing, as is proposed for 1099 Richards Street. Where such “bonus” density is proposed, the application is subject to approval by the DP Board for the form of development and density, and by Council of the density beyond 5.0 FSR.

Figure 3: Rendering of the proposed buildings at 508 Helmcken Street and 1099 Richards Street



2. Land Use

The rezoning site at 508 Helmcken Street is located in the Downtown District (DD) zoning district, in an area known as Downtown South, and the form of development is regulated by the Downtown Official Development Plan (DODP). The DODP is structured in such a way that if a site within its boundaries is rezoned to Comprehensive Development (CD-1) District, the rezoned site is automatically removed from the Downtown District (DD) zoning district (no amendments to the DODP are required) and, as a result, the DODP no longer applies to the rezoned site. Although no longer part of the DODP, staff apply DODP urban design and land use policy considerations (in this case those of Downtown South) where possible in creating the new CD-1 District Schedule.

Development of this site is further informed by the Downtown South Guidelines that provide direction with regard to urban design and open space. The site is located in New Yaletown (Area L1) of Downtown South, where the applicable land use policy endorses high-density residential development, with limited commercial uses.

At the site's location of Helmcken and Richards streets, the DODP sets a limit on the provision of commercial and retail use at 233 m² (2,500 sq. ft.) for corner sites. The application shows approximately 111 m² (1,192 sq. ft.) of retail use on Helmcken Street adjacent to the lane. Staff are supportive of a greater amount of retail use on this site, if desired by the applicant. The draft by-law in Appendix A allows for retail and service uses up to a maximum of 464.5 m² (5,000 sq. ft.), and a condition 5 in Appendix B(b) encourages the provision of commercial space along Richards Street, noting that the existing ground-level uses immediately across Richards Street are non-residential and the adjacency to the park provides a unique opportunity to provide a more active frontage. Staff are satisfied that the amount of commercial retail floor space will not compromise the underlying DODP objective to locate and optimize retail uses along the DODP area's primary shopping streets of Davie and Granville streets.

In summary, staff support the proposed uses in the draft by-law in Appendix A. Although as noted above the CD-1 is no longer part of the DODP, the proposal is consistent with the intent of the DODP and the Downtown South guidelines, achieving a primarily residential development with ground-level uses that provide for local needs and help to animate the pedestrian experience for passersby.

3. Housing

The rezoning application for 508 Helmcken Street includes 338 residential market strata units and 110 secured market rental units.

Supply of Rental Housing (508 Helmcken Street) – Under the *Housing and Homelessness Strategy 2012-2021*, which is designed to enhance access to affordable housing in the city, secured market rental housing targets of 500 units per year have been established. While this application has not come in under the City's rental housing incentive programs, and no incentives are being requested, 110 (32 percent) of the 448 residential units are proposed as secured market rental housing. To ensure that these units remain rental, a housing agreement will secure the units as rental for 60 years or the life of the building, whichever is greater. Table 2 shows the City's progress towards its housing targets. If this application is approved, the 110 market rental units proposed for 508 Helmcken Street will be added to this table.

Table 2: City of Vancouver Secured Market Rental Housing Targets & Progress Against Targets (as of March 10, 2015)

	TARGETS	CURRENT PROJECTS				GAP
	2021	Completed	Under Construction	Approved	Total	Above or Below 2021 Target
Secured Market Rental Housing Units	5,000	830	1,346	2,026	4,202	798 Below Target

Family Housing – Housing for families with children is a high priority for the City, particularly in the downtown peninsula. It is standard for major rezoning applications to provide a minimum of 25 percent family units, which have two bedrooms or more and are considered appropriate for families with children. Within the proposed development, 164 units (37 percent) out of the total units have two or more bedrooms, and 26 of the 110 secured market rental units (24 percent) have two bedrooms, generally meeting this objective. The draft by-law for this rezoning includes the requirement to achieve a minimum of 25 percent of the market rental units as family units and to comply with Council's *"High Density Housing for Families with Children Guidelines"*.

Social Housing - The 1991 Downtown South Plan set a target to maintain the capacity of low income housing at 1990 levels (around 1,600 units), replacing SROs with new social housing. As illustrated in Table 3, this approach has resulted in a modest increase of 319 units of social housing for singles in Downtown South since 1991; there are still more than 400 aging private SRO units that need to be replaced.

Since the 1991 Plan was adopted, subsequent policy changes have allowed rezonings in the area to increase the amount of strata units, but the amount of low income housing has remained unchanged from the original Plan. The result is that the mix of social and market housing in the Downtown South is now more heavily weighted towards market strata units than was envisioned in the 1991 Plan. More recently, new policy directions will begin to rebalance this, with a goal to end street homelessness by 2015 and the goal to renew and replace thousands of DTES SROs with new social housing stock across the downtown core. A policy report recommending amendments to the DODP is scheduled for Public Hearing on March 24, 2015. Among the proposed amendments are changes to the definition of social housing and the removal of the term "low-cost housing" – all changes designed to better reflect modern day practice and to align with other by-laws enabling and supporting social housing across the city.

Table 3: SRO (private market) and Social Housing (non-market for singles) Change from 2004 to 2014

Sub-Area	Change from 2004 to 2014						
	SRO (private market)			Social Housing *includes supportive housing (non-market for singles)			TOTAL Change SROs and Social Housing
	2004	2014	Change	2004	2014	Change	
Downtown Eastside	5,206	4,046	-1,160	4,223	5,806	1,583	423
Downtown South	692	452	-240	808	1,367	559	319
Rest of Downtown Core	433	81	-352	187	478	291	-61
TOTAL	6,331	4,579	-1,752	5,218	7,651	2,433	681

The new 162 social housing units at 1099 Richards Street are to be operated by The 127 Society for Housing, the non-profit organization currently operating Jubilee House, subject to signing of the lease and operating agreement with the City. The proposed tenant mix in the new social housing building will be as follows:

- All 162 units will be secured and operated as social housing, with over half of them meeting the DODP definition of low-cost housing (87 units) and reserved for the current Jubilee residents;
- The balance - 75 social housing units - will be provided for residents who have incomes higher than those on welfare or old age security, but who may struggle to find or afford market rental housing. Every effort will be made to obtain Provincial Rent Supplements in order to further deepen the affordability in these units.
- In the absence of Provincial rent supplements being available, the proposed average rents for these 75 units will still be below current average rents for new market rental delivered in the last 10 years (as per CMHC published data) and will allow the overall housing operation to be financially viable and sustainable

Table 4: Anticipated Tenant Mix and Average Rents for 1099 Richards Street

	Shelter & Old Age Security Rate	Below Market Average Rents	Total
Studio & Senior Studio	82	34	116
1-Bedroom	5	41	46
Total Unit Count	87	75	162
Average Rent/Month	\$436	\$1,164	NA
Percentage (%)	53%	47%	100%

Table 5 outlines the current status of the City's progress on social housing goals contained in the Housing and Homeless Strategy – 2012 - 2021. The totals do not include the 75 incremental units to be built at 1099 Richards Street.

Table 5: Non-Market/Social Housing Targets and Project Status (March 6, 2015)

	TARGETS ¹		CURRENT PROJECTS	GAP
	Long Term (2021)	Near Term (2014)	Committed, Under Construction and Completed	2014 Target
Supportive Housing Units	2,900	2,150	1,846	-304
All Other Non-Market/Social Housing Units	5,000	1,500	1,544	44
Total Non-Market/Social Housing Units	7,900	3,650	3,390	260

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

(2) Totals do not include the proposed social housing units at 508 Helmcken Street.

4. Density and Form of Development

508 Helmcken Street is located within the DODP Area L1, within which density and building height are prescribed based on site area and street frontage. For market residential development, such as proposed, a corner site with a frontage of 53.3 m (175 ft.) and a minimum site area of 1,951 m² (21,000 sq. ft.) would qualify for consideration of a floor space ratio (FSR) of 5.0 and a height of 91.4 m (300 ft.). 508 Helmcken Street has a site area of 1,945.8 m² (20,945 sq. ft.) and frontage of 44.2 m (145 ft.). As the site does not meet the minimum requirements for 5.0 FSR, development under current zoning would be limited to 3.0 FSR and a height of 21.3 m (70 ft.).

Under Council's policy report "Potential Benefit Capacity in Downtown", an increase in height beyond the 91.4 m (300 ft.) prescribed in the DODP can be considered up to the underside of the approved view corridors, recognizing that the extra height and development potential could result in the achievement of additional public benefits for the neighbourhood. This site is restricted by a number of view cones, which limit building height to 97.5 m (320 ft.). The application proposes a density of 17.19 FSR and an overall height of 96.9 m (318 ft.).

The proposed scale of development is larger in terms of its tower width and floor plate when compared to similar uses in the local area, with consequential impacts to the private views of nearby residents. The extent of shadowing onto Emery Barnes Park is limited due to the site's location at the north end of the park. The proposed height is limited by existing view cones and is comparable to nearby developments, although higher than existing zoning allows. Further design development, at the development permit stage, as recommended Appendix B(b), will improve the performance of the building in response to the goals and policies of the area. In general, staff have assessed the potential impacts of the proposed height and density and are satisfied that the proposed floor area can be accommodated on the site, subject to the design development conditions in Appendix B(b).

This rezoning application and the proposed form of development were reviewed by the Urban Design Panel and received support (see Appendix F). Staff recommend, subject to the Public Hearing, that the application be approved subject to the conditions in Appendix B, which seek additional design refinement at the development permit stage. A detailed urban design analysis is provided in Appendix D. The form of development drawings are included in Appendix G and the development statistics in Appendix I.

5. Parking, Loading and Circulation

The application illustrates ten levels of underground parking, accessed off the former lane providing a total of 452 parking spaces, which exceed the requirements of the Parking By-law. Engineering staff are recommending that the development meet the bicycle and loading requirements of the Parking By-law, and that additional Class A loading be provided for the residential units to provide for smaller delivery, trades and moving vehicles.

Currently, the site has vehicular access off both Richards Street and Helmcken Street. As part of this rezoning, access for parking, loading for 508 Helmcken Street, and HandyDart access for the neighbouring site, is proposed to occur off Helmcken Street.

The site is well served by sustainable modes of transportation that reduce its traffic impact, including a major transit corridor on Granville Street, the Yaletown-Roundhouse Canada Line

station within walking distance, and bicycle lanes on Richards Streets and Homer Street, a block away. In addition, the first section of the Comox-Helmcken Greenway, approved by Council in December 2012, is part of the City Greenway network connecting Stanley Park to False Creek. It will provide an important east-west walking and cycling connection through the Downtown, with Helmcken Street currently proposed as the primary walking route.

Traffic for the school use proposed in the development will need to be carefully managed to reduce the impacts on the surrounding streets. In addition, continued pedestrian and vehicle access (passenger pick-up and drop-off, and servicing) from the 508 Helmcken Street site must be provided for adjacent Brooklyn Court building. Should the proposal be supported at Public Hearing, staff recommend that the application be approved subject to the conditions in Appendix B(b), which seek the provision of an Operations and Passenger Loading Management Plan and additional design refinements at the development permit stage.

6. Environmental Sustainability

Rezoning applications received between July 22, 2010 and date, 2014, the Green Building Rezoning Policy are required to achieve a minimum of LEED® Gold rating, including 63 LEED® points, with targeted points for energy performance, water efficiency and stormwater management; along with registration and application for certification of the project. The application included a preliminary LEED® scorecard, which generally conforms to the policy, indicating that the project could attain a minimum of 63 LEED® points and, therefore, would be eligible for a LEED® Gold rating.

PUBLIC INPUT

1. Public Process (2013)

Initial Application – The initial rezoning application was submitted on February 12, 2013. A rezoning information sign was installed on the site on February 26, 2013. Notification and application information, as well as an online comment form, was provided on the City of Vancouver Rezoning Centre webpage (vancouver.ca/rezapps). A community open house was held on March 13, 2013 at The Gathering Place. Notice of the rezoning application and an invitation to the community open house was mailed to 7,231 surrounding property owners and an additional 9,760 postcards were sent as unaddressed airmail to inform non-owner (renting) occupants. Approximately 135 people attended the open house.

Revised Application – In response to concerns raised through the application review process, a revised application was submitted by the developer on April 23, 2013. The revised application included the following changes:

- The floor area was reduced by 574.7 m² (6,186 sq. ft.), reducing the FSR from 17.40 to 17.19.
- The maximum tower floor-plate area was reduced from 957 m² (10,300 sq. ft.) to 934 m² (10,051 sq. ft.).
- A podium was incorporated into the design to create a more appropriate street edge and respond to the adjacent six-storey building.
- A retail unit was added to the ground floor to animate the ground plane.

- The building was shifted (12 ft.) away from the park, towards Helmcken Street, to improve the relationship between the building and the park.

The City website was updated, and a notice was sent to 107 individuals who had previously provided comments.

Public Comments – In response to the initial and the revised rezoning application, the City received a total of 135 public responses. The following key concerns were expressed about the application:

- *Height and scale of the building* – that the proposed height and scale does not “fit” in the neighbourhood and is not appropriate for the corner of Emery Barnes Park.
- *View and shadow impacts* – that the proposed building would affect existing views, decrease the sunlight exposure on adjacent homes, and shadow Emery Barnes Park and the surrounding smaller buildings and streets.
- *Relationship with Emery Barnes Park* – that the building would “loom” over the public park and block sun exposure for park users. Also, that the site should be used to increase the size of the park.
- *Social Housing as a proposed public benefit* – concerns about additional social housing in the neighbourhood and related social issues.
- *Traffic and parking Impacts* – that the building includes an oversupply of parking, that the proposed building and school would result in increased vehicular and pedestrian congestion in the area, and impact on the future Comox-Helmcken Greenway.
- *Private pre-school and kindergarten* – that the park would become the playground for a private school facility and that a public facility would be more appropriate at this location.
- *Revised application* – that it offers little improvement to the original submission, does not address the issues with regard to the density, height, placement of the building, views or shadowing, and a better transition between the tower and the public park is needed.

Summary of comments from those supporting the application:

- *Social housing* – that this is a good opportunity and location for more social housing units, particularly in the absence of funding from other levels of government. Also, that the existing Jubilee House building is in need of replacement.
- *Rental housing* – that more purpose built, secure market rental units were needed in Vancouver, noting a lack of secure rental units in this neighbourhood.
- *Form and Design* – that the building will meet LEED standards, upgrade the streetscape and complement the existing landscape.
- *Proposed Density* – that the city needs to accommodate a growing population.

A more detailed summary of public comments on this application is provided in Appendix F.

2. Public Process (2015)

To advise the public that the City of Vancouver would be reconsidering the rezoning application submitted on April 26, 2013, a new rezoning information sign was installed on the site on March 11, 2015, and a notice was mailed to 7,998 surrounding property owners and an additional 9,264 postcards were sent as unaddressed admail to inform non-owner (renter) occupants.

Notification and application information, an online comment form, and links to additional information regarding the land exchange were provided on the City of Vancouver Rezoning Centre webpage (vancouver.ca/rezapps).

Public Comments – Should Council refer this report to a Public Hearing, any further comments received from the public will be summarized and brought to the Public Hearing.

PUBLIC BENEFITS

In response to City policies which address changes in land use and density, this application, if approved, can be expected to realize 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 (social/non-profit) housing and engineering infrastructure. The subject site is in the Downtown South DCL District where the rate for residential and commercial uses developed at a density greater than 1.2 FSR is \$189.95/m² (\$17.65/sf).

It is anticipated that the new floor area of 33,444 m² (360,000 sq. ft.), including the secured market rental housing, that is associated with the proposed tower will generate DCLs of approximately \$6,354,000.

DCLs are payable at building permit issuance and are subject to an annual inflationary adjustment on September 30th of each year. When a DCL By-law with higher rates is introduced, a number of rezoning, development permit and building permit applications may be at various stages of the approval process. An application may qualify as an in-stream application and therefore may be exempt from DCL rate increases for a period of 12 months from the date of DCL Bylaw rate amendment provided that it has been submitted prior to the adoption of such DCL By-law rate adjustment. If a related building permit application is not issued within the 12-month period, the rate protection expires and the new DCL rate will apply.

Public Art Program – The Public Art Policy for Rezoning Development requires that rezonings involving a floor area of 9,290.0 m² (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 m². With 33,444 m² (360,000 sq. ft.) of new floor area proposed in this rezoning, a public art budget of approximately \$651,600 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 30th of each year.

Offered Public Benefits

Rental Housing (508 Helmcken Street) – As part of the proposed development, up to 110 units of secured market rental housing (non-stratified) are proposed. This application has not come in under the City’s rental housing incentive programs, and no incentives are being requested. The public benefit accruing from these units is their contribution to Vancouver’s secured market rental housing stock for the life of the building or 60 years, whichever is greater. The creation of additional secured market rental housing stock is a critical objective of the *Housing and Homelessness Strategy 2012-2021*. If this rezoning application is approved, the rental housing will be secured through a Housing Agreement with the City and covenants would be registered on title to preclude the stratification and/or separate sale of individual units.

Community Amenity Contribution (CAC) – In the context of the City’s Financing Growth Policy, an offer of a Community Amenity Contribution from the owner of a rezoning site to address the impacts of rezoning can be anticipated. Such a CAC is typically made through the provision of either on-site amenities or a cash contribution towards other public benefits in the neighbourhood. Contributions are negotiated and are evaluated by staff in light of the increase in land value expected to result from rezoning approval.

Value of CAC Offering: As part of this rezoning application for 508 Helmcken Street, the applicant has offered a CAC package, valued at \$25 million. The CAC package consists of:

In-kind CAC – \$24 million towards the estimated \$30.6 million construction cost of the completed social housing building, with 162 residential units, at 1099 Richards Street (a total of 8,358 m² (89,965 sq. ft.) of built floor space) and

- Cash CAC – \$1 million contribution to the City’s Affordable Housing Reserve to fund the City’s and the Society’s project management and related legal fees, tenant relocation, and administrative expenses relating to the project.

For a large rezoning where a negotiated CAC approach is being taken, the longstanding goal of the City has been to capture a value which approximates 75% of the land lift resulting from the rezoning in order to pay for public amenities associated with pressures related to development. In this case, due to the requirement to have Council reconsider the rezoning, data is available which demonstrates the increase in land value since the CAC was negotiated and the prior rezoning approved by Council.

The City’s annual report titled “2013 Annual Report on Community Amenity Contributions and Density Bonusing”, dated October 16, 2014, can be found on the City website at: (<http://former.vancouver.ca/ctyclerk/cclerk/20150121/documents/ptec4.pdf>). Table 3 of that report provides a summary of large development CACs negotiated and approved by Council in 2013. As noted in the report, the 508 Helmcken Street rezoning generated the highest CAC of all the large developments approved by Council in 2013. The significant project-to-project variation in the value of public benefits provided is due to the widely variable scope of rezonings; the kind of development (strata versus rental versus commercial versus industrial), differences in existing zoning/land use; proposed uses, density and heights; and, other factors which influence the nature and amount of public benefit offered.

As part of the negotiation, in addition to the \$25 million CAC, approximately \$7M was allowed for development cost escalation in consideration of Brenhill not being able to commence

construction of the market development on the 508 Helmcken site until after the New Jubilee Housing was built and Jubilee House residents moved over. Only after fulfilling these obligations would the City consider transferring its title to the Helmcken Site. This value plus the CAC amount represents approximately 72% of the land lift based on the 2015 Property Assessment value published by BC Assessment at \$59.4M. This represents a \$44.4M increase in value above the \$15M sale price as a result of the rezoning of the Helmcken site.

Implications/Related Issues/Risk (if applicable)

Financial

There are two significant categories of public benefits associated with this rezoning – the developer contributions (DCLs, public art contributions and CACs) and the elements behind the overall framework of the land exchange and housing amenities related to the rezoning.

The subject site is in the Downtown South DCL District and the DCLs anticipated for the rezoning as proposed total approximately \$6,354,000. DCLs are payable at building permit issuance and are subject to an annual inflationary adjustment on September 30th of each year.

If the rezoning application is approved, the applicant will be required to provide public art on site, or make a cash contribution to the City for off-site public art, at an estimated value of \$651,600.

The CAC as described in the previous section is valued at \$25 million with \$24 million being attributed to the social housing amenity to be built at 1099 Richards Street and \$1 million being payable to the City's Affordable Housing Reserve for the City's and the 127 Society's project management, related legal fees, tenant relocation and other administrative expenses. In addition to the value of the CAC, the City has also enabled the construction of 110 secured market rental housing units (secured for 60 years or the life of the building, whichever is greater) which is recognized by Council as an amenity which contributes to enhanced housing affordability in the city.

The key terms of the innovative framework for the land exchange and social housing amenity have been outlined in earlier sections of the report. This series of agreements between the City and Brenhill, and the City and The 127 Society for Housing has resulted in a significant deliverable for the City contributing to the achievement of key housing goals laid out in the *Housing and Homeless Strategy - 2012-2021* and passed by Council in 2011. The agreements are the result of a series of negotiations.

The rezoning and the land exchange series of agreements achieved the following:

- Deliverable: An overall contribution of 272 units of affordable housing – 110 units of market rental and 162 units of social housing – in the Downtown South, an area of the city where there is a significant shortage of reasonable quality affordable housing for low to medium income households and where there is a significant number of homeless people.
- Opportunity to unlock potential of the City land at 508 Helmcken Street: The unique situation of Brenhill's landholding across the street from Jubilee House presented an

opportunity for the City to negotiate an agreement for surrender of the long term lease at 508 Helmcken Street with The 127 Society for Housing, which ran through to 2046 (31 years remaining). This provided the opportunity for The 127 Society for Housing and their low income residents of Jubilee House to relocate across the street, still in their local community, and with enhanced living conditions, allowing the current Jubilee House site to be sold, rezoned and generate a CAC to fund construction of the new and expanded social housing facility on 1099 Richards Street, a site which had significantly less development potential.

- Financing Costs: The construction of all the units of affordable housing which are associated with the rezoning and the land exchange agreement will occur with no necessity for the City to advance any cash or funds, no need to incur any debt or any debt related financing costs.
- Risk Transfer:
 - All development and financial risks for the market rental and social housing will be carried by the developer.
 - The contribution of the City for the 162 units of new social housing (\$6.6 million resulting from the exchange of lands and \$24 million as the in-kind CAC from the rezoning) has been capped at \$30.6 million, representing a total cost of \$189,000/unit, including the cost of significant amenity space in the social housing building such as rooftop patio with urban agriculture, community kitchen, community gathering space and dining area, and a library.
 - The timing risks and any associated costs related to delays beyond the proposed schedule contained in the agreement will be carried by the developer.
 - The City will continue to own the land at 508 Helmcken Street until the social housing is built and occupied on Brenhill's site at 1099 Richards Street at which time the social housing and the land on which it is built will be transferred from the developer to the City and the land at 508 Helmcken Street will be transferred from the City to the developer for further development, including 110 secured market rental housing units.
- Value for Money: As in any complex negotiation for a needed deliverable, the results of the negotiation have elements which can be readily evaluated and other elements which are significant in their impact but more difficult to quantitatively value. The key criteria related to evaluating the innovative transactions designed to bring on-stream units of affordable housing in the absence of equity from senior levels of government is the ability to:
 - Transact responsibly in the context of market metrics:
 - The price assigned to the land in 2012 was based on data considered by the Director of Real Estate emanating from various sources including: BC Assessment data; commercial MLS and residential MLS sales data; services such as MPC Intelligence (which specializes in new development sales pricing); RealNet, a nationwide database that records all land transactions for commercial and residential transactions;
 - Realization of the development potential on 508 Helmcken Street through the negotiation with 127 Society for Housing 31 years prior to the end of their lease agreement in 2046 represents a benefit of approximately \$13.8 million to the City;

- The replacement of the existing Jubilee House avoids the necessity of investing in capital rehabilitation which has been estimated in the immediate term at between \$1.5 and \$2.0 million, based on 2012 costs, as estimated by BC Housing.
- Transfer as much development risk, financial risk and timing risks:
 - As noted above there has been almost a complete risk transfer to the developer.
 - The City's contribution is capped and early indicators from Quantity Surveyor work indicates that the cost to the developer has already increased beyond this cap;
 - There is no need for any cash funds to flow from the City - if the City were to have to borrow funds for the land purchase and construction of the social housing project, the annual debt servicing (principal + interest) would be approximately \$4.9 million/year for 10 years.
 - The City is not required to arrange any financing for the site, BC Housing has agreed to transfer their mortgage with The 127 Society for Housing to the new site.
- Achieve cost savings through the public private partnership:
 - Based on the fixed price contract with Brenhill, the unit cost for the social housing at \$189,000 per unit, inclusive of amenity space (for example, community kitchen, community gathering space and dining area, and a library) is very competitive compared to other projects built in the past by the City.
- Structure the transaction to ensure the incentives align with delivery of the public amenity as a first priority:
 - As can be seen above, the social housing will be built and occupied before Brenhill is able to commence development on 508 Helmcken Street.

