

File No.: 04-1000-20-2019-667

November 18, 2019

s.22(1)

Dear s.22(1)

**RE: Request for Access to Records under the Freedom of Information and Protection of Privacy Act (the "Act")**

I am responding to your request of October 28, 2019 under the *Freedom of Information and Protection of Privacy Act* for:

**Regarding a September 25, 2019 meeting between Mayor Kennedy Stewart and Colin Bosa, Jeff Skinner and Raymond Louie, a copy of the agenda, minutes, briefing note, presentation material, handwritten notes, transcript and recording from the meeting.**

On **November 6, 2019** the City responded to your request with the following:

"We have completed the search for responsive records for this request and no responsive records have been located. Please note: Mayor's Office staff confirms there are no records."

On **November 12, 2019**, the FOI Office was informed that an error was made and responsive records have been located\*.

\*Correspondence relating to the process and handling of FOI 2019-667 (your request FOI 2019-702) include locating those records.

Under section 52 of the Act, and within 30 business days of receipt of this letter, you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your FOI request by writing to: Office of the Information & Privacy Commissioner, [info@oipc.bc.ca](mailto:info@oipc.bc.ca) or by phoning 250-387-5629.

If you request a review, please provide the Commissioner's office with: 1) the request number (#04-1000-20-2019-667); 2) a copy of this letter; 3) a copy of your original request; and 4) detailed reasons why you are seeking the review.

Yours truly,



**Barbara J. Van Fraassen, BA**  
**Director, Access to Information & Privacy**

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453 W. 12th Avenue Vancouver BC V5Y 1V4

\*If you have any questions, please email us at [foi@vancouver.ca](mailto:foi@vancouver.ca) and we will respond to you as soon as possible. Or you can call the FOI Case Manager at 604.871.6584.

Encl.

:ag

## Issue 1: Shadowing

### Policy:

#### Policy 1. West End Plan 2013

In 2013 the City passed the West End Community Plan. The plan states the following regarding shadow performance in general and with respect to the various areas highlighted in the plan such as Robson village and the Burrard Corridor.

##### "Section 6 Demonstrate Shadowing Performance

Ensure that new development does not adversely impact shadowing on recognized public open space and Village areas as a performance measure to ensure that these spaces have solar access when citizens are typically more active."

##### "7.1.1 Robson Village

Sculpt built form to maximize sunlight on the sidewalks, particularly during the afternoon and early evening when Robson Village is busiest." *(referring to permitted 3 storey buildings directly fronting onto Robson Street)*

##### "7.3.1 Georgia and Burrard Corridors

General: Sculpt built form to maximize sunlight on the sidewalks.

To maximize views and sunlight on sidewalks, residential floor plates above the podium level(s) should not exceed:

- Areas 'E' and 'F': 696.8 square metres (7,500 square feet)

- Area 'G': 511 square metres (5,500 square feet)"

*(This suggests that limiting the floor plates to a maximum of 7,500 sq.ft. will achieve the desired shadow performance on surrounding streets and sidewalks)*

*The West End Plan did not introduce any specific guidelines regarding shadow performance such as time of day or time of year.*

*The West End Community Plan went through an extensive public consultation process and was reviewed and approved by council.*

#### Policy 2. Planning By-Law Administration Bulletin entitled "West End – Tower Form, Siting and Setbacks"

January 11<sup>th</sup> 2017, City staff issued a Planning By-Law Administration Bulletin entitled "West End – Tower Form, Siting and Setbacks" to provide further guidance on new residential towers (siting and massing) in the West End.

