



REPORT

Report Date: June 21, 2022
Contact: Theresa O'Donnell
Contact No.: 88434
RTS No.: 15201
VanRIMS No.: 08-2000-20
Meeting Date: July 5, 2022
[Submit comments to Council](#)

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: Policy and Directions – Application for Rezoning at 830-850 Thurlow Street and 1045 Haro Street

RECOMMENDATION

THAT Council confirm their support of the objectives of the *West End Community Plan, Rezoning Policy for the West End, West End – Tower Form, Siting and Setbacks Administrative Bulletin* and the *View Protection Guidelines*; and direct staff to process the rezoning application by Intracorp, on behalf of Harlow Holdings Ltd. the registered owner of the lands located at 830-850 Thurlow Street and 1045 Haro Street to rezone the lands from DD (Downtown District) to CD-1 (Comprehensive Development) District, noting the application does not comply with these policies and the review may result in the General Manager of Planning, Urban Design and Sustainability recommending non-support;

FURTHER THAT the passage of the above resolution will not fetter Council's discretion to consider this rezoning application or to refer it to public hearing, and does not create legal rights for any person or any obligation on the part of the City; any expenditures of funds or incurring of costs is at the risk of the person making the expenditure or incurring the costs.

REPORT SUMMARY

The report seeks Council's direction to uphold the objectives of the *West End Community Plan, Rezoning Policy for the West End, West End – Tower Form, Siting and Setbacks Administrative Bulletin* and the *View Protection Guidelines*; to protect public views as noted in the *View Protection Guidelines*, and limit shadows onto public spaces, as noted in the *West End – Tower Form, Siting and Setbacks Administrative Bulletin*.

The application to rezone 830-850 Thurlow Street and 1045 Haro Street from DD (Downtown District) to CD-1 (Comprehensive Development) District, is to construct two towers and a child care facility turn-key to the City. The towers are a 56-storey building containing 443 strata residential units and a 14-storey building containing 66 secured market rental residential units, over a retail and amenity podium. Staff have completed a preliminary review of the application and note the proposal significantly deviates from the height limitations set-out in the *View Protection Guidelines*, and results in shadows onto Robson Street during times protected under the *West End – Tower Form, Siting and Setbacks Administrative Bulletin*. The proposal's significant non-compliance with provisions for maximum height and density, and the contravention of Council-approved protected public views, disregard the policy framework established by Council. Staff are seeking Council's direction on these matters prior to submitting the rezoning report for referral to a Public Hearing.

This report describes the intent of existing City policy to protect prominent views of the downtown skyline, the North Shore Mountains, and the shoreline for the benefit of current and future residents, and describes the importance of sunlight to pedestrian activity on Robson Street.

As the application does not comply with the *West End Community Plan*, the *Rezoning Policy for the West End*, the *West End – Tower Form, Siting and Setbacks Administrative Bulletin*, and the *View Protection Guidelines*; the General Manager of Planning, Urban Design and Sustainability recommends completing the review of the rezoning application in accordance with existing policies, recognizing that this may lead to a staff recommendation of non-support.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Relevant Council policies for this site include:

- *Downtown Official Development Plan (1975, last amended 2017)*
- *West End Community Plan (2013, last amended 2020)*
- *Rezoning Policy for the West End (2013, last amended 2017)*
- *West End – Tower Form, Siting and Setbacks Administrative Bulletin (2017, last amended 2020)*
- *View Protection Guidelines (1989, last amended 2011)*
- *Higher Buildings Policy (1997, last amended 2018)*

REPORT

Background/Context

1. Applicable Policy

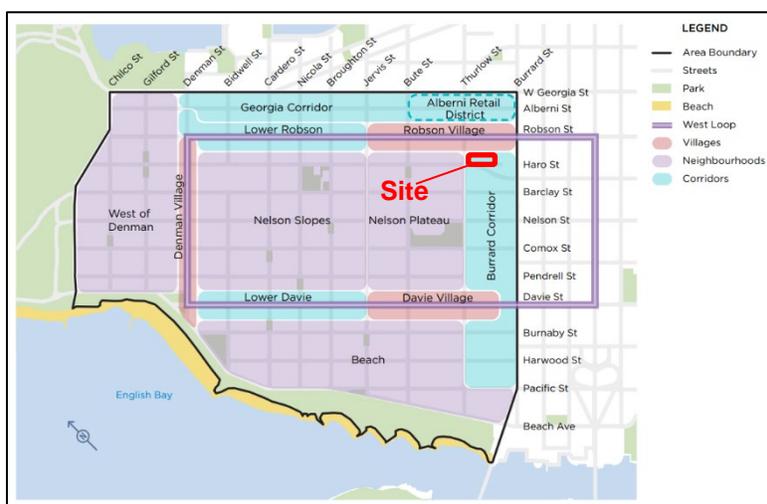
Downtown Official Development Plan (DODP) – The intent of the DODP is to improve the general environment of the Downtown District as an attractive place in which to live, work, shop and visit. The site straddles Areas E and G of the DODP. Currently zoned DD (Downtown District), these areas permit a variety of commercial, non-residential uses, and residential uses in Area G. Under the current zoning, developments with a floor space of 3.00 FSR in Area E and