CONCLUSION

Staff assessment of this rezoning application has concluded that the proposed land uses, density and height are supported, and that the public benefits of this project would provide a significant contribution towards the targets set in the Downtown South Public Benefits Strategy and would result in significant progress towards the City's housing 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 G.

* * * * *

**508 Helmcken 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.

[Schedule A is a map that will be prepared for the draft by-law, and 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 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) Dwelling Uses;
 - (b) Institutional Uses, limited to Child Day Care Facility;
 - (c) Retail Uses, limited to Grocery or Drug Store and Retail Store;
 - (d) Service Uses, limited to Barber Shop or Beauty Salon, Beauty and Wellness Centre, Laundromat or Dry Cleaning Establishment, Photofinishing or Photography Studio, Repair Shop - Class B, Restaurant - Class 1; and
 - (e) Accessory Use customarily ancillary to any use permitted by this section.

Conditions of Use

- 3.1 The design and lay-out of at least 25 % of the dwelling units must:
- (a) be suitable for family housing;
 - (b) include two or more bedrooms; and
 - (c) comply with Council's "High Density Housing for Families with Children Guidelines".

Density

- 4.1 For the purposes of computing floor space ratio, the site is deemed to be 1,945.8 m² [20,945 sq. ft.], being the site size at the time of application for rezoning, prior to any dedications.
- 4.2 The floor space ratio for all uses must not exceed 17.19.
- 4.3 Floor area for retail and service uses must not exceed 464.5 m² [5,000 sq. ft.].
- 4.4 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.
- 4.5 Computation of floor area 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 must not exceed 12 % of the residential floor area; and
 - (ii) the balconies must not be enclosed for the life of the building.
 - (b) patios and roof gardens only 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 the base surface, except that the exclusion for a parking space must not exceed 7.3 m in length; and
 - (d) 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 will be no exclusion for any of the residential storage space above base surface for that unit.
- 4.6 Computation of floor area may exclude amenity areas, at the discretion of the Director of Planning or Development Permit Board, except that the exclusion must not exceed the lesser of 20 % of the permitted floor area or 929 m².
- 4.7 The use of floor area excluded under section 4.5 or 4.6 must not include any purpose other than that which justified the exclusion.

Building height

- 5.1 The building height, measured above base surface, must not exceed 97.5 m [320 ft.] except that the building must not protrude into the approved view corridors, as set out in the City of Vancouver View Protection Guidelines.

Horizontal Angle of Daylight

- 6.1 Each habitable room must have at least one window on an exterior wall of a building.
- 6.2 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.
- 6.3 Measurement of the plane or planes referred to in section 6.2 must be horizontally from the centre of the bottom of each window.
- 6.4 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.
- 6.5 An obstruction referred to in section 6.2 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 (___).
- 6.6 A habitable room referred to in section 6.1 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

- 7.1 All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of dwelling units listed below do not exceed the noise level set opposite such portions. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and is defined simply as noise level in decibels.

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

* * * * *

**508 Helmcken 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 GBL Architects, and stamped “Received City Planning Department, April 26, 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 General Manager of Planning and Development Services, who shall have particular regard to the following:

Urban Design

Tower

1. Design development to accommodate the Downtown South public realm setbacks and hard and soft landscape treatment, extending at least 16.8 m (55 ft.) from the corner of Richards Street.

Note to applicant: Intent is to provide room for the characteristic street interface for this neighbourhood, which includes a double row of street trees, and to ensure sufficient pedestrian-oriented space on both sides of this significant location on the intersection of two bikeways and two vehicle roadways. See also Landscape conditions regarding a more active character for the exterior design. See Downtown South design guidelines.

2. Design development to the upper portion of the tower to enhance its architectural contribution to the city skyline, and to visually distinguish the uppermost floors from the rest of the building.

Note to applicant: As this proposal is designed to just under the view cone line, the top of the tower will be readily visible from distant locations. Further design development should consider reducing the height of some portions of the perimeter to be notably lower than others, by setting back or terracing the upper floors, or some combination thereof. Consideration should be given to massing changes that will also reduce the length of shadowing and the apparent height as seen from the park. Note that service equipment including window washing apparatus, cell towers or antennae cannot extend into the view cone.

3. Design development to reduce the apparent visual mass of the tower through exterior design, composition, and finishes.

Note to applicant: Consider the use of graduated changes to balconies, colours and materials in the vertical axis, or similar visual effects to support the vertical massing elements proposed and to reduce the apparent size of the floor plates.

4. Consideration to locate residents' bulk storage below grade, to limit the size of the tower.

Base

5. Provision of commercial space on grade on Richards Street and facing onto Emery Barnes Park.

Note to applicant: Intent is to create a more active space that can serve the general public, and to maximize the opportunity of this corner that is unique in terms of sunlight and expected pedestrian traffic. This can be accomplished by replacing the proposed townhouses on Richards Street with commercial retail space. The commercial space should be designed to accommodate food service or a small restaurant, with provision for outdoor patio space on the site.

6. Substantial reduction in the amount of private entrance and lobby space occupying the building along the ground floor, especially at the intersection of Richards and Helmcken streets.

Note to applicant: Intent is to limit the amount of passive circulation space located adjacent to the public realm interface, to allow more active uses to face the sidewalk.

7. Design development to provide variety and interest to the architectural expression of the building with high quality durable materials that will contribute to the character and quality of the area.

Note to applicant: A high quality development that establishes a robust compatible character with the existing neighbourhood fabric is sought.

8. Design development to the ground-oriented storefront, display and weather protection to ensure variety and pedestrian interest in the expression of tenancies along the street frontages.

Note to applicant: Continuous weather protection should be provided.

9. Provision of a signage strategy to ensure a well-conceived approach to announcing the various tenancies.

Note to applicant: Strategy should confirm signage hierarchy, location and type in a separate package from the drawing set, provided for reference. Back-lit box signs

are not supported. The strategy should demonstrate a fine-grained and creative approach that reflects this unique location.

Sustainability

10. 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, including at a minimum 63 points in the LEED® rating system, six optimize energy performance points, one water efficiency point, and one storm water point.

Note to applicant: Provide a LEED® checklist confirming the above and a detailed written description of how the above-noted 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.

Crime Prevention Through Environmental Design (CPTED)

11. 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. Consultation with the social housing operators and Park Board staff with experience of the more specific CPTED risks in this area is recommended, and should be included the response to this condition.

Landscape

12. Design development to Helmcken Street and Richards Street to provide a high quality public realm that includes the Downtown South/ New Yaletown design standards and a double row of street trees at grade (applicable to building setback portions only).

Note to applicant: The water feature, as proposed, should be deleted. The underground slab at or near the property lines to angle down to provide contiguous soil volumes for the inside row of trees or landscaping on private property.

13. Further design development to the south and west side of the building (at grade) to respond to the anticipated programming opportunities, the park context, circulation, ownership and demarcation of property lines.

Note to applicant: In addition to activities associated with the site, the west lane and possibly a portion of the south edge should be open and accessible for pedestrians on- and off-site, including circulation to and from the park to the adjoining street. For the northern portion of the west lane, pedestrian safety and traffic calming measures need to be considered. The relationship to the park requires improvement. The area south of the bollards in the west lane and the connections to the park should be pedestrian oriented, enhanced with special paving, layered planting and trees. The south side perimeter should be pedestrian oriented and relate to the specific programming of the adjacent uses, including the school. There is an opportunity for café seating and a patio that takes advantage of the adjacent park amenity. Careful attention will be needed to ensure that the overall approach to edge definition between the public park, Richards Street and private property is consistent with the intended use while clearly demarcating ownership. Incorporate additional planting where circulation is not necessary. Landscape materials should be informed by, and compliment, the park.

14. Provision of enlarged details and a maintenance plan to ensure the success of the proposed trees shown on the high rise balconies.

Note to Applicant: While the provision of permanent landscaping on patios and planters is supported, there are concerns about the limitations of soil volume related to the size of planters and lack of access to the patios for periodic maintenance. Further details of the proposal need to be provided.

15. Site utilities and vents to be located on private property and integrated discreetly into the building, avoiding landscaped and common areas.
16. At time of development permit application, the following:

- (a) Provision of a detailed Landscape Plan illustrating soft and hard landscape treatment.

Note to applicant: The Landscape plan should include a planting plan listing common and botanical name, size and quantity of all existing/ proposed plant material. Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. Illustrate and clarify all outdoor surface/paving materials, site furniture, bicycle racks, lighting, trash receptacles, hose bibs, signs, retaining wall treatment, anti-skateboard guards (where applicable), parking vents, at-grade utilities, and public realm (building edge to the curb, street trees, lamp posts, fire hydrants, sidewalk treatment).

- (b) Provision of a Tree Plan, including a strategy to retain/protect existing street trees and trees in the park.

Note to applicant: On busy commercial streets, site security fencing and construction staging may serve as tree protection. Existing street trees should be retained within the public realm. In the event that street trees require removal, new street trees must be provided. Contact Eileen Curran, Streets Engineering (604.871.6131) and Park Board (604.257.8587) for street tree

information. New street tree planting should include 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 caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches in depth. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion”.

- (c) Provision of large-scale sections [typical] through the landscaped areas, including the ground-oriented residential interface, the slab-patio-planter relationship, the double row of street trees, the lane interface, common areas and upper storey planters.

Note to applicant: The sections should include the planter materials, tree canopy, tree stem, outline of the root ball, voiding, built up membrane and dimensions.

- (d) Provision of spot elevations to all outdoor areas (including top/ bottom walls), including off-site context spot elevations in proximity (such as the park, public sidewalks, inner boulevards and lanes).

- 17. Provision of adequate soil volumes and depths for planting on slabs and in planters.

Note to applicant: To ensure the long term viability of planting in non-continuous growing medium, soil depths must meet or exceed BCLNA planting standards. At the edges, new slabs should angle down to provide deeper soils.

- 18. Provision of an efficient irrigation system for all common outdoor planters (existing and new) and individual hose bibs to be provided for all patios of $m\ 9.3\ m^2$ (100 sq. ft.) or greater in size. Specification notes and irrigation symbols to should be added to the drawing.

Engineering

- 19. 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 Operations and Passenger Loading Management Plan, to the satisfaction of the Director of Planning in consultation with the General Manager of Engineering Services, from the operator of the proposed Montessori School which addresses but is not limited to how and where school children will be picked up and dropped off, where parents arriving by bike will unload their children including designated school drop-off spaces and expected pick up and drop off times.

- (b) Provision of on-site passenger loading spaces for use by the Montessori School, to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: Consideration should be given to the provision of wider passenger loading spaces to facilitate faster and easier vehicle manoeuvring into and out of the space and reduced delays for residents who must drive past these spaces to exit.

- (c) The following are related to the parking ramp:

- i. Provide design elevations on both sides of the parking ramp at all break points and clarification of the length of ramp at the specified slope.
- ii. Modify the parking entry ramp, to the satisfaction of the General Manager of Engineering Services, to provide adequate space for independent vehicle access to and from the parking ramp into the lane.

Note to Applicant: A corner-cut for the outbound vehicle will be required. Please clearly show turning swaths of vehicles indicating independent two-way access.

- iii. Provision of overhead doors at the rear of each loading space to ensure ease of furniture or goods movement particularly for the northerly loading space.

Note to applicant: Consideration to provide additional height and depth for the loading spaces beyond by-law obligations to accommodate SU9 vehicles is recommended.

- iv. Provision of 2.7 m x 2.7 m (approximately 9 ft. X 9 ft.) corner cuts to enable unimpeded movement of two vehicles to pass one another through right angled turns in the parkade where 200 or more vehicles are served.
- v. Clarify the proposed Class A bicycle spaces for the school and clearly identify them as being for the school and ensure they are located on the P1 parking level.

- (d) The following comments are related to the operation of the closed lane and are intended to ensure the closed portion of lane provides the operational needs of all users.

- i. Provide an appropriate number and type of bollards located to allow convenient pedestrian and cycling access through the bollards while limiting vehicular access to only those permitted beyond them. Note that the bollards should be located further south to ensure access to and from the loading bays. Please show turning swaths for vehicles using the loading bays.

- ii. Provide detailed technical information about the proposed telescoping bollards in the lane and make arrangements to the satisfaction of the General Manager of Engineering Services and Director of Legal Services for their maintenance, repair and operation.

Note to applicant: Provide clarification on how the bollards will function, i.e., are they intended to be operated manually? The provision of lockable flip-down and/or removable bollards may be required as telescoping bollards may impact underground utilities.

- iii. Redesign of the on-site garbage room is required; access is not possible as shown.

Note to applicant: Please provide written confirmation that a waste hauler can access and pick up from the garbage storage location. Pick up operations should not rely on bins being stored on the street or lane for pick up; bins are to be returned to storage areas immediately after emptying.

- (e) The following note is to be placed on the landscape and site plans: This plan is Not For Construction of any public property facilities. A minimum of 8 weeks prior to the start of any construction on public property a landscape plan must be submitted to Engineering Services for review. No work on public property may begin until such plans receive “For Construction” approval and related permits are issued. Please contact Frank Battista at 604.873.7317 or Kevin Cavell at 604.873.7773 for details.
- (f) Requirements regarding the proposed sub-ground parking structures below sewers infrastructure in the lane West of Richards are as follows:
 - i. No sewer pipes should sit directly on top of the parking structure roof.
 - ii. There must be suitable protection in the roof structure to ensure that groundwater from the trench zone (or from leaky pipe joints) does not penetrate the roof.
 - iii. The pipe(s) must also be located in suitable aggregate backfill with adequate clearance between pipe and roof to allow the City to safely excavate and replace/repair in the future without undue risk of damaging the roof. The minimum adequate clearance is 300 mm from the outside bell invert of the lowest pipe to the nearest development structural boundary. Provision of a sacrificial concrete slab is recommended between the parkade structure and the utilities.

Social Infrastructure

- 20. Design development to ensure that a minimum of 25 percent of the proposed rental units be designed to be suitable for families with children.

21. Design development of the second-floor indoor amenity room to include a kitchenette and storage space, and accessible WC with change table.
22. Design development of outdoor amenity at rooftop level to include shared garden plots, tool storage, a potting bench, a compost bin for yard waste, and hose-bib.

CONDITIONS OF BY-LAW ENACTMENT

While By-law 10870 was quashed, the rezoning conditions set out below were considered at the previous Public Hearing and were fulfilled by the rezoning applicant prior to enactment of By-law 10870. Legal agreements securing these conditions were entered into and registered on title, where applicable. Notations have been provided below each condition providing details on how each condition was satisfied.

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

Engineering

1. The City of Vancouver to close, stop-up and convey to the owner of the adjacent property (508 Helmcken Street) the lane west of Richards Street and southerly from Helmcken Street, dedicated by the deposit of Plan 210; and that part of Lot A in Plan BCP9161 established as lane south of Helmcken Street westerly from Richards Street. The lane closure and conveyance will be subject to below noted conditions 2, 3, 4, 5, 6, 8, 9, and 10 and any additional conditions established by Council in the Administrative Report to Council for the lane closure and conveyance.

Note to applicant: There will be significant impact on utility infrastructure; the applicant must consult with all affected outside utility companies (including BC Hydro, Telus and Fortis BC) to determine their requirements for closure of the lane and relocation or retention of all of the utilities infrastructure. A written response from each utility company is required.

Note to applicant: Should utility retention/installation be proposed for any or all of the utilities in the closed portion of the westerly lane then provision of a design profile of the westerly lane (parallel to Richards Street) is required to show the top of the underground structure relative to all utility infrastructure.

Form 17 - to raise title to the lane, registered on February 13, 2104 under number CA3591348 (the actual conveyance to Brenhill has not taken place as it is a condition of the Land Exchange Contract that the Helmcken

property including lanes be transferred to Brenhill once all the conditions set out in the Land Exchange Contract are met).

2. Provision of a Statutory Right of Way in favour of the City for utility purposes, over all of the westerly lane to be closed, for any City utilities to be retained or new City utilities requiring use of the westerly lane to be closed. The Statutory Right of Way agreement is to contain provisions for modification such that the Statutory Right of Way area can be reduced to the volumetric space required to accommodate the City utilities. Please see condition (b) 19 (f) for design criteria for the portions of the parkade proposed within the lane.

A Statutory Right of Way, and Section 219 Covenant for City Utilities- was registered at the LTO on February 13, 2 014 under numbers CA3591353 and CA3591354 [SRW Plan EPP34604].

3. Provision of a Statutory Right of Way in favour of non-City utility companies, over all of the westerly lane to be closed, for any non-City utilities to be retained or new non-City utilities requiring use of the westerly lane to be closed. The Statutory Right of Way agreement is to contain provisions for modification such that the Statutory Right of Way area can be reduced to the volumetric space required to accommodate the non-City utilities.

This condition has been satisfied by way of a No Development Covenant registered against title on February 13, 2014 under number CA3591351.

4. Provision of a surface Statutory Right of Way over the westerly lane to be closed for public non-vehicular access to the adjoining park site. The owner is to maintain the surface of the westerly lane.

SRW, Section 219 and Equitable charged registered on February 13, 2014 under numbers CA3591355-CA3591358, inclusive - Walkway - [SRW Plan EPP34604].

5. Provision of a legal agreement to ensure continued pedestrian and vehicle access (passenger pick- up and drop-off, and garbage and loading) over the westerly lane to be closed for Brookland Court (Lots 1 and 2 Block 94 Plan 210; 540 Helmcken Street). The agreement is to include provisions such that the Statutory Right of Way or easement area may be reduced to accommodate the ultimate configuration of the access.

Easement and Section 219 Covenant registered on February 13, 2014 under numbers CA3591371 and CA3591372 [Plan EPP34604]- Passenger pick-up/drop-off; garbage & loading.

6. Provision of a surface Statutory Right of Way over the westerly lane to be closed and the southerly lane to be closed for 24/7 municipal maintenance-vehicle access to the fountain and pump room in the adjacent park site. The agreement is to include provisions such that the Statutory Right of Way area

may be reduced to accommodate the ultimate configuration of the access. The owner is to maintain the surface of the southerly lane and the westerly lane.

SRW, Section 219 Covenant and Equitable Charge registered on February 13, 2014 under numbers CA3591360 to CA3591363, inclusive -Vehicle Access/Park Maintenance [SRW Plan EPP34605].

7. Provision of a Statutory Right of Way to accommodate a Public Bike Share (PBS) Station.

Note to applicant: The PBS space is to be a minimum of 15 m x 4 m in size and is to be located to the satisfaction of the General Manager of Engineering Services with a preference to be near the intersection of Helmcken Street and Richards Street or in the new driveway access (midway between Richards and Seymour streets). Placement must consider strong solar exposure and power must be supplied to the PBS.

SRW, Section 219 Covenant and Equitable charge registered on February 13, 2014 under numbers CA3591364 to CA3591367, inclusive for Public Bike Share.

8. Provision of appropriate legal agreements for all building encroachments from the Brookland Court building into the westerly lane to be closed (i.e. cornices, window opening etc.).

Note to applicant: If the garbage chute, described as encroaching into this lane in Easement & Indemnity Agreement J3581, is no longer in use, arrangements should be made for its removal and the release of this charge.

Easement and Section 219 Covenant registered on February 13, 2014 under numbers CA3591369 and to CA3591370 - Encroachment Building [Explanatory Plan of Easement-EPP35586].

9. Provision of a legal agreement to ensure a no-build area over the portion of the westerly lane to be closed adjacent to Brookland Court.

Note to applicant: As a condition of the lane closure and conveyance it will be necessary to make upgrades to address unprotected openings (windows) on the east wall of Brookland Court and such other upgrades as may be required by the Chief Building Official to ensure compliance with the Vancouver Building By-law. These upgrades will be at the cost of Brenhill Developments Ltd.

This condition has been satisfied by way of a No Development Covenant registered against title on February 13, 2014 under number CA3591351.

10. Consolidation of Lots 34 to 38, Block 94, DL 541, Plan 210, and the two portions of closed lane to form a single parcel.

Application to Deposit Reference Plan EPP35544 registered on February 13, 2014 consolidating lots and lane.

11. De-commissioning of the existing anchor rods in the street and lane (see Easement & Indemnity Agreement P10797 and Equitable Charge P10798) to the satisfaction of the General Manager of Engineering Services and the discharge of the agreement prior to occupancy.

Dealt with by way of a letter from Brenhill to Engineering agreeing to Decommissioning Existing Anchor Rods prior to occupancy.

12. Clarification of garbage storage and pick up practices of the Brookland Court building and provision of improvements to the garbage storage and pick up practices such that they do not interfere with the access to and from 508 Helmcken Street parking and loading access and operations. Arrangements for appropriate legal agreements will be required if alternate garbage storage or pick-up space are required within 508 Helmcken Street.

Note to applicant: Please consult with Brookland Court to determine if there are any on-site storage areas in the Brookland Court building. Should there not be adequate space at Brookland Court the applicant is to provide appropriate space within 508 Helmcken Street for this purpose.

This condition has been satisfied by way of a No Development Covenant registered against title on February 13, 2014 under number CA3591351.

13. Provision of adequate pick-up, drop-off and turnaround for all required vehicles servicing Brookland Court. Consultation with Translink, HandyDart users (Brookland Court), service providers and the City is required. Arrangements for appropriate legal agreements will be required if turn around space is required within 508 Helmcken Street.

This condition has been satisfied by way of a No Development Covenant registered against title on February 13, 2014 under number CA3591351.

14. 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 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) Provide traffic-signal upgrades at the intersection of Helmcken and Richards Streets for the Comox-Helmcken Greenway to the satisfaction of the General Manager of Engineering Services.
 - (b) Provide pedestrian count-down timers and audible signals at the intersection of Helmcken and Richards streets.

- (c) Provision of a standard concrete lane crossing at the lane west of Richards Street on the south side of Helmcken Street.
- (d) Provision of standard Downtown South sidewalk treatments adjacent the site.

Note to applicant: Sidewalk widths and patterns, consistent with the adjacent sidewalks at Emery Barns Park and following the Downtown South guidelines, are required.

This condition has been satisfied by way of a No Development Covenant registered against title on February 13, 2014 under number CA3591351.

- 15. 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 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.

This condition has been satisfied by way of a No Development Covenant registered against title on February 13, 2014 under number CA3591351.