In this bulletin an update to the City's informal shadow policy was introduced. *Prior to the bulletin's release the City required towers in the West End to be designed to minimize shadow impacts on parks, public open spaces and shopping streets or West End "Villages" between the hours of 10am and 2pm PDT at the equinox. These hours were extended until 4pm in the bulletin.*

Excerpt from Planning By-Law Administration Bulletin entitled "West End – Tower Form, Siting and Setbacks":

**"Shadowing of Parks, Public Open Spaces and the West End "Villages"**

Shadowing impacts may result in the maximum height identified in the zoning or the *West End Plan* not being achievable. Shadows generated by proposed developments must be minimized on the following prioritized hierarchy of spaces:

1. Parks, public open spaces and the West End "Villages";
2. Semi-private open spaces; and
3. Private open spaces.

Building height and mass should minimize shadowing on parks, public open space and the West End Shopping "Villages" between the hours of 10:00 a.m. and 4:00 p.m. P.D.T. at the equinox. In the "Villages" during these hours, shadows should not extend beyond the curb of the sidewalks on the north side of the street. In the case of parks, depending on the activities in the parks (e.g. school yards), shadow analysis over a longer time frame may be required

*Note that the introduction of this bulletin was not subject to public or industry consultation and was not reviewed or approved by council. The language introduced in this bulletin is far more restrictive than the language approved in the West End Community Plan.*

**Implications:**

Loss of significant density on potential redevelopment sites in areas designated for redevelopment in the West End Community plan. This loss of density has the further result of reducing the value of CAC payments, Social Housing and other community benefits contemplated in the West End Plan.

**Examples:**

See attached shadow study that illustrates the implications of amending the time of the shadow impact from 4pm (time specified in the new by-law administration bulletin) and the previous planning guideline of 2pm in increments of ½ hour on the total number of social housing units that can be delivered in the Burrard and Thurlow corridor on potential development sites north of Nelson Street. There is the potential to gain 165,000 sq.ft. or 175 units of additional social housing based on an average unit size of 750 sq.ft.

**Potential Impact of Change in Policy:**

One block of Robson Street between Burrard Street and Thurlow Street will be shadowed between 2-4pm.

**Solution:**

Council direct staff to amend Planning By-Law Administration Bulletin West End – Tower Form, Siting and Setbacks to be less restrictive and limit shadow impacts to be measured between the hours of 10am and 2pm PDT at the equinox. This would be similar to the shadow performance language adopted by



council in the recently amended **Downtown South Guidelines**.

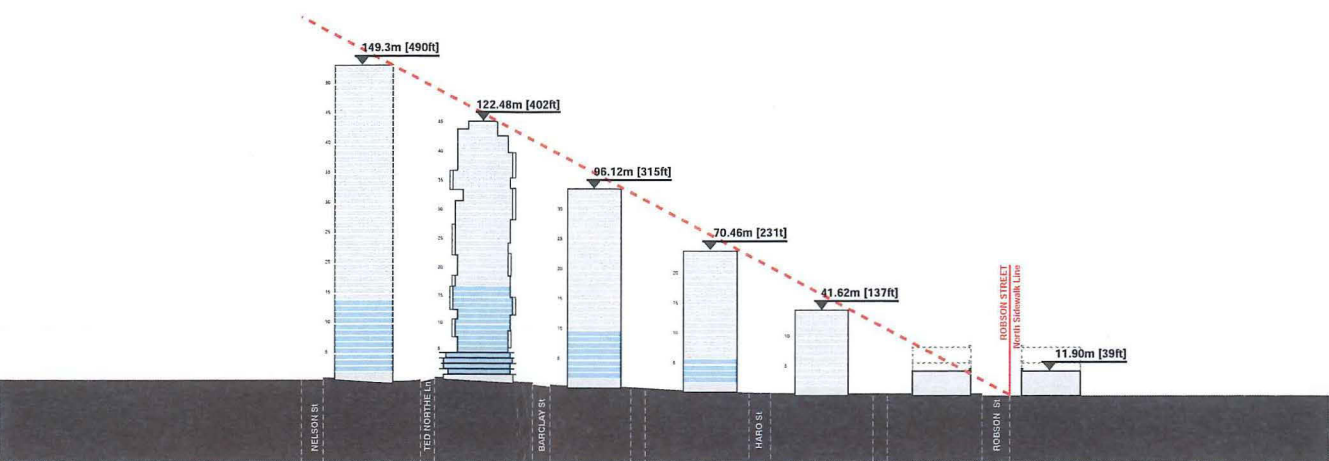
"2.6.2 Shadow Criteria Specific to Granville and Davie Streets

