

1241 HARWOOD STREET (COMPLETE APPLICATION)  
DE415100 - ZONE RM-5A

SDB/TC/LEB/SB/LH

**DEVELOPMENT PERMIT STAFF COMMITTEE MEMBERS**

**Present:**

J. Greer (Chair), Development Services  
R. Thé, Engineering Services

**Also Present:**

S. Black, Urban Design & Development Planning  
T. Chen, Development Services  
S. Barker, Development Services  
L. Beaulieu, Development Services  
M. D'Agostini, Heritage Group

**APPLICANT:**

Bing Thom Architects  
1430 Burrard Street  
Vancouver, BC  
V6Z 2H2

**PROPERTY OWNER:**

Acadia Development Inc.  
c/c Bing Thom Architects

**EXECUTIVE SUMMARY**

- **Proposal:** To develop this site with a 17 storey Multiple Dwelling (containing 36 dwelling units) over one level of underground parking having vehicular access from Harwood Street and two detached parking garages having access from the rear lane. This proposal includes the retention of the existing tulip tree and removal of the existing heritage house on the site.

See Appendix A Standard Conditions

Appendix B Standard Notes and Conditions of Development Permit

Appendix C Processing Centre - Building Comments

Appendix D Plans and Elevations

Appendix E Applicant's Design Rationale

Appendix F Policy Report - Heritage Designation and Heritage Revitalization Agreement (DE414280)

Appendix G Tree Retention Review - Prepared by ACL Arbortech Consulting Ltd.

Appendix H Statutory Declaration of Notice to Redevelop from the Applicant to Existing Tenants

Appendix I Notification of Existing Tenants of the Subject Site

Appendix J Confirmation from Applicant to Provide a Tenant Relocation Plan.

• **Issues:**

1. Loss of heritage building.
2. Tree retention.
3. Landscape design.

• **Urban Design Panel: Support**

**DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATION: APPROVE**

THAT the Board APPROVE Development Application No. DE415100 as submitted, the plans and information forming a part thereof, subject to City Council approval of a Housing Agreement, thereby permitting the development of a new 17 storey Multiple Dwelling (containing 36 dwelling units) over one level of underground parking having vehicular access from Harwood Street and two detached parking garages having access from the rear lane, subject to the following conditions:

**1.0 Prior to the issuance of the development permit, revised drawings and information shall be submitted to the satisfaction of the Director of Planning, clearly indicating:**

- 1.1 the relocation of all new development to be outside of the root zone of the tulip tree;

**Note to Applicant:** The intent is to maximize the retention of the tree. A minimum radius of 31.2 ft. (9.5 m) from the tree trunk should be provided. Relocation of the building to the west by approximately 3.3 ft. (1 m) will likely be required, along with revision of the landscape design to move the exterior stairs.

- 1.2 design development to the front yard landscaping, especially to the new portions around the driveway area;

**Note to Applicant:** This can be accomplished by increasing the amount of planted area, wrapping the stone walls into the opening, using landscaping to soften retaining walls, screening the view into parking, the use of indirect lighting, and the careful design of doors and other features using high quality materials. Materials and finishes should be specified on plans, sections and elevations, and meet the advice of the West End RM-5, RM-5A, RM-5B and RM-5C Guidelines.

- 1.3 provision of a plan to relocate, salvage or re-use the Legg Residence in part or in whole, to reduce building waste and support broader heritage conservation activities in the city;

**Note to Applicant:** The applicant should provide a plan to the satisfaction of the Director of Planning for the following options in order of preference: re-use of materials on the site, the offer of the Residence for re-location, the offer of salvage to interested parties. For the last option, the applicant is encouraged to contact the Vancouver Heritage Foundation, a registered charity dedicated to supporting the conservation of the city's heritage buildings through education, public awareness and granting activities.

- 2.0 That the conditions set out in Appendix A be met prior to the issuance of the Development Permit.

- 3.0 That the Notes to Applicant and Conditions of the Development Permit set out in Appendix B be approved by the Board.

