



## POLICY REPORT DEVELOPMENT AND BUILDING

Report Date: January 20, 2012  
Contact: Kent Munro  
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RTS No.: 8840  
VanRIMS No.: 08-2000-20  
Meeting Date: January 31, 2012

TO: Vancouver City Council  
FROM: Director of Planning  
SUBJECT: CD-1 Rezoning: 228-246 East Broadway and 180 Kingsway

### *RECOMMENDATION \**

- A. THAT the application, by Acton Ostry Architects on behalf of Rize Alliance (Kingsway) Properties Ltd., to rezone 228-246 East Broadway (PIDs: 009-760-814, 009-760-822 and 009-760-831 - Lots A, B and C Block 119 District Lot 301 Plan 9097) and 180 Kingsway (PID: 010-976-523 - Lot E [Explanatory Plan 6228] Block 119 District Lot 301 Plan 6082) from C-3A (Commercial) District to CD-1 (Comprehensive Development) District to permit a mixed-use commercial and residential project with a total floor space ratio of 5.55, be referred to a Public Hearing, together with:
- (i) Plans received October 7, 2011;
  - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A; and
  - (iii) the recommendation of the Director of Planning to approve the application, 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 the Public Hearing.

- B. THAT, if the application is referred to a Public Hearing, the application to amend the Sign By-law to establish regulations for this CD-1 in accordance with Schedule E (assigned Schedule "B" [C-3A]) 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 amending by-law, generally as set out in Appendix C, for consideration at the Public Hearing.

- C. THAT, subject to enactment of the CD-1 By-law, the Noise Control By-law be amended to include this CD-1 in Schedule B, as set out in Appendix C;
- FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law at the time of enactment of the CD-1 By-law.
- D. THAT subject to enactment of the CD-1 By-law, the Parking By-law be amended to include this CD-1 and to provide parking regulations generally as set out in Appendix C;
- FURTHER THAT the Director of Legal Services be instructed to bring forward the necessary amendments to the Parking By-law at the time of enactment of the CD-1 By-law.
- E. THAT Recommendations A, B, C and D be adopted on the following conditions:
- (i) THAT passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and 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 appeal that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
  - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion regardless of when they are called upon to exercise such authority or discretion.

### ***REPORT SUMMARY \****

This report assesses the first significant rezoning application to come forward following Council's approval of the Mount Pleasant Community Plan (MPC Plan) in November 2010. The application proposes to rezone the full-block site bounded by Broadway, Kingsway, 10th Avenue, and Watson Street from C-3A (Commercial) District to CD-1 (Comprehensive Development) District to permit a mixed-use project with a commercial podium and 241 strata-titled dwelling units. The rezoning application requests an increase in density and height beyond what is permitted under the current C-3A zoning. The MPC Plan envisages site-specific rezonings for large sites such as this, in order to achieve a balance between higher densities, public benefits, site improvements and urban design objectives within the community. This site is specifically contemplated in the MPC Plan for taller buildings with specific heights to be determined through the rezoning process. An extensive public consultation process has led to several changes to the original rezoning application and staff support the revised application as meeting the intent of the MPC Plan.

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

- Mount Pleasant Community Plan (November 18, 2010)
- Metro Core Jobs & Economy Land Use Plan: Issues & Directions (July 12, 2007)
- Green Building Rezoning Policy (February 4, 2010)

- Financing Growth - CACs Through Rezoning (January 20, 1999)
- Greenest City 2020
- Housing and Homelessness Strategy (July 28, 2011).

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

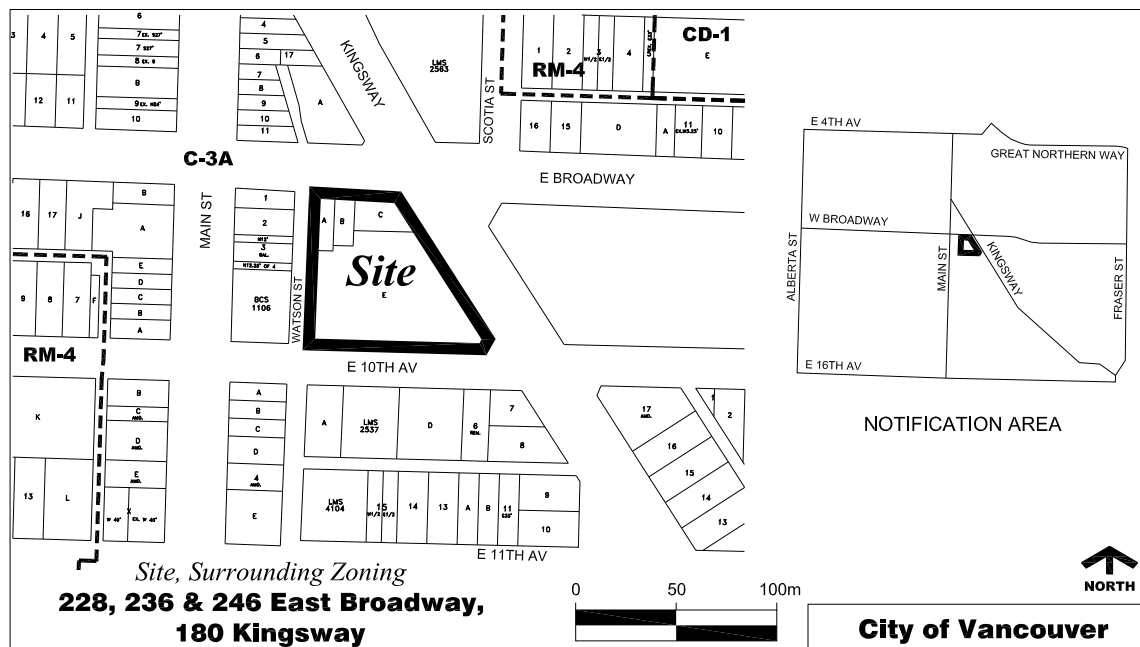
The General Manager of Community Services RECOMMENDS approval of the foregoing.

**REPORT:**

**Background/Context \***

The rezoning site, illustrated in Figure 1 below, is a full city block bounded by Broadway, Kingsway, 10th Avenue and Watson Street in the heart of the Mount Pleasant community. Significant existing development in the vicinity includes the Kingsgate Mall to the east, newer residential development both north and south on Kingsway, the new Mount Pleasant Community Centre to the northeast, historic buildings along Main Street one block to the west including the "Lee Building" at the northwest corner of Broadway and Main Street, and lower-scale residential and auto-repair oriented businesses to the south.

**Figure 1: Site and Surrounding Zoning**



This site is one of only three locations that is specifically identified in the MPC Plan for consideration of taller buildings and denser forms of development. Those three sites were identified as presenting unique opportunities within the MPC Plan area to achieve, through future site redevelopment, a form that could appropriately respond to the vision expressed in the Plan while also contributing towards important public benefits (see also Appendix D, pages 1-3, for more policy context).

While the MPC Plan, as adopted by Council, set out building heights where future development is anticipated within the plan area, the Plan is clear that specific building heights for those three larger sites were to be determined through individual rezoning processes. Section 3.4 "Large Site Development" of the MPC Plan specifically states:

*"The Mount Pleasant community sees opportunities for some high-rise as well as mid-rise development in some specific locations, such as for large sites (i.e., Kingsgate Mall, IGA site and the Broadway Kingsway, Watson Street and 10th Avenue site.)"*

For this particular site, the MPC Plan also sets out some basic principles to guide the consideration of a mixed-use built form including a policy that is supportive of an "iconic" or landmark building at this site's southeast corner where it would be furthest away from the Main and Broadway intersection.

The applicant has contemplated a rezoning of this site since the outset of the process to update the MPC Plan which began in 2008. The applicant participated in the MPC Plan consultation program, particularly in workshops related to the Uptown Shopping Area, so that emerging directions could be considered in their development proposal. The rezoning application was submitted to the City on July 26, 2010 and the MPC Plan was adopted by Council in November 2010. The rezoning application initially proposed a density of 6.37 FSR and included a 248 foot high tower. While the staff technical review of this rezoning application began following the July submission, the public consultation that focused specifically on this application did not get underway until after the MPC Plan had been adopted and there was clear policy direction as a basis to fully discuss the particulars of the application with the community.

After a series of public consultation events, and following feedback from staff and comment from the public, the applicant revised the application. The most recent revision to the form of development was submitted on October 7, 2011 and reduced the tower height to 215 feet; it is that form of development that is the subject of this report.

Throughout the application review process, the development proposal had incorporated a number of market rental housing units to be secured through the STIR Program. Following an iterative process through which the applicant revised the proposal in response to issues raised, the number of rental units declined from 62 to 15 units. In accordance with the terms of the STIR Program, staff reviewed the expected rental rates for the proposed rental units within the context of prevailing market rental rates in the area. Further, consideration has been given to the "opportunity cost" of providing those units within this proposed development - in other words, might the value being attributed to the STIR rental units be more effective if it were focused towards other public benefits within the Mount Pleasant community rather than to 15 STIR units? Staff concluded that on balance, greater value to the public interest would be achieved if the value that had been directed towards rental units were to be contributed to an affordable housing fund for use in this community. As a result, the proposal before Council for its consideration now includes 241 market residential units and the Community Amenity Contribution associated with this application has increased accordingly (this is further discussed in the Public Benefits section of this report).

Additional changes to the October 2011 revised submission include the conversion of previously proposed on-site artist production space facing 10<sup>th</sup> avenue to commercial/retail

floor area. The overall form of development was not impacted by this change (see section on Density). A staff conclusion was reached through the application review process that a broader range of more cost-effective opportunities for cultural amenities (including artist production space) would be available in locations in proximity to this site. Accordingly, the Community Amenity Contribution associated with this application was increased (this is further discussed in the Public Benefits section of the report).

### *Strategic Analysis* \*

#### 1. Uses

This application proposes a mixed residential-commercial development with neighbourhood-serving retail uses at-grade and residential uses above. The two-storey podium contains commercial/retail uses, with an opportunity for larger retail spaces on Kingsway and 10th Avenue and smaller retail shops along the Broadway frontage. The large retail space would be suitable for a major grocery or drug store. The residential component is made up of 241 strata-titled apartment units.

For the CD-1 By-law, staff are recommending that a wide range of retail and commercial uses, similar in scope to those permitted under the C-3A District Schedule, be allowed for. This provides the greatest flexibility for retail/commercial mix should changes in business tenancies occur in the future (see the draft By-law provisions in Appendix A).

#### 2. Height and Form of Development

The form of development as contemplated in this report is comprised of a two-storey commercial base of approximately 7,733 m<sup>2</sup> (83,243 sq. ft.). Commercial uses are proposed on the Kingsway and Broadway frontages, including the possibility of a grocery store tenancy which would be entered on the Kingsway frontage. Atop the base are three distinct residential components (see Figure 2):

- A five-storey (79 feet) element on the Watson Street frontage (three residential floors over two commercial floors);
- A nine-storey (118 feet) element on the Broadway frontage (seven residential floors over two commercial floors) transitioning to five storeys on the Kingsway frontage (three residential floors over two commercial floors); and
- A 19-storey (215 feet) tower element at the corner of Kingsway and 10th Avenue (17 residential floors over two commercial floors)

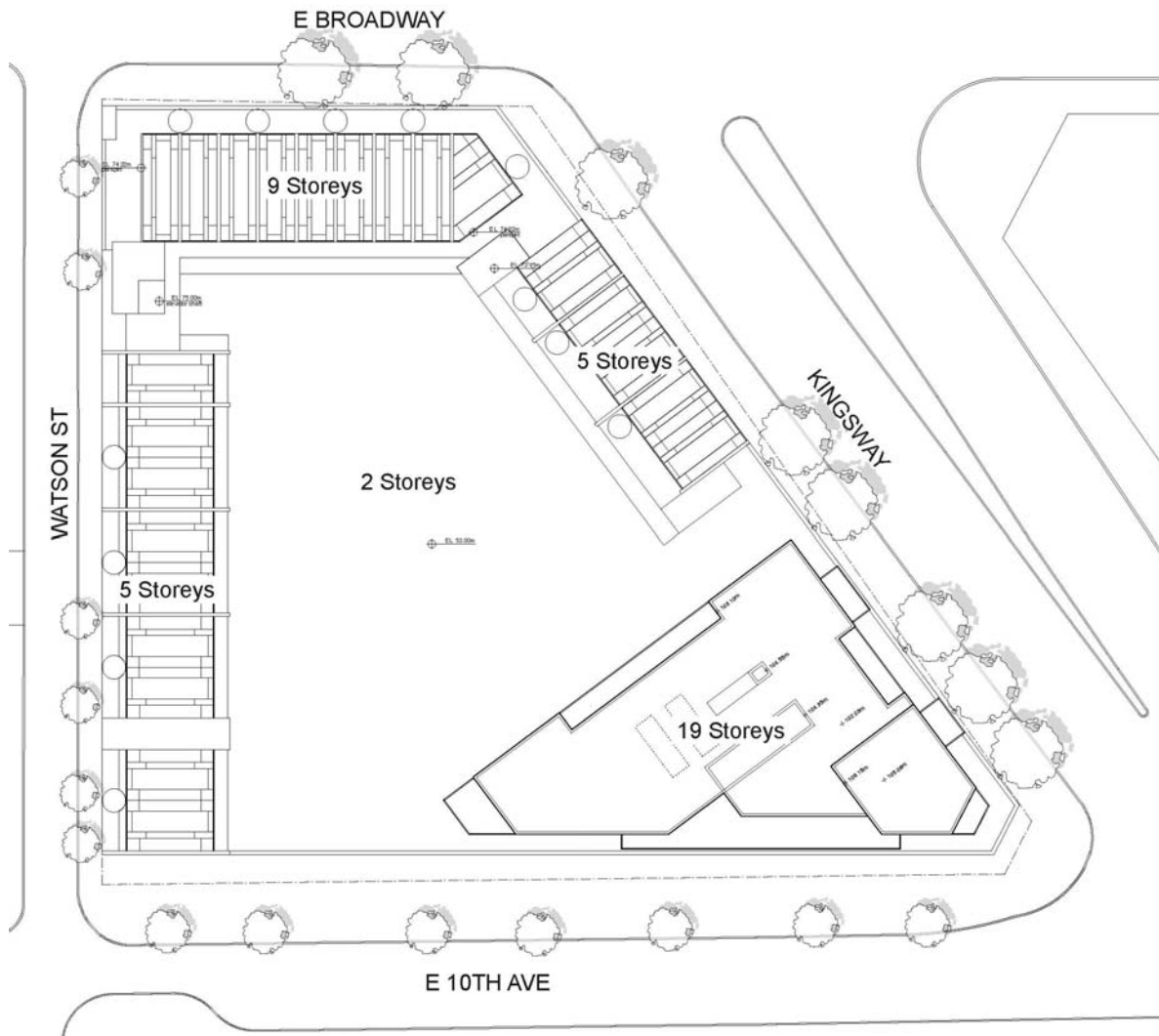
The total residential floor area would be approximately 19 901 m<sup>2</sup> (214,220 sq. ft.). Access to the residential tower would be from the 10th Avenue frontage while access to all of the mid-rise residential components would be from an entry lobby on the Watson Street frontage. The residential components frame a large landscaped area at the podium level that contains private patios for units, a children's play area, raised beds for urban agricultural activities, as well as various paths, seating areas and plantings. The podium level is not accessible from the street nor is it open to the public, but rather it is intended to be a communal courtyard for the use of building residents.