6.00 FSR in Area G are permitted. A maximum height of up to 137.2 m (450 ft.) can be considered, subject to view cone restrictions.

West End Community Plan (the “Plan”) – Rezoning potential for the site is guided by the *Plan*, which provides a framework to guide change, development and public benefits in the West End over a 30-year period. The *Plan* identifies “Corridors” (Georgia and Burrard) to accommodate job space and housing, denser development close to transit, and local services and amenities. The rezoning site is located in the Burrard Corridor (Figure 1).

West End – Tower Form, Siting and Setbacks Bulletin (“Bulletin”) – This *Bulletin* supplements the *West End Community Plan* and the *Rezoning Policy for the West End*, providing guidance on the siting and massing of towers for use when preparing rezoning applications. The *Bulletin* also includes provisions related to shadowing of parks, public open spaces, and the West End “Villages” along Robson and Davie Streets. Solar access is to be generally assessed and limited between the hours of 10 am and 4 pm on the spring and fall equinoxes with the exception of the 1000-Block of Robson Street where shadows are to be evaluated and limited between the hours of 10 am and 3 pm on the spring and fall equinoxes.

Figure 1: West End Community Plan Sub-areas

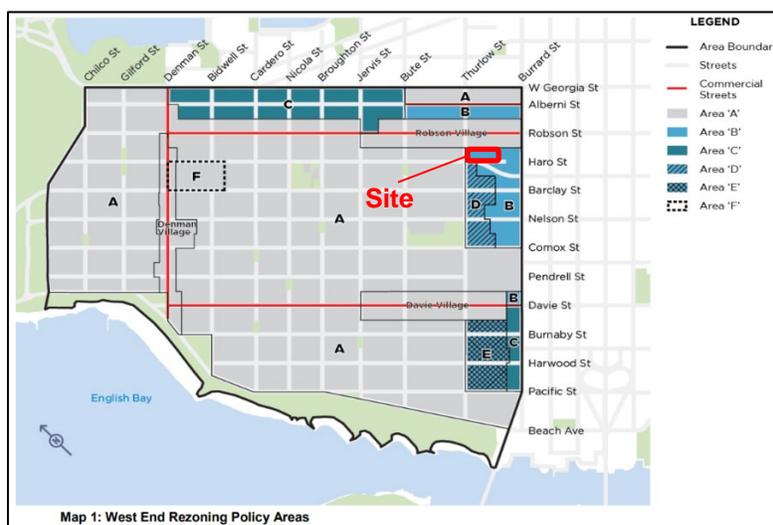


Rezoning Policy for the West End – This policy allows consideration of rezonings within the Burrard Corridor for strata-titled residential uses when significant public benefits can also be achieved. Within Area B of this policy (see Figure 2), typical tower floor-plates of 696.8 sq. m (7,500 sq. ft.) may be considered, with building heights of up to 167.6 m (550 ft.), subject to urban design performance and adherence to the *View Protection Guidelines* and *Tower Siting Guidelines Administrative Bulletin*.

In 2020, staff analysis determined the need for a broader range of housing tenure in the West End. As such, Council approved an interim approach to consider rezonings in the Burrard Corridor for 100% secured rental buildings with a 20% below-market rental (BMR) component. The policy is titled the *Criteria for 100% Secured Rental and Below-Market Housing as an Alternative to Inclusionary Social Housing in the Burrard Corridor of the West End Community Plan (“West End Rental Policy”)* – The *West End Rental Policy* expands the housing tenure options for areas D and E of the Burrard Corridor, zoned RM-5B. Applicants can pursue a

rezoning for 100% secured rental housing with a minimum 20% of the floor area at BMR rates. Applications under this policy are also subject to the *View Protection Guidelines*. The subject site is within the DODP area of the Burrard Corridor and not within the two sub-areas noted in the *West End Rezoning Policy*.