• Technical Analysis:

	PERMITTED (MAXIMUM)	REQUIRED (MINIMUM)	PROPOSED
Site Size <sup>1</sup>	-	-	131 ft. x 132 ft.
Site Area <sup>1</sup>	-	-	17,290 ft <sup>2</sup>
Use <sup>2</sup>	Multiple Dwelling Accessory Buildings (outright area: 517 ft <sup>2</sup> ) (outright width: 88 ft.)		Multiple Dwelling Accessory Building (area: 1,856 ft <sup>2</sup> ) (width: 91.5 ft.)
FSR <sup>3</sup>	Outright: 1.00 Conditional: 2.20	-	Dwelling Use: 2.20 Balcony overage: .02 Total: 2.22
Floor Area <sup>3</sup>	38,038 ft <sup>2</sup>	-	Dwelling use: 38,026 ft <sup>2</sup> Balcony overage: 275 ft <sup>2</sup> Total: 38,301 ft <sup>2</sup>
Balconies <sup>4</sup>	Total: 3,042 ft <sup>2</sup> Enclosed: (50% of open)	-	Open: 3,317 ft <sup>2</sup> Enclosed: 0 ft <sup>2</sup> Total: 3,317 ft <sup>2</sup>
Site Coverage	8,645 ft <sup>2</sup> (50%)	-	3,856 ft <sup>2</sup> (22%)
Height <sup>5</sup>	Outright: 60.0 ft. Conditional: 190.3 ft. View cone 20 176.9 ft.	-	Top of Elevator Machine Room: 174.4 ft. Top of Roof Element: 176.6 ft.
Front Yard	12.1 ft.	-	29.2 ft.
Side Yard	6.9 ft.	-	East side: 44.3 ft. West side: 41.7 ft.
Rear Yard	6.9 ft.	-	18.5 ft.
Parking <sup>6</sup>	- Small Car (25% ) 6 -	Total: 25 - Disability: 2	Total: 29 Small car: 5 Disability: 0
Bicycle Parking <sup>7</sup>	-	Class A 45 Class B 6	Class A 47 Class B 6
Amenity	3,802 ft <sup>2</sup>	-	2,934 ft <sup>2</sup> (Levels 1, 2, & 3)
Units <sup>8</sup>	-	-	One Bedroom: 22 units Two Bedroom: 11 units Three Bedroom: 3 units Total: 36 units

<sup>1</sup> **Note on Site Size and Site Area:** The development consists of two separate legal lots. Standard Engineering Condition A.2.1 seeks consolidation of the site.

<sup>2</sup> **Note on Use:** Multiple Dwellings consisting of six or more dwelling units are considered conditional approval uses. The accessory buildings at the rear (two garage structures) require conditional approval, as they do not fall within the area and width limits of an outright accessory building.

<sup>3</sup> **Note on FSR and Floor Area:** The Development Permit Board may permit an increase in the floor space ratio up to a maximum of 2.20. The proposed floor area is beyond the maximum permitted FSR, due to overage in the maximum area of balconies which may be excluded from the computation of FSR. Standard Condition A.1.6 seeks compliance with the maximum permitted FSR. See also Note on Balconies.

<sup>4</sup> **Note on Balconies:** Open balconies may be excluded from the computation of FSR up to a maximum of 8% of the provided residential floor area. Any overage shall be included in the FSR. Standard Condition A.1.6 seeks compliance with the maximum permitted FSR.

- <sup>5</sup> **Note on Height:** The proposal is beyond the outright height limitation of 60 ft. The Development Permit Board may permit an increase in height up to a maximum of 190.3 ft; however, view cone 20 limits the conditional height to no more than 176.9 ft and this proposal is below that limit. Staff support this increase in height. See commentary on page 8 for further discussion.
- <sup>6</sup> **Note on Parking:** Standard Condition A.1.7 seeks compliance with the minimum number of disability parking spaces, and the minimum overhead clearances in accordance with the Parking By-law.
- <sup>7</sup> **Note on Bicycle Parking:** Standard Condition A.1.13 seeks details of the Class A Bicycle Parking in accordance with Section 6 of the Parking By-law.
- <sup>8</sup> **Note on Units:** The loss of the existing rental units on the site necessitates the provision of an equal number of replacement rental units in the new development. See Standard Condition A.1.22 and Social Development commentary on page 14.