The mid-rise components and the tower enclose the courtyard and create a strong street-wall definition for the surrounding streets. The Watson and Kingsway fronting mid-rises are single-loaded (one corridor with units accessed to one side only) which will allow through

ventilation. The positioning of the tower at the southeast corner of the site results in the bulk of the residential units being located furthest from Broadway. The tower's shadowing of the courtyard is limited to the morning, while afternoon shadows fall on Kingsway. The triangular "flatiron" form of the tower allows 90% of the units to be oriented to the south and northwest, away from Kingsway, thereby contributing to their livability and the form also lessens the apparent mass of the building when viewed from Main Street. The location of the tower to the southeast corner is respectful of the scale of the "heritage heart" of the community along the Broadway frontage of the site and its siting reinforces the southeast corner of the site and presents an appropriate streetwall scale along Kingsway, where additional height was anticipated in the MPC Plan.

The Urban Design Panel reviewed and supported the initial application submission in October 2010. The early submission had a similar form of development but more height and density than what has ultimately been put forward. The panel's comments are provided in Appendix D.

Figure 2. Building Heights (in storeys from grade level)



In reviewing the application, staff compared the proposal with three other similar existing developments that could be seen as comparable models within their contexts (No. 1 Kingsway and the Stella at Kingsway and 12th Avenue in Mount Pleasant and the Woodward's tower in the Downtown east side), and considered how the rezoning application responds to the MPC Plan. The results of this review support the form of development proposed for the site. Both the comparison to other developments and the MPC Plan analysis are described in detail in Appendix D.

### 3. Density

The rezoning application proposes to increase the maximum density from 3.0 to 5.55 floor space ratio (FSR). Higher density and height was to be specifically considered for this site because of its central location adjacent to high-frequency existing and anticipated future transit service along the Broadway corridor. The site is further positioned in the larger city context with topographic prominence and at the convergence of two primary cross-town arterials. A development of this scale can reasonably be expected to contribute to the vitality of the community while reinforcing the urban identity and legibility of the Uptown Shopping Area.

The applicant's October 2011 revised submission showed a density of 5.38 FSR but with a proposed artist production space of approximately 9,200 sq. ft. of floor area (in accordance with the City policies regarding amenity areas, that floor area was excluded from the floor area and FSR calculations). This use was originally proposed as part of the project's community amenity contribution, however, staff have determined that a cash contribution towards an off-site community amenity would be preferable as this would afford the City greater flexibility to consider a commensurate amenity in an alternative location that could provide greater benefit to the community. As such, the floor area previously attributed to artist production space has been redefined as commercial space (and is thus counted in the FSR calculations) and the resulting proposed density is 5.55 FSR. It is important to stress that this change does not result in any increase to overall building mass or form of development.

The proposal's massing has been located, distributed and shaped to address the objectives identified for the site under the MPC Plan and in response to community input. The initial application of July 2010 sought a density of 6.37 FSR, and through staff's analysis and the public consultation process, the density has been reduced through a number of design iterations. To ensure that the massing continues to be appropriately scaled and contextually responsive, design development conditions have been included in Appendix B. Should this rezoning be approved, staff intend to work closely with the applicant through the Development Permit process and to continue to seek advice from the Urban Design Panel and the community, to ensure that the form of development and architectural expression are refined with respect to form, scale, frontage, transition and character/expression, including opportunities for contributions by local artists.

### 4. Public Realm

Additional sidewalk widths, ranging from 1.2 m (4 ft.) to 4 m (13 ft.), have been proposed on the Broadway, Kingsway and 10th Avenue frontages in order to create an enhanced pedestrian environment. Wider sidewalks can provide for outdoor seating, patios and display of merchandise in the ground-floor retail and service uses, which will further encourage human interaction and enliven the public realm. Streetscape improvements are sought on the 10th Avenue frontage to benefit the 10th Avenue Bikeway. Staff have recommended a condition in

Appendix B, to provide a surface right-of-way along the Broadway, Kingsway and 10th Avenue frontages between the building face and the property line for pedestrian purposes, in order to secure the widened sidewalk for public use. It should also be noted that this rezoning site, given its central location with street frontages on all four sides, is critically positioned to motivate future public investment, including transit-oriented activities.

This site also introduces additional opportunities for walking and cycling connectivity. Recommended conditions of approval in Appendix B, seek a site-specific response to these opportunities concurrently or in advance of the Council-initiated Mount Pleasant Public Realm Plan work that is expected to commence in 2012. Staff are enthused with the prospect presented by this rezoning application towards the establishment of a true pedestrian “heart” for the Mount Pleasant community, even ahead of further transit investment and the related increase in pedestrian activity, all of which will build upon Mount Pleasant’s already vibrant street life and community character.

## 5. Parking, Loading and Circulation

Engineering Services has determined that access to underground parking, loading and refuse/recycling collection for this site is to take place from Watson Street. While the MPC Plan recognizes Watson Street as a “special” place and supports exploration of improvements for pedestrians and cyclists in that location, it also recognizes that this specific location will continue its historic function as a commercial “lane” that serves businesses fronting onto Main Street, Broadway, Kingsway and 10th Avenue. While accommodating the technical needs for loading and parking access, this application proposes that Watson Street be treated as a pedestrian-oriented walking route supported by public realm treatment and active uses at the corners on Broadway and 10th Avenue. Through design conditions contained in Appendix B, staff will continue to work with the applicant to achieve a finer-grain, pedestrian-scaled frontage along Watson Street.

With respect to the site’s southern frontage, it is proposed that the 10th Avenue bicycle route be enhanced and that traffic be made one-way westbound from Kingsway to Watson. A left turn bay is proposed at the corner of Kingsway and Broadway for the northbound to westbound movement, a movement that currently is prohibited (see drawing in Appendix H). Traffic may also approach the site via eastbound Broadway and Main Street/10th Avenue/Watson Street; departing the site, traffic would be distributed via eastbound Broadway, Watson Street southbound, and westbound 10th Avenue to Main. Trucks will be routed from Main Street to Watson northbound and depart turning eastbound onto Broadway.

On-site parking will be required, in accordance with the Parking By-law, which allows a 10% reduction in the minimum required parking for commercial and non-eligible residential uses. The minimum requirement results in parking provision at the rate of one parking space per 81 m<sup>2</sup> of commercial floor space. As a result of this approach, a parking requirement of 289 stalls is proposed rather than the 321 stalls that would have been applicable under standard Parking Bylaw provisions. These reductions are supported by staff in recognition of the high transit service levels that presently exist, the anticipation of rapid transit service along the Broadway corridor in the future and in support of the City’s Greenest City objective and the MPC Plan’s goal of creating a less auto-dependent community. An additional requirement will secure two shared vehicles and two shared vehicle parking stalls to be provided on the site and managed by a professional shared vehicle organization. An

internalized and compact loading court is proposed, with high quality exterior design treatment, in order to minimize disruption of the Watson Street frontage.

## 6 Sustainability

At the time of receipt of this rezoning application on July 26, 2010, Council's policy was for all rezonings for buildings that meet the minimum requirements to participate in the LEED® New Construction (NC) program, to establish a design that would achieve a level of LEED® Silver at a minimum, or an equivalent achievement in green design, with a minimum of three "optimize energy performance" points, one "water efficiency" point and one "storm water" point on the LEED® scorecard. (Note: Council's requirement for LEED® Gold applies to rezoning applications received after July 30, 2010.)

This rezoning application included a preliminary commentary on sustainability issues and a preliminary LEED® checklist which proposes to meet the LEED® Silver standard, with the requisite points in the optimize energy and water efficiency categories. The checklist does not indicate a stormwater management point being achieved; accordingly, a recommended condition of approval in Appendix B requires compliance and to demonstrate how the building will achieve the expected building credits.

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

### *PUBLIC INPUT*

Rezoning information signs were installed on the site on October 21, 2010 advising the general public of the application. Wishing to continue the enthusiastic community involvement in the Community Planning program and noting the significance of this rezoning application, staff designed a public consultation process to engage residents, business owners and other stakeholders in the review of the rezoning application. A community workshop was held in March 2011, and two open houses occurred in April 2011 and January 2012. In addition, the application was posted on the City's Rezoning Centre application website to enable citizens to view the application and to provide updates as the project evolved. Over 4,200 surrounding property owners and tenants were invited to review the application. The City has received close to 1900 responses through a combination of public meetings and written responses, including a number of petitions/submissions from both the community and the applicant, both opposed to and in favour of the application.

With respect to correspondence directly sent to the City, opposition to the proposal has consistently outnumbered support amongst those who have written, although a modest increase in support has been evident as the project evolved through design iterations and refinement. When considering all correspondence or comments sheets received to the date of writing this report (a total of 955), 34% of those expressed support for the application, 61% expressed opposition and 5% did not express an opinion. Of the 955 comments the City

received, 56% were from people residing within the notification area, 25% of these in favour of the application and 75% opposed.

As noted, a significant degree of opposition to the application has been expressed and the key concerns raised have been:

1. Compatibility with the Mount Pleasant Community Plan (MPC Plan),
2. Density and building heights,
3. Traffic impacts,
4. Lack of affordability for existing residential and commercial tenants in the area, and
5. Public benefits offered through the rezoning.

As a direct response to neighbourhood feedback and advice from City staff, the project has continued to be revised with the latest revisions occurring in January 2012. A summary of staff's analysis of the concerns raised by the public is listed below (and in greater detail in Appendix F) and has been based on the revised proposal. Staff continue to receive comments on the revised application, largely through email generated from the Rezoning Centre application website which has been updated with information on the application as it is available.

The five key community concerns and a commentary on how the proposal has evolved in response to each is provided as follows:

1. Compatibility with the Mount Pleasant Community Plan (MPC Plan)

Concern: *The height and density are inconsistent with the MPC Plan.*

As described in the MPC Plan principles (see Appendix D), the Plan envisioned this site (and two others) as having the potential to contain higher building forms and densities. The MPC Plan sets out opportunities where future development is anticipated, however, the MPC Plan is clear that specific heights for the three larger sites were to be determined through their individual rezoning processes. The basis for additional density and height on these sites is their site size, their location in the community and ability to encourage future growth, their topography and relationship to other developments and their proximity to transit. The MPC Plan noted that these sites provided the opportunity, through the rezoning process, to leverage significant public benefits to serve and benefit the local community. This application, if approved, will deliver a community amenity contribution that will go towards a local-serving cultural amenity (such as an artist production space or a civic space or some other recognized public benefits identified in the MPC Plan). Staff have evaluated the proposal on the basis of the form of development and the MPC Plan Principles and have determined that the application meets the intent of the MPC Plan. The applicant has continued to evolve their submission to address the desire for a fine-grained street character at the ground plane and an architectural character that strives to be compatible with the area.

Concern was also expressed over the use of Watson Street as the commercial and vehicle access point for the site as Watson Street was envisioned in the MPC Plan as having a pedestrian-scaled character. Staff note that service access to this site is challenging given the arterial nature of two of the frontages and the fact that 10<sup>th</sup> Avenue is a well-used bikeway. The section of Watson Street adjacent to this site has historically been the "lane"

access for businesses along Main Street and Kingsway, and as such must remain that way in order to address the parking and loading requirements for the project. Staff believe that improvements to the Watson Street building frontage can be achieved through the minimization of vehicle access points and the development of a more pedestrian-scaled facade treatment at the base of the building. These further improvements are addressed in rezoning conditions relating to developing the Watson Street frontage (see Appendix B).

## 2. Density and building height

*Concern: The proposed massing is seen as “not in character” with the smaller scaled existing development in the area. Some local residents expressed a desire to limit the height of all new development to 70 feet, in order for the Lee Building (a heritage building at Main and Broadway) to remain the tallest building in the area.*

The MPC Plan did not set out a numerical value for the height of towers and mid-rise forms on the three identified sites, rather it was felt that the appropriate form of development for large sites should be determined through the rezoning process, where a thorough evaluation of additional density and height could be assessed against the objectives within the MPC Plan. Over the course of the application review process, the proposed density has been reduced from the original request of 6.37 FSR to 5.55 FSR. The reduction in density has produced a corresponding reduction in building height from 248 feet to 215 feet for the tower and an increase of 30 feet in height for the mid-rise building to 118 feet. Reshaping of the tower form and adjustments to building heights has responded to site-specific concerns around shadowing, context, neighbourliness and scale.