Figure 2: Areas in the West End Rezoning Policy



View Protection Guidelines – The contrast between a modern urban skyline and a rugged coastal mountain range is unique to Vancouver, and has become a celebrated part of the city’s civic identity. In 1989, Council-approved protected public views (also referred to as ‘view cones’ or ‘view corridors’) preserving prominent views to the downtown skyline, the North Shore Mountains, and the shoreline for the benefit of current and future residents. Concurrently, the *View Protection Guidelines* were adopted to provide staff and applicants with direction on how to identify if a site is affected by a view cone, and how to calculate maximum building height relative to the views. Vancouver is one of the first municipalities in the world to formally establish protected views, and one of few with protected views to natural features rather than architectural or cultural landmarks.

Additions and amendments to public views and the *View Protection Guidelines* were subsequently approved by Council in 1990. In 2009, Council directed staff to launch the *Vancouver Views Study* (also known as the *Downtown Capacity and View Corridors Study*). The intent of this study was to review the Council-approved protected public views and height limits affecting the Downtown study area, and to explore opportunities to achieve additional development capacity. In 2010, staff presented the conclusions of the study and recommendations. Council made resolutions including: reaffirming the importance of the *View Protection Guidelines*, approving minor changes to existing protected views, and adding new views. Resultant amendments were formally approved by Council in 2011.

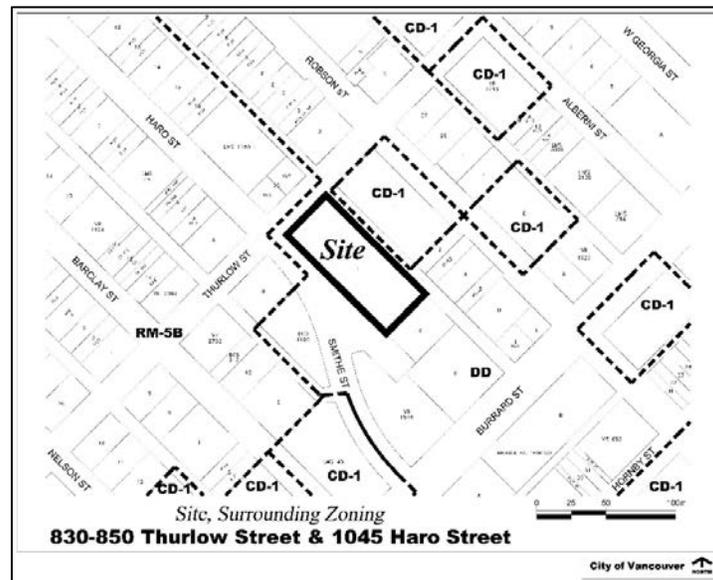
2. Site and Context

The subject site is located on the northeast corner of Thurlow Street and Haro Street in the West End neighbourhood (see Figure 3). The site is comprised of a single lot with a frontage of approximately 101 m (330 ft.) along Haro Street and approximately 40 m (131 ft.) along Thurlow Street, with a total site size of 4,018.8 sq. m (43,258 sq. ft.). The site is currently zoned DD and

developed with a three-storey commercial building with ground floor retail space and office uses and a seven-storey strata-titled residential building.

The site is located south of Robson Street towards the eastern edge of the West End and the surrounding context comprises a mix of low-rise, mid-rise, and high-rise buildings. Zoning in the area includes CD-1 sites, DD and RM-5B zoning. Rezoning Applications in this area propose developments which comply with the *West End Community Plan* related to building height and access to sun light, and comply with the *View Protection Guidelines*, and applicable shadowing restrictions onto Robson and Davie Streets.

Figure 3: Rezoning Site and Surrounding Zoning



Strategic Analysis

1. Proposal

The application seeks to rezone the site from DD (Downtown District) to CD-1 (Comprehensive Development) District for a mixed-use development. The proposal consists of a 56-storey strata-residential tower and a 14-storey secured rental residential tower with a four-storey retail and amenity podium (Figure 4). The proposal also includes a 49-space childcare facility, to be delivered turnkey to the City, and public realm improvements such as an active pedestrian link along the east side of the site and a public plaza created on a City road right-of-way. The proposal includes 509 residential units (443 strata units and 66 secured market rental units). A floor area of 41,035 sq. m (441,709 sq. ft.), and a density of 10.21 FSR are proposed along with a maximum building height of 580 feet. This application proposes an overall maximum building height of 176.8 m (580 ft.) to the top of architectural appurtenances for the 56-storey tower, and a building height of 62.7 m (206 ft.) to the top of architectural appurtenances for the 14-storey tower. *View Protection Guidelines* for this area limit development on this site to 260 feet.