- 16. Provision of upgrade to the sanitary sewer to serve the site. Upgrade of the existing sanitary sewer on Richards Street from Helmcken Street to Davie Street is required.

Note to applicant: A reduction in the sewer upgrading costs borne by this project may be granted should benefiting nearby development proceed concurrently with this project, with the said reduction to be determined at the sole discretion of the General Manager of Engineering Services.

This condition has been satisfied by way of a No Development Covenant registered against title on February 13, 2014 under number CA3591351.

- 17. 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.

This condition has been satisfied by way of a No Development Covenant registered against title on February 13, 2014 under number CA3591351.

Community Amenity Contribution (CAC)

18. Prior to enactment, provide the City:

- (a) an in-kind CAC consisting of a standalone building at 1099 Richards Street, containing 162 units of social housing and a total floor area of 8,358 m² (89,965 sq. ft.), all to be designed, constructed and finished by the applicant in turn-key condition; and

This condition has been satisfied by way of a No Development Covenant registered against title on February 13, 2014 under number CA3591351.

- (b) a \$1,000,000 cash contribution, to be allocated to the Affordable Housing Fund, to be used to fund the project management and related legal, tenant relocation, and administrative expenses associated with the development of the site at 1099 Richards Street.

Paid prior to enactment.

Housing Agreement

19. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services to enter into a Housing Agreement securing 110 residential units with a minimum total area of 5,900 m² (63,512 sq. ft.), and related parking and other amenity space, for 60 years or the life of the building, whichever is greater, as rental housing, and subject to the following additional conditions in respect of those units:
- (a) that all such units will be contained within a separate air space parcel;
 - (b) that such air space parcel may not be subdivided by deposit of a strata plan;
 - (c) that none of such units may be separately sold;
 - (d) that none of such units will be rented for less than one month at a time;
 - (e) at least 26 of the 110 units will be two bedroom units; and
 - (f) no occupancy permit will be issued for the market residential units to be sold until the occupancy permits for all the market rental units have been issued.
 - (g) on such other terms and conditions as the Managing Director of Social Development and the Director of Legal Services may in their sole discretion require.

Note to applicant: This condition to be secured by a Housing Agreement to be entered into by the City by by-law enacted pursuant to section 565.2 of the Vancouver Charter.

This condition has been satisfied by way of a No Development Covenant registered against title on February 13, 2014 under number CA3591351.

Public Art

20. 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

This condition has been satisfied by way of a No Development Covenant registered against title on February 13, 2014 under number CA3591351.

Soils Agreement

21. If applicable:

- (a) Submit a site profile to the Environmental Protection Branch (EPB);
- (b) As required by the Manager of Environmental Protection 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 Protection 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 Protection, City Engineer and 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.

Agreement not required.

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.

* * * * *

**508 Helmcken Street
CONSEQUENTIAL AMENDMENTS**

DRAFT AMENDMENTS TO THE SIGN BY-LAW No. 6510

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

“508 Helmcken Street[CD-1#] [By-law #] B (DD)”

ENACTED BY-LAWS

- Sign By-law — By-law No. 10895
- Noise By-law — By-law No. 10893
- Parking By-law — By-law No. 10894
- Housing Agreement — By-law No. 10869

508 Helmcken Street

BY-LAW NO. 10895

A By-law to amend Sign By-law No. 6510

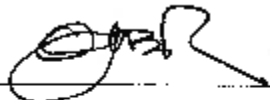
THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. To Schedule E of the Sign By-law, Council adds:

"508 Helmcken Street CD-1 (562) By-law No. 10870 B (DD)"

2. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 1st day of April, 2014



Mayor



City Clerk

508 Helmcken Street

BY-LAW NO. 10893

**A By-law to amend
Noise Control By-law No. 6555**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. To Schedule A (Activity Zone) of By-law No. 6555, at the end, Council adds:

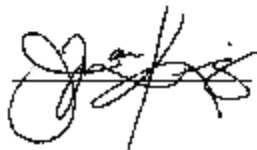
"CD-1 (562) By-law No. 10870 508 Helmcken Street"

2. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 1st day of April, 2014



Mayor



City Clerk

CD-1 District Parking requirements
508 Helmcken Street

BY-LAW NO. 10894

A By-law to amend Parking By-law No. 6059
with regard to CD-1 Districts Parking requirements


THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Parking By-law.
2. To Schedule C, Council adds:


"508 Helmcken Street By-law No. 10870 CD-1 (562) Parking, loading and bicycle spaces in accordance with by-law requirements on March 11, 2014, except that:
 - a) Class A loading spaces are to be provided at a minimum rate of 0.01 space per dwelling unit up to 300 dwelling units, and at a minimum rate of 0.008 spaces per dwelling unit for 300 or more units; and
 - b) Class A passenger spaces for the proposed school use are to be provided at a rate of 1 space for every 8 students."
3. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
4. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 1st day of April

, 2014



Mayor



City Clerk

508 Helmcken Street

BY-LAW NO. 10869

**A By-law to enact a Housing Agreement
for 508 Helmcken Street**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. Council authorizes the City to enter into a Housing Agreement with the owner of certain lands described as:

PID No:

[no PID No. available]

Legal Description:

LOT C
BLOCK 94
DISTRICT LOT 541
GROUP 1 NEW WESTMINSTER DISTRICT
PLAN EPP35544

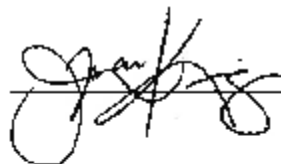
in substantially the form and substance of the Housing Agreement attached to this By-law as Schedule A, and also authorizes the Director of Legal Services to execute the agreement on behalf of the City, and to deliver it to the owner on such terms and conditions as the Director of Legal Services deems fit.

2. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 11th day of March, 2014



Mayor



City Clerk

LAND TITLE ACT

FORM C

(Section 233)

Province of British Columbia

GENERAL INSTRUMENT - PART 1 (This area for Land Title Office Use)

Page 1 of 13 pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

[To be put in e-filing form by the applicant]

Signature of Agent

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(P.I.D.)

(LEGAL DESCRIPTION)

NO PID

Lot C Block 94 District Lot 541 Group 1 New Westminster
District Plan EPP35544

3. NATURE OF INTEREST:*

DESCRIPTION

DOCUMENT REFERENCE
(page and paragraph)

PERSON ENTITLED TO
INTEREST

SEE SCHEDULE

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms

☐ D.F. No.

(b) Express Charge Terms

☒ Annexed as Part 2

(c) Release

☐ There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharge as a charge on the land described in Item 2.

5. TRANSFEROR(S)/CHARGEHOLDER(S):*

CITY OF VANCOUVER

6. TRANSFEE(S):* (including postal address(es) and postal code(s))*

CITY OF VANCOUVER, 453 West 12th Avenue, Vancouver, British Columbia, V5Y 1V4

7. ADDITIONAL OR MODIFIED TERMS:*

N/A

2

8. EXECUTION(S):** This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)	Execution Date			Party(ies) Signature(s)
	Y	M	D	
	14			(As Transferor)
				CITY OF VANCOUVER, by its authorized signatories:
				Name: _____
				Name: _____

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

** If space insufficient, continue executions on additional page(s) in Form D.

Officer Signature(s)

Execution Date

Party(ies) Signature(s)

CITY OF VANCOUVER by its
authorized signatory:

14

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM E
SCHEDULE

4

Enter the Required Information in the Same Order as the Information Must Appear on the Freehold Transfer Form, Mortgage Form or General Document Form.

3. NATURE OF INTEREST:

DESCRIPTION	DOCUMENT REFERENCE (page and paragraph)	PERSON ENTITLED TO INTEREST
Section 219 Covenant	Entire Instrument	Transferee

TERMS OF INSTRUMENT - PART 2

HOUSING AGREEMENT
(508 Helmcken)

Introduction

A. It is understood and agreed that this instrument and Agreement, will be read as follows:

- (i) the transferor, City of Vancouver, is called the "Owner" as more particularly defined in Section 1.1; and
- (ii) the Transferee, City of Vancouver, is called the "City" when referring to corporate entity and "City of Vancouver" when referring to geographic location;

B. The Owner is the registered owner of the Lands; and

C. The Owner made an application to rezone the Lands from existing DD (Downtown) District to CD-1 (Comprehensive Development) District to increase the floor area from 3.0 FSR to 17.19 FSR and the height from 21.3m (70ft.) to 97.5m (320 ft.) to allow for a 36 storey building with 448 residential units, of which 110 are secured market rental, with retail and a private pre-school/kindergarten space at grade on the Lands and after a public hearing to consider the said application, the said rezoning (the "Rezoning") was approved by City Council in principle, subject to, among other things, fulfilment of the condition that, prior to enactment of the amending by-law (the "Rezoning By-law"), the Owner, at no cost to the City:

"Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services to enter into a Housing Agreement securing 110 residential units with a minimum total area of 5,900m² (63,512 sq. ft.), and related parking and other amenity space, for 60 years or the life of the building, whichever is greater, as rental housing, and subject to the following additional conditions in respect of those units:

- (a) *that all such units will be contained within a separate air space parcel;*
- (b) *that such air space parcel may not be subdivided by deposit of a strata plan;*
- (c) *that none of such units may be separately sold;*
- (d) *that none of such units will be rented for less than one month at a time;*
- (e) *at least 26 of the 110 units will be two bedroom units;*
- (f) *no occupancy permit will be issued by the market residential units to be sold until the occupancy permits for all the market rental units have been issued.*
- (g) *on such other terms and conditions as the Managing Director of Social Development and the Director of Legal Services may in their sole discretion require.*

Note to applicant: This condition to be secured by a Housing Agreement to be entered into by the City by by-law enacted pursuant to section 565.2 of the Vancouver Charter."

Consideration

THEREFORE in consideration of the sum of ten dollars (\$10.00) now paid by the City and the Owner to each other and for other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged) pursuant to Section 565.2 of the Vancouver Charter it is agreed as follows:

Terms of Agreement

1. **DEFINITIONS.** The terms defined in this Section 1 for all purposes of this Agreement, unless specifically provided in this Agreement, will have the following meanings hereinafter specified. The defined terms are:

- (a) **"Agreement"** means this housing agreement and building use covenant, including the foregoing recitals;
- (b) **"Building"** means:
 - (i) any building or structure used, occupied or constructed on the Lands at any time following the date this Agreement is fully executed and includes any portion of such building or structure; and
 - (ii) any existing building or structure on the Lands;that the Director of Legal Services determines is not installed on an interim or temporary basis;
- (c) **"City Personnel"** means the City's elected officials, officers, employees, contractors, subcontractors, agents, licensees, invitees, and permittees;
- (d) **"Development permit"** means any development permit issued by the City to enable development of the lands as contemplated by the Rezoning, as the same may be amended from time to time;
- (e) **"Director of Legal Services"** means the chief administrator from time to time of the Legal Services Department of the City and her successors in function and their respective nominees;
- (f) **"Land Title Act"** means the Land Title Act, R.S.B.C. 1996, c. 250, and amendments thereto and re-enactments thereof;

- (g) "Lands" means the parcel of land situated in the City of Vancouver, Province of British Columbia described in Item 2 of the General Instrument Part I and includes any parcel into which such land is consolidated or further subdivided;
- (h) "LTO" means the land title office for the jurisdiction in which the Lands are situate;
- (i) "Managing Director of Social Development" means the chief administrator from time to time of the City's Social Development Department and his/her successors in function and their respective nominees;
- (j) "Occupancy Permit" means a permit issued by the City authorizing the use and occupation of any Building, development or partial development on the Lands;
- (k) "Owner" means the Transferor, City of Vancouver and includes any and all of its respective assigns and successors as registered or beneficial owner of the Lands or any part thereof;
- (l) "Rental Purposes" means the use of a Rental Unit (which will not be occupied by the registered or beneficial owner of same but which is made available by such owner to the general public, at arm's length) for residential accommodation only and for a period of not less than one (1) month, all in accordance with this Agreement, reasonable prudent landlord-tenant practices for rental residential accommodation and any and all law applicable thereto, including without limitation, residential tenancy and human rights legislation in British Columbia;
- (m) "Rental Unit Parcel" means one legal titled air space parcel which contains all of, and only, the Rental Units other than any related common service and amenity area and systems and including without limitation parking for the Rental Units;
- (n) "Rental Units" means a minimum of one hundred and ten (110) new residential dwelling units with a total area of at least 5,900 square metres (63,512 square feet) to be constructed in the Rental Unit Parcel in the Building, as contemplated by the Rezoning, and at least 26 of the said 110 units must be two (2) bedroom units and "Rental Unit" means any one of them, and those terms include each and all such dwelling units constructed in a replacement building on the Lands;
- (o) "Rezoning" means the rezoning described in Recital C of this Agreement;
- (p) "Rezoning By-law" means the rezoning by-law relating to the Lands as described in Recital C;
- (q) "Term" means the period from the date this Agreement is registered in the LTO until the date which is 60 years from the date on said registration or the life of the Building whichever is greater; and

- (r) "Vancouver Charter" means the *Vancouver Charter S.B.C. 1953, c. 55*, as amended or replaced from time to time.

2. **RESTRICTIONS ON USE AND SUBDIVISION.** The Owner agrees that:

- (a) the Lands and the Building will not be used in any way that is inconsistent with the terms of this Agreement;
- (b) all of the Rental Units will be located within the Rental Unit Parcel;
- (c) the Rental Units will be used throughout the Term for Rental Purposes only;
- (d) it will not suffer, cause or permit, beneficial or registered title to any Rental Unit in the Rental Parcel to be sold or otherwise transferred individually or jointly with one or more other Rental Units unless beneficial or registered title to all of the Rental Units in the Rental Parcel are sold or otherwise transferred together and as a block to the same beneficial and legal owner, and unless such transferee concurrently enters into an assumption agreement satisfactory to the City whereby it agrees to be and thereafter remain bound by each and every term and condition of this Agreement applicable to the Owner;
- (e) subject to Section 3, it will not suffer, cause or permit the Building to be subdivided by strata plan or air space plan without the prior written consent of the City, which consent the City may arbitrarily withhold;
- (f) that any sale of a Rental Unit in contravention of the covenant in Section 2(d), and any subdivision of the Rental Unit Parcel or the Building or any part thereof, in contravention of the covenant in Section 2(e), will in each case be of no force or effect, and the City will be entitled to the cancellation of the registration of any offending transfer of title or plan, as the case may be, at the Owner's expense;
- (g) at least twenty-six (26) of the Rental units will be two (2) bedroom units;
- (h) it will not rent, licence, use or sublet nor will it allow to be rented, licensed to use or sublet any Rental Unit for a term of less than thirty (30) days;
- (i) it will construct the Rental Units in accordance with any Development Permit and building permit(s) issued for the Lands, or part thereof, and will keep and maintain the Building containing the Rental Units and all parts thereof in good repair and in a safe, clean, neat and tidy condition, and will insure it to the full replacement cost against perils normally insured against in the City of Vancouver by reasonable and prudent owners of similar buildings and lands. If any Rental Unit or any part thereof is damaged, or if any portion of a Building is damaged such that the use and enjoyment of any Rental Unit would be materially impaired, the Owner will promptly restore and repair such damage whenever and as often as damage occurs, to at least as good a state and condition as existed before such damage occurred; and

- (j) any changes to the foregoing restrictions and requirements will be made only with the prior written agreement of the Managing Director of Social Development, who may first seek input from the City's elected Council;

and the Owner covenants and agrees that:

- (k) enactment of the Rezoning By-law is full and fair compensation for the restrictions set out in this Agreement and the Owner waives and renounces all claims for further or other compensation by reason of this Agreement.

3. **SUBDIVISION OF THE LANDS.** Despite Subsection 2(e),

- (a) subject to compliance by the Owner with all applicable requirements of the City's Approving Officer and the City's elected Council, this Agreement and all applicable laws and by-laws, the City will not unreasonably withhold its consent to a subdivision of the Lands by air space plan that creates the Rental Unit Parcel, or any further or other subdivision (including by deposit of a strata plan or air space plan) of that part of the Lands which does not and will not contain the Rental Unit Parcel; and

- (b) following a subdivision to create the Rental Unit Parcel and the issuance of a final occupancy permit for the Rental Unit Parcel, the Owner may apply to the City for a partial discharge of this Agreement with respect to any parcel or parcels other than the Rental Unit Parcel and the City will, on request of the Owner, execute and deliver a registrable discharge of this Agreement in respect of all parcels other than the Rental Unit Parcel; provided that:

- (i) the Director of Legal Services is satisfied that such discharge will not unreasonably alter, restrict or limit the City's rights and the Owner's agreements and obligations in respect of the Rental Units pursuant to this Agreement;

- (ii) any such discharge will be in form and substance acceptable to the Director of Legal Services and will be prepared by the Owner at its cost;

- (iii) the City will have a reasonable amount of time to execute and return any such discharge; and

- (iv) the preparation and registration of any such discharge will be without cost to the City.

4. **OCCUPANCY RESTRICTION ON THE LANDS.** The Owner covenants and agrees with the City in respect of the use of the Lands and each Building, that:

- (a) no Building will be used or occupied except as follows:
 - (i) the Owner will not suffer or permit the occupation of any Building or any part thereof and will take no action, directly or indirectly, to compel the issuance of an Occupancy Permit for any Building or any part thereof; and
 - (ii) the City will be under no obligation to issue any Occupancy Permit permitting the use and occupation of any Building, notwithstanding completion of construction of any such Building;until such time as an Occupancy Permit has been issued for each of the Rental Units; and
- (b) without limiting the general scope of this Section 4, the Owner does hereby waive, remise and release absolutely any and all claims against the City and City Personnel for any Losses that may derive from the withholding of an Occupancy Permit until there is compliance with the provisions of this Section 4.

5. **RECORD KEEPING.** The Owner will keep accurate records pertaining to the use and rental of the Rental Units for Rental Purposes, such records to be to the satisfaction of the City. At the request of the City, from time to time, the Owner will make these records available for inspection and copying by the City.

6. **ENFORCEMENT.** This Agreement may be enforced by mandatory and prohibitory orders of the court. In any action to enforce this Agreement if the City is entitled to court costs, it will be entitled to court costs on a solicitor and own client basis.

7. **INDEMNITY AND RELEASE.** The Owner hereby:

- (a) releases and discharges the City and City Personnel from and against all liabilities, actions, statutory or other proceedings, judgments, investigations, claims, losses, loss of profits, damages, including indirect and consequential damages, fines, penalties, costs and legal costs which may arise or accrue to the Owner by reason of the City or City Personnel exercising any of its rights under this Agreement; and
- (b) agrees to indemnify and save harmless the City and City Personnel from and against all liabilities, actions, statutory or other proceedings, judgments, investigations, claims, losses, loss of profits, damages, including indirect and consequential damages, fines, penalties, costs, and legal costs on a solicitor and own client basis which the City or City Personnel may suffer or incur arising whether directly or indirectly out of any default by the Owner, or the Owner's officials, officers, employees, or agents, or any other person for whom it is legally responsible, in observing or performing the Owner's obligations under this Agreement or that would not have been incurred "but for" this Agreement.

The indemnity provided in this Section 7 will be an integral part of this Section 219 Covenant continued in this Agreement. The release and indemnification provisions contained in this

Agreement will survive the discharge or termination of this Agreement.

8. **NOTICES.** Any notice, approval or request required or permitted to be given under this Agreement will be in writing and may be given by delivering such notice, approval or request to a representative of the party for whom it is intended, either by personal delivery or by facsimile transmission, or by mailing such notice, approval or request by prepaid registered mail from any post office in British Columbia and in the case of the Owner, addressed to it at:

in the case of the Owner addressed to it at:

the registered owner's address indicated on a LTO title search of the Lands

in the case of the City addressed to it at:

City of Vancouver
453 West 12th Avenue
Vancouver, British Columbia
V5Y 1V4

Attention: City Clerk

with a concurrent copy to the Director of Legal Services, Fax No. 604.873.7445;

or at such other address as the parties may from time to time advise by notice in writing. Any such notice, approval or request will be deemed to have been received on the date of delivery of such notice, approval or request or on the third business day next following the date of such mailing if mailed as aforesaid, provided that if mailed should there be, between mailing and the actual receipt of such notice, approval or request, a mail strike, slowdown or other labour dispute which might affect the delivery of such notice, approval or request, such notice, approval or request will only be effective if actually delivered.

9. **MISCELLANEOUS**

- (a) **Breach by Owner.** The Owner agrees that damages may be an inadequate remedy for the City for any breach by the Owner of its obligations under this Agreement and the Owner agrees that the City is entitled to seek and obtain an order for specific performance, or a prohibitory or mandatory injunction, in order to compel performance by the Owner of its obligations under this Agreement.
- (b) **No Derogation.** Nothing contained or implied in this Agreement will derogate from the obligations of the Owner under any other agreement with the City or prejudice or affect the City's rights, powers, duties or obligations in the exercise of its functions pursuant to the Vancouver Charter as amended from time to time and the rights, powers, duties and obligations of the City under all public and private statutes, by-laws, orders and regulations, which may be, if the City so elects, as fully and effectively exercised in relation to the Lands and Building as if this Agreement had not been executed and delivered by the Owner and the City.

- (c) **Owner's Representations and Warranties.** The Owner represents and warrants to and covenants and agrees with the City that:
- (i) it has the full and complete power, authority and capacity to enter into, execute and deliver this Agreement and to bind all legal and beneficial interests in the title to the Lands with the interest in land created hereby; and
 - (ii) this Agreement will be fully and completely binding upon the Owner in accordance with the terms hereof and the Owner will perform all of its obligations under this Agreement in accordance with the terms hereof.
- (d) **City's Costs.** In any action to enforce this Agreement in which any Court determines that the position of the City will prevail, the City will be entitled to court costs on a solicitor/client basis.
- (e) **Interpretation.** The following provisions will apply to this Instrument:
- (i) the laws of British Columbia are to govern its interpretation and enforcement;
 - (ii) each of the City and Owner accepts the jurisdiction of the courts of British Columbia;
 - (iii) If a court finds any provision invalid, illegal, or unenforceable, and severs it from the remainder of this instrument, the remaining provisions are to remain in force and effect;
 - (iv) time will be of the essence, and if the City or Owner expressly or impliedly waives that requirement, the City or Owner may re-instate it by delivering notice to the other;
 - (v) waiver of a default by the City or Owner or failure or delay by the City or Owner in exercising a right or remedy does not mean that the City or Owner waives any other default or that the City or Owner has waived its right to exercise such right or remedy;
 - (vi) no amendment is to have any force or effect unless the City and Owner have signed it;
 - (vii) this instrument represents the entire agreement between the City and Owner regarding the matters set out in this instrument, and supersedes all prior agreements, letters of intent, or understandings about those matters;
 - (viii) any reference to a statute is to the statute and its regulations in force on the date the Owner signs Form C, and to subsequent amendments to or replacements of the statute or regulations;

- (ix) the exercise of any particular remedy by the City or Owner under this Instrument or at law or at equity will not prejudice or preclude that party from invoking or exercising any other remedy, and no remedy will be exclusive, and each of the City or Owner may exercise all its remedies independently or in combination and, in particular, the Owner acknowledges that specific performance, injunctive relief (mandatory or otherwise), or other equitable relief may be the only adequate remedy for a default by the Owner under this Agreement;
 - (x) the Owner will execute and deliver to the City, on request by the City from time to time, such further assurances and instruments as the City may require to give full force and effect to the Owner's grants and agreements under this instrument; and
 - (xi) if the Owner consists of more than one person, firm, or corporation, the Owner's obligations under this instrument will be joint and several.
- (f) **Agreement Runs With the Lands.** The covenants and agreements set forth herein on the part of the Owner will be covenants the burden of which will run with and will bind the Lands and will attach thereto and run with each and every part into which the same may be subdivided or consolidated, subject always to Sections 2(d), 2(e) and 3.
- (g) **Perfection of Intention.** The Owner will, after execution hereof, do or cause to be done at its own cost and expense all things and acts necessary to ensure that this Agreement is noted on title to the Lands as a Housing Agreement pursuant to Section 565.2 of the *Vancouver Charter* and also registered as a first registered charge against the Lands, save only for those reservations, liens, charges or encumbrances:
- (i) contained in any grant from Her Majesty the Queen in Right of the Province of British Columbia respecting the Lands;
 - (ii) in favour of the City either alone or together with any other party;
 - (iii) registered against title to the Lands at the instance of the City as a condition of rezoning the Lands or in satisfaction of a condition of the City's Approving Officer approving the subdivision of the parent parcel to create the Lands; and
 - (iv) which Director of Legal Services has determined, in her sole discretion, may rank in priority to the registrable interests in land granted pursuant to this Instrument.
- (h) **Continuing Effect.** This Agreement will enure to the benefit of and bind each of the City and its successors and assigns and the Owner and its successors and assigns.