As noted in the MPC Plan, a greater intensity of development at this site is seen as a way to provide new opportunities for people to live in the Mount Pleasant community, to enhance commercial vitality and street life, and to generate value that can provide the community with local-serving public benefits (see MPC Plan principles on page 1 of Appendix D). Staff are supportive of the proposal, as revised, based on the MPC Plan's stated direction to provide an opportunity for a larger scaled project on this key site. As part of the analysis of this proposal, the form of development has been evaluated in relation to a comparable analysis with several other recent developments (see Appendix D).

## 3. Traffic impacts

*Concern: Traffic impacts on the 10<sup>th</sup> Avenue bike way, Watson Street and the area.*

This site is considered to be an especially suitable location for more intensive development given the high level of current and anticipated future transit service. The Mount Pleasant community already enjoys a number of retail and community services and amenities which make it a highly walkable area. Staff contend that this proposal will serve to enhance that pedestrian-oriented character by augmenting services, improving the built environment and enabling an additional population to live in a location with a high level of amenity. Regarding vehicular access, multiple points of access to the site are available from the surrounding road network, and road and traffic improvements will be achievable through this rezoning to support site access from Kingsway while offsetting potential increases in westbound traffic onto 10th Avenue. To achieve greater use of the major arterial network and to mitigate motor vehicular traffic on the popular 10th Avenue bikeway, a new left-turn bay will be installed on Kingsway so that traffic can turn onto westbound Broadway, a movement that

currently is prohibited. The proposal to make 10th Avenue flow one-way (except for bicycles) will also reduce car and truck volumes (see diagram in Appendix H).

#### 4. Affordability

Concern: *Lack of affordability for existing residential and commercial tenants in the area.*

The MPC Plan supports a variety of housing types and promotes commercial development along all major arterial streets. It is recognized that many who have commented on the application have expressed an expectation that this development proposal would provide some level of affordability and a concern that higher lease rates for the commercial spaces in this development will force out the existing smaller business's that exist today and are a draw to the community. While the City has no authority to limit lease rates or the purchase price of a market residential unit, an increase in the housing and commercial supplies through managed change in the community will increase options open to residents and businesses in the area. In addition, it is felt that any new development opportunities afforded by MPC Plan policies are balanced by the policies that retain the existing zoning in other parts of the MPC Plan area that are characterized by smaller-scale buildings used for local-serving shops and rental/artist accommodation.

#### 5. Public benefits

Concern: *Throughout the application review process, residents have expressed many concerns about the proposed public benefits resulting from this proposal. Residents are concerned that the CAC offering will not result in specific or tangible public amenities within this particular proposal.*

Staff requested feedback from the community at the January 17, 2012 open house as to where CAC funds should be directed, should Council approve this rezoning application. The top two preferences were to secure artist production space and affordable housing, followed closely by daycares and open space. Respondents emphasized a desire to have these amenities benefit the residents of the Mount Pleasant community.

Significant rezonings such as this present opportunities to provide additional amenities within a community. Options for such amenities are typically explored within the specific development proposal under consideration but those are also assessed against the opportunities to achieve those amenities in other nearby locations. The latter approach can provide flexibility for the City to find more cost-effective delivery models for those same amenities in a location that might provide greater benefit to the community. Approval of this application and the associated community amenity contribution will result in the allocation of the full CAC amount to funds for off-site, local-serving cultural amenities and for affordable housing within this community.

With respect to daycares, staff considered the need for a daycare at this location and concluded relatively early on in the process that this site is not a preferred location, but that daycare facilities could be supplied through future rezonings further east where a need has been identified. With respect to park space, Mount Pleasant was previously recognized as a park-deficient neighbourhood, however, in recent years the Park Board has built new small parks and open spaces so that now most of the neighbourhood is within a 5-minute walk of a park, greenway or other open space. Mount Pleasant is a leading candidate for

neighbourhood-based implementation of the Greenest City 2020 Access to Nature Actions, one of which is to acquire further green space through acquisition of sites, conversion of streets and other means.

### ***PUBLIC BENEFITS***

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

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

**Development Cost Levies (DCLs)** - Development Cost Levies (DCL) are collected from new development prior to building permit issuance. The levies help pay for facilities made necessary by growth, including parks, child care facilities, replacement housing (social/non-profit housing) and various engineering infrastructure. The rezoning site is subject to the City-wide DCL, which has a current rate of \$112.16 per m<sup>2</sup> (\$11.33 per sq. ft.) for mixed-use residential and commercial projects having an FSR over 1.20. Based on the proposed FSR of 5.55 (297,461sq. ft.) this project would generate a DCL of approximately \$3,370,233. DCLs are payable at building permit issuance and their rates are subject to Council approval of an annual inflationary adjustment which takes place on September 30th of each year.

**Public Art Program** - The Public Art Program requires all new developments seeking a rezoning, where the increase in FSR is 100,000 sq. ft. (9 290 m<sup>2</sup>) or greater, to commission public art or provide cash-in-lieu. Public art budgets are based on a formula of \$1.81 per square foot of area (indexed upwards in accordance with Public Art Policies) contributing to the total FSR calculation. Based on the recommended FSR of 5.55, a public art budget of approximately \$538,404 can be anticipated. A rezoning condition to secure the public art contribution is contained within Appendix B.

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

**Community Amenity Contribution (CAC)** - In the context of the City's Financing Growth Policy, the City anticipates receiving community amenity contributions from the owner of a rezoning site to address the impacts of the development on community needs, area deficiencies and existing City services. Contributions are negotiated and evaluated by staff in light of the increase in land value expected to result from the rezoning. Real Estate Services staff have concluded that the increase in land value as a result of this application warrants a CAC offering of \$6,250,000 and that amount has been offered by the applicant.

The MPC Plan established a policy aimed at leveraging local-serving public benefits through the rezoning process and specifically seeks these goals, in part, in exchange for larger densities and additional height on three identified sites. If accepted, the CAC offering from this rezoning application will be allocated such that \$4,500,000 will be directed towards a cultural use within the Mount Pleasant community and \$1,750,000 will be directed to an affordable housing fund, to be combined with other funds as they become available to be used in an affordable housing project in the Mount Pleasant community. The pending development of a Mount Pleasant Community Amenity Strategy, anticipated to be undertaken in 2012, may also assist Council towards the specific use of CAC's arising from rezoning proposals in the MPC Plan area.

## Other Public Achievements

In addition to the public benefits outlined above, staff note that this application also delivers enhancements to the public realm in the form of increased sidewalk widths which can provide for outdoor seating, patios, and display of merchandise at-grade. These improvements will encourage and augment street vitality in the area. Further, improvements are expected along 10th Avenue in support of the 10th Avenue Bikeway (see Appendix B).

### *Implications/Related Issues/Risk (if applicable)*

#### *Financial \**

Approval of the report recommendations will have no financial implications with respect to the City's operating expenditures, fees, or staffing.

#### *CONCLUSION \**

The Mount Pleasant Community Plan identified this site as one of three in the area that should be considered for the development of taller building forms and higher densities. The Plan states that given the anticipated transit investment in the adjacent Broadway corridor, all future redevelopment within the MPC Plan area must play a special role in contributing housing and employment opportunities. This rezoning application proposes to deliver 241 residential units and approximately 83,000 square feet of commercial/retail space.

Subsequent to a lengthy and comprehensive community consultation process, staff have concluded that the application provides an appropriately balanced mix of residential and commercial uses along with substantive improvements to the public realm, along with a community amenity contribution that will augment cultural facilities in the area and provide funds to be directed towards affordable housing in the Mount Pleasant community. Through the conditions contained in Appendix B, staff will continue to work with the applicant team to ensure that the completed project will reflect and enhance the unique identity associated with the Uptown Shopping Area of Mount Pleasant.

The Director of Planning recommends that the application be referred to Public Hearing together with the draft CD-1 By-law as generally shown in Appendix A and with a recommendation by the Director of Planning that subject to a Public Hearing, it be approved along with conditions of approval listed in Appendix B, and approval in principle of the form of development as shown in plans attached as Appendix E.

\* \* \* \* \*

228-246 East Broadway and 180 Kingsway  
DRAFT 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.

### Uses

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 this By-law or in a development permit, the only uses permitted within CD-1 (\_\_\_), and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Cultural and Recreational Uses;
- (b) Dwelling Uses;
- (c) Institutional Uses;
- (d) Manufacturing Uses;
- (e) Office Uses;
- (f) Retail Uses;
- (g) Service Uses;
- (h) Utility and Communication Uses, limited to Public Utility; and
- (i) Accessory Uses customarily ancillary to any use permitted in this section.

### Floor area and Density

- The floor space ratio for all uses must not exceed 5.55.
- For the purposes of computing floor space ratio, the site is deemed to be 4 978.7 m<sup>2</sup>, being the site size at the time of application for rezoning, prior to any dedications.
- 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.
- 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, provided that the total area of all exclusions does not exceed 12% of the residential floor area;
  - (b) Patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;
  - (c) Amenity areas for the social and recreational enjoyment of residents or employees, or providing a service to the public, including facilities for general fitness, general recreation, and child day care, provided that the total area excluded does not exceed 1 000 m<sup>2</sup>;

- (d) Residential storage above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m<sup>2</sup> per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit;
- (e) The floors or portions of floors used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, which are at or below base surface, or uses which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; and
- (f) Tool sheds, trellises and other garden structures, which support the use of intensive green roofs and urban agriculture, and those portions of stairways and elevator enclosures, which are at the roof level providing access to the garden areas.

### Building height

- Building height, measured from the top of the roof slab above the uppermost habitable floor, excluding parapet wall, must not exceed 65.53 m.

### Horizontal Angle of Daylight

- Each habitable room must have at least one window on an exterior wall of a building.
- 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.
- Measurement of the plane or planes referred to in section 5.2 must be horizontally from the centre of the bottom of each window.
- 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 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.
- An obstruction referred to in section 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 ( ).
- A habitable room referred to in section does not include:
  - (a) A bathroom; or
  - (b) A kitchen whose floor area is the lesser of:
    - (i) less than 10% of the total floor area of the dwelling unit, or
    - (ii) less than 9.3 m<sup>2</sup>.

- The Director of Planning or the Development Permit Board may relax the horizontal angle of daylight requirement if:
  - (a) all applicable Council policies and guidelines are first considered; and
  - (b) there is an unobstructed view of not less than 3.7 m.

### Acoustics

- 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, bathroom, hallways	45

\* \* \* \* \*

228-246 East Broadway and 180 Kingsway  
PROPOSED 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 THE FORM OF DEVELOPMENT**

(a) That the proposed form of development be approved by Council in principle, generally as prepared by Acton Ostry, Architects, and stamped "Received City Planning Department, October 7, 2011", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.

(b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

1. Design development to refine the proposed contextual and contemporary architectural strategy for the various massing components, with careful attention to the tower and the projects overall scale.

Note to Applicant: The architectural strategy should recognize and clearly announce aspects of the Mount Pleasant context, street life, façade quality and composition, materiality and colour, while leaving room for a creative and contemporary interpretation of these contextual assets. Incorporation of public art should be considered.

2. Design development to improve the shadow performance for the sidewalk between Main Street and Kingsway on the north side of Broadway for the respective equinoxes from 10:00 a.m. until noon.

Note to Applicant: This can be achieved with some additional setting back or terracing of the upper floors without a reduction in proposed floor space.

3. Design development to refine the ground-level storefront, display and weather protection systems, to improve pedestrian vitality, visual interest and public realm quality.

Note to Applicant: Each distinctive street frontage serves a different role with respect to uses, access and pedestrian amenities. A variety of architectural expression is supported.

4. Provision of a conceptual lighting strategy to ensure appropriate lighting levels and Crime Prevention Through Environmental Design (CPTED) performance while minimizing glare for nearby residents.

Note to Applicant: Careful attention to public realm lighting, including the 10th Avenue and Watson Street frontages is required. All lighting should also be noted on the Landscape Plan.

5. Provision of a conceptual signage strategy to ensure a well conceived and constrained approach to announcing tenancies.

Note to Applicant: The signage strategy should confirm general signage hierarchy, location and type. Back-lit box signs are not supported. Under this condition staff are pursuing a more understated approach to signage as observed on the Crossroads development located at Broadway and Cambie Street. Further clarification on finer grain, and more creative approaches to announcing ground-oriented tenancies as observed on Main Street is required.

6. Design development of an appropriate public realm strategy, in consultation with the Director of Planning and the General Manager of Engineering Services.

Note to Applicant: Work will commence on the Mount Pleasant Public Realm Plan in early 2012. Staff emphasize the importance of anticipating and accommodating the pedestrian activity and related queuing associated with a future Broadway corridor transit system. More immediate discussion on the resolution of Watson Street, given access and loading requirements, and for the 10th Avenue frontage, given special public amenity and public realm opportunities as the quietest street adjacent to the site, with the best solar exposure, is required prior to development application submission.

7. Design development to minimize the visual impact of the Watson Street fronting loading function.

Note to Applicant: Careful attention to minimize the opening, integrating custom visual screening, is required. Consideration should be given to working with a local artist in this regard.

8. Provision of an Operations Management Plan.

Note to Applicant: All aspects of site management including tenancy operations, public realm programming and anticipated protocols for communication with the developer/owner and the commercial/residential strata corporation(s) to ensure that complaints typically generated in a compact, urban mixed-use environment are effectively managed.

#### **Crime Prevention Through Environmental Design (CPTED)**

9. Design development to respond to CPTED principles, having particular regards for:
  - theft in the underground parking garage;
  - residential break and enter;
  - mail theft; and
  - mischief in alcoves and vandalism, such as graffiti.