Figure 4: Aerial View of the Proposal Looking Northwest



2. Implications on penetrating the View Cone

While there are a number of height directives applicable to this proposal, as detailed below and in the Policy Context section of this report, staff note that the proposed height is broadly non-compliant with Council-approved policies. By proposing intrusions into protected view corridors, the proposal varies significantly from what would otherwise be anticipated at this location (see Figure 7). At its most restrictive point, public view D limits the site to a height of approximately 79.2 m (260 ft.).

This site is governed by a number of policies with a variety of maximum building heights, however all governing policies are subject to the *View Protection Guidelines*:

- The *Higher Buildings Policy* permits consideration of buildings that penetrate the QE view cone 3.2.1, at 110.3 m (361.9 ft.) (Queen Elizabeth Park);
- The DODP permits building heights up to of 137.2 m (450 ft.) and
- The *West End Community Plan* (Burrard Corridor) and related *Rezoning Policy for the West End* permit consideration of building heights up to 167.6 m (550 ft.) pending location.

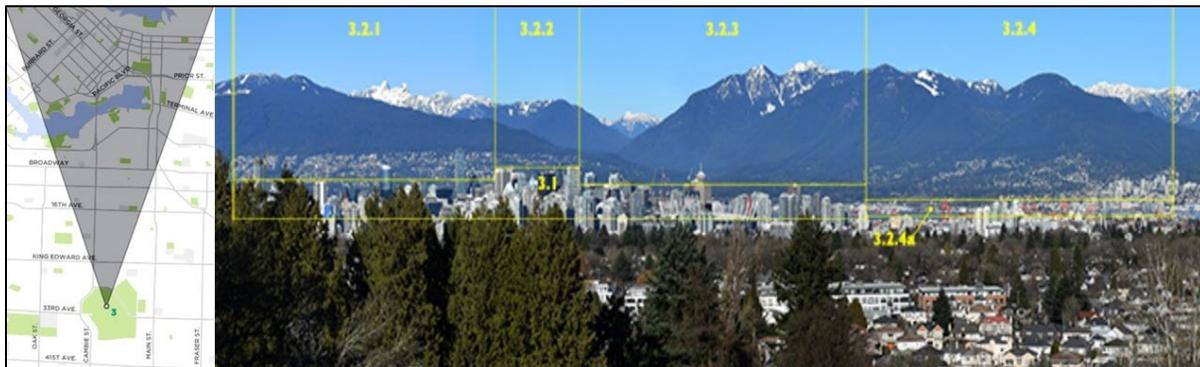
Council-approved protected public view D (Heather Bay), originating at Leg-in-Boot Square secures views to the Lions and Brunswick Mountains (see Figure 5). As noted above, the majority of this site is limited by the Heather Bay view cone D. A small area of the southwest corner of the property is not covered by the Heather Bay view cone, and in theory could

penetrate the QE view cone (see Figure 6), however that area is too small to develop (see Figure 6 & 8).

Figure 5: Public View D (Heather Bay) (D)



Figure 6: Public View 3 (Queen Elizabeth Park)



As stipulated in the *Guidelines*, the maximum building height calculated for view protection includes all appurtenances such as mechanical penthouses, decorative roofs, and aerials. The *Guidelines* make no provision for a structure to compromise the protected view. In very rare instances, exceptions may be considered where it can be conclusively demonstrated that any incursion into a protected view is wholly obstructed by a pre-existing incursion caused by another building. This is referred to as a “view shadow”. There are no existing buildings in this area that would place this site behind, and in the view shadow created by another building.

Permitting a building of this height in this section of the West End, could destabilize land values in this area, erode the City’s ability to protect public views to the North Shore mountains and compromise the principles of the *View Protection Guidelines*.