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the General Instrument - Part 1 which is attached hereto and forms part hereof.

END OF DOCUMENT

**508 Helmcken Street
URBAN DESIGN ANALYSIS**

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 adequately. This appendix provides a summary of existing policies on view corridors, zoning, and guidelines; a description of the proposed development in these terms; and an assessment of the potential effects of the overall form of development. In general, the emphasis in this appendix is on those aspects of the proposal that extend beyond the Downtown South zoning and guidelines, especially as they relate to shadowing, open space, views, and the overall fit of the proposed form within the neighbouring context.

View Corridors

Council has approved a policy of protecting the views from selected vantage points over parts of the Downtown through defined view cones. View corridor “F” extending from Choklit Park to Grouse Mountain limits the maximum height over most of the site to approximately 324 feet in height. View corridor “C 2.1” from Laurel Landbridge to Crown limits a portion at the corner to approximately 266 feet in height. Previous proposals for the site included a significantly taller tower which would have extended into these view cones. The rezoning application has been designed to fit under and to the side of these views.

Downtown South Zoning

Density

The Downtown Official Development Plan (ODP) for the New Yaletown area allows for a density of 5.0 FSR on a larger site, which may be increased to 5.5 FSR without rezoning through a transfer of floor space from the heritage density bank. This basic density may be further increased without rezoning at the discretion of the Development Permit Board to accommodate community amenity spaces. For smaller sites, such as the subject site, the ODP allows a maximum density of 3.3 FSR for a multiple dwelling with heritage density import, or about 69,323 sq. ft. of floor area.

The attached Figures, “New Yaletown Towers,” illustrate the range of buildings that have been accomplished under the existing density provisions, and one building from rezoning. A map of the New Yaletown area is attached at the end of this appendix, and shows the location of these examples. Of these, most fall within the basic density of 5.5 FSR or less that is achievable under existing regulations. A few examples extend somewhat beyond 5.5 FSR, typically through the provision of density bonusing for on-site public amenities. Examples include Brava Towers, Mondrian2, and the Pinnacle. More significant departures, such as The Mark, are the product of rezoning.



Oscar - 1295 Richards Street (206 ft. high)
5.00 FSR



The Space - 1238 Seymour Street (300 ft. high)
5.16 FSR



Grace Tower - 1280 Richards Street
(300 ft. high) 5.00 FSR



Elan - 1255 Seymour Street (300 ft. high)
5.16 FSR

Figure 1: New Yaletown Towers



Metropolis - 1238 Richards Street
(285 ft. high) 5.12 FSR



Eden - 1225 Richards Street (227 ft. high)
5.00 FSR



Park Plaza - 1188 Richards Street (222 ft high)
5.00 FSR



Robinson Tower - 488 Helmcken Street
(147 ft. high to parapet) 5.13 FSR

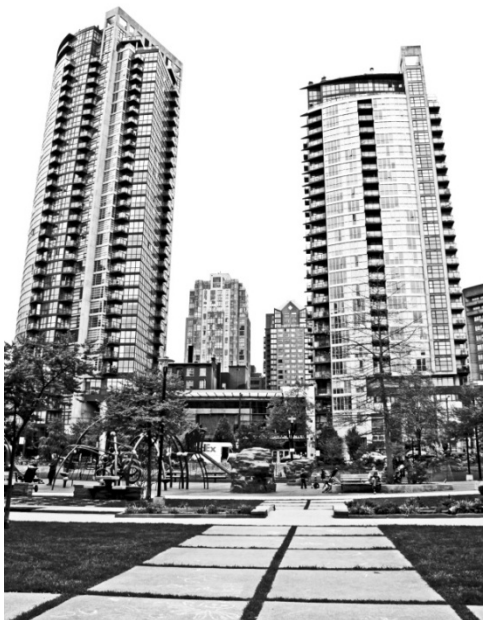
Figure 2: New Yaletown Towers



Domus - 1055 Homer Street (241 ft. high)
5.50 FSR



Yaletown Park - 928 Homer Street
(264, 298, and 287 ft. high) 5.50 FSR



Brava Towers - 1155-1199 Seymour Street
(244 and 301 ft. high) 8.01 FSR



Mondrian2 - 969 Richards Street (165 ft.
high) 6.16 FSR

Figure 3: New Yaletown Towers



The Pinnacle - 939 Homer Street (303 ft. high)
5.95 FSR



The 501 - 501 Pacific Street (307 ft. high)
5.00 FSR



City Crest - 1155 Homer Street
(275 ft. high) 5.00 FSR



The Savoy - 928 Richards Street
(299 ft. high) 5.00 FSR

Figure 4: New Yaletown Towers



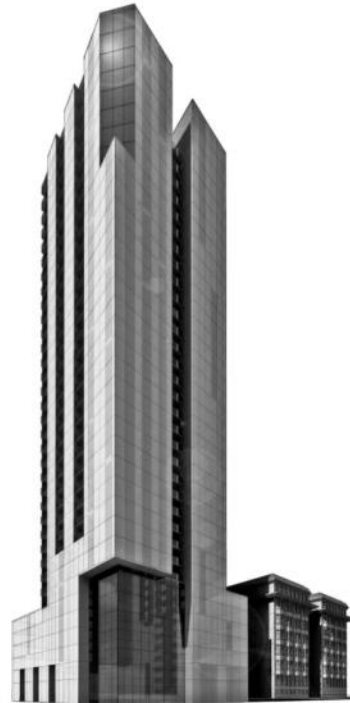
Donovan - 1055 Richards Street
(166 ft. high) 5.00 FSR



Richards - 1098 Richards Street
(165 ft. high) 5.10 FSR



The Mark - 1372 Seymour Street (393 ft. high)
7.82 FSR - approved rezoning



508 Helmcken Street (320 ft. high) 17.10
FSR - rezoning proposal

Figure 5: New Yaletown Towers

The proposed development, which would add 13.8 FSR to the basic zoning of 3.3 FSR, requires rezoning as it cannot be accommodated under existing regulations. Staff have considered how the proposed amount of development would compare to the general pattern in the neighbourhood. The proposal is unique in siting: there is no other development on the block face of 1101 Richards Street, and no other will exist as Emery Barnes Park occupies the remainder of the block face. Given this unique situation, a comparison of the proposed density and floor area of nearby block faces has been provided.

Block Face	Example	Area	FSR
1100 to 1198 Richards	Park Plaza	293,548	5.16
1000 to 1098 Richards	Richards	284,346	5.10
1001 to 1099 Richards	Donovan	320,939	5.65
1101 to 1199 Richards	Proposal	359,148	5.40
1000 to 1098 Seymour	Freesia	312,860	5.49
1101 to 1199 Seymour	Brava Towers	420,138	7.38

Table 1: Developed Area and Density by Block Face

The floor areas and densities on these blocks that are built or under review ranges from 5.10 to 7.38 FSR. This table includes the rezoning and development applications at 1107 and 1111 Seymour Street, and the application for the replacement Social Housing building at 1099 Richards, as its construction is required for the proposed development to proceed.

Height

In general, the ODP allows up to 300 ft. in height on larger sites. For smaller parcels like the subject site, the permitted height of a multiple dwelling is 21.3 m (70 ft.), or approximately seven storeys. The ODP draws a distinction between regulatory and interpretive requirements, setting out regulations for land use and floor area, but allows for interpretation by the Development Permit Board with respect to height and other variations in the design of individual developments. The proposed height is similar to the larger sites noted under zoning, and lower than the rezoned example.

Assessment

The proposed floor area and density would be approximately 32,782 sq. ft. more floor area or 0.36 FSR less density than the average of these block faces, and less than that of the 1101 Seymour block face. When compared to the intensity of development on these blocks, the proposed intensity is consistent with the overall pattern. On this basis, staff feel that the proposed height and density can generally be accommodated within this area. An assessment of the specific effects of the proposed building form follows, in the section on the Downtown South Guidelines.

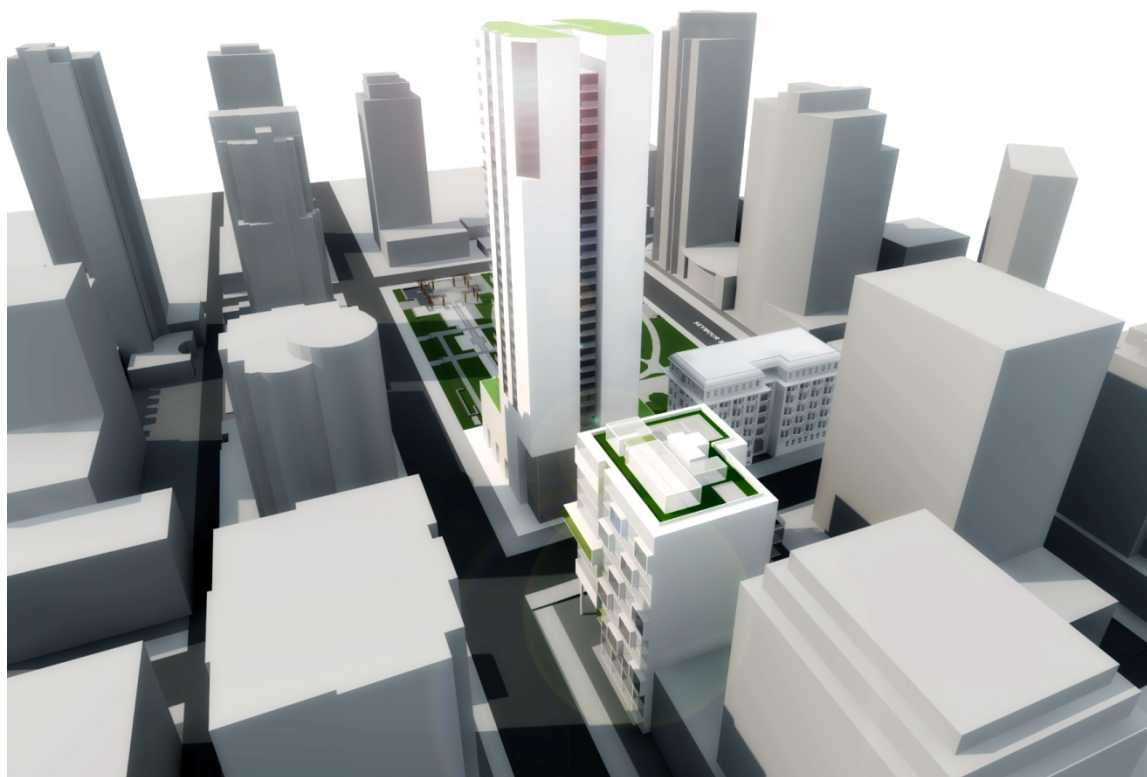


Figure 6: Proposal within Area Context

Downtown South Guidelines

For any conditional proposal, the ODP must be read in combination with the various guidelines approved by Council for the Downtown, and which form a part of the intended control on development. For the New Yaletown neighbourhood, the Downtown South Guidelines apply to new developments. The general intent of these guidelines is to assist in the creation of a distinct urban character for Downtown South; to encourage energy efficiency through site planning and building design; to ensure a high standard of livability for residential projects and the area as a whole; and to ensure high quality development.

For New Yaletown, the guidelines promote a form of development that is intended to provide for relatively high density living while preserving access to light, view and air for residents. To this end, the guidelines recommend that tower plates should be no more than 6,500 sq. ft. in total area and no more than 90 feet across at a maximum, among other metrics. The guidelines also set out a wider podium base below the tower, to form a well-defined street wall, with a setback of 12 feet from the property line to accommodate a double row of street trees and a transition space from the public to private realm.

The guidelines recommend that any building portions in the rear 30 ft. of the site be limited to 35 ft. tall; that at least 40 ft. of side yard be provided from any interior property line for

building portions over 70 ft. tall; and for the New Yaletown area that 12 ft. of setback be provided from Richards and Helmcken Streets. These setbacks act together to provide at least 80 ft. of separation between towers, which helps to preserve livability in this high-density neighbourhood.

When considering taller buildings, the effect of the tower portions must be evaluated against a list of public objectives. In order of importance, these are:

- (i) shadow impacts on public spaces and shopping streets (Granville and Davie Streets)
- (ii) impact on private views, such as view blockage from/to adjacent existing and/or future developments; and
- (iii) shadow impact on semi-private and private open spaces, in particular landscaped open spaces in adjacent residential developments

Assessment

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, views, open space and privacy was conducted. At the outset it must be acknowledged that the proposed increase in density from 3.3 to 17.1 FSR will result in proportionate impacts to a number of existing and future residents, especially those in the towers above 70 ft. in height to the north and east. In this analysis, staff have considered the extent of additional impacts generated by the proposed greater building massing on this site.

The proposed building form was compared to the built form that would be permitted for this use under existing zoning. Under Area L1 of the Downtown District ODP, for a corner site less than 175 ft. wide with a market residential building and heritage density import, the permitted density is 3.3 FSR, with a discretionary height limit of 70 ft.

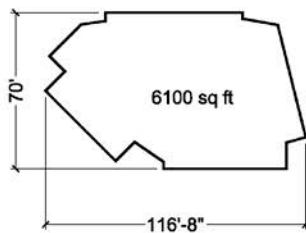
Tower Width and Floor Plate Size

As the guidelines note, compact slim towers with small floor plates minimize shadowing, maximize separation and views between buildings, and reduce privacy and overlook impacts. To achieve the objective of compact slimmer towers while allowing for some design flexibility, the guidelines recommend that floor plates above 70 feet should be a maximum width or depth of 90 feet, with optimum tower widths to the fronting streets in the range of 75 to 85 ft. The maximum floor plate of any tower should be limited to 6,500 square feet gross (i.e. including elevators, storage, and stairs), but as height increases on a given site, the tower width and floor plate should decrease. Tower articulation in both plan and profile should be incorporated. The plate size can be varied in instances where heritage density bonuses or view corridors are to be accommodated.

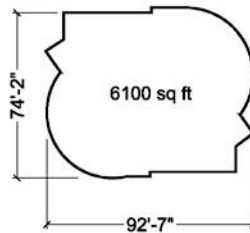
The proposed form of development is notable for being a tower of 125 ft. wide, with most floor plates of 10,100 sq. ft. or more in area, extending up for 36 stories with relatively little variation in profile. The tower is articulated in plan at the top, which is visible in the skyline profile as a channel at the roof level when seen from the park, but most of the levels above the 6th floor are consistent from floor to floor, with the main variations being a larger than

typical balcony every third floor facing south to accommodate some small trees, and a chamfer of two corners starting above level 27 (shown in Figure 8).

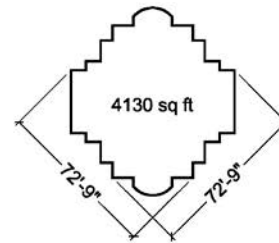
The tower width and area are comparable to development in other parts of Vancouver, but both dimensions are notably larger than other towers in New Yaletown, and about 35 feet wider and 3,500 sq. ft. larger in area than recommended. When compared to large towers built in the New Yaletown area, the proposal is about 8 feet wider and 3,516 sq. ft. larger than the largest examples to date.



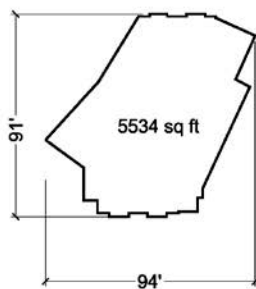
The Mark (rezoned)
1372 Seymour Street



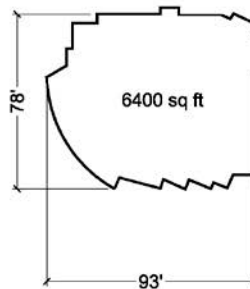
The 501
501 Pacific Street



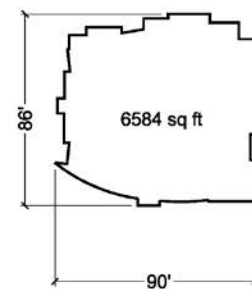
Grace Tower
1280 Richards Street



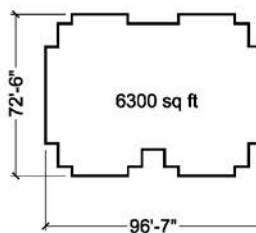
Elan
1255 Seymour Street



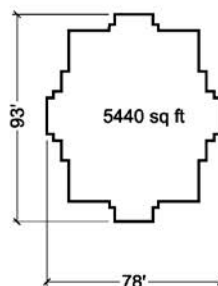
Brava Towers B
1199 Seymour Street



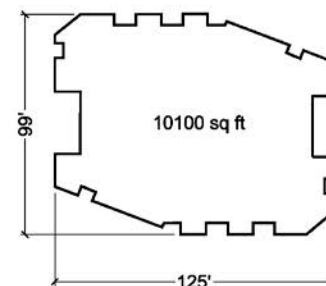
Brava Towers A
1155 Seymour Street



The Donovan
1055 Richards Street



Mondrian2
1969 Richards Street



508 Helmcken
(level 28 to 34)

Figure 7: Floor Plate Comparison of New Yaletown Towers

Some buildings, such as Brava North, will retain a range of distant views between other towers in the area, as well as near views into Emery Barnes Park.



Figure 9: View Impact - Freesia (1082 Seymour)

In general, the closest residences, such as the central column of units facing the site from the Robinson directly across Richards Street and the southeast corner of the Freesia (shown here), would lose about 43 to 44% of a 135 degree view.



Figure 10: View Impact - Robinson

Residents from these units in the Robinson would be particularly affected by the combination of their proximity to the proposal, its relatively wide floor plate, and their existing view to the north end of the park.

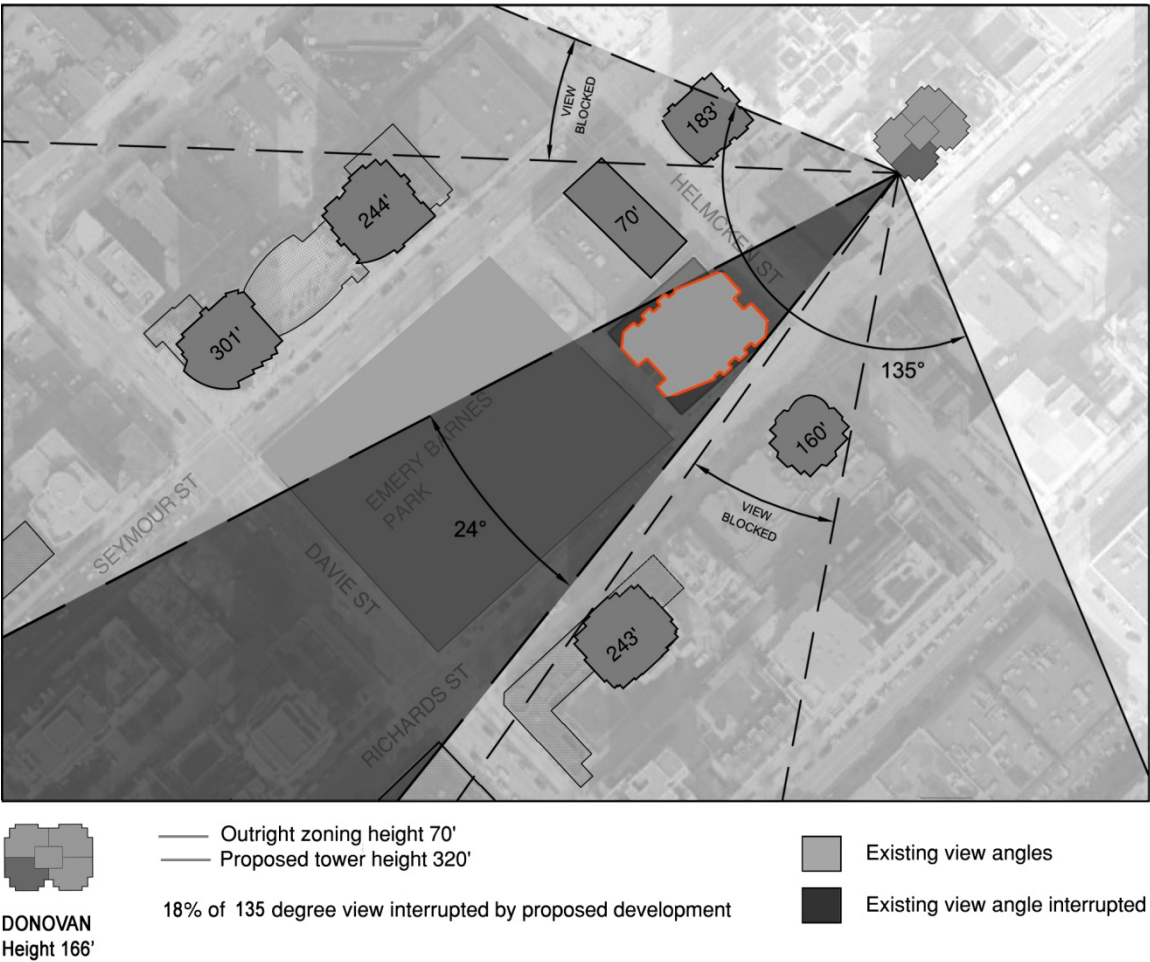


Figure 11: View Impact - Donovan

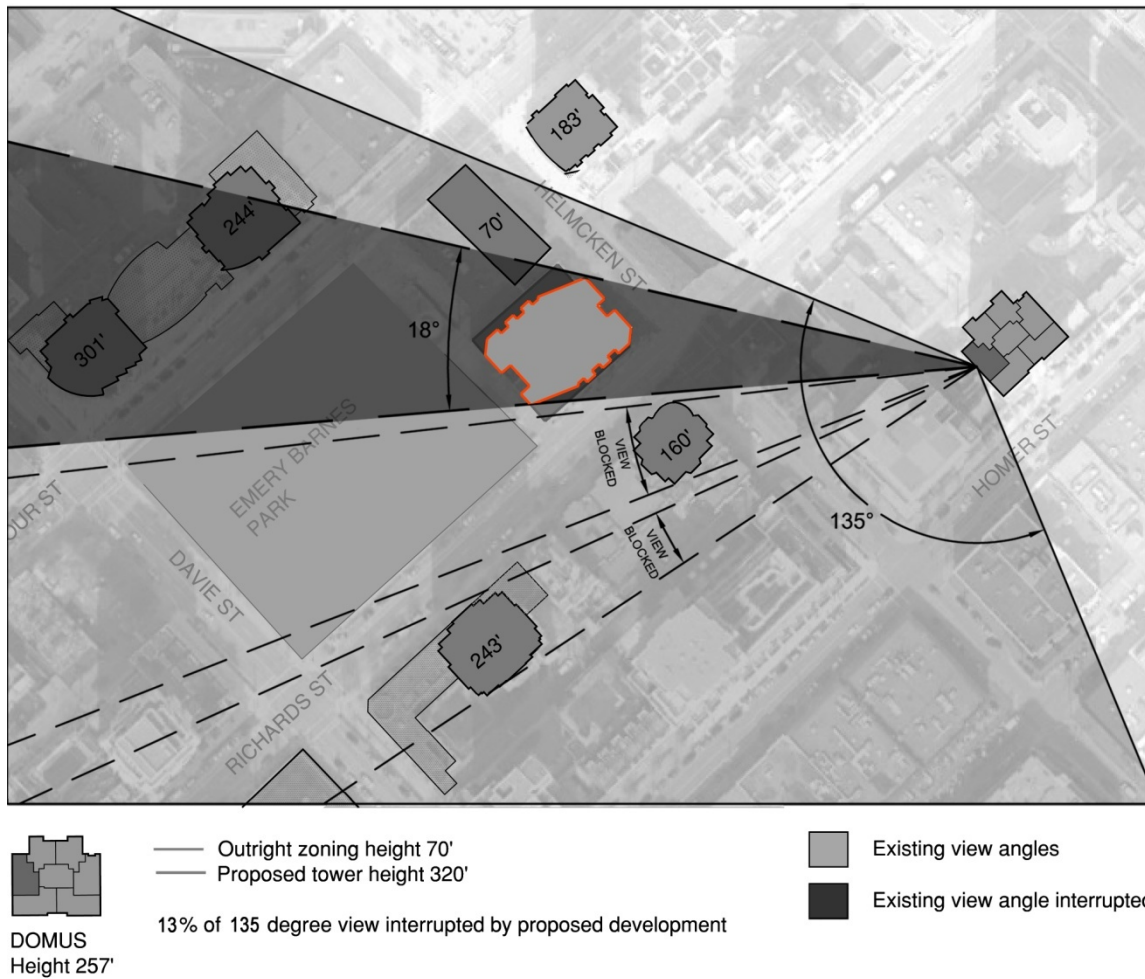


Figure 12: View Impact - Domus (1055 Homer)

Buildings that are located somewhat farther away, such as the top floors of the Domus that look over top of the Richards building, would have a smaller overall impact, and more discrete effects. This is illustrated in the following photo composite (Figure 12), which also shows the variety of view types in the New Yaletown area.