Note to Applicant: As with any large development, the applicant must consider and design against uncommon by the potential risks such as break and enter to

property or vehicles, mail theft, the perceived safety of underground parking areas, mischief and vandalism. Provide a strategy that identifies the particular risks that may arise on the site and proposes specific features to mitigate them. Show on the Plans where these features should be located, and provide an indicative design for them.

### Sustainability

10. Identification on the plans and elevations of the built elements contributing to the development's sustainability performance in achieving LEED® Silver, or equivalent, with a minimum of 36 points, including at least 3 optimize energy points, one water efficiency point and one storm water point.

Note to Applicant: Provide a LEED® checklist confirming LEED® Silver status and a detailed written description of how the above-noted points have been achieved with reference the specific building features in the development. Both the checklist and description should be incorporated into the drawing set. As per Council policy, the project must be registered with the LEED® program.

### Landscape

11. Provision of a complete Landscape Plan.

Note to Applicant: The Landscape Plan must illustrate the proposed Plant materials (common and botanical names), sizes and quantities; notation of existing trees (to be removed and retained), paving, walls, fences, light fixtures and other landscape elements. The Plan should be at 1:100 or 1/8" scale.

12. Provision of a Landscape Lighting Plan showing illumination of pedestrian areas for security and safety purposes.

Note to Applicant: Lighting details should also be included on the Landscape Plan.

13. Design development to integrate and fully screen all above-grade utilities, such as gas meters and transformers.

Note to Applicant: All utilities should be illustrated on the Landscape Plan and the Site Plan. Impact of utilities on the architectural expression and the buildings open space and the public realm must be minimized.

14. Provision of a detailed and thorough Landscape Management Schedule for the proposed landscape forms, including planters, the green roof and irrigation systems to ensure follow-up maintenance for long-term care of Plantings at all building locations.

15. Provision of adequate planting medium depth in the planters that are on-slab, to meet the latest BC Society of Landscape Architects (BCSLA) standard.

16. All plants must be consistent with the City of Vancouver "Water Wise Landscape Guidelines".
17. Provision of current best-practices for managing water conservation, including high-efficiency irrigation, aspects of xeriscaping including drought-tolerant plant selection and mulching, all to be illustrated on the Landscape Plan.

Note to Applicant: Where the deletion of irrigation for all on-slab planters is a strategy to earn an LEED® point, provide a written rationale for the choice of plants, the amount of sun exposure and the soil volumes. In addition, provide a maintenance schedule for watering the plantings during the first year following installation to ensure proper maintenance.

18. Provision of a high-efficiency irrigation system specified in all landscaped areas.

Note to Applicant: The irrigation system design and installation shall be in accordance with the Irrigation Industry Association of BC (IIABC) Standards and Guidelines latest standards. Notation to this effect should be added to the Landscape Plan.

19. Provision of sectional drawings illustrating the public realm interface between the building façade and the curb edge.

Note to Applicant: The sections should be at a scale of 1:50 or ¼". They should include details of grade changes, retaining walls, guardrails, stairs and planters.

20. Provision of greenery along the Watson Street frontage in the form of a green wall.

21. Provision of new street trees located adjacent to the development site on Broadway and Kingsway, as illustrated on the landscape Plans submitted as part of the rezoning application.

Note to Applicant: Existing and healthy street trees on 10th Avenue and Watson Street must be protected, in consultation with Park Board staff.

22. New street trees to be provided adjacent to the development site and illustrated on the Landscape Plan, to be confirmed prior to issuance of a Building Permit.

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

## Engineering

23. Confirmation that there are no portions of buildings encroaching beyond the ultimate property lines of the site.

24. Existing property lines must be indicated on all Plan views, and be fully dimensioned.

Note to Applicant: At a minimum, the Site Plan must be fully dimensioned.

25. Clarification of the residential garbage pick-up operations is required.

Note to Applicant: Confirmation that a waste hauler can access and pick-up from the location shown without reliance of bin storage on City property is required.

26. Submission of a canopy application is required.

Note to Applicant: Any encroaching canopies require a canopy application. Please note that canopies must be fully demountable and drained to the buildings internal drainage system.

27. Provision of sidewalks that meet existing City standards for commercial frontages.

Note to Applicant: The sidewalks should provide an aggregate band at curb, with broomed finished and saw-cut joints on all frontages. The angled scoring of sidewalks is not supported – typical scoring is required.

28. Deletion of the pavers shown on public property on the Landscape Plan.

29. The Brewery Creek feature and proposed materials on public property are to be clarified.

Note to Applicant: The design must be acceptable to the General Manager of Engineering Services and provide a long-lasting and slip-free treatment.

30. Design development to ensure that a minimum of 50% of the bicycle parking spaces must have dedicated electric plug-in outlets provided for electric bikes.

31. Design development to ensure that a minimum of 20% of the proposed residential parking spaces have vehicle charging infrastructure for electric vehicles.

32. Submission of a Loading Management Plan and a rationale for the requested loading relaxation.

## CONDITIONS OF BY-LAW ENACTMENT

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

### Engineering

1. Consolidation of Lot E (Explanatory Plan 6228) Block 119, DL 301, Plan 3082, and of Lots B and C, Block 119, DL 301, Plan 9097) into a single parcel.
2. Release of Easement & Indemnity Agreements 144291M (for fuel intake pipes on City property), BA554686 & BA554688 (existing building encroachments onto City property), and 214247M & 219924M (retaining wall/support agreements), and for Statutory Right of Way Agreement 221761M (for public utilities); prior to issuance of the building's occupancy permit.

Note to Applicant: The applicant should also make arrangements for the release of all other charges made redundant by the development, i.e., Party Wall Agreement 207095M and Easement M90946.

3. Provision of the following surface statutory rights of way for pedestrian purposes and removal of all structures above grade to a height of 7.62 m above grade, within the right of way areas:
  - (i) 2.5 m by 2.5 m (8.2 ft. by 8.2 ft.) corner-cut at the northwest corner of the site; and
  - (ii) 2.75 m by 2.75 m (9.0 ft. by 9.0 ft.) corner-cut at the northeast corner of the site.
4. Provision of a surface statutory right of way along the Broadway, Kingsway and 10th Avenue frontages between the building face and the property line (widened sidewalk) for pedestrian purposes. The statutory rights of way areas are generally as shown on Landscape Plan Level-01 dated May 18, 2010 and revised on October 10, 2011 and any further amendments. Further design development of the setback space and adjustment of the landscape features in this area is required to accommodate the public access statutory right-of-way.
5. Enter into a Services Agreement to provide for the following:
  - (i) a painted left-turn bay on northbound Kingsway at Broadway, including:
    - curb modifications along the west side of Kingsway, to accommodate the painted left-turn bay; and
    - traffic signal modifications and associated signal controller infrastructure to accommodate the installation of the painted left-turn bay.

Note to Applicant: Relocation of the curb, sidewalk and utilities will be required to accommodate the painted left-turn bay. The improvements to the traffic signal will be determined within five years of the last occupancy permit issued for the site, should traffic demands warrant signal improvements.

(ii) modifications and improvements to 10th Avenue from Main Street to Watson Street and from Watson Street to Kingsway, including:

- improvements to the 10th Avenue Bikeway;
- transit and bus improvements on 10th Avenue;
- curb and pavement modifications to restrict vehicle travel on 10th Avenue between Kingsway and Watson Street and to accommodate bikeway and transit bus stop improvements;
- upgrades to the street lighting on 10th Avenue to Greenways standards;

Note to Applicant: Full cut-off metal halide luminaries and additional street lamp standards, including pedestrian-level lighting where necessary, to meet lighting needs are required.

- Provision of a minimum of two benches and a water fountain along 10th Avenue to complement the Greenway.

Note to Applicant: The benches and fountain are to be maintained by the project and should be provided on-site, not on public property. The detailed design of all improvements will be finalized following consultation with the local community and stakeholders.

- Provision of improvements around the site to meet current standards including 1.8m (5.9 ft.)-wide concrete walks and saw-cut tolling joints where space permits.
- Provision of street trees around the site where space permits.

Note to Applicant: Tree species for Kingsway are to be *Parrotia persica* x "Vanessa" and for Broadway are *Acer freemani* x "Armstrong".

6. Provision, operation, and maintenance of shared vehicles and the provision and maintenance of parking spaces for use exclusively by such shared vehicles at the rate and on such terms as indicated below:

- (i) shared vehicles and shared-vehicle spaces shall be provided at a rate of 1% of the total number of dwelling units;
- (ii) shared vehicle spaces are to be included as part of the minimum parking requirement;
- (iii) a professional shared vehicle organization is to manage the shared vehicles;
- (iv) the registration against the title to the development, with such priority as the Director of Legal Services may require, and in form and substance satisfactory to the Director of Legal Services, of a covenant under Section 219 of the Land Title Act of British Columbia, a statutory right-of-way, or other instrument satisfactory to the Director of Legal Services, providing that the shared vehicle spaces in the development must be accessible to members of the car sharing organization who do not reside in the development; and

- (v) the provision of, prior to issuance of any development permit, details on arrangements that will allow members of the shared vehicle organization access to the car share parking spaces.

- 7. Provision of adequate water service to meet the fire flow demands of the project.

Note to Applicant: The rezoning application lacks the details to determine if water main upgrading is required. Please provide project details including the projected fire flow demands as determined by a mechanical engineering consultant. If water system upgrading is required, arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that is required.

- 8. Provision of all services to be underground from the closest existing suitable service point.

Note to Applicant: 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, to be located on private property. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate the development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be serviced underground. The developer is responsible for 100% of the cost of the above.

#### Public Art

- 9. Execute an agreement, satisfactory to the Director of Legal Services and the Managing Director of 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.

Note to Applicant: To discuss your public art application and options to fulfill the obligations, please call Bryan Newson, Public Art Program Manager at 604.871.6002. A checklist will be provided.

#### Community Amenity Contribution (CAC)

- 10. Pay to the City, prior to By-law enactment, the \$6,250,000 cash contribution which the developer has offered, to be allocated towards a fund for local serving amenities.

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 site as are 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-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, and letters of credit, and provide for the withholding of permits, as deemed appropriate by, and in the form and content satisfactory to, the Director of Legal Services.

\* \* \* \* \*



6. In section 16, after the words "Schedules A", Council strikes out "and", and substitutes ",", and after the letter "B", Council adds "and C".

7. After Schedule B, Council adds:

**Schedule C**  
**CD-1 Districts Parking Requirements**

Address	By-law No.	CD-1 No.	Parking requirements
228-246 East Broadway and 180 Kingsway			Parking, loading and bicycle spaces in accordance with by-law requirements on January 31, 2012, except: <ul style="list-style-type: none"> <li>(a) the minimum required parking for commercial and non-eligible residential uses shall be 10% lower than the minimum parking requirements;</li> <li>(b) Class A loading spaces shall be provided at a rate of 0.01 spaces per dwelling unit, up to and including 300 dwelling units, and at a rate of 0.0008 spaces per dwelling unit for any number of dwelling units over 300.</li> </ul>

8. 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.

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

\* \* \* \* \*

228-246 East Broadway and 180 Kingsway  
POLICY CONTEXT AND COMPARATIVE ANALYSIS

1. Mount Pleasant Community Plan

The Mount Pleasant Community Plan (the “MPC Plan”) was adopted by Council in November, 2010, following a three-year Planning program. The MPC Plan sought to address the following key questions:

- What is distinctive and highly valued about the Mount Pleasant neighbourhood?
- How can Mount Pleasant become Vancouver’s greenest, most sustainable neighbourhood?
- Where should higher density development be located in Mount Pleasant?
- How can Mount Pleasant address the needs of homeless people?
- How should we strengthen Mount Pleasant’s neighbourhood centres and shopping areas?
- How can we support more walking, biking and transit use?
- How can we promote arts and culture in Mount Pleasant?
- How can Mount Pleasant become a socially sustainable community?

*Overarching Principles:* The MPC Plan established a number of overarching principles which relate to the key questions noted above. The overarching principles are intended to inform all future Planning and development programs, projects, and other initiatives in Mount Pleasant. Principles specific to this rezoning site are as follows:

- “Hilltown” identity: Conceive of Mount Pleasant as a distinctive “Hilltown” area whose centre is a high-attraction zone for both residents and city visitors.
- Vibrant streetscapes: Encourage a safe and active street life by, for example, “wrapping” street landscaping and small commercial activities around street corners, providing space for outdoor seating for cafes and restaurants, and ensuring retail-service continuity in commercial areas.
- Watson Street: Develop Watson Street as a special place, perceived as unique in history, character and use (similar to the Mole Hill precedent in Vancouver’s West End neighbourhood) and explore improvements for pedestrians and cyclists, especially through redevelopment.
- Housing and Population Mix: Serve a highly diverse population mix with a mix of unit sizes and housing types, a mix of land uses across the neighbourhood and a mix of uses within many individual buildings, a mix of architectural styles, a mix of tenure arrangements (fee-simple, strata, co-op, co-housing, rental, subsidized housing, possibly land trust) and a mix of businesses and community services.
- **Large Site Development:** Consider opportunities for some high-rise as well as mid-rise development in some specific locations, such as for large sites (i.e., Kingsgate Mall, IGA site, and Broadway, Kingsway, Watson Street, and 10th Avenue site), to achieve more appropriate site development and important public benefits (including new cultural amenities, affordable housing, improved pedestrian environment, and green space). For these sites, a variety of built form options are possible, although any additional height and density would be contingent on further urban design analysis and public benefit considerations.

- Economic Development and Revitalization: Develop strategy, including added density and height, to attract and encourage development that will respond to opportunities for revitalization and new development by establishing anchor businesses or multi-service centres and a mix of other businesses and services.
- Transportation: Maintain priority support for walking, cycling and use of public transit as the preferred modes of travel, and mitigate the impacts of traffic and parking on the livability of Mount Pleasant.