• **Legal Description**

Lots: 22 and 23  
Block: 39  
District Lot: 185  
Plan: 92

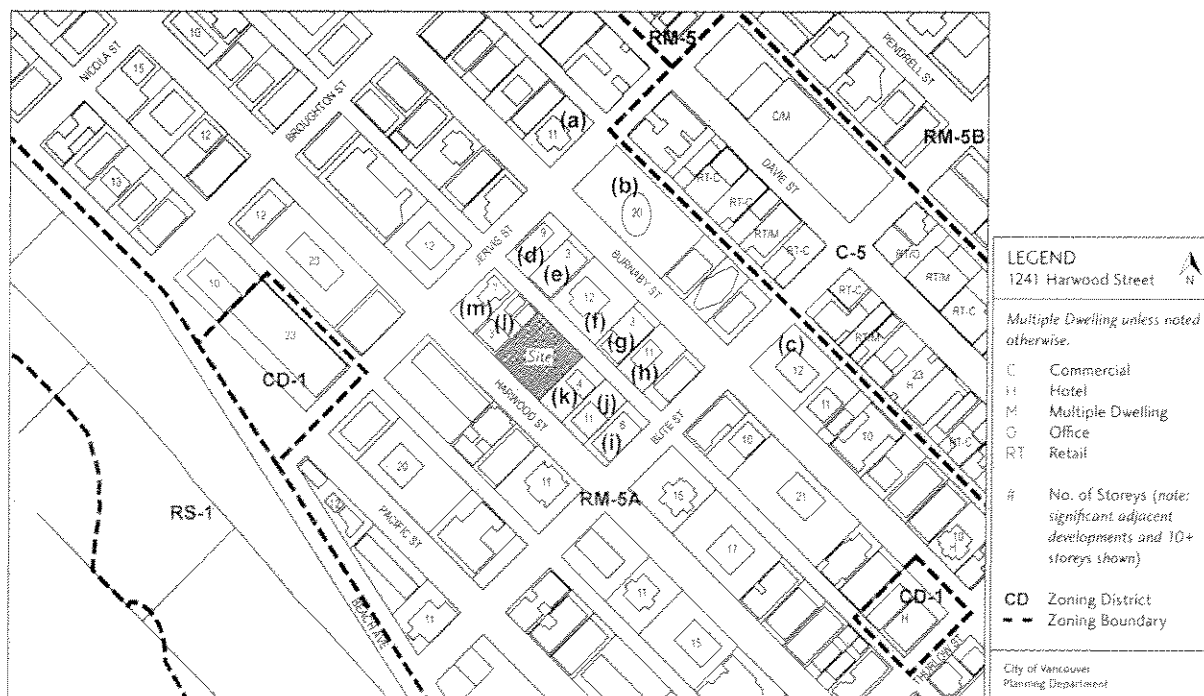
• **History of Application:**

09 09 01 Complete DE submitted  
09 11 02 Urban Design Panel  
09 11 16 Development Permit Staff Committee

• **Site:** The site is located on the mid-block of Harwood Street, between Jervis Street and Bute Street. It is comprised of two legal lots with a combined area of 17,290 sq. ft., a combined frontage of 132 ft, and a depth of 131 ft. A heritage building straddles the two lots, and a large Tulip tree is located along the east property line. The surrounding area is an established multiple-family neighbourhood, with a variety of building heights from two to 20 storeys. There is a 20 ft. wide lane to the north of the site and a 12-storey apartment directly across the lane. The site to the west contains a three-storey apartment with a courtyard. The north portion of the building is built to its east property line, which is the west edge of the subject site. The property to the east is a character house converted to apartments.

• **Context:** Significant adjacent development includes:

- (a) 1251 Jervis Street - 11 storey residential (The Santana Apartments)
- (b) 1265 Burnaby Street - 20 storey residential (Hendry House)
- (c) 1250 Bute Street - 12 storey residential (Bute Manor)
- (d) 1290 Burnaby Street - 9 storey residential (The Bellevue)
- (e) 1270 Burnaby Street - 3 storey residential (Moray Firth Apartments)
- (f) 1250 Burnaby Street - 12 storey residential (The Horizon)
- (g) 1230 Burnaby Street - 3 storey residential (Solway Firth)
- (h) 1218 Burnaby Street - 11 storey residential (Pat Rose Place)
- (i) 1315 Bute Street - 6 storey residential
- (j) 1219 Harwood Street - 11 storey residential (The Chelsea)
- (k) 1225 Harwood Street - 4 storey residential (Edge Hill)
- (l) 1285 Harwood Street - 3 storey residential
- (m) 1330 Jervis Street - 7 storey residential (Jervis)



- Background:

Enquiries into the potential redevelopment of this site from the current applicant date back to 2005. Given that the site contains a significant heritage resource, staff advised the applicant to explore development options that included retention of the existing heritage house ("The Legg Residence") that could include incentives pursuant to the Heritage Policies and Guidelines. This building is on the Heritage Register as a "B" listed building, and was recently evaluated as an "A" building. The applicant was also advised that since the site contains existing rental accommodation, the Rate of Change policies would apply, and therefore the existing number of rental units would require retention or replacement in any redevelopment scheme.