Figure 13: Photomontage - Estimated building width as seen from Domus

From this vantage point, residents would likely lose one of two 'slot' between distant buildings towards the Point Grey peninsula, and their view of Emery Barnes Park which is already screened by the Robinson.

Privacy and Livability

The guidelines note that privacy is a crucial aspect of livability. A significant part of visual privacy in the Downtown is accomplished through the form of development, particularly the recommended setbacks to the tower portion of new developments. These setbacks, combined with the siting of towers within their sites, generally provide a setback of at least 80 ft. between new building portions over 70 ft. tall.

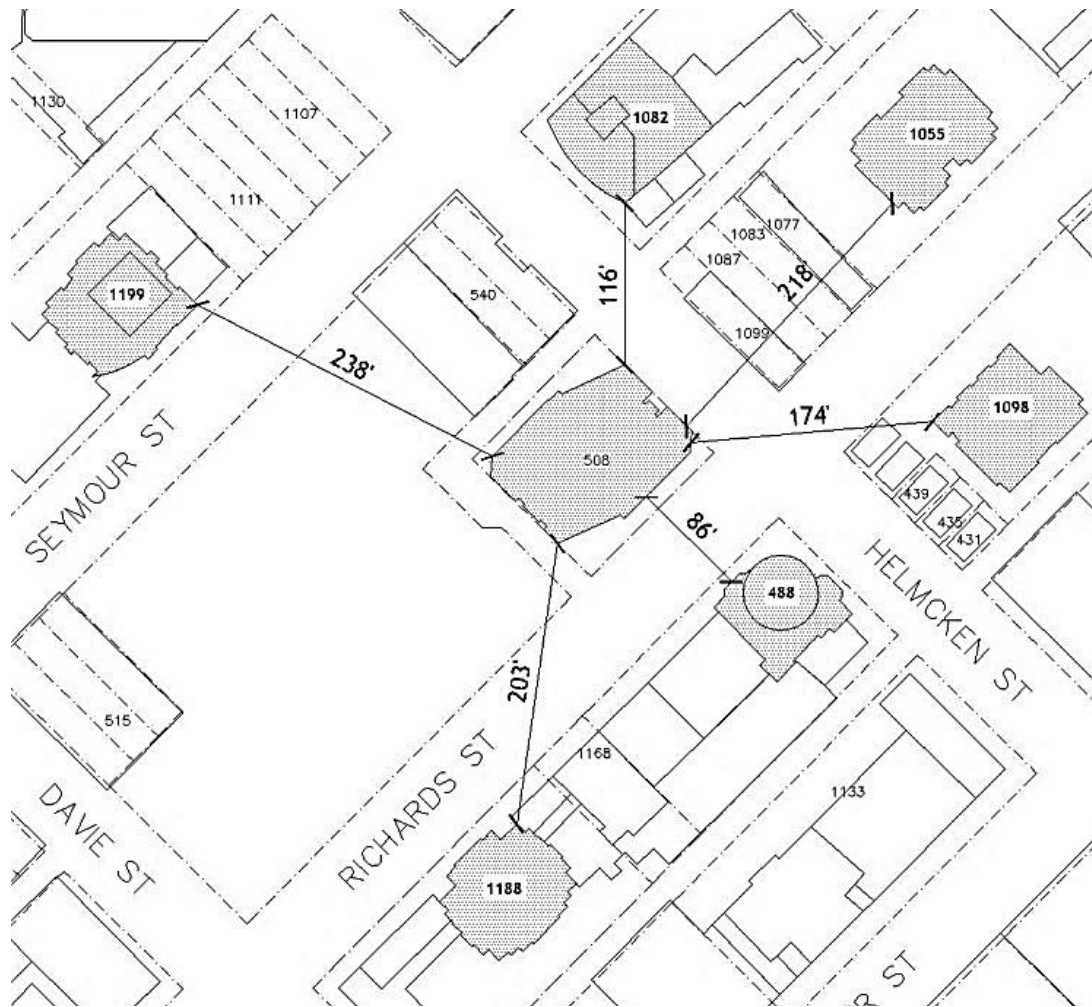


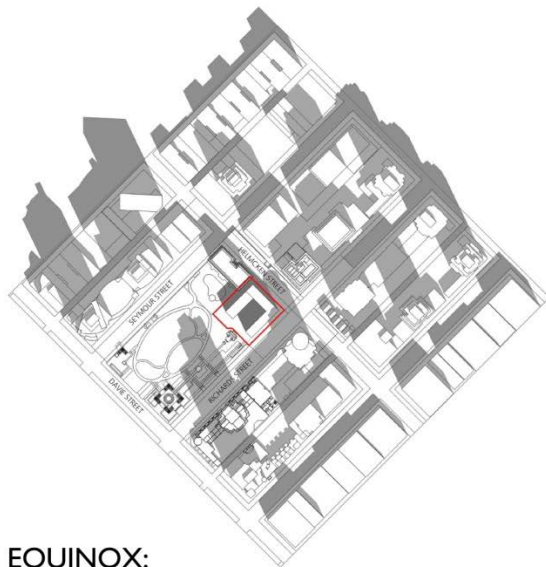
Figure 14: Context Plan Showing Separation

In this case, the recommended separation of 80 feet to other towers is provided. Further design work to reduce overlook and other privacy aspects will be implemented at the development permit stage.

Shadowing

The Downtown South guidelines recommend that “New developments should be designed to preclude shadowing across the property line of parks and public open spaces.” The guidelines

also establish standard shadow times of 10:00 am, noon, and 2:00 pm at the equinox to be used in shadow studies.

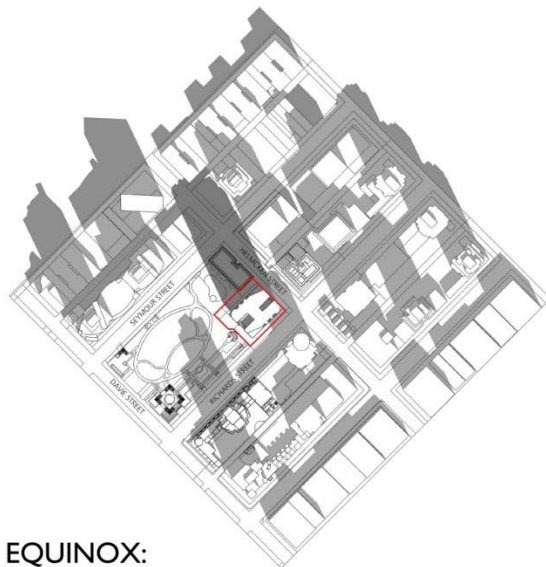


EQUINOX:
MAR/SEP 21ST - 10.00AM

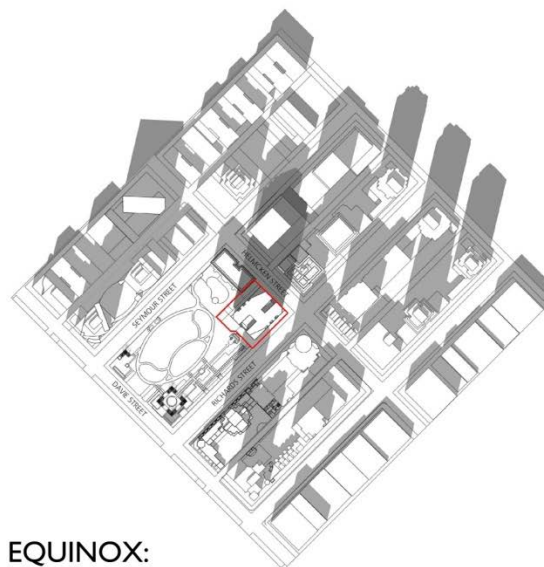


EQUINOX:
MAR/SEP 21ST - 12.00PM

Figure 15: Shadows at Equinox - Existing



EQUINOX:
MAR/SEP 21ST - 10.00AM



EQUINOX:
MAR/SEP 21ST - 12.00PM

Figure 16: Shadows at Equinox - Proposed



Figure 17: Shadows at Equinox - Existing

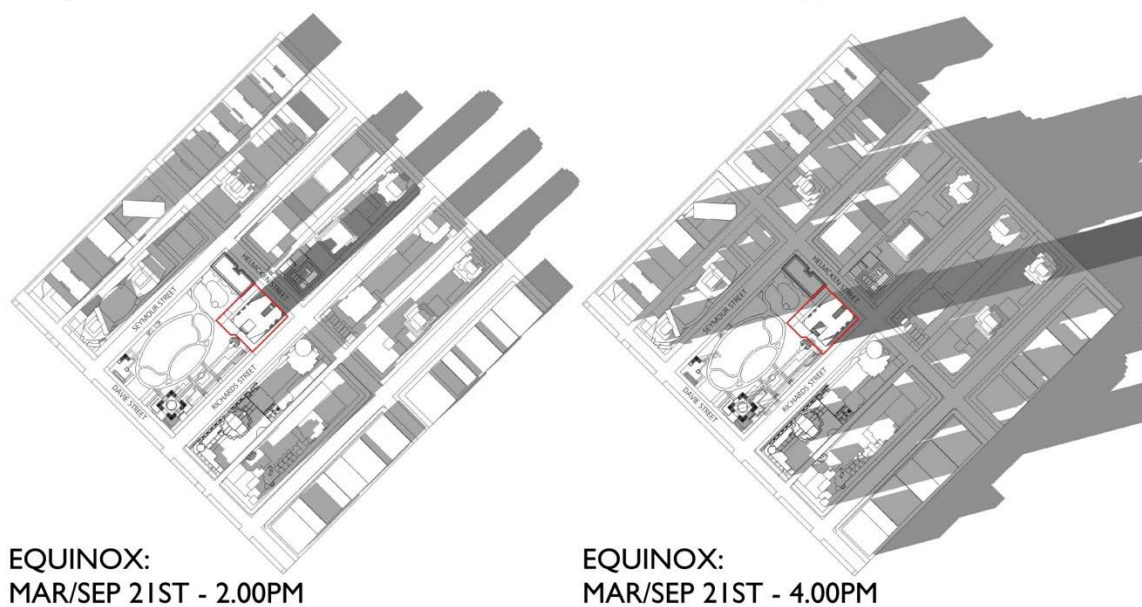


Figure 18: Shadows at Equinox - Proposed

The studies provided show that at 10:00 am, the northernmost portion of the Emery Barnes Park would be shadowed.

Front Yard and Setbacks

Front setbacks strongly influence streetscape character, and the treatment of the required front yard setback helps create the distinctive Downtown South streetscape concept. Front setbacks for buildings in New Yaletown should be 12 to 20 ft. for building portions up to 70 ft. in height, with a minimum of 12 ft. for all other portions. Exceptions may be considered from the minimum setback to allow transition to existing heritage buildings. For this site, the Brookland Court building to the west is listed on the Vancouver Heritage Register, and has an essentially zero setback along Helmcken Street.

Setbacks are smaller than recommended at the rear and interior sides: 20 ft. at rear from Emery Barnes, and 30 ft. from Brookland Court. The base of the building has been positioned to offer more space toward Emery Barnes by moving into the recommended setback along Helmcken Street, which partially reflects the Brookland Court setback on the north side. Setbacks on Richards Street provide the recommended 12 ft. setback. However, setback are reduced on Helmcken Street to six feet on the eastern portion, and zero on the west half of this frontage.

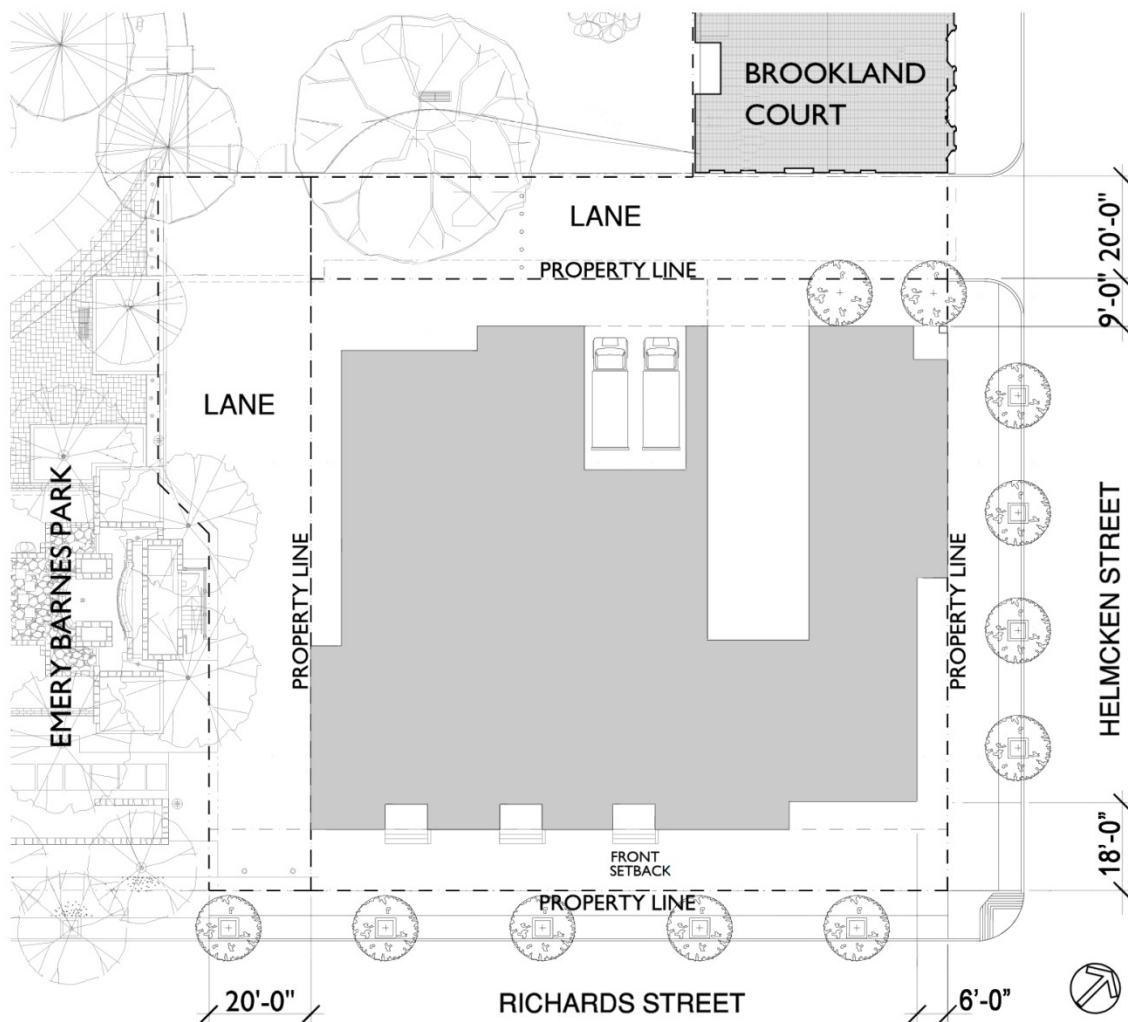


Figure 19: Site Plan Showing Setbacks at Grade

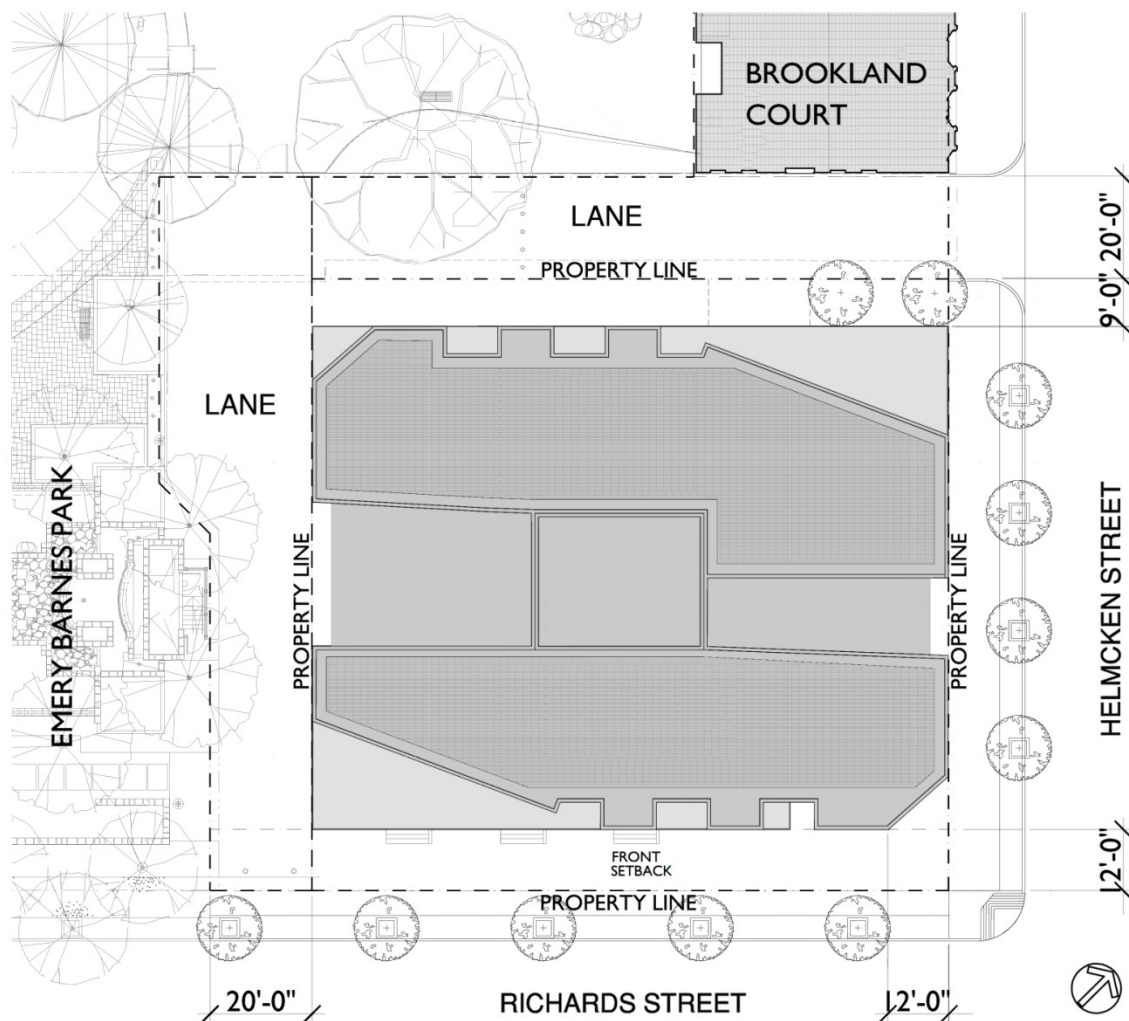


Figure 20: Site Plan Showing Setbacks to Tower

Open Space and Public Realm

Public open space plays a vital role in the livability of high density residential areas and the successful integration of commercial and residential uses in Downtown South. Besides the parks and other public open spaces which will be provided, much of the sense of open space in Downtown South should come from the setbacks and streetscape.

The guidelines note that the street definition formed by tower and low-rise is intended to help make high density developments and busy streets more human and intimate in both scale and activity. Some of this quality depends on the detailed design of facades and landscaping, which will be developed further at the development permit stage, but the basic uses and forms play the main part at the rezoning stage. In the application, a private pre-school is proposed on the bottom two floors, facing into the park. This location within the base of the

project gives ready access for children in the school directly to the park, and provides an animated use during the day as seen from the park to the south.



Figure 21: Photo of Emery Barnes Park as seen from Davie Street

The application also proposes a relatively large lobby volume and a pool of water at the corner of Richards and Helmcken Streets, with townhouses extending southward along Richards Street to the northeast corner of the park.

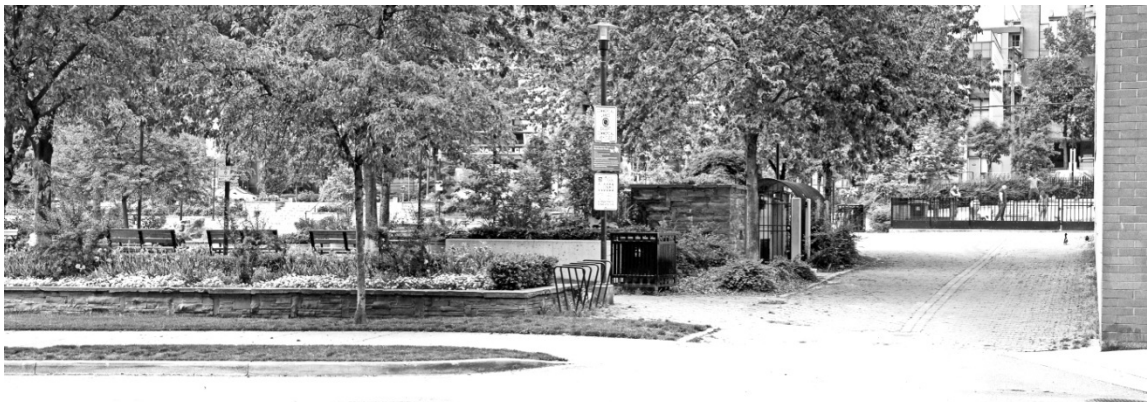


Figure 22: Northeast corner of Emery Barnes Park - Jubilee House on right

Given the excellent solar exposure and park access in this location, staff recommend a more active use for this corner such as a small commercial space that could accommodate a coffee shop or similar use.