*Uptown Shopping Area:* The MPC Plan identified an “Uptown Shopping Area”, generally between 7th and 16th Avenues and Ontario and Prince Edward Streets, where additional height and density could be pursued on three identified large sites, to achieve more appropriate site development and important public benefits. The identified large sites are this rezoning site, the Kingsgate Mall site immediately to the east and the IGA Marketplace site at Main and 14th Avenue.

The November 2010 staff report on the MPC Plan noted that community feedback indicated that allowing for additional height on these sites (as opposed to density) was still a very sensitive issue with the least convergence of community opinion, and that future development would need to demonstrate how to reach an optimal balance of public benefits, site improvements, and urban design objectives with higher densities in low- to high-rise forms of development.

Policies were established for the Uptown Shopping Area and more specifically for the three identified large sites as follows:

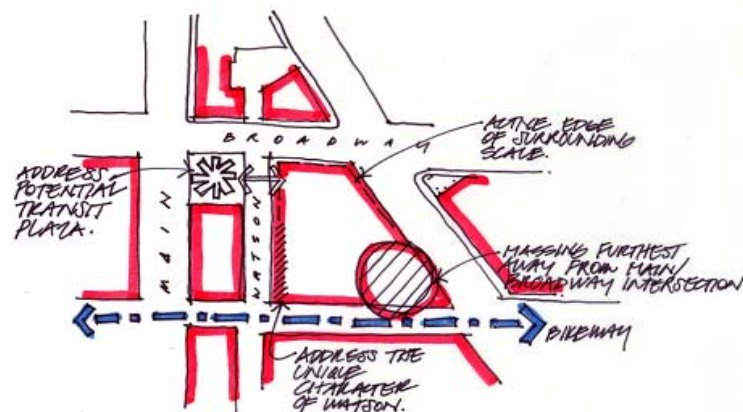
- Create a “Cultural District” north of Broadway by preserving and enhancing the heritage “heart” triangle north of Broadway (between Main Street and Kingsway) and the surrounding area at current scale, with retention and creation of spaces accessible to a range of cultural groups for a range of purposes, including artist studios.
- Improve pedestrian links between areas located north and south of Broadway with wider sidewalks and improved pedestrian crossings (e.g. residents have suggested longer crossing times at lights); celebrate the historical importance and physical uniqueness of Watson Street.
- Increase permitted residential (with some commercial space) in locations south of Broadway on Kingsway recognizing Broadway and Main is and will continue to be a busy transit interchange, and that Broadway and Main lie at the “summit” of “hilltown”.
- Use contributions from redevelopment sites south of Broadway (e.g. Broadway, Kingsway, 10th Avenue and Watson Street site; Kingsgate Mall) for heritage retention, cultural amenities, and public realm improvements north of Broadway in Mount Pleasant.

*Large Sites:* The MPC Plan established policies related to the three identified large sites. Policies specific to the rezoning site are as follows:

- “5.1(i) Rize Alliance Development site (bounded by Broadway, Kingsway, Watson Street and 10th Avenue)

- Support the design of an “iconic” (landmark) building when granting permission for higher buildings.
- Encourage new development on the site bounded by Broadway, Kingsway Watson Street and 10th Avenue: add more housing, expand job space (retail, office, and professional), provide more services, and locate parking underground. Provide housing off Broadway/Kingsway (very busy intersection), and seek to animate this block with appropriate commercial uses.”

Figure 2: Rize Alliance Development Site (Mount Pleasant Community Plan)



## 2. Metro Core Jobs and Economy Land Use Plan: Issues and Directions

The rezoning site is located in one of the “Broadway: Choice-of-Use Areas” which are intended to provide opportunities for housing and significant retail stores and services for surrounding neighbourhoods. The future desired role of these areas is to provide more opportunities for additional commercial capacity, especially in areas that are, or will be, served by high capacity rapid transit.

## 3. Comparative Analysis

**Comparatives:** Staff have evaluated the proposed development in the context of three recently completed developments. Two are located in Mount Pleasant and one is located in Gastown.

**“No. 1 Kingsway” - Mt. Pleasant Community Centre:** No. 1 Kingsway is a mixed-use project that houses the Mount Pleasant Community Centre and Library in the base, and a day care and residential units above. No. 1 Kingsway is located adjacent to the convergence of Kingsway, Main Street and 7th Avenue and was approved under the prevailing C-3A zoning at a density of 3.0 FSR in 2006/07. No. 1 Kingsway is a mid/high-rise, 10-storey block form with a floorplate of approximately 818 m<sup>2</sup> (8,800 sq. ft.) and a height of 32 m (105 ft.), which, at the time of approval, was the tallest building in Mount Pleasant. No. 1 Kingsway is relevant with respect to general proximity, height and massing and floorplate size.

The No. 1 Kingsway site, along the busy Kingsway and Main Street arterials, is a local landmark building that announces the Uptown Neighbourhood from the downtown core. Of particular interest is the visual presence of the height of the residential tower, due to its location at the crest above the flats of Southeast False Creek, which reinforces the hilltown character of Uptown Mount Pleasant. Residential units are located above the library and are held away from the community centre and day care located on the south portion of the site. The residential tower marks the flatiron intersection at Main Street and 7th Avenue. A landscaped roof atop the southern base provides outdoor space for the day care.

A palette of orange brick, concrete and glass defines the street level base. The buildings contemporary design expression reinforces the prevailing context including the nearby Lee Building at Main Street and Broadway. Pedestrian interest and street vitality are achieved through a variety of ground-oriented activities including the library and community centre.

*“Stella” - Kingsway at 12th Avenue:* Stella is also a mixed-use project developed in 2007/2008 under the C-3A zoning at a density of 3.0 FSR. Stella is a mid/high-rise, 13-storey, “slab” form that accommodates a double-loaded corridor arrangement of suites with a floorplate of approximately 757 m<sup>2</sup> (8,150 sq. ft.) and height of 41.5 m (136 ft.). Stella is currently the tallest building in Mount Pleasant and is 22.9 m (75 ft.) shorter than the height proposed in this rezoning. The Stella is also relevant with respect to general proximity, height and massing and floorplate size.

The Stella site, along the busy Kingsway arterial corridor, had been identified as suitable for a local landmark building to act as a southern gateway to the Mount Pleasant neighbourhood. A key goal of the project was to achieve a high standard of livability for the residential units located above the automobile dealership in the base. Residential components are arranged to create a sound shield from the busy intersection. The residential component is set back from the busy intersection and positioned perpendicular to Kingsway. A landscaped roof atop the base enhances the residential units through direct physical relationships as well as from views above.

The base has a sculpted flatiron prow at the Kingsway and 12th Avenue intersection. A palette of glazed white brick, concrete and glass defines the street-level auto dealership base. The use of brick reflects the fine grain, scale and texture of historic heritage buildings located throughout Mount Pleasant, and which is also prevalent in nearby developments. Visual interest for pedestrians is enhanced through a variety of custom showcase, display and traditional viewing experiences along the sidewalk. The residential component is recognized for its composition, materiality and colour strategies in support of the distinctive Mount Pleasant context.

The overall massing expresses a distinctively compact, yet elegant expression, which reinterprets and reflects the blocky massing that characterizes other significant buildings in Mount Pleasant such as the Lee Building, Heritage Hall, the Howard Johnson (formerly the Biltmore) Hotel, and No. 1 Kingsway.

It is worth noting that the comparative/visual difference between the height of Stella and the rezoning application is 15.25 m (50 ft.) when disregarding the downward south-to-north slope of Kingsway. Staff believe it is important to consider this differential when Mount Pleasant is viewed from some distance, recalling that the MPC Plan seeks a form of “hilltown” as a

legible cityscape image for the Uptown Shopping Area. Staff have interpreted this identity to be comprised of a collection of more randomly placed buildings of varying scale and hierarchy, as opposed to marking this rezoning site, as well as the Kingsgate Mall and IGA sites, with a taller, slimmer built form that is characteristic of downtown.

*“Woodward’s” - West Hastings and Abbott Streets:* Woodward’s was developed under a CD-1 zoning in 2007. Despite its downtown context, the market residential “W” tower floorplate of approximately 895 m<sup>2</sup> (9,650 sq. ft.) and height of 124 m (407 ft.) is relevant to this rezoning proposal’s discussion given the tower “flatiron” position/orientation in response to the Cordova Street alignment, and for its similar floorplate size. Further, it represents a built-form strategy for a full-block development in an established urban context where the development programme is expressed as a series of distinct, yet related sub-components that mitigate project scale against a backdrop of lower-scaled buildings.

*Conclusion on Comparatives:* Staff regard the form of both the No. 1 Kingsway and Stella developments as successful responses under the prevailing zoning that have assisted to create a form, massing and contemporary expression that is unique to Mount Pleasant. The distinctly compact, and yet elegantly blocky expression shared by the two local landmark buildings, as well as their use of masonry and other high quality building materials, in combination with carefully considered detailing, combines to create an expressive, contemporary expression and identity that the Kingsway and Broadway rezoning application proposes to further refine and develop.

The No. 1 Kingsway and Stella developments inform about the limits of current development scale, massing and form, in the Mount Pleasant/Kingsway context. Both projects do not accommodate additional density beyond prevailing zoning and therefore, assist staff to understand key considerations for integrating effective density and shaping the form and massing for this rezoning, given its central location within Mount Pleasant and its unique location adjacent to a very significant and strategically important future transit investment and platform location. Comparatively, additional FSR above and beyond No. 1 Kingsway and Stella’s density is considered to be a responsible and manageable scale for the rezoning site. Woodward’s demonstrates how a “flatiron” tower form on a large site, with high density, can be contextual and architecturally distinctive while appropriately reflecting height, urban pattern.

What staff learn from these examples is that a particularly thoughtful form of development is needed for the rezoning site, given that the MPC Plan references the rezoning site as central to appropriately responding to, and marking, the Kingsway and Broadway alignment, while ensuring that the project scale is mitigated in anticipation of future development opportunities. Staff believe that the hybrid “base-slab-tower” strategy is appropriate. The southeast “flatiron” tower position effectively marks Kingsway while also being most desirable in mitigating solar impacts on anticipated public open space and allowing a carefully considered streetwall scale along Broadway and Watson Street as a means of reinforcing the respective identity and role as both a key cross-town arterial route as well as a local walking street.

Staff support the proposed floorplate size, building heights describe and density of 5.55 FSR. Staff are confident that the development proponent, and their design team, has proposed an innovative hybrid form that both reinforces and distinguishes a future Mount Pleasant

context. An important consideration in the success of this design effort will be to carefully interpret and express the rich Mount Pleasant vernacular when applied to the tower form.

#### 4. Base Form

Given the desirable tower position and form, staff note that the balance of the proposed density must be carefully accommodated in the base component. Recommended conditions ensure that the design development process produces a base form that is expressed as an assembly of varying street frontage components, each with a distinct, yet related response in use, scale and character to the respective fronting streets. Staff are looking for a rich and varied response that responds to the special Mount Pleasant context in such a manner that the individual massing components that comprise the base can “stand on their own” and mitigate scale. Further, staff will be pursuing the design development conditions in Appendix B – the use of secondary elements, including double-height arcades with minimal structural expression, and storefront and weather protection design, as devices to bridge medium-density scale with human/pedestrian scale.

#### 5. The Mount Pleasant Community Plan (MPC Plan) and the Role of this Rezoning Site

This rezoning site is acknowledged as one of three sites in Mount Pleasant that are specifically intended to contribute greater density and additional height, in order to achieve residential intensification, enhanced commercial vitality/street life, and development value to be attributed towards local public benefits. Any new development opportunities afforded by the MPC Plan are balanced by the policies of retaining existing zoning in areas characterized by smaller-scale buildings used for local-serving shops and rental/artist accommodation. Nearby arterial fronting sites are intended to develop under prevailing zoning as “companion density” (predominately C-3A and C-2C on Main Street south of this site), with the exception of a few potential parcel assemblies between Broadway and 12th Avenue on Kingsway.

More specifically, the rezoning site’s central location adjacent to future transit investment in the Broadway Corridor with the prospect of a nearby station house for direct platform access. Staff also note the site’s adjacency to the small-scale cluster of heritage and other important contextual buildings, know as the “heritage triangle”, immediately to the north across Broadway. Further, the rezoning site is positioned in the larger city context with topographic prominence and at the convergence of two primary arterials. Given this, the site is expected to contribute greatly to the community through its development potential, while reinforcing the identity and legibility of the Uptown Shopping Area.

***Proposed Ground-oriented Uses:*** The site fronts on four streets and given this, the development presents four appropriate and distinct frontages, with a variety of ground-oriented uses. Staff confirm that the rezoning application appropriately responds to the street adjacencies; fine-grain retail on Broadway wraps onto Watson Street and Kingsway, larger retail entry mid-way on Kingsway with a proposed restaurant and/or community use wrapping onto 10th Avenue, residential entry lobby and commercial space on 10th Avenue that wraps onto Watson Street, and a residential entry lobby on Watson Street adjacent to the fine-grain retail. Staff note that Engineering Services requires that Watson Street handle loading and access requirements distinct from the arterial role of Broadway and Kingsway and the Bikeway requirement of 10th Avenue.

With respect to the Broadway and Kingsway frontages, commercial uses are required to contribute to street life vitality. The application has responded to this requirement, while also contributing to street life vitality on 10th Avenue and Watson Street. Further design development to ensure that the proposal reinforces prevailing contextual qualities of ground-oriented retail, especially as observed from Main Street, is recommended.

With respect to 10th Avenue, which is acknowledged as the quietest frontage with the greatest solar exposure, staff support the proposed residential building entry for the tower at this location, as well as the proposed locally-serving commercial tenancy as it will provide a strong street presence, with special indoor-outdoor public realm display opportunities. The October 7, 2011 revisions to the application proposed a density of 5.38 FSR, however this figure excluded approximately 9,200 square feet proposed as a Community Amenity Contribution for artist production space. The project continued to evolve and in light of the MPC Plan public benefit objectives, staff have recommended a change to the community amenity contribution offered by the applicant, and suggest this area be converted to commercial space and added back into the overall project density, for a proposed total density of 5.55 FSR. Staff note that this revised calculation of FSR does not affect the overall scale and bulk of the form of development which has been discussed with the public.