(a) The low and mid-rise portions of new developments along the south side of Davie Street should not cast shadows beyond the curb line of the north side of Davie Street. Tower portions of new developments on Davie and Seymour Streets should be massed (siting, height, width) so as to minimize the shadow impact on the north Davie Street and west Granville Street sidewalks, particularly during the noon to 2:00 p.m. period.

PROJECTED SOCIAL HOUSING AREAS GAINS

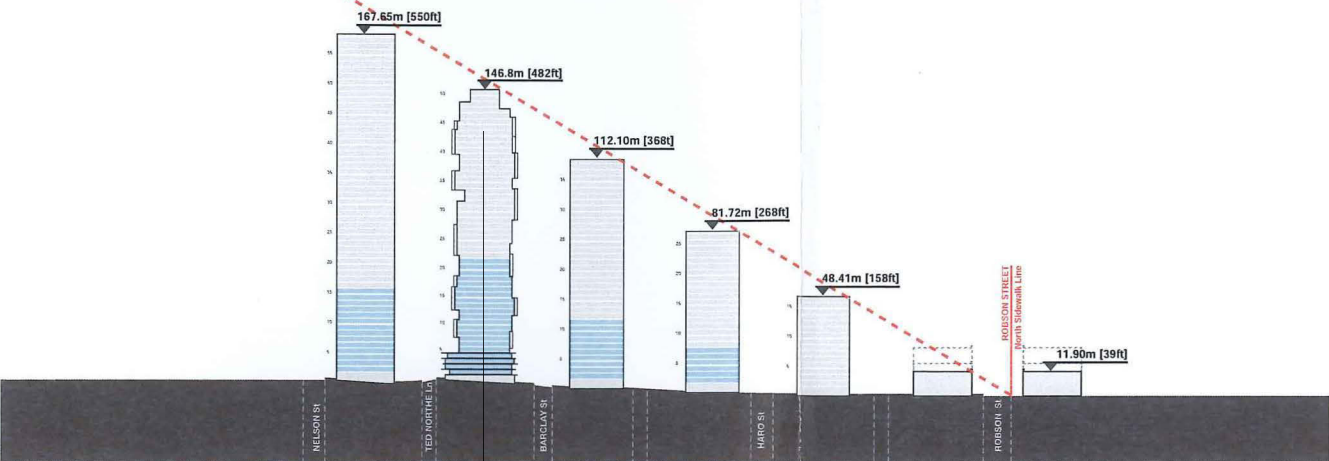
REQUESTED  
1070 BARCLAY SOCIAL  
HOUSING TABULATION