Towards the end of 2006, the applicant hosted two separate public open houses in order to present their heritage retention scheme along with a number of alternate heritage proposals, and several development options available through the existing zoning. Both of these open houses were very well attended by members of the public, and there was a range of public opposition to all of the options presented in preference of the status quo.

In April 2008, Bing Thom Architects submitted Development Application DE412106. This application proposed to retain, relocate and municipally designate the existing heritage house and tulip tree, and to construct a new 18 storey residential tower. The additional bonus density requested was 45,000 sq. ft. (generated from retention and municipal designation of the heritage house and tulip tree), and would have required City Council consideration of a Heritage Revitalization Agreement (HRA). Early in the development application review process this scheme was not supported by the city's Urban Design Panel, and was then considered to be on hold.

In 2010, city staff sought advice from Council on a policy direction regarding whether bonus incentives should be supported for landscape resources that are not wholly contained on the subject site (as is the case for the tulip tree on this site). On June 10, 2010, Council resolved:

*THAT historic landscape resources in the City are important and worthy of retention and protection however, Council affirms that bonus incentives are not supported for landscape resources that cannot be wholly protected through legal designation.*

In October 2010, Bing Thom Architects withdrew DE412106 and submitted DE414280 which proposed to retain the heritage house, remove the tulip tree, and construct a new 18 storey residential tower which included 26,000 sq. ft. of bonus density resulting from the heritage retention. This application was referred to City Council as part of an HRA application to vary the density and designate the house. See Appendix F for the Policy Report describing DE414280. On May 31, 2011 City Council resolved:

*THAT staff be directed to consider further options for the Heritage Designation and Heritage Revitalization Agreement at 1245 Harwood Street which might include the retention of the large tree shared with the neighbour, given the expressed willingness of the adjacent owner to cooperate in its retention.*

On September 1, 2011, Bing Thom Architects submitted the current application, and DE414280 is considered to be on hold. The current application is proposed under the existing regulations of the RM-5A zoning, and includes the removal of the heritage house, and the retention of the tulip tree without legal protection or bonus density. A separate development and building permit is required for removal of the Legg Residence.

• Applicable By-laws and Guidelines:

1. **RM-5A District Schedule**

The intent of the RM-5A District Schedule is to permit a variety of multiple-family forms with emphasis on achieving compatibility with adjacent development. The schedule permits Multiple Dwellings up to a conditional density of 2.20 FSR or 38,038 sq. ft. for this site. The schedule also permits a height of 60 ft. outright which may be increased to a conditional height of 190 ft., provided that the livability and environmental quality of the neighbourhood "is not unduly harmed," and after consideration of neighbours' responses and local guidelines.

2. **View Protection Guidelines**

City Council adopted a number of view cones to protect public views in 1989, and reaffirmed them in 2010. View Cone 20 passes over this site and is designed to protect the view from Granville Street at Broadway northward to Capilano Valley and the North Shore Mountains. The view cone limits the height of development relative to the lowest point on this site to 176.9 ft, or a maximum elevation of 277 ft. above the geodetic datum.

3. **West End RM-5, RM-5A, RM-5B and RM-5C Guidelines**

The Guidelines offer more detailed advice than the schedule and are used to assess applications for discretionary density and height by describing the design considerations that apply to West End projects. As with the District Schedule, the Guidelines emphasize compatibility with adjacent development and note in particular streetscape character, open space, view retention, sunlight access, and privacy. The Guidelines also note that mature trees contribute to the character of the West End, and encourage their retention as a part of any new development.

In terms of building height, the Guidelines recommend that buildings over 60 ft. tall have a horizontal separation of 79 ft. from other buildings of similar height, and that buildings over 110 ft. tall have a horizontal separation of 400 ft. from other buildings of similar height on the same block face. The intent of this advice is to create a skyline with an evident pattern, to maintain or create view corridors between existing buildings, and to avoid a continuous wall of towers.

4. **Heritage Policies and Guidelines**

The Guidelines recommend that the Development Permit Board give special attention to the resources on the Vancouver Heritage Register when approving any conditional use so that whenever possible, resources on the Register are conserved.

5. **Rate of Change Guidelines for Certain RM, FM and CD-1 Zoning Districts.**

Council's policy on rate of change in the West End requires the replacement of rental units on a one-to-one basis.