Architecture

In order to moderate the visual scale of high density developments, the guidelines recommend “articulation of the tower in both plan and profile to break up its mass and convey a residential character, as well as terraced, stepped floors at upper levels.” For towers seeking the maximum possible width of floor plate, sculpting of the uppermost third of the tower becomes even more important. In terms of the architectural expression, the guidelines expect towers to contribute to the skyline through the incorporation of sculpted roof tops, terracing, and other refinements of the upper floors of the building.

In expressing support for the proposal on April 24th, the Urban Design Panel expressed concerns over the design of the top of the tower which echoed those made at the previous meeting. The previous Panel recommended that the top of the tower should be sculpted to assist in making the tower height respond to the backdrop of the mountains.

Conclusion

The proposed design performs in a number of the areas set out in the Downtown South guidelines. The tower provides a horizontal separation that is greater than the recommended 80 feet of distance from other towers, which helps with privacy. The application would reduce the number of sidewalk crossings from two to one by consolidating vehicle access onto the Helmcken Street side, which with the park will create a pedestrian-only edge along the length of Richards Street. Due to its location on the northern edge of Emery Barnes Park, no shadow falls on major pedestrian routes such as Granville or Davie Street.

The most significant effects of the proposal in terms of the Downtown South guidelines as compared to the permitted form of development are likely to be the morning shadowing onto the public park; and the effect on private views from nearby residences. Not anticipated under the guidelines because of the uniqueness of this location, but likely to be another major effect, is the visual impression of scale as seen from Emery Barnes Park.

Further design development is recommended to the setback on the eastern part of Helmcken Street, in order to better achieve the intended public realm treatment at both sides of this street corner (see Appendix B, item 1.). For the western half of Helmcken Street not located at the corner, a zero setback is proposed. While challenging to both the typical Yaletown pattern and to the anticipated activity of the new bikeway to be built on the north side of Helmcken Street, staff have accepted this reduction with reference to the guidelines expectation that setbacks can be reduced to reflect nearby heritage buildings.

Design development is also recommended to better respond to the Yaletown pattern of sculpted tower forms and to avoid a truncated tower top as seen in the Vancouver skyline or from the east and west (Appendix B, item 2.). The application does propose a notable 'slot' in the centre of the top two floors to provide large outdoor decks for these units, and this feature should be supplemented by further sculpting to better distinguish the upper portion of the tower. Other recommended conditions of approval to be considered at the time of the development permit would seek reductions in the apparent size of the building through variations in colour, finishes, and other exterior treatments (Appendix B, item 3.). Improvements are also sought to the design of the building base, especially in terms of achieving the most active possible ground plane along the Richards and Helmcken street fronts (Appendix B, items 5 to 9). Staff anticipate continued design development of the building in more detail at the development permit stage.

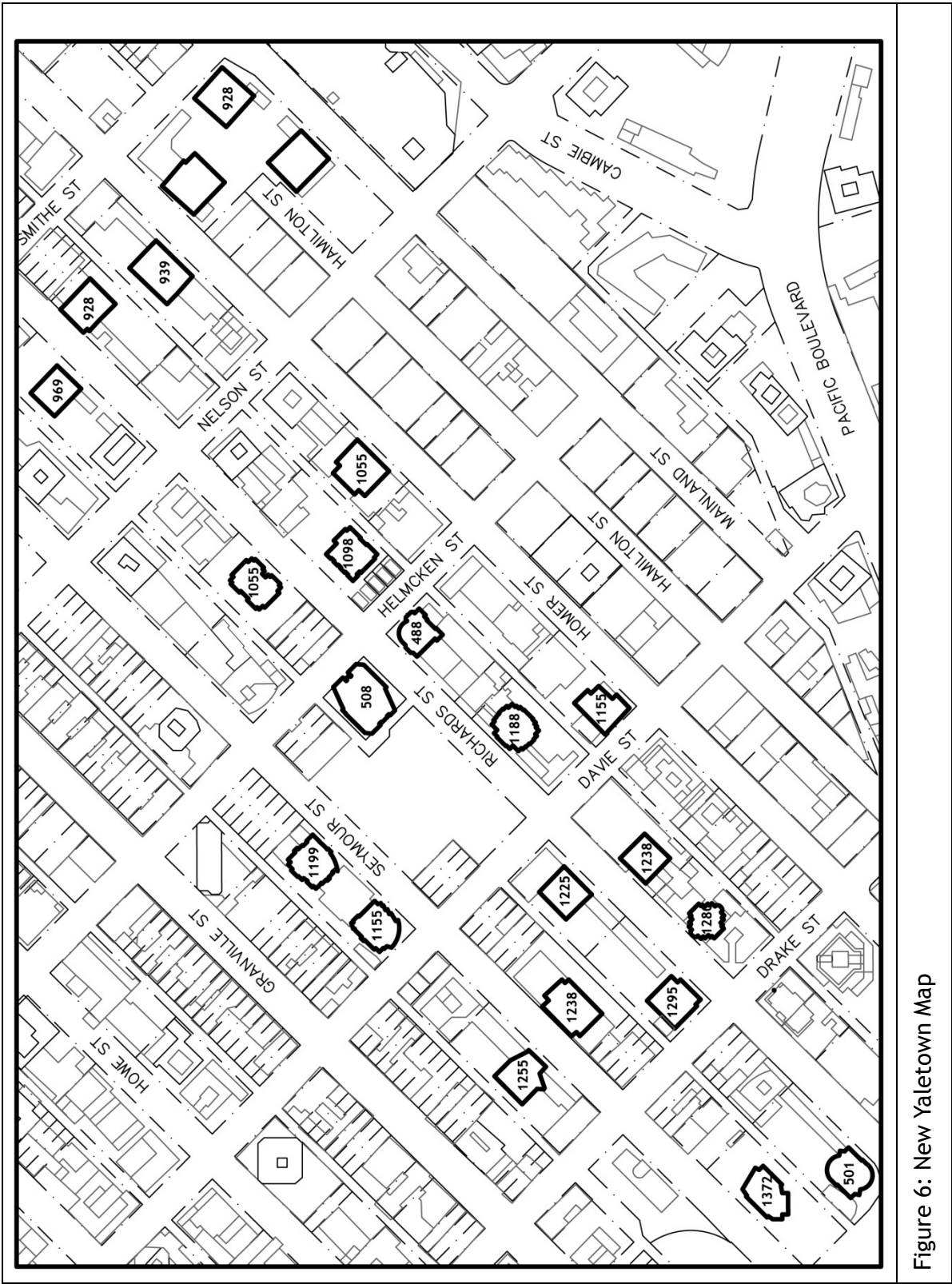


Figure 6: New Yaletown Map

**508 Helmcken Street
CHRONOLOGY**

July 29, 2011	City of Vancouver endorses the Housing and Homelessness Strategy 2012-2021.
2011	Brenhill approaches the City with a land exchange proposal involving 508 Helmcken Street and 1099 Richards Street.
October 31, 2012	Council approves the Brenhill land exchange proposal at an in-camera meeting.
January 28, 2013	Land Exchange Contract between City and Brenhill is put in place.
February 12, 2013	Brenhill applies to rezone City land at 508 Helmcken Street.
March 13, 2013	A community open house is held for the rezoning application received for 508 Helmcken Street.
April 9, 2013	Council instructs City staff to negotiate agreements relating to proposed new social housing at 1099 Richards Street.
April 23, 2013	Brenhill submits revisions to the rezoning application for 508 Helmcken.
April 24, 2013	Brenhill applies for a development permit for 1099 Richards Street.
May 15, 2013	A Development Agreement, between the City, Brenhill, and others, is put in place for 1099 Richards Street.
May 29, 2013	A community open house is held for the 1099 Richards Street development permit application.
June 11, 2013	Council refers the 508 Helmcken Street rezoning application to a public hearing.
July 16, 2013	Public Hearing for 508 Helmcken Street rezoning.
July 23, 2013	Council approves the rezoning of 508 Helmcken Street in principle, subject to conditions.
August 12, 2013	The Development Permit Board meets and approves the 1099 Richards Street development permit, with an FSR of 7.04 FSR, subject to conditions.
February 4, 2014	Council enacts By-law 10865 amending Downtown Official Development Plan (including adding “social housing” as a use eligible for bonus density).
February 19, 2014	Council endorses the Development Permit Board's conditional approval of 7.04 FSR for 1099 Richards Street.
March 11, 2014	Council enacts By-law 10870 rezoning 508 Helmcken Street.
May 6, 2014	A petition is filed appealing the rezoning for 508 Helmcken Street, the Development Permit for 1099 Richards Street, and the

	amendments to the DODP (By-law 10865).
May 28, 2014	The City issues the Development Permit DE 416775 to Brenhill for 1099 Richards Street.
January 27, 2015	The BC Supreme Court quashes By-laws 10865 (DODP amendments) and 10870 (By-law rezoning 508 Helmcken Street) and Development Permit DE 416775.

508 Helmcken Street
ADDITIONAL INFORMATION

1. Urban Design Panel (UDP)

The UDP review this application on two occasions:

- April 24, 2013, support (5-3)
- March 27, 2013, non-support (0-7)

APRIL 24, 2013 UDP MINUTES

- **Introduction:** Karen Hoesel, Rezoning Planner, described the proposal for a rezoning on a site at Helmcken and Richards Street at the north end of Emery Barnes Park. It is currently the site of Jubilee House, a social housing site. The rezoning application proposes to increase the density and height beyond that permitted under the current zoning. The intent is to build a 36-storey tower including 428 residential units of which 73 are proposed as market rental and a private pre-school and commercial retail unit at grade. Ms. Hoesel noted that in 2008, as part of the Benefit Capacity report, Council endorsed consideration for addition height and density in the DTS, up to the underside of the approved view corridors through rezoning to achieve public benefits. As part of this application the applicant is proposing to provide social housing at 1099 Richards Street including replacement housing for Jubilee House residents currently located on the site. The provision of new and replacement social housing as well as the provision of market rental housing is consistent with Council policy and the City's housing objective. Ms. Hoesel mentioned that all rezoning are subject to the Green Building Policy which requires that rezonings achieve LEED™ Gold with specific emphasis on optimized energy performance.

Sailen Black, Development Planner, further described the proposal noting the new bikeway coming to the north side of Helmcken Street. As well there is a view corridor extending from Choklit Park to Grouse Mountain that limits the maximum height over most of the site to approximately 324 feet. There is another view corridor from Laurel Landbridge to Crown that limits a portion at the corner to approximately 266 feet. Mr. Black explained that the Downtown South guidelines for the New Yaletown area recommends a form of development that is intended to provide for relatively high density living while preserving access to light, view and air for residents. To this end, the guidelines recommend a tower plate of no more than 6,500 square feet in area, but allow a wider podium base to form a well-defined street wall set back twelve feet from the property line to accommodate a double row of street trees and a transition area from the public to private realm. Setbacks on the other sides are recommended at 40 feet from interior property lines for building portions over 70 feet tall, and 30 feet of rear yard for building portions over 35 feet tall, which help provide at least 80 feet of separation between towers.

Advice from the Panel was sought on the following questions:

- Taking into consideration current zoning and guidelines,

- does the Panel support the proposed height (320 ft.), and density (17.1 FSR); and
- does the Panel support the proposed setbacks (0/20/30 feet), tower width (125 feet), and plate size (10,130 sq. ft.), within this neighbourhood context?
-
- Given the surrounding context and its location on Emery Barnes Park, is the revised form of development for the base of the tower (including open space and setbacks) a good fit for this part of Yaletown?
-
- Does the Panel have any advice on the overall design with regard to:
 - Neighbourliness including shadow and view impacts
 - Open space and landscape treatments
 - Preliminary comments on the exterior composition or expression in response to this unique site and context?

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

- **Applicant's Introductory Comments:** Stu Lyon, Architect, further described the proposal and said he wanted to focus on the comments from the last review. He acknowledged the Panel's comment regarding improving the relationship between the tower and the park and stated that they have moved the whole building back twelve feet. He also noted that they wanted to place the building in the park and let the park go around the tower which was in part to keep the tower profile continuous all the way to grade. Since they didn't receive support for this expression they have created an orthogonal base that relates more strongly to the urban context. This gives more definition for the school and articulation to its entrance. Mr. Lyon noted that the building wasn't relating to Brookland Court (the building next door) and they have now taken that into account by reorienting the Helmcken Street frontage to follow the alignment of Brookland Court. He mentioned that there were comments about the top of the building being too flat so they have created a bevel and recessed balconies with chamfers on the corners of the building. As well they have narrowed the width of the slot. Mr. Lyon mentioned that they have improved the maneuverability for vehicles in the lane. He also explained that there is a need for a certain density on the site in order to support the non-market housing project across the street but they have reduced it a bit and made the floor plates a little smaller. He described the material and color palette proposed for the project.

Julian Pattison, Landscape Architect, described the landscaping for the project and noted they have changed the paving pattern and will transfer some of the ideas from the park. They have created a landscape buffer that anchors the corner of the school. Along Richards Street there is a line of street trees with a series of raised terraces to separate private and public spaces in front of the townhouse units.

The applicant team took questions from the Panel.

- **Panel's Consensus on Key Aspects Needing Improvement:**
 - Design development to improve how the tower meets the base;
 - Design development to improve the entry sequence;
 - Design development to improve the termination of the tower;
 - Design development to the landscaping for a greener edge to the park;

- Consider other ways to activate the ground floor.
- **Related Commentary:** The Panel supported the proposal and thought the response at grade and how the park was relating to the tower had been improved.

The Panel appreciated the applicant's response to their comments from the last review however while the panel supported the height and density they still had a number of concerns regarding the proposal. They thought that one of the biggest issues was how the tower meets both the podium and the park. The design development of the tower from the original submission has improved but the Panel felt it needs additional refinement. There was a great deal of discussion on the tower and a number of recommendations were made such as allowing a portion of the tower to be expressed at the base. In addition the Panel suggested the entry lobby be made smaller and more area be given over to retail, and the water feature at the corner be reduced or eliminated altogether. A number of Panel members felt that the park was still fighting the building and seemed to have a back edge to the park. One Panel member suggested letting the park end on the south to make it stronger and to explore the idea of having a green edge.

The Panel supported the south elevation of the tower as this will be the facade of the building that will be most experienced by the general public from the park however they felt that further design development needed to occur on the other free elevations. The Panel also expressed concerns over the design of the top of the tower.

Most of the Panel felt the lane way had too much hard surface area and suggested the applicant explore softening the expression and making it a stronger multi-purpose link to the park. One Panel member wondered why the lane was being continued around the building and suggested it could end at the loading bay.

- **Applicant's Response:** Mr. Lyon said he appreciated the Panel's comments. He agreed that the project had some significant challenges in landing density but hopefully the Panel would see that they are willing to respond to the commentary. He said he wanted to assure the Panel that their comments would find their way into the design.

MARCH 27, 2013 UDP MINUTES

- **Introduction:** Michael Naylor, Rezoning Planner, introduced the proposal for the corner of Richards and Helmcken Streets at the north end of Emery Barnes Park. The policy under which the tower proposal is being considered is the Metro Core Benefit Capacity Study that was done in 2008. Council endorsed consideration of rezoning applications within the Downtown South that seek additional height and density up to the underside of approved view cones. The intent of the policy is to support public objectives such as provision of affordable housing, heritage and development of cultural, recreational and other community facilities. The public benefit being proposed for this project is replacement of social housing currently located at Jubilee House with a new facility on the other side of Helmcken Street.

Sailen Black, Development Planner, further described the proposal. Mr. Black noted that the proposed site would incorporate the existing lane and easement to the south. The City plans to build a new greenway on the north side of Helmcken Street, and a greenway is

contemplated for Richards Street in the future. There is a view corridor extending from Choklit Park to Grouse Mountain that limits the maximum height over most of the site to approximately 324 feet, and a second view corridor that limits the height at one corner to approximately 255 feet.

Mr. Black described the Downtown South guidelines for the New Yaletown area. The guidelines recommend a form of development that is intended to provide for relatively high density living while preserving access to light, view and air for residents. To this end tower plates are recommended to be limited to 6,500 square feet in area, over a wider podium base that forms a well-defined street wall. The maximum width of towers is recommended at 90 feet. Setbacks are required at 12 feet from the street on grade; at 40 feet from the interior property lines for building portions over 70 feet tall; and at 30 feet from the rear yard for building portions over 35 feet tall.

Mr. Black noted that the proposal is designed to fit below and to the side of the two view cones at this site. The lane and southern right-of-way, both currently hard surfaced, will be incorporated into the project with parking below the lane and pedestrian access over the south setback. The tower is articulated in plan, which is notable in the skyline profile when looking at the top from grade. Floors are fairly consistent from one level to another, with variations in balcony enclosures and subtle angles to some walls. The shape of the base is intended to provide better view lines from nearby streets into Emery Barnes Park than would occur with a typical podium and tower form. A Montessori pre-school is proposed on the bottom two floors, facing into the park. Drop off for vehicles and parkade access is proposed from the lane; with walking drop off via the public passage to the south. Townhouses are proposed on both streets.

Comments were sought on the form of development for this rezoning application in general, and in particular:

- Taking into consideration current zoning and guidelines;
 - a. Does the Panel support the proposed height (320 feet) and density (17.4 FSR), and;
 - b. Does the Panel support the proposed setbacks (5 feet and 24 feet), tower width (128 feet) and plate size (10,367 square feet), within this neighbourhood context?
- Given the surround context and its location on Emery Barnes Park, is the proposed form of development for the base of the tower (including open space and setbacks) a good fit for this part of Yaletown?
- Does the Panel have any advice on the overall design with regard to;
 - a. Neighbourliness including shadow and view impacts,
 - b. Open space and landscape treatments,
 - c. LEED™ Gold strategies and Rezoning Policy for Greener Buildings, or
 - d. Preliminary comments on the exterior composition or expression?

Mr. Naylor and Mr. Black took questions from the Panel.

- **Applicant's Introductory Comments:** Stu Lyon, Architect, further described the proposal and mentioned that since it is a rezoning he hoped the Panel would comment on the landing of the density, form of development, height and general articulation of the

building. He noted that there are some challenges for landing density on the site and the reason for that is the formula for building non-market housing. They will be accommodating the 87 units from The 127 Society and increasing the number to 160 or more units in total. He added that the having the park next to the site is a great asset. They originally had a taller building which needed to be reduced to accommodate the view cones. He added that they have accommodated the setbacks at the ground plane that will allow for a double row of trees. Mr. Lyon described the architecture noting that they developed a floor plate with 13 units on a typical floor in order to make the suites liveable.

Andrew Emmerson, Architect, explained that they wanted to maintain a defined, formalized edge to Helmcken and Richards Streets which is why there is a right angle at the corner. He added that they see the tower as an anchor to the park.

Julian Patterson, Landscape Architect, described the landscape plans and mentioned that along Richards Street there will be a series of landscape terraces that will transition to the tower and form individual entry points to the units. At the corner of Helmcken Street is a water feature to reinforce the theme from the park and to anchor the corner. There is a widen laneway that will serve as a pedestrian through route from Richards Street to the new school entrance and to the existing dog park. The pedestrian plaza adjacent to the entrance lobby is created with street trees.

The applicant team took questions from the Panel.

- **Panel's Consensus on Key Aspects Needing Improvement:**
 - Tower floor plate size is too large for this site;
 - Design development to improve the relationship between the tower and the park;
 - Consider a more sculpted termination at the top of the tower;
 - Design development to better integrate the landscape plans with the park.
- **Related Commentary:** The Panel did not support the proposal but commended the applicant for including affordable housing in the proposal.

The Panel supported the height but felt there might be too much density which had created a rather bulky building. They noted that the proportions didn't feel right and that the 10,000 square foot floor plates were too large for this neighbourhood. As well they agreed that the top of the tower should be sculpted to assist in making the tower height respond to the backdrop of the mountains. As one Panel member suggested the building should feather more elegantly into the skyline. Another Panel member noted that the tower lost the curved effect at the top of the tower.

The Panel thought the setbacks were too aggressive on the park edge and felt like the building was dominating the park. They noted that there was some confusion in the design of the building as some parts embraced the City's guidelines for the area while other made a conscious attempt to challenge them. One Panel member noted that it wasn't doing either and needed to be one or the other. A number of Panel members noted the way in which the tower meets the ground needed further design development. As well the interface at the park, Helmcken and Richards Streets needed to be reevaluated.

Most of the Panel felt the landscape plans were not sympathetic to the park and the expression was in fact fighting the park. One Panel member noted that there is a rhythm to the park edge that needed to be carried through the landscape plans in the proposal. As well another Panel member thought the neighbourhood context was very important and that this scale needed to be brought to the building form along the street.

The Panel liked some of the sustainability features such as the solar collectors and thought they might help to animate the body of the building.

- **Applicant's Response:** Mr. Lyon thanked the Panel for all their comments. He noted that there are significant challenges with the site but will move forward and look at the form and treatment of the tower. He added that the challenge would be in any significant reduction of the density, as there was considerable enthusiasm for creation of 163 units of non-market housing and the project needed to be 365,000 square feet in total to make it work.

2. Public Consultation Summary

Public Notification

A rezoning information sign was installed on the site on February 26, 2013. A community open house was held on March 13, 2013. Notification and application information, as well as an online comment form, was provided on the City of Vancouver Rezoning Centre webpage (vancouver.ca/rezapps).

March 13, 2013 Community Open House

A community open house was held from 5 - 8 pm on March 13, 2013, at The Gathering Place. Notice of the rezoning application and an invitation to the community open house (dated February 27, 2013) was mailed to 7,231 surrounding property owners. An additional 9,760 postcards were sent as unaddressed admail to the surrounding rental buildings. Staff, the applicant team, and a total of approximately 135 people attended the Open House.

Public Response

Public responses to this proposal have been submitted to the City as follows:

- In response to the March 2013 open house, a total of 65 comment sheets were submitted from individuals (approximately 57% in favour/35% opposed/8% unsure or unspecified).
- A total of 64 letters, e-mails, and online comment forms were submitted from individuals (approximately 8% in favour/91% opposed/2% unsure or unspecified).

Note: This summary includes comments submitted up to May 20, 2013.

Comments from those opposing the application cited the following concerns, listed in order of frequency:

Height and Scale of Development

Many commented that the proposed height and scale did not fit in with the neighbourhood and was not appropriate for the corner of Emery Barnes Park. Several indicated a willingness to change their position in support of the proposal if the height and scale were reduced.

Heights of 120 ft. and 70ft. as well as limits of 18-20 storeys were each suggested as being appropriate for the 508 Helmcken St site.

Effect on Emery Barnes Park

Many stated that the 508 Helmcken site should be used to increase the size of the park. Several indicated that they did not support adding a building next to a public park, and were concerned that the proposed building would “loom” over the park and negatively impact the “calming” effect of the park on the surrounding area. Others indicated concern that the proposal would block sun exposure for park users during the morning and the afternoon. Some noted concerns that the proposed building would negatively impact public and fire access to the park. Some commented on the equity of providing “front door” access to a park and expressed concern that the park would become the playground for the proposed Montessori school.