While staff acknowledge that artist production space would contribute to the vitality of the creative sector and support the principle of the MPC Plan to retain and develop new creation and production spaces, staff have concluded that it would be preferable to accept a cash contribution that could go towards a local serving amenity. As a result, the floor area shown as the artist's production space would instead become local-serving retail/commercial space, fronting onto 10th Avenue, which could provide additional vitality and services to the 10th Avenue bikeway. As stated earlier, there is a resulting impact on the project's FSR, as the artist's production space had previously been excluded from FSR calculations, as is common practice for community amenity spaces, however the form of development has not changed from the applicants submission in October 2011.

*Proposed Other Uses:* The balance of the development would contain residential uses with 241 strata titled units. Staff support the residential use and greater intensification and diversity given the anticipated transit-oriented context. The MPC Plan supports providing more market housing density in general, near transit hubs, commercial centres, and along arterial streets. Staff believe that this rezoning, when combined with the potential of the Kingsgate Mall site immediately to the east, will substantively contribute to street life vitality while strengthening commercial viability in the Uptown Shopping Area.

\* \* \* \* \*

228, 236 and 246 East Broadway and 180 Kingsway  
FORM OF DEVELOPMENT

228, 236 and 246 East Broadway  
180 Kingsway  
Form of Development  
Scale: 1/8" = 1'-0"

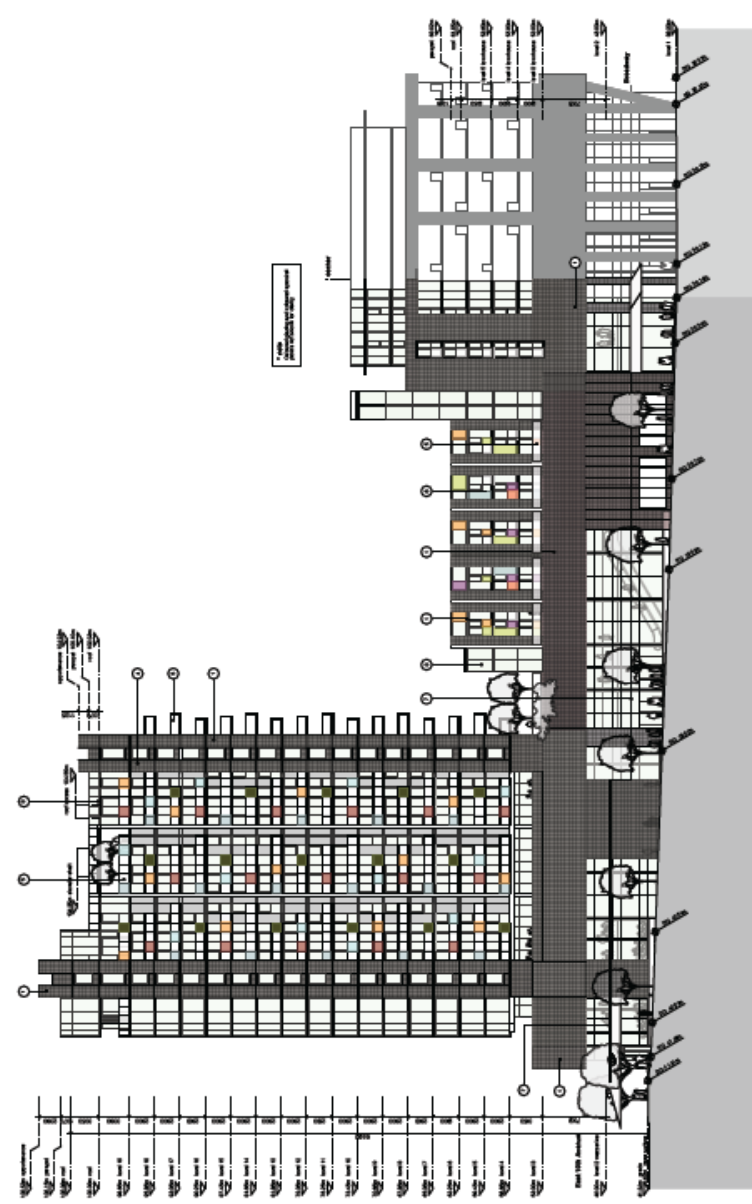
228, 236 and 246 East Broadway  
180 Kingsway  
Form of Development  
Scale: 1/8" = 1'-0"

- 1. 1st Floor
- 2. 2nd Floor
- 3. 3rd Floor
- 4. 4th Floor
- 5. 5th Floor
- 6. 6th Floor
- 7. 7th Floor
- 8. 8th Floor
- 9. 9th Floor
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ARCHITECTURE  
228, 236 and 246 East Broadway  
180 Kingsway  
Form of Development  
Scale: 1/8" = 1'-0"

Kingsway + Broadway  
New Urban  
Residential + Retail  
Scale: 1/8" = 1'-0"

East Elevation  
(Kingsway)  
Scale: 1/8" = 1'-0"





DATE: 11/15/2011  
 PROJECT: Kingsway + Broadway  
 DRAWING: West Elevation (Watson Street)  
 SCALE: 1/8" = 1'-0"

REVISIONS:  
 1. 11/15/2011: Initial Design  
 2. 11/15/2011: Final Design

NOTES:  
 1. See Section A3.03 for additional information.  
 2. See Section A3.03 for additional information.

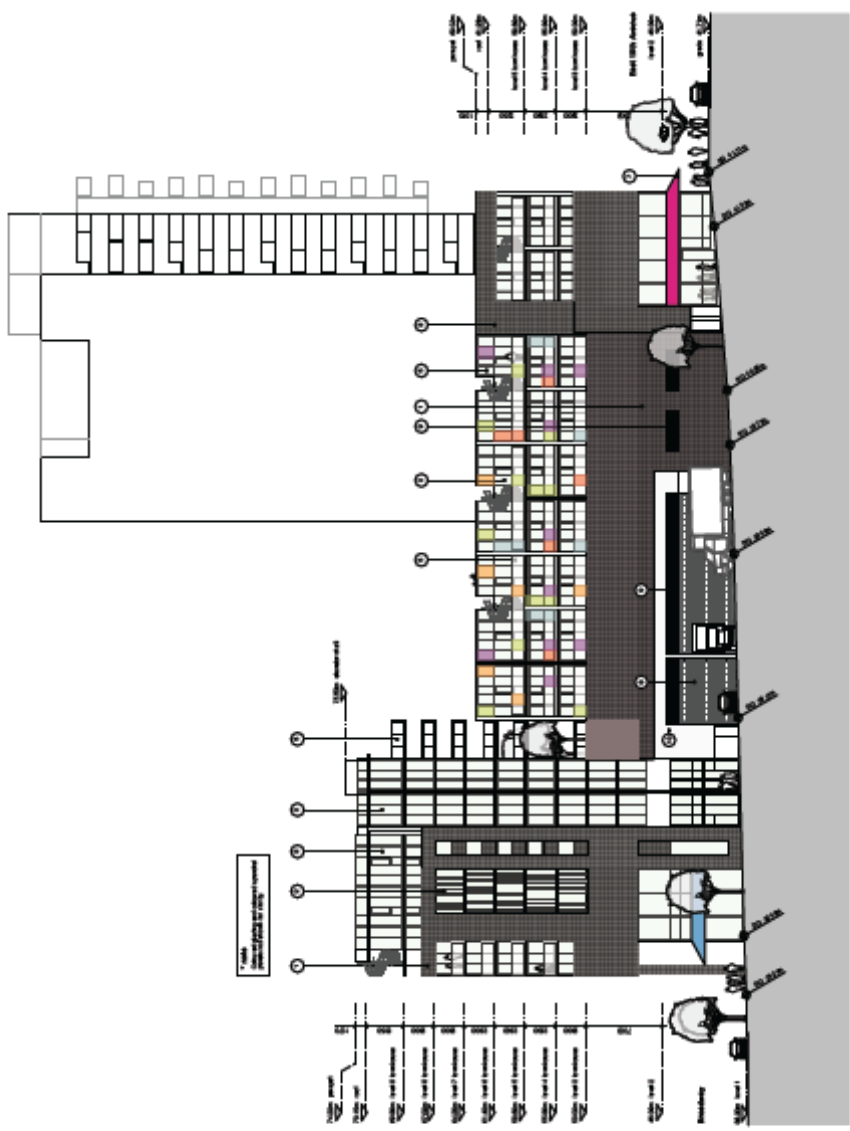
- 1. 11/15/2011: Initial Design
- 2. 11/15/2011: Final Design
- 3. 11/15/2011: Final Design
- 4. 11/15/2011: Final Design
- 5. 11/15/2011: Final Design
- 6. 11/15/2011: Final Design
- 7. 11/15/2011: Final Design
- 8. 11/15/2011: Final Design
- 9. 11/15/2011: Final Design
- 10. 11/15/2011: Final Design

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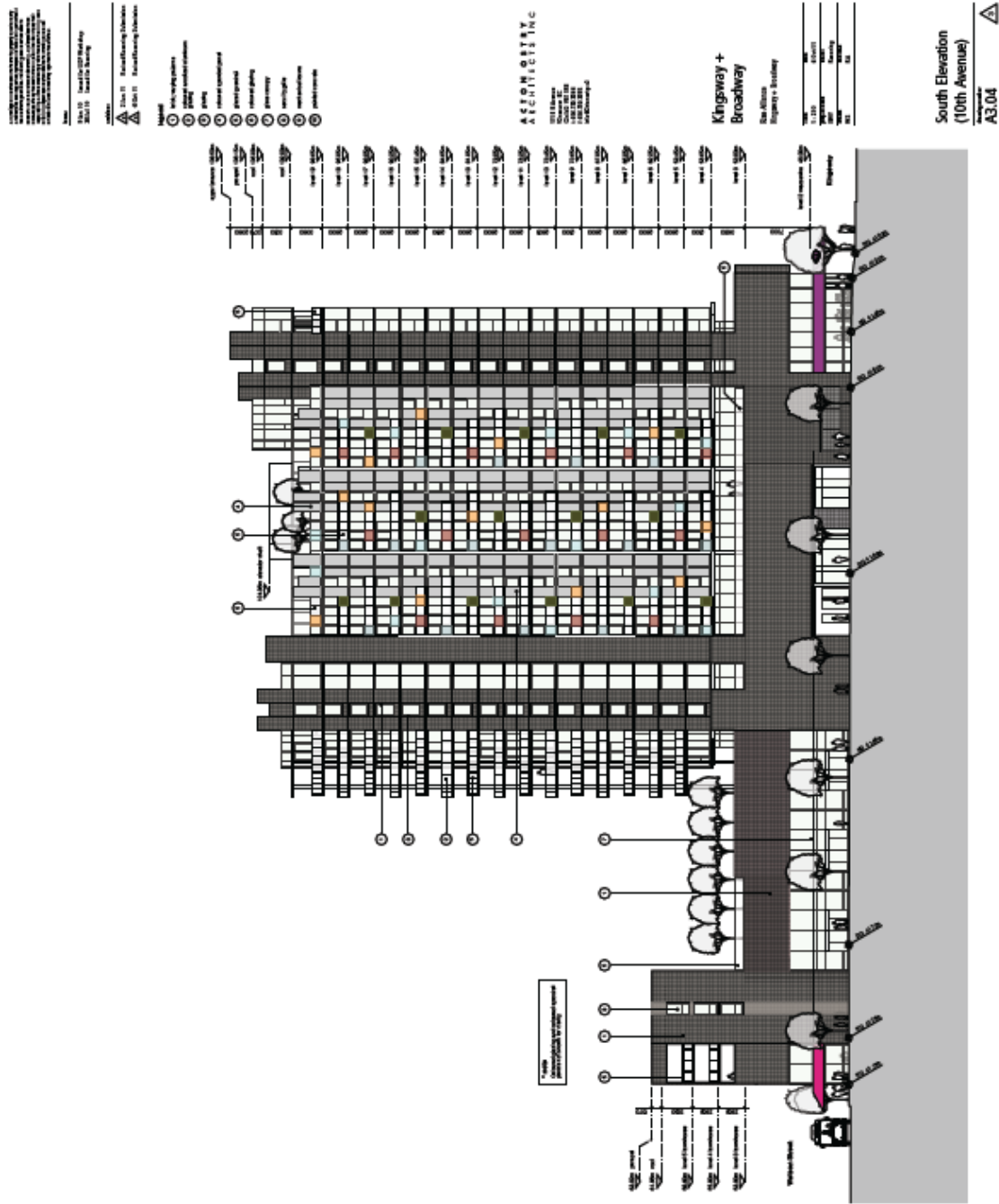
Kingsway + Broadway  
 The Office Building  
 Kingsway Building

DATE	11/15/2011
PROJECT	Kingsway + Broadway
DRAWING	West Elevation (Watson Street)
SCALE	1/8" = 1'-0"
SHEET	03

West Elevation  
 (Watson Street)  
 Drawing No. A3.03



NOTE: SEE SECTION A3.03 FOR ADDITIONAL INFORMATION.