SCENARIO 1\_BUILDING HEIGHTS ACCORDING SHADOW STUDY AT 16:00



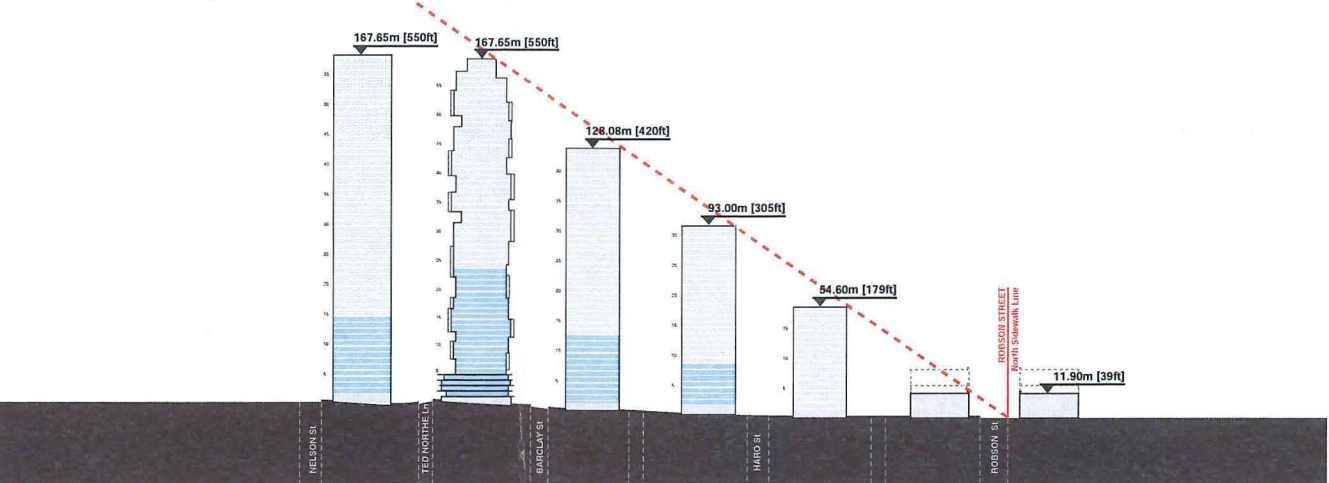
SOCIAL HOUSING COMPARISON					
		FALL EQUINOX		1070 BARCLAY	
		TOTAL	ADDITION	TOTAL	ADDITION
16:00	m²	37,037		14,299	
	sqft	398,660		153,914	
	UNITS	424		138	

SCENARIO 2\_BUILDING HEIGHTS ACCORDING SHADOW STUDY AT 15:30



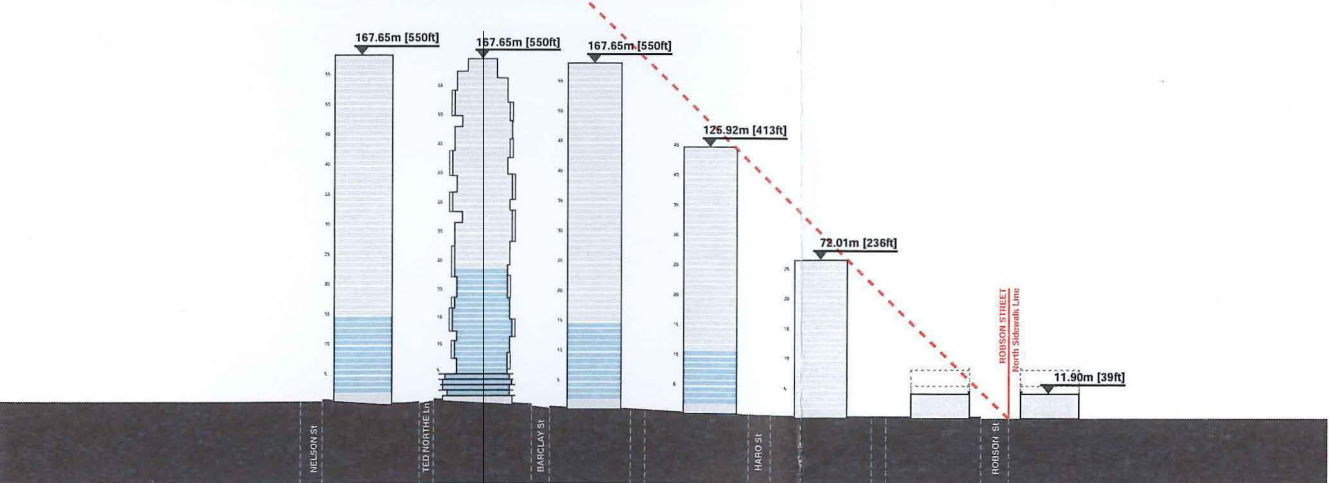
SOCIAL HOUSING COMPARISON					
		FALL EQUINOX		1070 BARCLAY	
		TOTAL	ADDITION	TOTAL	ADDITION
15:30	m²	42,610	+5,573	16,722	+2,422
	sqft	458,649	+59,989	179,989	+26,075
	UNITS	487	+64	165	+27