Social Housing as Proposed Public Benefit

Many commented that there was no need for additional social housing in the neighbourhood, and that there were too many existing social housing units within the local area. Others commented that additional social housing in the area would increase the existing social issues in the neighbourhood. Some commented that not enough information had been made available about the potential social housing proposal for 1077-1099 Richards Street, and that it was not possible to make a decision about one without knowing the details of the other. Others were concerned about the height and form of a future social housing proposal for 1077-1099 Richards Street, and indicated concerns for the privacy of residents in neighbouring buildings.

Impact on Views

Many stated that the proposed building would negatively impact their views. Some noted concerns that their view to English Bay and the sunset would be impacted. Others commented that they would lose their view of Emery Barnes Park and their view of the sky. Some indicated concern that the “corner” of the building would encroach on or “graze” the view cone.

Proposed Density

Many felt that the proposed density was too high for the neighbourhood. Some indicated concern that additional density at this location would be a “drain” on Emery Barnes Park, given the number of people already using the park.

Traffic and Parking Impacts

Many commented that the proposed building would result in increased vehicular and pedestrian congestion in the area. Some expressed concern with the effect that that building and the proposed school would have on traffic movements, including access to and from parking in neighbouring buildings. Others indicated concern that the proposal included an oversupply of parking, and that this traffic would have a negative impact on the future Comox-Helmcken Greenway.

Proposed Private Pre-School and Kindergarten

Some felt that a Vancouver School Board facility would be more appropriate at this location and would better meet the needs of families in the neighbourhood, given the need for more school spaces in the area. Others noted concerns that Emery Barnes Park would become the

playground for a private school facility. A few noted that parents with students at the existing Montessori school would be negatively impacted if the school was to move.

Sunlight and Shadow Impacts

Some commented that the proposed building would decrease the sunlight exposure of their homes. Others expressed concern about shadowing on Emery Barnes Park, and stated that the shadows would negatively impact surrounding smaller buildings and streets. One noted that the shadows cast by the building would affect the existing rooftop gardens in neighbouring buildings.

Impact on Property Values

Some stated that the proposed increase in social housing units would negatively impact their property values. Others commented that the height and resulting view impact of the tower proposed for 508 Helmcken St would negatively affect their property values.

Other comments cited in opposition were:

- the noise from the construction will negatively impact my building and the park
- more details are needed about the land swap; the switch of the lots allows the developer to benefit by a very slick piece of wheeling and dealing
- the developers are attempting to maximize their profits to the detriment of the neighbourhood, using social housing as an excuse to violate all sorts of by-laws
- the proposal does not relate at all to existing policy for this area and should be rejected by the City; it is inviting the potential for an expensive class action lawsuit on the part of existing residents who purchased homes based on these guidelines
- lower floors have an unresolved relationship with Helmcken and Richards Streets, with no podium
- the curtain wall on Helmcken St shows a lack of thought
- there is no design, it is drab and unimaginative
- we don't need any more new condos in the area; there are enough condos available in Yaletown
- can St Paul's Hospital service another 500 families?
- we should be seeing restaurants and stores on the first floor
- there are already many rental units available in the existing Richards St buildings, and these rental units are not needed.

Comments from those supporting the application:

Social Housing Proposal

Many commented that the proposal offers a beneficial opportunity and location for more social housing units. Many stated that the existing Jubilee House building is unattractive and in poor condition, is not large enough, and needs to be replaced. Others stated their support for the proposal as an opportunity to provide social housing in the absence of funding from other levels of government.

Form and Design

Several noted support for proposed building's LEED standard. A couple commented that the proposed tower would not shade the park. Others stated that they supported the proposed

design, and that it would complement the existing landscape and upgrade the streetscape. One commented in support of the proposal but stated that the tower did not relate well to the street due to the large, curved setbacks. One commented that the tower would add to the skyline and architectural interest of the area.

Market Rental

Many commented that more purpose built, secure market rental units were needed in Vancouver, noting a lack of secure rental units in this neighbourhood. Several commented on the proposal as a good opportunity and location for market rental units within a growing neighbourhood.

Proposed Density

Some commented on the need for additional density in Vancouver, noting the importance of incorporating more rental stock and the need to accommodate a growing population.

Other comments cited in support were:

- more educational facilities are needed downtown
- good location for a school; this will enhance the interaction with the park
- the proposal adds more green space to the park
- Jubilee House in its current condition negatively affects the park
- the proposed amenities will greatly enhance the neighbourhood.
- the proposed building should not have a flat top; it has a boring silhouette and needs character
- height is not a concern if purpose built rental units are secured in perpetuity and the proposed social housing is maintained - don't sacrifice much needed rentals and social housing in this city just because some people don't like tall buildings.
- good to see new strata units in this area.
- this mix of below market and market units is strongly needed in the downtown core.
- support the proposed 400 parking stalls; many new downtown developments do not have enough parking to sustain high-rise homeowners.

Comments from those undecided about the application:

Effect on Emery Barnes Park

Some noted concerns that the proposal for 508 Helmcken St would “overwhelm” the park due to the height and close proximity. One noted concerns about the negative impact of the proposed building on the dog park, stating that they could not support the application if the dog park were negatively impacted.

Other comments from those undecided about the application were:

- the building is too tall, and shadows will be too long
- the board showing building heights in surrounding buildings is wrong
- I support the subsidized housing “swap”
- the social housing seems small in relation to what the developer is gaining, and the increase in school spaces also seems low; would prefer to see a reasonable trade off
- market and social housing used to be seamlessly integrated - are we returning to this integration or is market “market” and social “social”? I'd prefer to see within building mixes (i.e. Woodward's)

- with so much residential nearby, are there any plans to include a grocery store / supermarket in the building?
- the coloured paneling is faddish and looks awful
- there are many undeveloped lands which could be used for social housing; the new site across the street is too dense for the neighbours.
- the building will block the view from the Domus building
- I would like to know what the wind tunnel effect will be, and would like the City to request a wind tunnel study please.

April 26, 2013 Revised Application

In response to comments received during the review process, the GBL Architects Inc. submitted a revised application on April 26, 2013.

The following changes were made:

- The floor area was reduced by 574.7 m² (6,186 sq. ft.), reducing the FSR from 17.40 to 17.19.
- The maximum tower floor-plate area was reduced from 957 m² (10,300 sq. ft.) to 934 m² (10,051 sq. ft.).
- A podium was incorporated into the design to create a more appropriate street edge and respond to the adjacent six-storey building.
- A retail unit was added to the ground floor to animate the ground plane.
- The building was shifted (12 ft.) away from the park, towards Helmcken Street, to improve the relationship between the building and the park.

Public Response

An email was sent to 107 individuals who had previously commented on the application. 13 emails were returned as undeliverable.

- A total of six e-mails and online comment forms were submitted from individuals (approximately 67% opposed/33% unsure or unspecified).

Comments from those opposing the application cited the following concerns regarding the revised application:

Height and Scale of Development

A few commented that the revised application offers little improvement to the original submission and does not address the issues with regard to the density, height, views or shadowing. Some commented that the scale of the revised application did not fit in with the neighbourhood and was not appropriate for the corner of Emery Barnes Park. One stated that a maximum of 20 storeys should be permitted at this location. Another commented that the proposed height (and resulting shadow) would negatively impact the existing Brooklyn Court building, located on the northwest corner of Emery Barnes Park.

Impact on Emery Barnes Park

A few commented that the proposed building would negatively impact the park and would overshadow park users. One noted concerns that the proposal would set the tone for future development on the northwest corner of the park.

Other comments cited in opposition were:

- Park frontage is uniquely valuable, and the City should not be so promiscuous in its desire for someone else to build desirable social amenities.
- The changes to the original application are minimal and do not address the outstanding issues of densification within the surrounding area as well as the fact that the building does not conform well with the area.

Comments from those undecided or unspecified cited the following concerns regarding the revised application:

Effect on Emery Barnes Park

One person stated that a better transition was required between the tower and Emery Barnes Park, noting concerns that the proposed building would be “intimidating” for park users when compared to neighbouring buildings which are a larger distance from the park. Suggestions for a better transition included: retail at the ground level, increased setbacks (to be no closer than Brookland Court at 540 Helmcken St) and to require a public plaza between the proposed building and the park. Another suggestion included extending the park under the tower, with 1618 Quebec St cited as an example.

Impact on Views

One person requested a study on whether the new footprint would allow a view of the park from neighbouring buildings, including the Domus building.