DATE: 10/15/2013  
 PROJECT: Kingsway + Broadway  
 SHEET: A3.05

SCALE: 1/8" = 1'-0"

REVISIONS:  
 1. 10/15/2013: Initial Design  
 2. 10/15/2013: Final Design

- Legend**
- 1. 10' x 10' grid
  - 2. 20' x 20' grid
  - 3. 30' x 30' grid
  - 4. 40' x 40' grid
  - 5. 50' x 50' grid
  - 6. 60' x 60' grid
  - 7. 70' x 70' grid
  - 8. 80' x 80' grid
  - 9. 90' x 90' grid
  - 10. 100' x 100' grid

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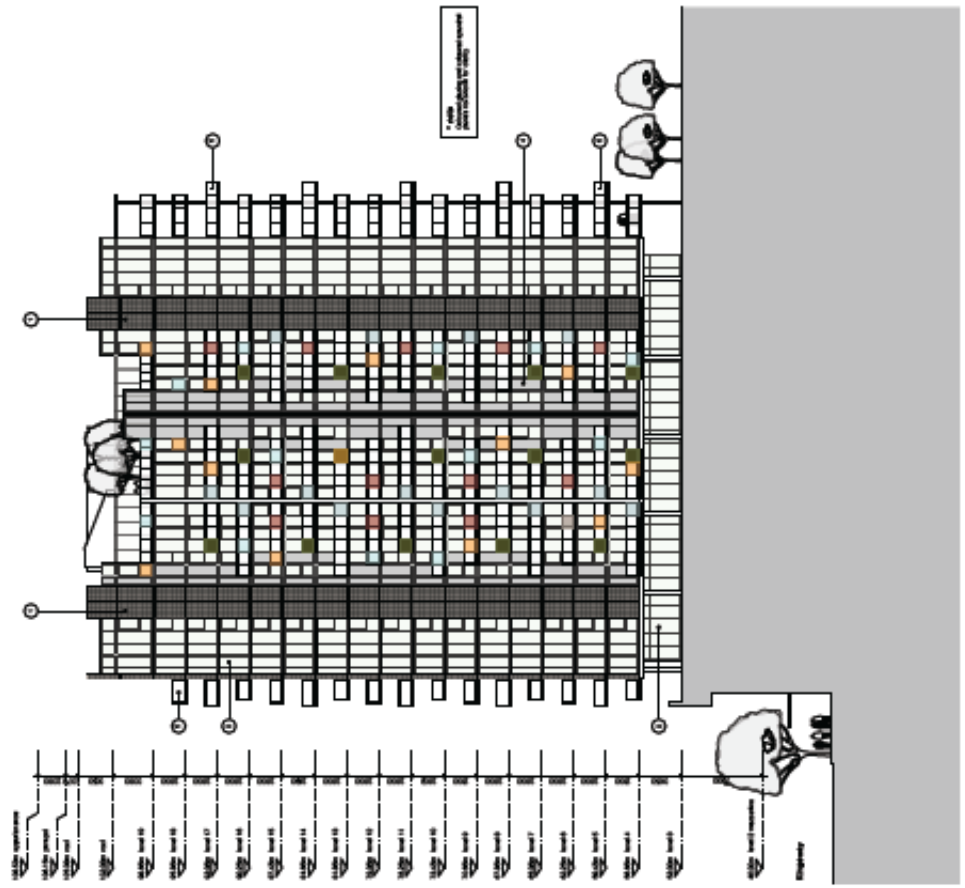
**Kingsway + Broadway**

Site Address  
 Kingsway + Broadway

DATE	10/15/2013
PROJECT	Kingsway + Broadway
SCALE	1/8" = 1'-0"
BY	ACCOMMODATING

**North Elevation - Tower**

DATE: 10/15/2013  
 PROJECT: Kingsway + Broadway  
 SHEET: A3.05







228-246 East Broadway and 180 Kingsway  
PUBLIC CONSULTATION SUMMARY

**Public Notification**

A rezoning information sign was installed on the site on October 21, 2010. Three public meetings were held: a community workshop on March 20, 2011, an open house on April 12, 2011 and an open house on January 17, 2012. Notification and application information, as well as an on-line comment form, was provided on the City of Vancouver Rezoning Centre webpage [www.vancouver.ca/rezapps](http://www.vancouver.ca/rezapps).

**March 2011 Notification and Community Workshop** – A notification letter and invitation to a community workshop, dated February 25, 2011, was mailed to 4,277 surrounding property and business owners. In addition, an email notification and invitation was sent out to the Mount Pleasant Community Planning Program's email list. The community workshop was held on March 20, 2011 at the Salt Building in Southeast False Creek with staff and the applicant team in attendance. The community workshop was a five-hour event that included presentations from City staff and the applicant, and group discussions focusing on site design and public benefits. A total of 127 people that were pre-registered for the event signed in and an additional 69 people signed in at the event; approximately 200 people attended the workshop. In response to this notification and community workshop, 136 feedback forms and written responses from individuals were received, with 8% in favor of the proposal and 83 % opposed.

**April 2011 Notification and Open House** – A notification postcard and invitation to a public information open house, dated April 1, 2011, was mailed to 4,235 surrounding residents and business owners (reflects returned mail and duplicates). In addition, an email notification and invitation was sent out to the Mount Pleasant Community Planning Program's email list. With this notification, attendees who signed up at the March 20th community workshop were also notified. The public open house was held on April 12, 2011 at Heritage Hall with staff and the applicant team in attendance. The open house was a drop-in event for viewing the reporting of the feedback and the applicant's response from the March 20th community workshop. A total of 101 people signed in. In response to this notification and open house, 248 comment sheets and written responses from individuals were received. With 27% in favor of the proposal and 62 % opposed.

**January 2012 Notification and Open House** - A notification postcard and invitation to a public information open house, dated January 17, 2012, was mailed to 4,235 surrounding residents and business owners (reflects returned mail and duplicates). In addition, an email notification and invitation was sent out to the Mount Pleasant Community Planning Program's email list. The public open house was held on January 17, 2012 at Heritage Hall with staff and the applicant team in attendance. The open house contained a presentation of the MPC Plan and a question and answer session with display material for viewing the revisions of the project. A total of 179 people signed in. In response to this notification and open house, 146 comment sheets and written responses from individuals were received, with 16% in favor of the application and 80% opposed.

In addition, the City has received 425 emails, letters and on-line forms from the public, including two petitions from the community, one with 101 names in support of the proposal

and another with 70 names opposed to the proposal. Of the 425 submissions, 51% are in favor of the proposal with 48% opposed.

**Public Response Summary:**

Over 4,200 surrounding property owners and tenants were invited to review the application and attend the three public meetings. The City received close to 1900 responses throughout the review of the project in a combination of public meetings and written responses, including a number of petitions/submissions from both the community and the applicant, both opposed and in favour of the application.

With respect to correspondence directly sent to the City, opposition to the proposal has consistently outnumbered support, although an increase in support has been evident as the project evolved through design iterations and refinement of the application. When considering all correspondence received to the date of writing this report a total of 955 comments, 34% of those are in favour of the application and 61% opposed (5% neutral). Of the 955 comments the City received, 56% were from residents within the notification area, 25% of these in favour of the application and 75% opposed. For the comments received in opposition to the project, key concerns were:

1. *Compatibility with the Mount Pleasant Community Plan (MPC Plan)*

As described earlier, the MPC Plan intended this site to contain higher building forms and densities. The applicant has continued to develop their submission to address the desire for a fine grain street character at the ground plane and an architectural character that would be compatible with the area. It was understood that some view loss would be experienced through the redevelopment of the area, and was anticipated in the MPC Plan; however no view cone has been compromised. Concern was expressed over the use of Watson Street as the commercial and vehicle access point for the site, and not the fine-grained pedestrian scaled frontage envisaged in the MPC Plan. Given the scale of the development and the vehicle activity on the other three streets the project fronts onto, Watson Street is needed as the loading and vehicle access for the site. Staff are confident that further design development can be achieved through creating a more pedestrian scaled façade and minimizing access areas to vehicle and loading areas. Staff support the proposal subject to rezoning conditions relating to developing the Watson Street frontage contained in Appendix B.

2. *Density & Building Height*

The density has been reduced from the original request of 6.37 FSR to 5.55 FSR. The reduction in density has produced a corresponding reduction in building height from 248 feet to 215 feet for the tower and an increase of 30 feet in height for the mid-rise building to 118 feet. The reduction in building height has produced a form of development that staff feel is consistent with the objectives of the MPC Plan to develop the site and revitalize the area (see Form of Development drawings in Appendix D). The MPC Plan did not describe a numerical value for towers and mid-rise forms, as it was felt that the appropriate form of development for large sites should be determined through the rezoning process, where a thorough evaluation of additional density and height could be assessed against the objectives within the MPC Plan. Having said that, the intention was to consider these heights in relation to the city-wide understanding of similar building typologies.

Many who oppose this application feel that the tower form does not 'fit' the character of Mt. Pleasant as a historic, industrial and artistic hub. Many consider the architectural design and materials to be contradictory to the 'heritage' style of the Mt. Pleasant community and more characteristic of Downtown or Yaletown, which many feel is the antithesis of this particular neighbourhood. A few commented on how the development would change the feel and culture of the neighbourhood, and how it will erode the distinctive character of Mt. Pleasant. There is recognition that there is the need to accommodate density but it must be appropriate in this prime location in the 'heart' of the neighbourhood.

Many who oppose this application feel that the project is too high and that higher towers do not fit with the Mt. Pleasant community character. The majority of comments suggested that building heights should be consistent within the existing height and scale of the neighbourhood, rather than overshadow the other buildings in the area. Many referenced the Lee Building (7 storeys) and a desire to keep it as a landmark, and several referenced the precedent that would be set by approval of a much higher building. Some noted a range of 12- to 16-storeys as a maximum achieves 'a decent compromise' of adding density without changing the overall character of the area, however, anything over 12-storeys would need unique architecture and an appropriate benefit package.

Those who support the application feel that the tower will fit well at this location, understanding that this is one of three sites identified in the community Plan as a site where additional height should be pursued. Some supported a tower higher than the proposed 19-storeys, noting that a few sites with a similar height would make it more relevant.

Respondents who support the application feel this location in the neighbourhood is appropriate for higher density and is one of the few sites outside the Downtown core that can accommodate a high density development. These respondents commented that the site is located on major arterials, at one of the best transit-oriented locations in the city, and that density should be increased around a future rapid transit station. Some feel that the area needs revitalization and this is a key block in the neighbourhood where a dense core can provide vitality and services, and that as a diverse place, Mt. Pleasant has the ability to accommodate a variety of development forms.

Those who support the application have noted that this site is one of three areas identified in the MPC Plan as sites where additional density and height should be pursued. These respondents believe that this type of development is what the community Plan had envisioned and that a precedent will not be set as it only applies to the three sites identified in the MPC Plan.

### *3. Traffic Impacts*

Some respondents who oppose the application feel that the existing parking and traffic problems will be further impacted by increased density and congestion. Some have noted that the loading bays and driveway access are off Watson Street which is designated for special consideration in the MPC Plan and are also concerned about impacts to the 10th Avenue bike route and the major bus route on Broadway. Some feel that 10th Avenue cannot accommodate the increased congestion and feel that the safety of pedestrians and cyclists will be affected.

Multiple access points to the site are available from the surrounding road network and several road and traffic improvements will be achievable through this rezoning in order support site access from Kingsway and to offset potential increases in westbound traffic onto 10th Avenue. Further, to facilitate greater traffic flow, a new left turn bay will be installed on Kingsway so traffic can turn onto westbound Broadway a movement that currently is prohibited.

#### *4. Affordability*

Some who oppose the application feel current residents will not be able to afford the condo or rental units in this development and that it will increase surrounding rental and business leases, eventually driving existing residents and local businesses out of the neighbourhood. Many see small businesses as part of the draw and benefit of the existing community and some are concerned about the impact of expected larger businesses in the project on these small businesses.

Respondents in support of this application feel that the city is in need of housing, and that a higher and denser form will provide more affordability for rental and home ownership by increasing rental housing and housing choices in the city.

The rental units have been removed form the application and the MPC Plan supports a variety of housing types and promotes commercial development along all major arterial streets.

#### *5. Public Benefits/Community Amenities*

Some who oppose the application feel that there is a lack of existing services and amenities in the community that will be further strained by the increase in density. These respondents feel that these services should be provided prior to adding density in the community. Additional concerns were expressed over the lack of child care facilities and park space in the area.

Some respondents who support the application were pleased with the social component and felt that the proposed artist production space previously included in the application would provide a creative focal point in the community. Overall, there appears to be a recognition that a benefit related to art/culture or affordable housing is worthwhile, following by daycare facilities and open space. Several commented that there was no public open space and no benefits that would attract families with kids, seniors or others, or would be more broadly "public" in nature.

Social Infrastructure staff considered the need for a daycare on this site and have determined this site is not a preferred location, but could be supplied through future rezonings further east where a need has been identified and an opportunity to rezone has been provided for under the MCP Plan.

Mount Pleasant was previously recognized as a park-deficient neighbourhood however, and in recent years the Park Board has built new small parks and open spaces so that now almost the entire neighbourhood is within a 5-minute walk of a park, greenway or other open space. Mount Pleasant is a leading candidate for neighbourhood-based implementation of the Greenest City 2020 Access to Nature Actions, one of which is to acquire further green space through acquisition of sites, conversion of streets and other means.

With respect to the previously included artist production spaces and the 15 rental STIR units in the proposal, the application has been revised and these areas have been converted to commercial/retail space and strata-tilted residential units. The change has afforded an opportunity to increase the value of the community amenity contribution associated with the project (see section on Public Benefits). Large rezonings such as this offer the means for the acquisition and development of amenities within the surrounding community. Staff are recommending the development contribute towards a fund for off-site, local-serving amenities as the community amenity contribution for the project and that the community be consulted prior to the allocation of the CAC.

6. *Employment Opportunities*

Some business owners feel that there is a need for more development and density in the area, to create more 'foot traffic' for businesses and to have more residents in the area that could provide a workforce. Many of the comments received from the developer (April 2011 comment sheet forms) focused on the potential source of employment that a project of this scale could bring. Many of the respondents feel that this project could stimulate the local economic climate, immediately by creating new jobs in the construction sector and in the long term, by creating jobs in local businesses that will be part of the retail component and the potential enhancement of the commercial area.

Staff continue to receive comments from the public on the revised application, largely through email generated from the Rezoning Centre application website which has been updated with information on the application as it is available.