SCENARIO 3\_BUILDING HEIGHTS ACCORDING SHADOW STUDY AT 15:00



SOCIAL HOUSING COMPARISON					
		FALL EQUINOX		1070 BARCLAY	
		TOTAL	ADDITION	TOTAL	ADDITION
15:00	m²	46,718	+9,681	18,641	+4,342
	sqft	502,866	+104,206	200,646	+46,732
	UNITS	534	+111	199	+61

SCENARIO 4\_BUILDING HEIGHTS ACCORDING SHADOW STUDY AT 14:00



SOCIAL HOUSING COMPARISON					
		FALL EQUINOX		1070 BARCLAY	
		TOTAL	ADDITION	TOTAL	ADDITION
14:00	m²	52,336	+15,300	18,641	+4,342
	sqft	563,344	+164,684	200,646	+46,732
	UNITS	599	+175	199	+61

\* Number of social housing units is indicative only.  
Final number to be determined with further design development.



## Issue 2: MIRHPP

### Policy: Moderate Income Rental Housing Pilot Program (MIRHPP)

In 2018 Council approved a new rental incentive pilot program called the "Moderate Income Rental Housing Pilot Program" or MIRHPP. This rental incentive program was introduced to increase the supply of new secured rental and secured rental with below market rental rates targeted at households with incomes between \$30,000 to \$80,000. Under this program:

- *80% of the approved floor area is required to be secured market rental housing*
- *Minimum 20% of the approved floor area is required to be permanently secured below market rental targeted to incomes of \$30,000 to \$80,000 per year with 2018 rates set per the table below.*

Unit Type	Moderate Income Unit Maximum Starting Average Monthly Rent	Household Income Served (if 30% of income spent on rent)	2018 Average Rents (buildings built 2005 or later)
Studio	\$950	\$38,000	\$1,607
1 Bedroom	\$1,200	\$48,000	\$1,869
2 Bedroom	\$1,600	\$64,000	\$2,457
3 Bedroom	\$2,000	\$80,000	\$3,235

In order to ensure a variety of unit types in both the market and below market housing units, projects should achieve the following unit mix distribution targets.

Unit Type	% Of Total Unit Mix
Studio	25%
1 Bedroom	40%
2 and 3 Bedroom	35%
	100%

#### Available Incentives:

- Development Cost Levy (DCL) waivers
- Senior Government Lending Programs offered by BC Housing and CMHC to provide construction financing and take out financing at preferred rates
- Reduced parking requirements – up to 30% less than market rental projects
- Relaxation of minimum unit sizes and configurations
- Expedited processing
- Additional Floor area may be provided in exchange for minimum 20% below market rental units

#### Limitations:

The MIRHPP program was a limited pilot program with an initial limit of 20 projects. A second opening was allowed to make room for additional applications but the program is now closed and no new applications are being considered.

Policy direction in recently approved policy plan areas must be respected (e.g. Marpole, DTES, West End, Grandview-Woodland, Joyce Station Area, Cambie Corridor, Oakridge Transit Centre). *This implies that*

*in the West End Community Plan in the Burrard Thurlow corridor area where there is a requirement for rental replacement or social housing MIRHPP applications would not be accepted.*

From the West End Community Plan:

“Section 8.1 Housing Supply and Affordability

8.1.4 In Areas ‘1’ and ‘2’ within the Burrard Corridor, additional density can be considered through rezoning for new developments that provide at least 25% of floor space as social housing, or one-for-one replacement of the existing market rental housing with social housing units, whichever is greater (see Figure 8.2).”