• Response to Applicable By-laws and Guidelines:

1. **RM-5A District Schedule**

*Use:* Multiple Dwelling is a conditionally permitted use, subject to the replacement of rental housing on the site. Staff support this use, subject to the replacement measures noted in Section 5. The proposed garages are greater than the size allowed for an outright accessory building, but may be conditionally permitted. Staff support the proposed garage because it reduces the amount of underground parking which might otherwise affect the retention of the tulip tree.

*Density:* The proposed density is slightly over the permitted density of 2.20 FSR, and must be reduced as noted in the technical analysis.

*Height:* The proposed height of 177 ft. is less than the conditionally permitted height of 190 ft. The proposed height is discussed further under Section 3.

**2. View Protection Guidelines**

The maximum elevation of the proposed structure, 273 ft. above geodetic datum, is below View Cone 20.

**3. West End RM-5, RM-5A, RM-5B and RM-5C Guidelines**

*Streetscape Character:* The Guidelines identify mature street trees and lushly landscaped front yards as major elements in creating a cohesive streetscape that can tie together a variety of building types. The application proposes a new open plaza facing Harwood Street on the west portion of the site, with hard surfaces leading to the building entry and parkade. This is a departure from the typical West End character, and staff recommend design development to address this area (Condition 1.2). The east portion of the streetscape features a landscaped retaining wall which protects the raised area around the tulip tree.

*Open Space:* The Guidelines recommend setting buildings back to create wider views down streets and extend a sense of open space into a lot through careful building placement. Where possible, the siting of a building should provide a large contiguous open area through the site rather than several smaller spaces. In this application, the tower is set back approximately 29 ft. from the street, which allows for wider views down the street. The proposed siting in the middle of the lot is an effort to balance sunlight access for the west neighbours with the soil volume needed for the tulip tree on the east side. Given the tradeoffs involved, staff support the proposed arrangement of open spaces.

The Guidelines also note that the street edges of traditional development are open grassed areas that act as a visual extension of the public realm to create an attractive, generous streetscape. Open spaces should also include well placed seating. The west portion of the proposal generally provides this openness, but is predominately hard surfaced. Some refinement of the design is recommended to introduce more planted areas and seating (Condition 1.2 and Standard Condition A.1.2).

*Views:* There are no significant public views affected by the proposal. The proposal has a measurable impact on existing private views, especially looking from higher floors toward the southwest and English Bay. The loss of private views may be considered in comparison with a hypothetical building at the same density but a lower height of 110 ft. In this comparison, view loss is most notable at south-facing units on the top three floors of 1250 Burnaby Street, because they would likely look over top of a 110 ft. building and their existing view is already limited by nearby tall buildings. Of these units, the most significant loss of private view is from the middle unit on the 11<sup>th</sup> floor. A shorter new building at the same density would improve private views for this floor, but at a cost to shadowing on adjacent properties and more impact to private views of neighbours on the lower floors as discussed in the following section.

The loss of private views may also be considered numerically over a standard 120 degree arc, which forms the basis of a typical view analysis. In these terms, the middle unit currently has an existing view angle of about 61 degrees. This unit would lose 23 degrees of the horizon view, or 38% of its existing view. The portion of view loss decreases for other units, elevations and locations. For example, the east unit on the 11<sup>th</sup> floor of 1251 Jervis Street, 380 ft. away, has an existing view angle of 48 degrees. This unit would lose 2 degrees of horizon view, or 1% of its existing view. Detailed view analyses for this application are included in Appendix D, with



the examples cited shown in enlarged form at the end of the Appendix for legibility. The average view loss of the units studied is 5%, and nine of the 26 examples have no loss of view. In general, the proposed tower height will affect the private views of many residents to some degree, but the relatively narrow width of the proposed tower and its orientation on the site means that the impact on private views for most residents uphill of the site is minimized.

*Sunlight and Shadowing:* The shadowing effect by the proposed building on adjacent neighbours is similar to what could be expected were a new tower built in the centre of the lot under existing zoning. The lozenge shape of the floor plate helps to some degree by removing building corners that would otherwise extend the width of the shadow. More significantly, the floor plate is small, at approximately 2,378 sq. ft. of net floor area on a typical level. The detailed shadow study is included in Appendix D, with an enlarged copy of the noon shadow at the end.