\* \* \* \* \*

228-246 East Broadway and 180 Kingsway  
ADDITIONAL INFORMATION

1. Comments of the General Manager of Engineering Services

Engineering Services has reviewed the application and the Projects Engineer expressed no objection to the proposed rezoning, provided that specific conditions are met. In the memo, a number of rezoning conditions were listed for inclusion in the staff report. These have been included in Appendix B as conditions of zoning approval.

2. Urban Design Panel Comment

The Urban Design Panel reviewed the *original rezoning* (26-storey tower form) proposal on October 20, 2010 and supported the proposed use, density and form of development and offered the following comments:

**EVALUATION: SUPPORT (7-0)**

Introduction: Alison Higginson, Rezoning Planner, introduced the proposal for a site that is bounded by Broadway, Kingsway, 10th Avenue and Watson Street. The site is currently zoned C-3A which permits a maximum floor space ratio of 3.30 and has a guideline recommended height limit of 70 feet. The rezoning application proposes an addition in density and height beyond the C-3A maximums. The proposed FSR is 6.40 and proposed height of the tower element is 253 feet. The proposal is for a mixed-use retail, commercial and residential complex with a total of 268 dwelling units with 62 units being rental under the STIR program. The remaining 206 units will be market condos. The application includes a potential for a future transit portal at the 10th Avenue and Watson Street corner and also proposes a 10,000 square foot artist's production space in that general location as part of the public benefit offering. The policy context for this application is the emerging Mount Pleasant Community Plan which is scheduled to be reported to Council in November. The site has been identified by the community and staff as one where additional height and density can be accommodated.

Scot Hein, Development Planner, further described the proposal noting that the Panel was being asked to look at use, density and form of development. He noted that a public hearing could take place early in the New Year. With respect to use, Mr. Hein noted that there are some challenges with the Watson Street frontage regarding entry and exiting of the site. He added that the artist's production space will help to activate the street in that location. Regarding density and form of development, Mr. Hein noted that there had been much discussion with the tower placement but feels that it is in the correct position. The tower has come down in height since the last review with the Panel and there has been some further density added to the podium. Mr. Hein noted that the proposal will be coming back to the Panel at the DE stage given that it is a major project. He noted that they have a good working relationship with the community to explore the density, form and height that is happening as a result of the project.

Ms. Higginson and Mr. Hein took questions from the Panel.

**Applicant's Introductory Comments:** Mr. Ostry, Architect, gave a PowerPoint presentation noting that they had been working on the project for over two years and have been following and participating in the Community Planning Program. He noted that there are a number of considerations to be made on the site in particular the topographical apex (hill town). Mr. Ostry noted that they are also focusing on sustainability and density. There are two conditions that affect the site: one is the Main Street corridor and the other is the Kingsway corridor. The Main Street corridor is essentially mid-rise block buildings with a certain character and the Kingsway corridor is where the City has been permitting additional height. He noted that they are planning for a transit portal along Broadway but they are also allowing for a potential one on the site at West 10th Avenue and Watson Street. He also noted that the best location for parking and loading is off Watson Street.

Mr. Ostry noted that they have added the artist's production space since the last review by the Panel. He added that it will be a semi-industrial space and is being proposed as an amenity on site. There will be two residential entries: one is on East 10th Avenue and the other is on Watson Street. They are also going to acknowledge Brewery Creek as it cuts across a corner of the site. Mr. Ostry described the architectural Plans for the site using the PowerPoint slides. He noted that they wanted the location for the height on the site to have the least negative impact on the neighbourhood and at the same time a lower streetwall condition along Watson Street, Broadway and Kingsway that maintained the best amount of light onto the street. In terms of other uses including office, twenty-five percent of the project is for non-residential and almost five percent of that is artist production space.

Mr. Ostry described the changes since the last review noting that they had pushed the tower down four storeys and pushed up the street wall massing along Watson Street, Broadway and Kingsway. They converted the component of the retail into artist studio production space (two levels) and they reconfigured the rental units and as well added some additional units. The Watson Street entry has been relocated opposite the current open space where there might be a transit portal one day. A restaurant is planned for the corner of 10th Avenue and Kingsway.

Gerry Eckford, Landscape Architect, noted that the landscaping hadn't changed much since the last review. They are still focusing on geography and the interesting context of the site with the changing grid of Kingsway. On 10th Avenue there is a higher level of detail with the transit use focusing on the plaza and open space in front of the artist's production space. The podium will still contain amenity areas and a community garden as well as a children's play area.

Eesmyal Santos-Brault, Sustainability Consultant, noted that the digital clock on a microwave takes up more energy than the microwave itself over a year and this is an example of phantom loads that happen in buildings. He noted that there is lots of opportunity to reduce energy through simple technology such as a universal kill switch and metering energy consumption. Mr. Santos-Brault added that the project will meet all the City's requirements in terms of EcoDensity and will meeting LEED® Silver equivalent at a minimum with some room for LEED® Gold.

The applicant team took questions from the Panel.

**Panel's Consensus on Key Aspects Needing Improvement:**

- Consider reducing the streetwall height by one floor and increasing the tower by two storeys to compensate.
- Consider increasing the artist's production space.
- Consider enhancing creative cycling amenities particularly on East 10th Avenue.
- Careful consideration of the treatment of the parking and loading access.

**Related Commentary:** The Panel supported the proposal noting that it was an exciting mix of market and rental residential as well as retail and art production.

The Panel supported the use, density and form of development. As well they liked the addition of the artist's production space. Several Panel members said they would support more height in the tower and more in the podium while one Panel member suggested one less storey on the podium and making it up the tower. Another Panel member thought the streetwall was a little over bearing and suggested it could be broken up a bit to get more light into the courtyard. One Panel member thought the top of the tower needed to be a bit stronger as seen from a distance.

Most of the Panel did not see any livability issues with the units facing either Broadway or Kingsway. One Panel member noted that for everyone who likes quiet and shady there are other people who like vibrant and sunny. The Panel supported the uses that will support the proposed transit node.

The Panel supported the location of the tower as well as the architectural treatment and the colour palette. As well they liked the suite Plans noting that the addition of the artist's component and the STIR program were appropriate for the area. A couple of Panel members suggested the applicant go further with the artist's production space perhaps by adding a gallery space or other creative ways to display the artist's work.

The Panel supported the Plans for the landscaping and thought it responded well to the architecture. A couple of Panel members suggested some integration into the landscape for people on the bike path. One Panel member would like to see a more exciting surface palette and a better acknowledgement of Brewery Creek and how it relates to the city grid. A couple of Panel members were concerned with the loading and parking access noting a possible impact from the future development on the lot opposite for the transit station.

The Panel supported the sustainable measures noting that putting energy monitors in the units was a great idea as people often don't realize how much energy is being wasted.

**Applicant's Response:** Mr. Ostry thanked the Panel for their comments noting that they will make the project stronger. He added that they are proposing to line the loading bay with an art piece.

### **3. Environmental Implications**

Nearby access to transit (both existing and anticipated) and commercial services may reduce dependence on use of automobiles.

#### 4. Comments of the Applicant

The applicant has been provided with a copy of this report and has provided the following comments:

##### 4.1 Project History

The development team began work on this rezoning application in February 2008 and first met with City staff regarding the project in September 2008. At this time, the development team was informed of the Mount Pleasant community planning process and, at the request of the City, voluntarily held back from working toward making a formal rezoning application that the team had tentatively scheduled to submit toward the end of 2008. Instead, the development team began participating in community planning workshops to learn more about the vision the people of Mount Pleasant had for their neighbourhood. Ultimately, the development team delayed submitting a rezoning application by a year-and-a-half. However, it was by means of their voluntary delay and their participation in the community planning process that the development team was able to submit a rezoning application in July 2010 that was substantially in alignment with the Mount Pleasant Community Plan adopted by Council in November 2010.

##### 4.2 Community Engagement

In addition to the City led Community Workshop and Public Open House, Rize Alliance initiated a number of community outreach tools including online media (blog and Facebook), local business outreach and the opening of Rize House - a community information and input centre for the project with free pop-up retail space for local entrepreneurs. Rize House, which is located on site has been open to the public since March 2011, and continues to provide detailed information on the rezoning application including plans, renderings and a site model. Since March 2011, over 1,600 visitors have attended Rize House, many of whom have expressed their positive support for the project. A summary of the community engagement since 2007 is as follows:

**2007:** June City of Vancouver Mount Pleasant Community Plan public outreach starts

**2008:** April, Rize Team attends City led area workshop. September 2008: Rize Team engages in the community planning process and voluntarily delays rezoning application for site.

**2009:** March - September: City-led workshops were held to review concept plans, prospective density, height, and form of development options for new buildings - Rize Team attends community workshop. September 2009: Rize Team presents a development concept to the community at a community workshop.

**2010:** September, Rize Team meets with Community Liaison Group to review the Mount Pleasant Community Plan and Rize proposal.

**2011:**

January - Rize Team meets with Community Liaison Group to review Rize proposal

February - Rize circulates a project update to 3,800 members of the community via Canada Post and launches online project information sharing tools (blog + Facebook)

March - Rize House opens

April - City-led Community Workshop, City-led Public Open House

May - Rize Community Open House (at Rize House)  
June - Rize Business Community Open House (at Rize House)  
July - Rize Student Community Open House (at Rize House)  
October - Rize Community Open House (at Rize House), Rize Filipino Community Open House (at Rize House)  
December - Rize Community Open House (at Rize House)

#### 4.3 Revisions resulting from the Public Open House

Following extensive community input, including: the City of Vancouver led Community Workshop; the Public Open House and; subsequent changes to the form and massing required by Planning, the rezoning application has been revised as follows:

- The massing has been refined and articulated to express the primary components of the project as distinct components on the site.
- The height and scale of massing along Broadway has been modified to reflect the scale of the Lee Building, located at Broadway and Main Streets. This includes the addition of a two-storey arcade along Broadway and visual separation of the massing component through articulation of glazed vertical circulation systems on Watson Street and Kingsway.
- The form of massing of the entry to the artist production space at Watson Street has been refined to define the wrap-around corner massing at East 10<sup>th</sup> Avenue as a singular component. In addition, the portion of the artist production space that spills-out on East 10th Avenue has been defined and articulated by setting the facade back 3 feet, which in turn increases the extent of the public realm at the sidewalk.
- The form of the high-rise element at the corner of Kingsway and East 10th Avenue has been refined to visually separate the massing from the adjacent components by connecting and anchoring it to the ground plane.
- The set-back of the entry to the retail along Kingsway has been extended by 52 feet to increase the public realm while further defining and articulating the separate East 10th Avenue high-rise massing and the Broadway mid-rise massing.

\* \* \* \* \*



228, 236 and 246 East Broadway and 180 Kingsway  
PUBLIC BENEFITS SUMMARY

**Project Summary:**

A mixed-use commercial and residential project with mid- and high-rise components set atop a Two-storey retail podium.

**Public Benefit Summary:**

The proposal would generate DCL and public art contributions and cash CAC offerings to funds to be directed to cultural amenities and affordable housing within the Mount Pleasant community.

	Current Zoning	Proposed Zoning
Zoning District	C-3A	CD-1
FSR (site area = 4,978.7 m <sup>2</sup> /53,590 sq. ft.)	3.0	5.55
Max. Allowable Buildable Floor Space (sq. ft.)	160,770	297,461
Land Use	Commercial/residential	Commercial/residential

Public Benefit Statistics		Value if built under Current Zoning (\$)	Value if built under Proposed Zoning (\$)
Required*	DCL (City-wide) (Note 1)	\$1,821,524	\$3,370,233
	DCL (Area Specific)	0	0
	Public Art	0	\$538,404
	20% Social Housing	0	
Offered (Community Amenity Contribution)	Childcare Facilities	N/A	
	Cultural Facilities		4,500,000
	Green Transportation/Public Realm		
	Heritage (transfer of density receiver site)		
	Housing (e.g. supportive, seniors)		1,750,000
	Parks and Public Spaces		
	Social/Community Facilities		
	Unallocated		
	Other		
<b>TOTAL VALUE OF PUBLIC BENEFITS</b>		<b>\$1,821,524</b>	<b>\$10,158,637</b>

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

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

228, 236 and 246 East Broadway and 180 Kingsway  
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

Street Address	236 East Broadway
Legal Description	PID: 009-760-822, 009-760-831, 010-976-523 Lots B and C, Block 119, DL 301, Plan 9097 and Lot E (Explanatory Plan 6228), Block 119, DL 301, Plan 6082
Applicant	Alan Davies, MAIBC, Acton Ostry Architects Inc.
Architect	Acton Ostry Architects Inc.
Property Owner	Rize Alliance (Kingsway) Properties Ltd.
Developer	Rize Alliance (Kingsway) Properties Ltd.

SITE STATISTICS

SITE AREA	4,978.7 m <sup>2</sup> (53,590 sq. ft.)
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DEVELOPMENT STATISTICS

	DEVELOPMENT PERMITTED UNDER EXISTING ZONING	PROPOSED DEVELOPMENT	RECOMMENDED DEVELOPMENT (if different than proposed)
ZONING	C-3A	CD-1	
USES	Commercial, service, residential,	Commercial, service, residential	
DWELLING UNITS		241	
MAX. FLOOR SPACE RATIO	3.0	5.38	5.55*
MAXIMUM HEIGHT	70 ft. Guideline recommended	215 ft.	
MAX. NO. OF STOREYS	n/a	19	
PARKING SPACES		320**	

\* FSR increase results from the recommended conversion of "excludable" artist's production space floor area to commercial floor area which is included in FSR calculations. This does not result in an increase in the overall form of development as represented in the drawings in Appendix E.

\*\* 320 parking stalls reflects what the developer has chosen to deliver. The required parking under the Parking By-law, along with the reductions in required parking in accordance with the City's Greenest City objectives, results in a lower parking requirement.