**Implications:**

Missed opportunity to increase the City’s secured market rental and below market rental housing stock.

**Examples:**

See attached example for a Bosa Properties owned site on Harwood Street. If this site were to be developed *under the MIRHPP program we would deliver 460 secured market rental units and 115 below market secured rental units in place of a market condo development of 252 market condo units and 98 social housing units. In this case we could increase the City’s rental housing stock by 477 units.*

*In addition to the 115 below market secured rental units in the above example 50% of the 460 secured market rental (all studios and majority of 1 beds) units would rent for less than \$2,000 per month adding another 230 units that would be considered affordable to households with \$80,000 income or less.*

*In our recently completed rental project in partnership with the Central Presbyterian Church on Thurlow Street all studios and 60% of 1 bed units are rented at or below \$2,000.*

**Potential Impact of Change in Policy:**

One of the incentives under the MIRHPP program is additional density. Using the example above of the Bosa Properties owned site on Harwood Street; the West End Community Plan in the area of this site has both a height restriction and a maximum floor plate size. In order to fit the additional 20% density that would be requested under the MIRHPP program an increase to the floor plate size would be required.

**Solution:**

Amend the current MIRHPP program to allow for new applications.

Amend the MIRHPP policy to allow for MIRHPP applications in recently approved policy plans to be considered in place of other rental replacement or social housing requirements.

Amend recently approved area plans to allow for MIRHPP applications to be considered in areas where other rental replacement, social housing, or CAC requirements exist.



# Rezoning Application (Base Case)

- Proposed rezoning application, to build 252 condos on the site with 98 social housing units to be transferred to the City.

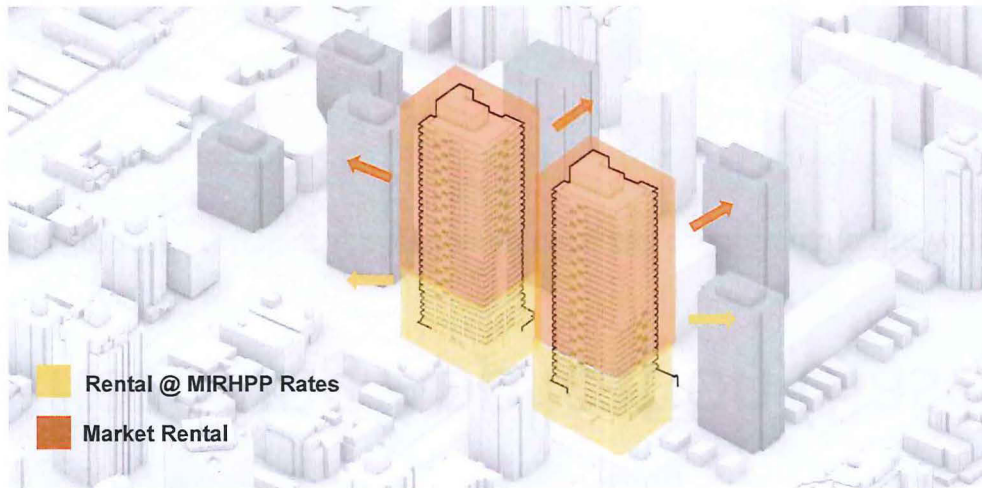


Housing Type	# of Units
Condo	252
Market Rental	0
Social Housing	98

All numbers are approximate

## All Rental – MIRHPP

- In this scenario, we are proposing building both buildings under the MIRHPP Program. This would result in approximately 575 rental units of which 20% of the units (approx. 115) will be set to the Moderate Income Rates. Bosa would retain ownership of all of the units.
- In order to make this scenario work, we would need to increase the density on both towers through an expanded floor plate or height relaxation.
- DCL waiver per MIRHPP



Housing Type	# of Units
Condo	0
Market Rental	575
Social Housing	0

All numbers are approximate  
115 units will be at moderate income rates (20%)