* * * *

508 Helmcken Street
FORM OF DEVELOPMENT

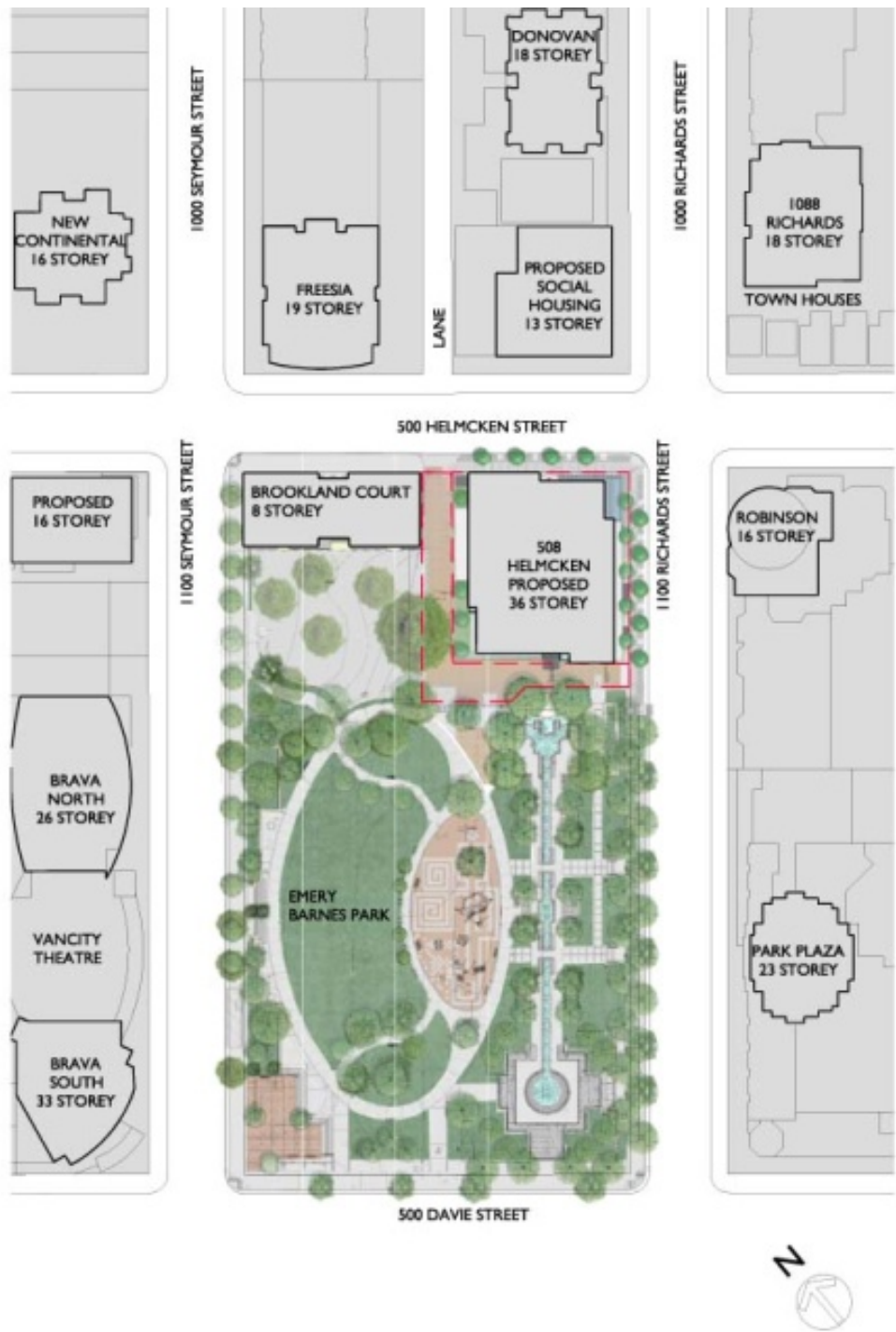


Figure 1: Context Plan

Figure 2: Aerial View

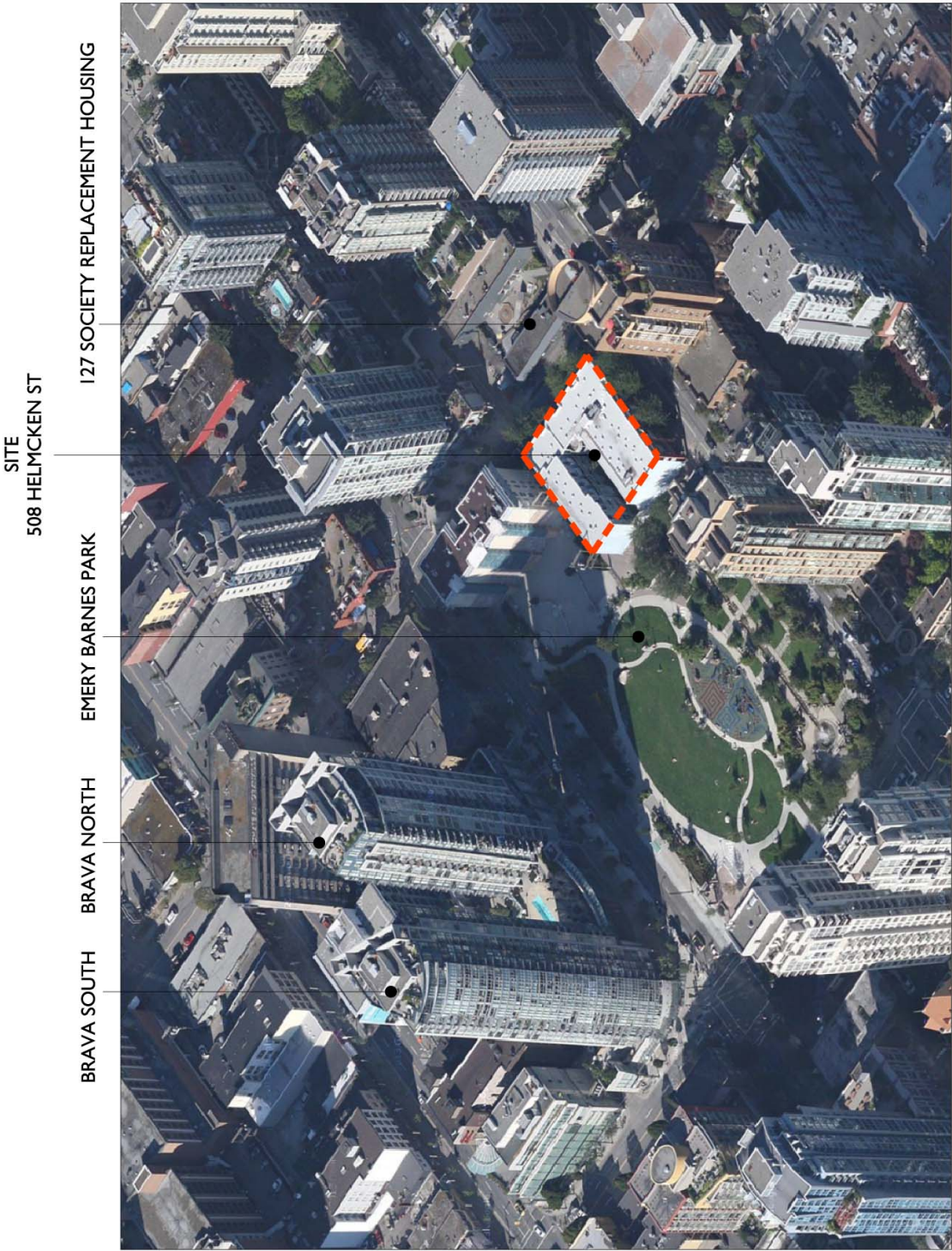


Figure 3: Ground Floor in Context





Figure 4: Level Two Plan

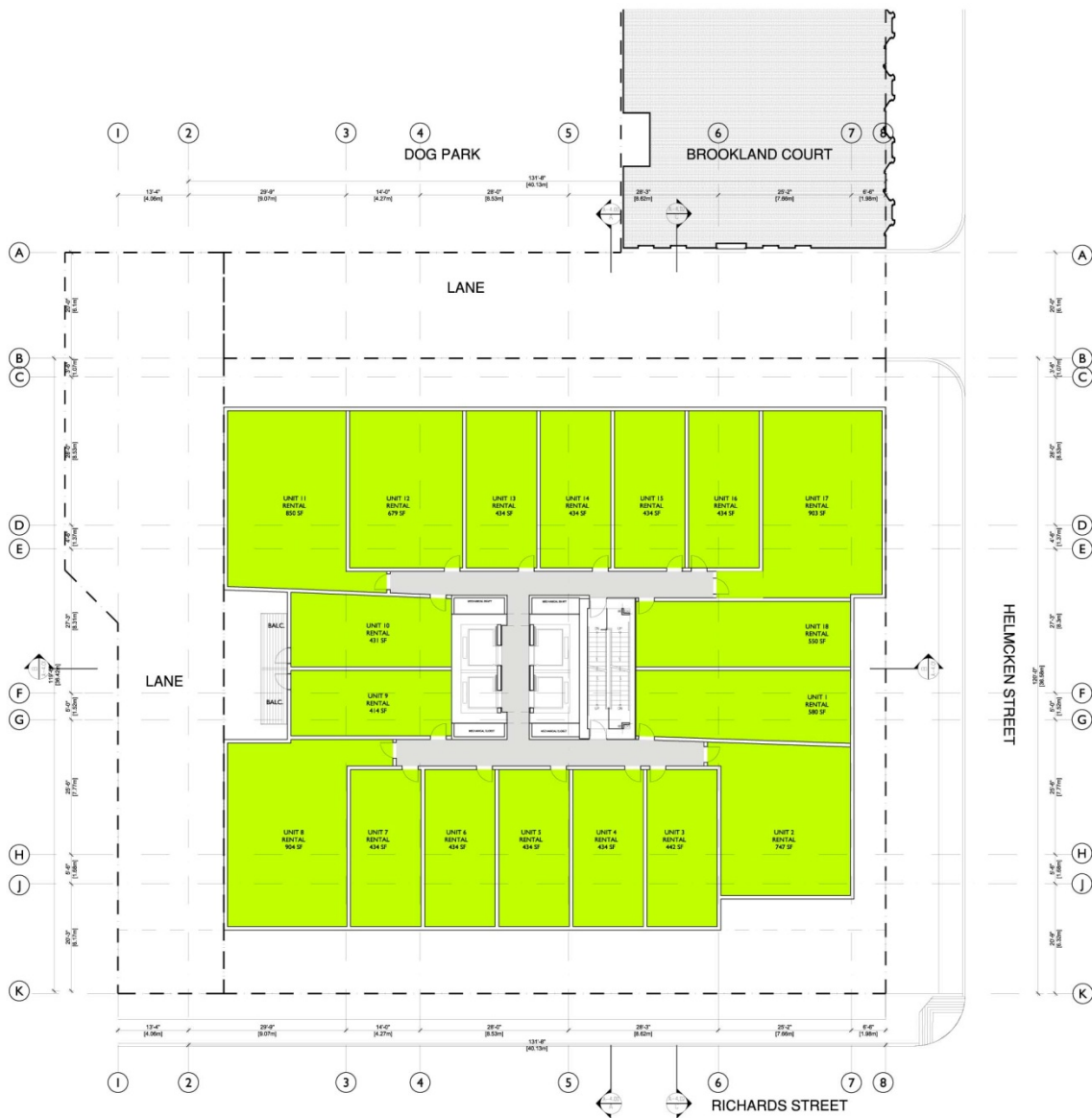


Figure 5: Typical Rental Floor Plan - Lower Levels 4-6

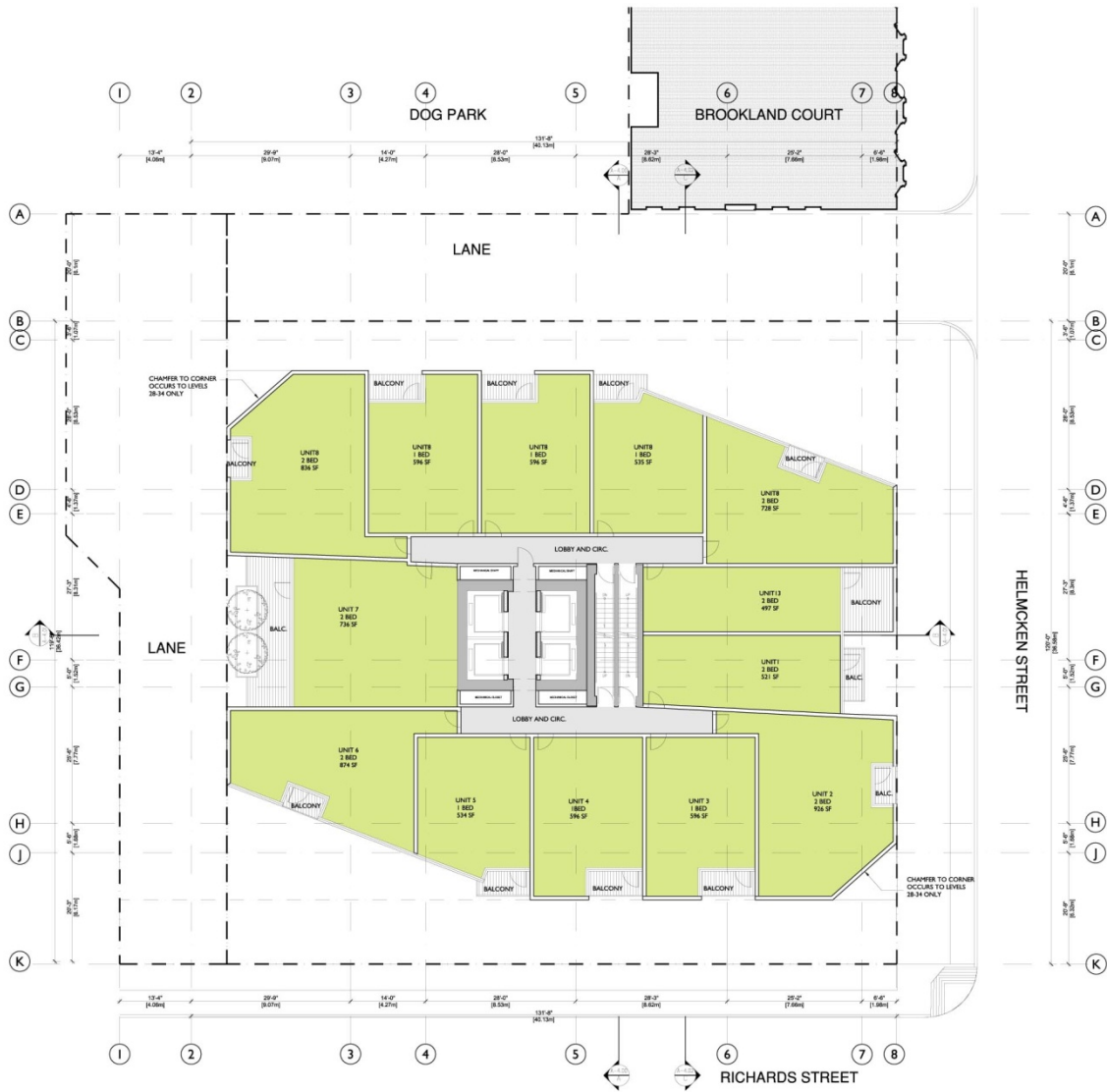


Figure 6: Typical Strata Floor Plan - Upper Levels 8-34

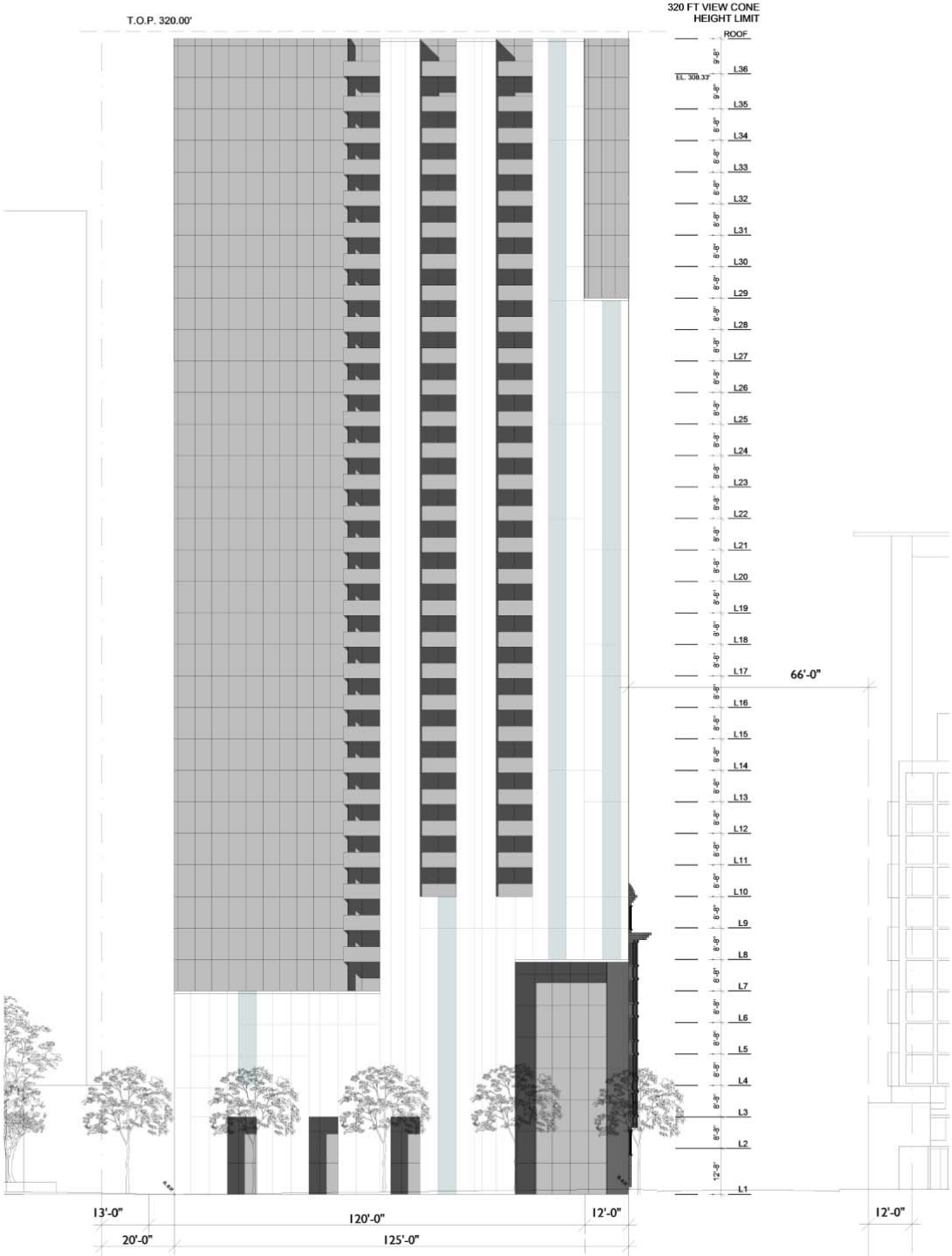


Figure 7: South East Elevation

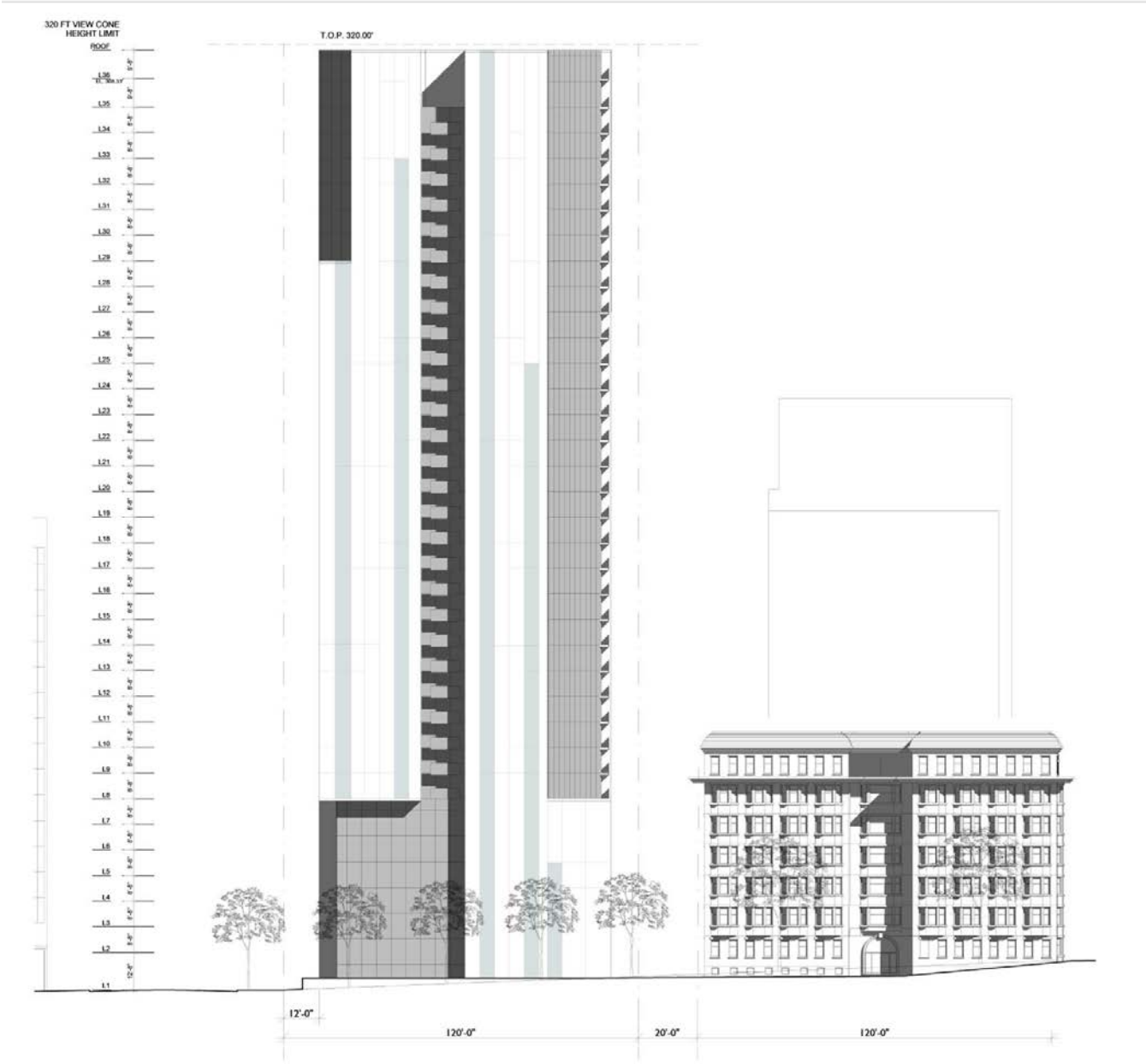


Figure 8: North East Elevation

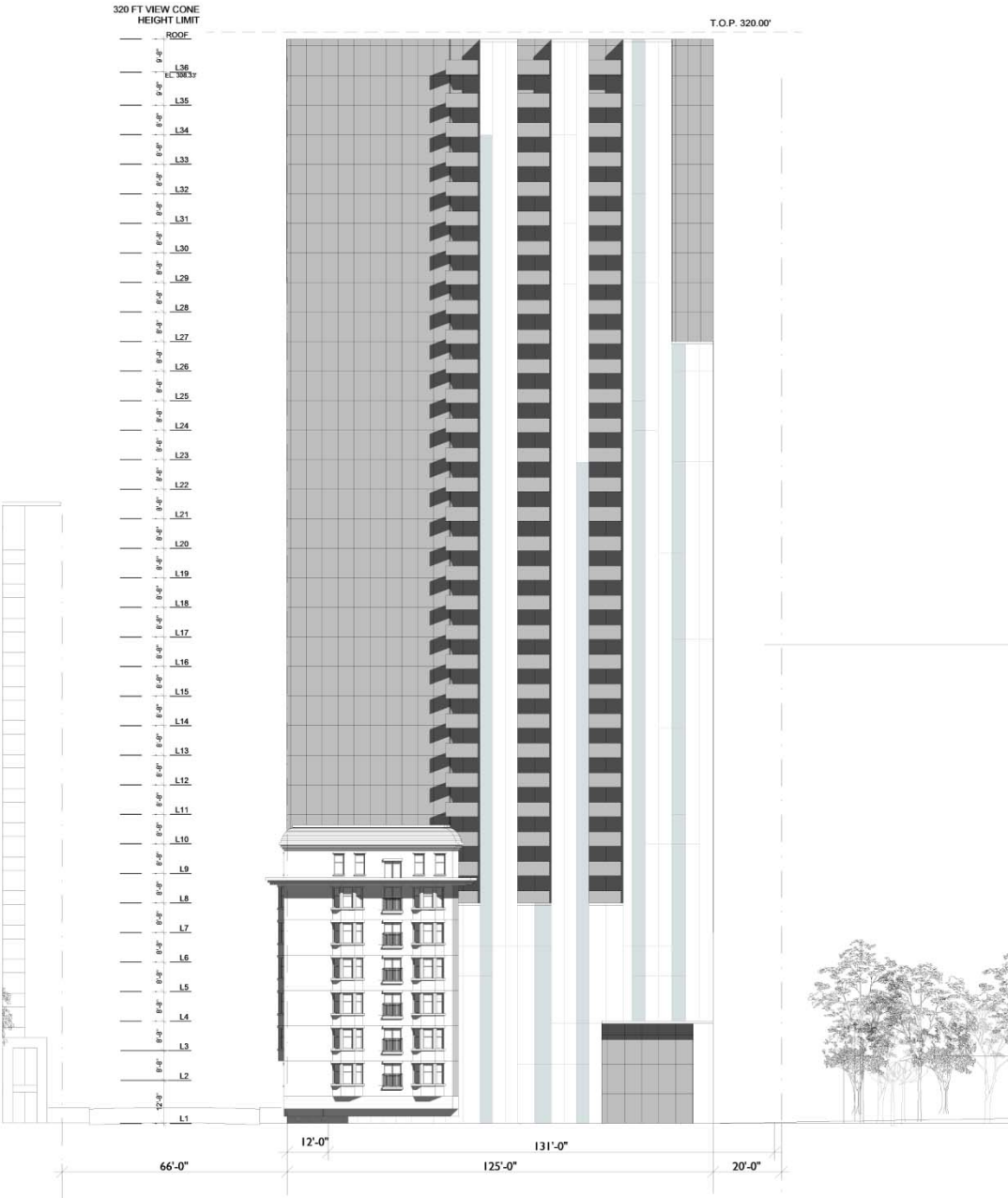


Figure 9: North West Elevation

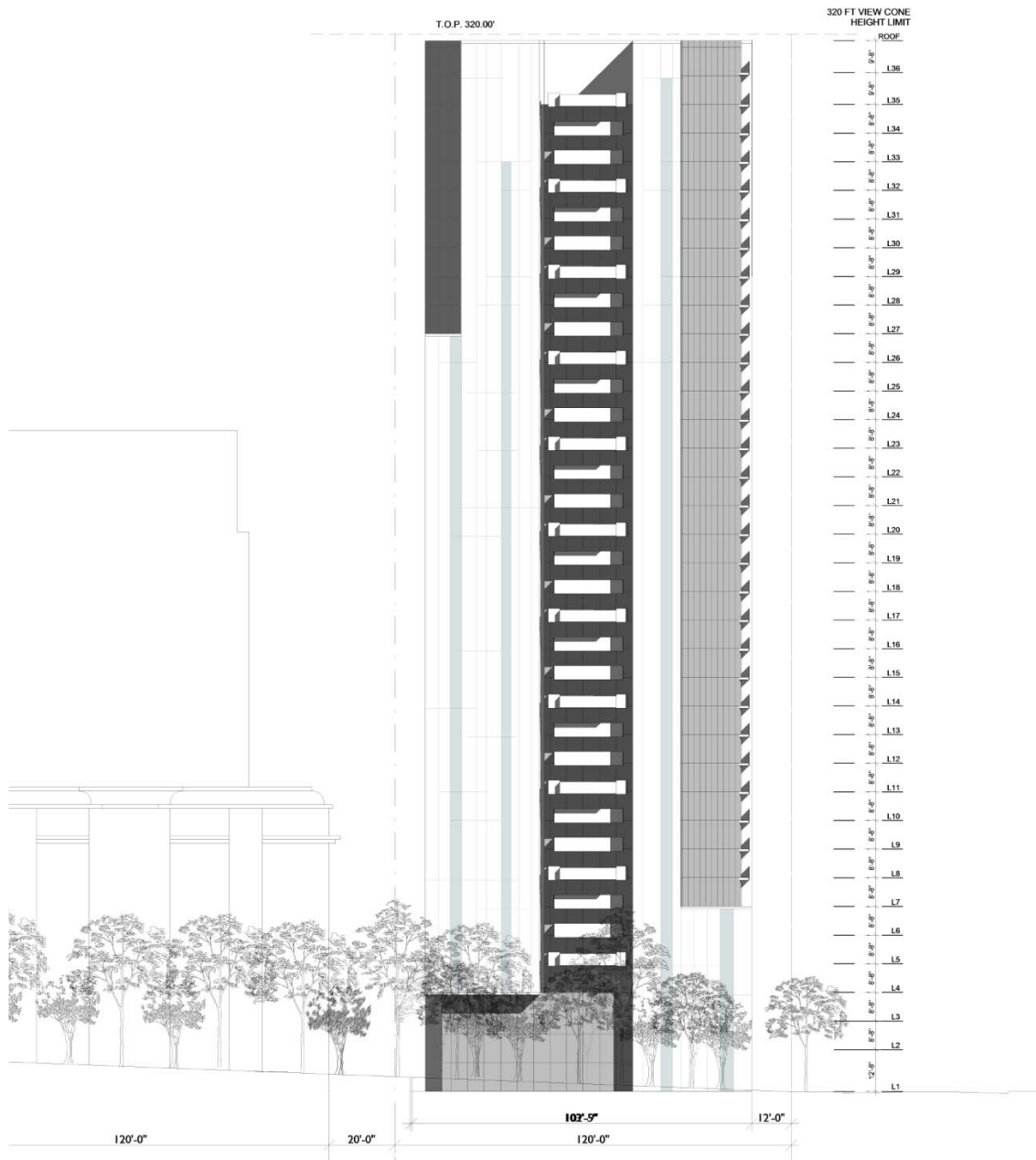


Figure 10: South West Elevation



Figure 11: Building Section

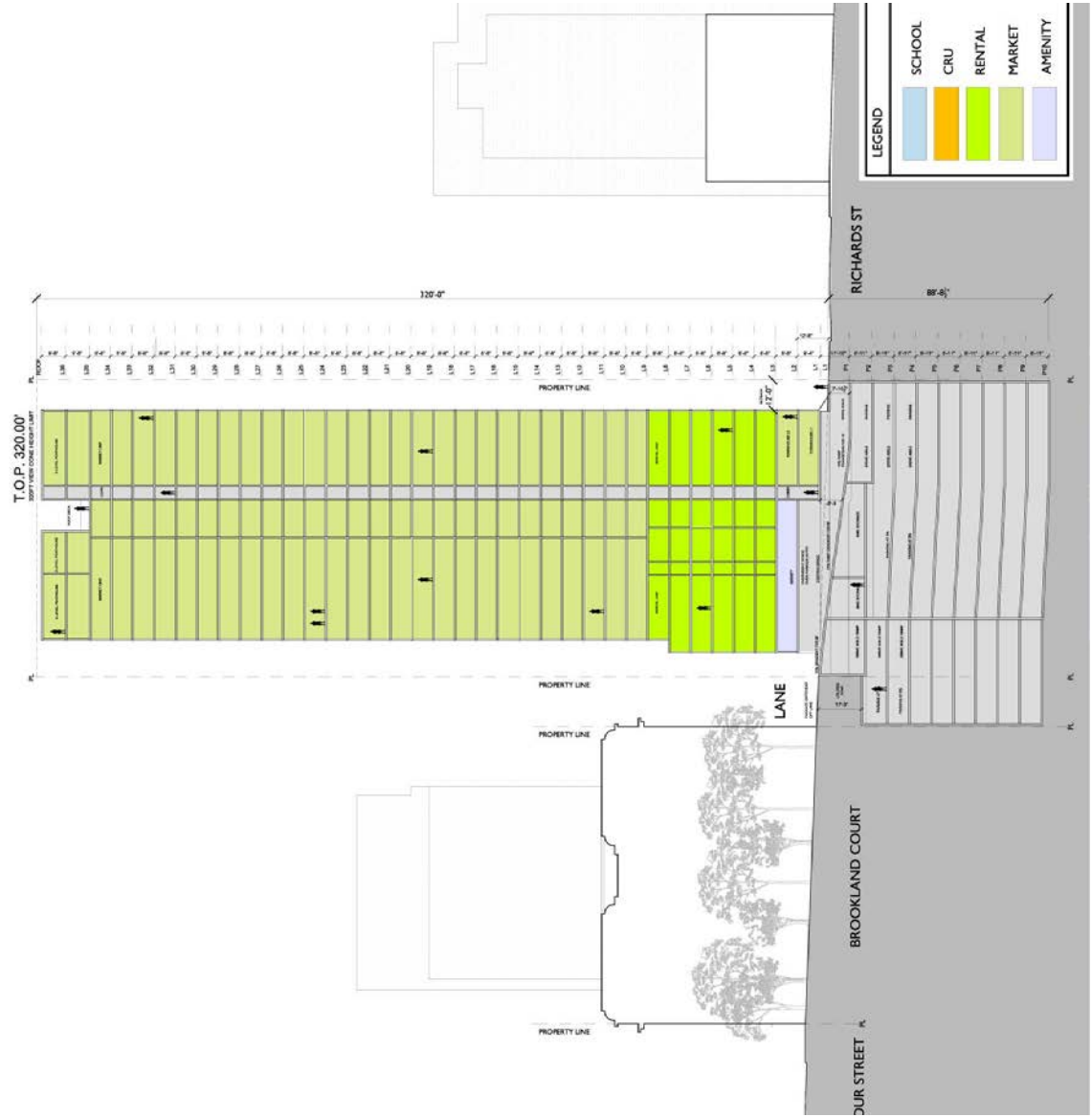


Figure 12: Building Section

508 Helmcken Street PUBLIC BENEFITS SUMMARY

Project Summary:

36-storey mixed use building

Public Benefit Summary:

162 non-market housing units, 110 secured market rental units, contribution towards the Affordable Housing Fund, public art, and DCLs

	Current Zoning	Proposed Zoning
Zoning District	DD	CD-1
FSR (site area = 20,945 sq. ft.)	3.0	17.19
Buildable Floor Space (sq. ft.)	63,021	360,000
Land Use	Residential/Commercial	Residential/Commercial

Public Benefit Statistics		Value if built under Current Zoning (\$)	Value if built under Proposed Zoning (\$)
Required*	DCL (City-wide) (\$12.50/sq. ft.)		
	DCL (Downtown South) (\$17.11/sq. ft.)	1,078,289	\$6,354,000
	Public Art (\$1.81/sq. ft.)		651,600
	20% Social Housing		
Offered (Community Amenity Contribution)	Heritage		
	Childcare Facilities	N/A	
	Cultural Facilities		
	Green Transportation/Public Realm		
	Housing (e.g. supportive, seniors)		24,000,000*
	Parks and Public Spaces		
	Social/Community Facilities		
	Unallocated		
	Other (Affordable Housing Fund)		1,000,000
TOTAL VALUE OF PUBLIC BENEFITS		\$1,078,289	\$32,005,600

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

*162 social housing units would be located off-site at 1079-1099 Richards Street)

110 secured market rental units would be located on-site (508 Helmcken Street)

Note: DCLs, Public Art and Social Housing may have exemptions and/or minimum thresholds for qualification. For the Downtown South DCLs, revenues are allocated into the following public benefit categories: Parks (38%); Replacement Housing (42%); Childcare (13%); and Engineering Infrastructure (7%).

508 Helmcken Street
APPLICANT, PROPERTY AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

Street Address	508 Helmcken Street
Legal Description	PID: 029-261-317, Lot C, Block 94, District Lot 541, Group 1, New Westminster District, Plan EPP35544
Applicant/Architect	GBL Architects
Property Owner	City of Vancouver

DEVELOPMENT STATISTICS

	DEVELOPMENT PERMITTED UNDER EXISTING ZONING	PROPOSED DEVELOPMENT	RECOMMENDED DEV'T (if different)																					
Site Area	15,000 sf (existing)	Existing parcels 15,000 sf Lane 5,945 sf Total 20,945 sf	1,945.8 m ² (20,945 sq. ft.)																					
Zoning	DD	CD-1																						
Uses	Residential, Institutional, Retail	Residential, Institutional, Retail																						
FSR	3.0	17.19																						
Floor Area	63,021 sf	Residential 353,287 sf Commercial 1,192 sf Institutional 5,505 sf Total 359,984 sf	Commercial may be increased up to 5,000 sf																					
Maximum Height	70 ft View Cone 320 ft	318 ft	320 ft but may not intrude into view cone																					
Dwelling Units (DU)		<table><tr><td></td><td>Market</td><td>Rental</td></tr><tr><td>Studio</td><td>50</td><td>64</td></tr><tr><td>1-Bedroom</td><td>150</td><td>20</td></tr><tr><td>2-Bedroom</td><td>134</td><td>26</td></tr><tr><td>3-Bedroom</td><td>4</td><td>0</td></tr><tr><td>Sub-total</td><td>338</td><td>110</td></tr><tr><td>Total</td><td>448 dwelling units</td><td></td></tr></table>		Market	Rental	Studio	50	64	1-Bedroom	150	20	2-Bedroom	134	26	3-Bedroom	4	0	Sub-total	338	110	Total	448 dwelling units		Minimum 25% family housing units (2+ bedroom)
	Market	Rental																						
Studio	50	64																						
1-Bedroom	150	20																						
2-Bedroom	134	26																						
3-Bedroom	4	0																						
Sub-total	338	110																						
Total	448 dwelling units																							
Parking Spaces	Residential 234 Commercial 1 Daycare based on # of children Disability 17	Residential 439 Commercial/Daycare 13 Total 452 Disability 3	Meet requirements of Parking By-law and Childcare Design Guidelines Disability 17																					
Loading	Class B Residential 2 Daycare + Comm. 1 Total 3	Class B Residential 2 Day care + Commercial 0 Total 2	Class B : 3 Class A: 0.01 space per DU up to 300 DU, and a minimum of 0.008 space per DU for 300 or more units.																					
Bicycle Spaces	Cl. A Cl. B Residential 560 6 Commercial 1 0 Daycare 0 0 Total 561 6	Cl. A Cl. B Residential 584 0 Commercial 0 0 Day care 0 0 Total 584 0	Meet requirements of Parking By-law																					