Figure 7: Intrusion into View Cone

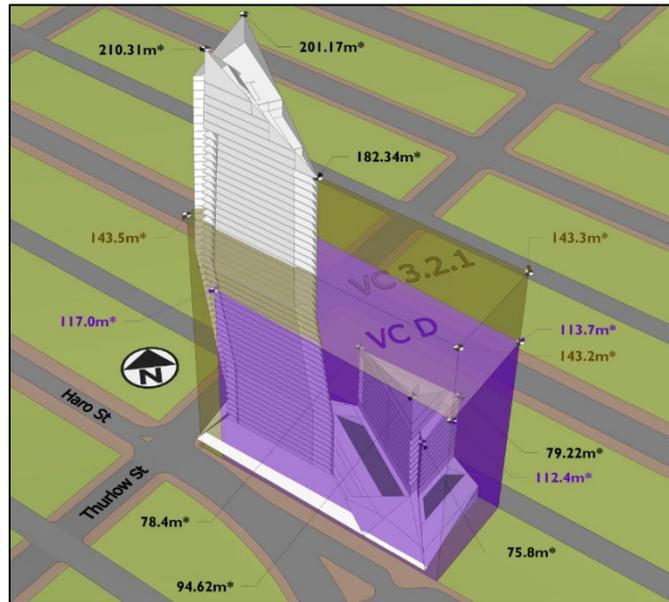
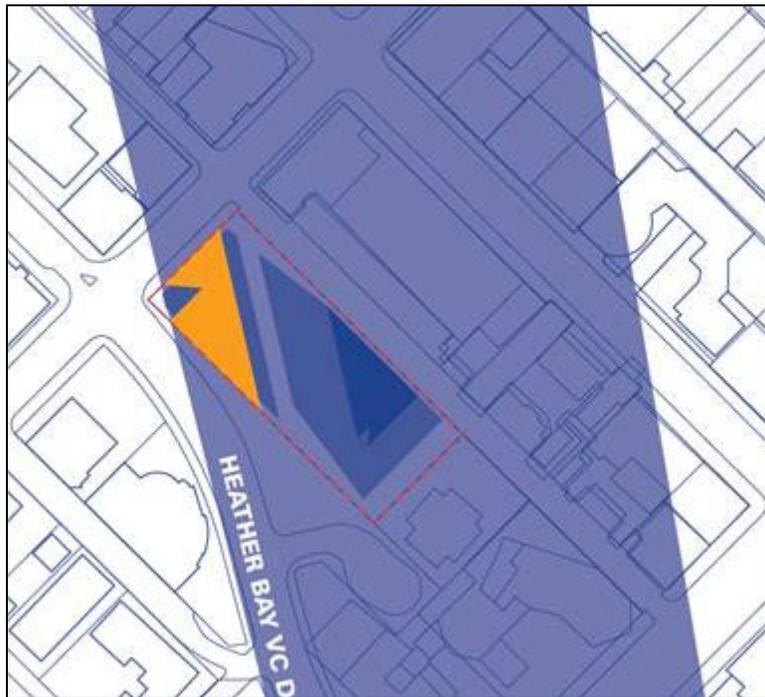


Figure 8: Showing the Extent of the Heather Bay View Cone over the Subject Site (with the footprint of the two towers below)



3. Shadowing on Robson Street

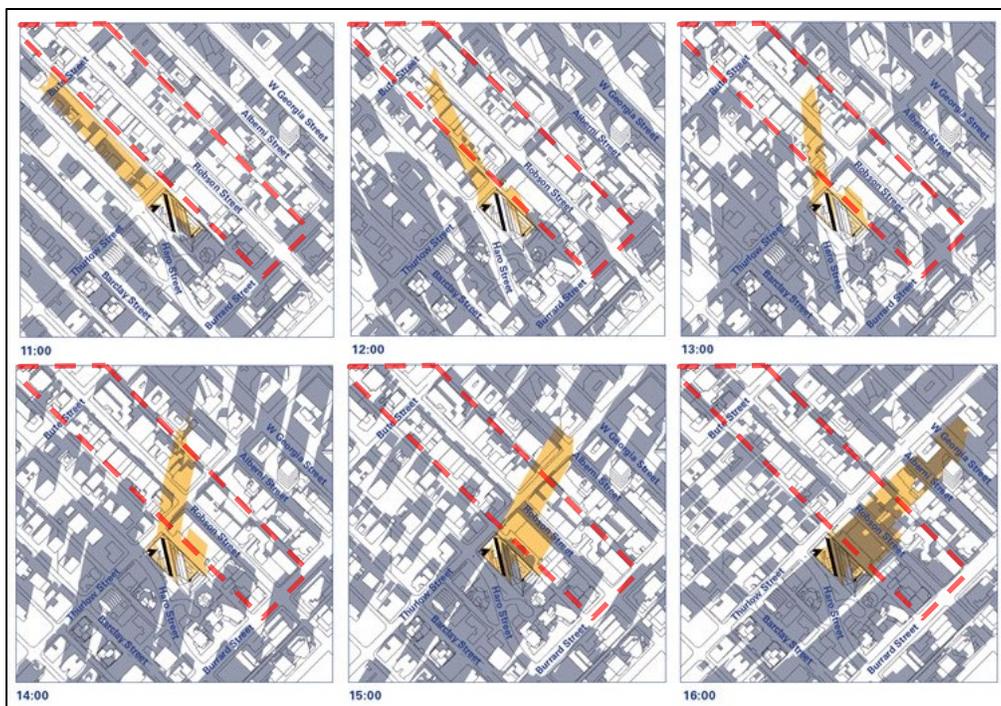
The *West End – Tower Form, Siting and Setbacks Bulletin* (“Bulletin”), reinforces the City’s solar access assessment standards wherein shadowing of parks, public open spaces, and the West

End “Villages” are assessed between the hours of 10 am and 4 pm on the spring and fall equinoxes.

In recognition of the importance of sunlight to pedestrian activity on Robson Street as identified in a downtown Public Space and Public Life Survey (2017/18), and City objectives to accommodate substantial growth in the Burrard Corridor as outlined in the *West End Community Plan*, solar access requirements for the 1000-block of Robson Street were further reviewed in 2020. Following further technical analysis and additional consultation with stakeholders, and in consideration of the commensurate increase in public benefits and amenities resulting from impacted developments, the *Bulletin* was amended so that shadowing of the 1000 block of Robson Street would be evaluated between the hours of 10 am and 3 pm on the spring and fall equinoxes. This guidance has subsequently been incorporated into the amended *Bulletin*.

The combination of additional height and density is excess of what is anticipated under the *West End Community Plan* at the rezoning site results in contravention of solar access requirements outlined in the *Bulletin*. Whereas the *Bulletin* anticipates limited shadowing of the north sidewalk of Robson Street caused by new development between 10 am to 4 pm (10 am to 3 pm for the 1000 block of Robson Street) at the spring and fall equinoxes, this proposal contributes significant new shadowing between 12 pm to 4 pm, and the 1000 block between 2 pm and 3 pm (Figure 9).

Figure 9: Shadow Impacts on the 1000 and 1100 Blocks of Robson Street during the Spring Equinox (Robson Street Outlined in Red)



Surrounding development proposals generally comply with the *West End Community Plan* direction related to building height and access to sun light, including adhering to the *View Protection Guidelines*, and applicable shadowing requirements as outlined in the *Bulletin*.

PUBLIC INPUT

To date, public feedback has not been sought for this proposal as it does not comply with Council-approved policies. The proposal will be presented for public feedback as part of the standard rezoning review process.

FINANCIAL IMPLICATIONS

Subject to Council direction and as part of any future rezoning process, staff would report back on applicable developer contributions (e.g. Development Cost Levies, Community Amenity Contributions, and Public Art), at time of referral.

CONCLUSION

Staff have provided a preliminary assessment of the proposal to rezone 830-850 Thurlow Street and 1045 Haro Street from DD to CD-1 to permit the development of two towers with a maximum building height of 580 feet and determined the application is significantly non-compliant with respect to the *View Protection Guidelines* and the *West End Community Plan, Rezoning Policy for the West End*, and accompanying *West End – Tower Form, Siting and Setbacks Bulletin*. Staff are seeking Council's direction regarding these policies, prior to submitting the report to Council for referral to a Public Hearing.

The proposal contravenes Council-approved protected public views and disregards the public trust and the policy framework established by Council. Allowing this proposal to intrude into protected public views would erode the integrity of the policy framework, and construes a benefit to one property that is not available to similarly situated properties. Lastly, the proposal contributes significant new shadowing on the north sidewalk of Robson Street and contravenes solar access requirements for Robson Street.

The General Manager of Planning, Urban Design and Sustainability recommends completing the review of the rezoning application at 830-850 Thurlow Street and 1045 Haro Street in accordance with existing policy, recognizing that this may lead to a staff recommendation of non-support. Should Council adopt the report Recommendation A, staff would continue processing the application, including public consultation, prior to bringing forward a rezoning report for Council's consideration.

* * * * *