When considering the standard dates of the spring and fall equinox, the shadow of the proposed building does not reach any public green space. The proposed building will shadow the residential courtyard to the west during the morning. By 12:00 noon the shadow has cleared the open space. However, a tower with a more typical building width at the same density would create worse effects, as illustrated in Figure 1.

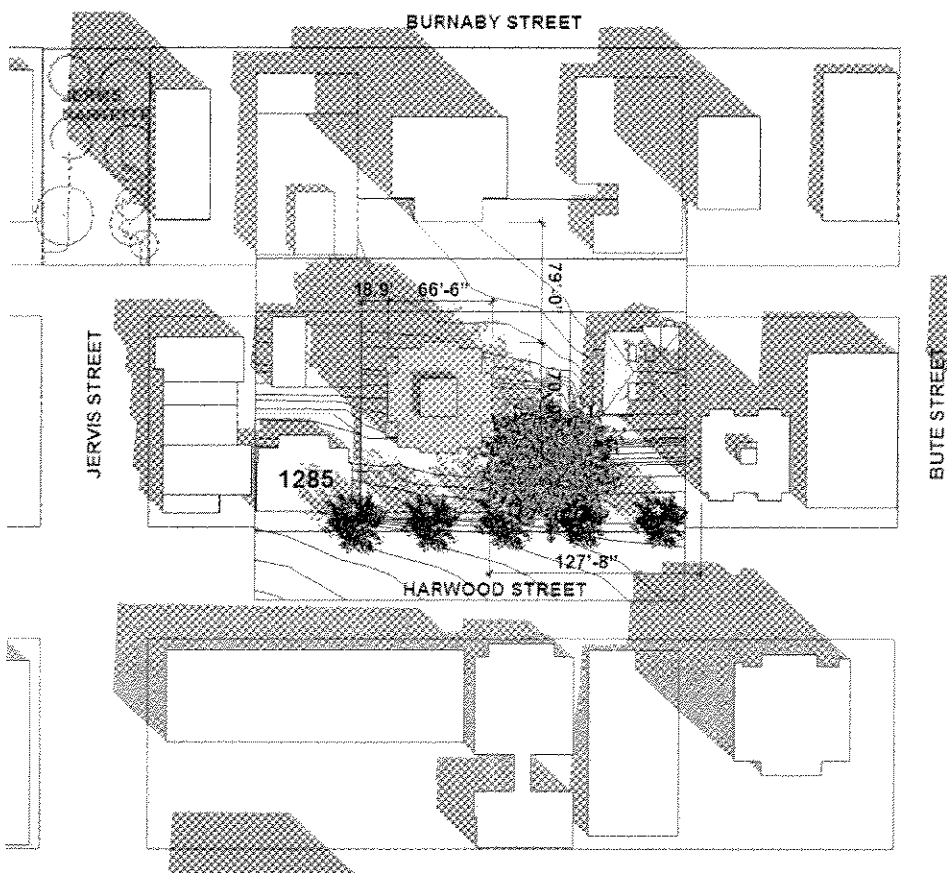


Figure 1. Shadow diagram of hypothetical building at 2.2 FSR and 110 ft. in height

*Privacy:* The Guidelines strive for development that provides adequate privacy for new and existing residents. Retention of the tulip tree helps with privacy to the east because of the horizontal space it requires, as well as providing a green screen for upper floors when in leaf. Due to the narrow floor plate, the west side yard is significantly larger than required, as shown

in Figure 2. Some adjustment at the lower floors of the building is recommended to improve privacy for the closest neighbours (Standard Condition A.1.1 [i]).

*Height:* Survey data received in 2011 indicates that 1219 Harwood Street is 108 ft. in height. This is under the limit for considering another tower on the same block face. However, this height is close to the limit and staff have considered the objectives behind this Guideline. In this case, there are no other towers near to 110 ft. tall on the same block face, and retention of the tulip tree provides a significant break in the block face. The building width is fairly narrow at 47 ft. as seen from the Harwood Street frontage, which helps keep a view open along the block. As a comparison, 1250 Burnaby Street has a more typical West End tower width of about 78 ft. The Guidelines recommend the use of smaller floor plates to minimize view blockage, which the application provides. Staff are satisfied that these factors in combination will avoid creating a wall of towers on the block face.

The proposed position on the site would also maintain views through the block through alignment with 1250 Burnaby Street and by providing larger than required side yards, as illustrated in Figure 2. The narrow width of the tower as seen from the Harwood Street frontage also helps maintain openness.

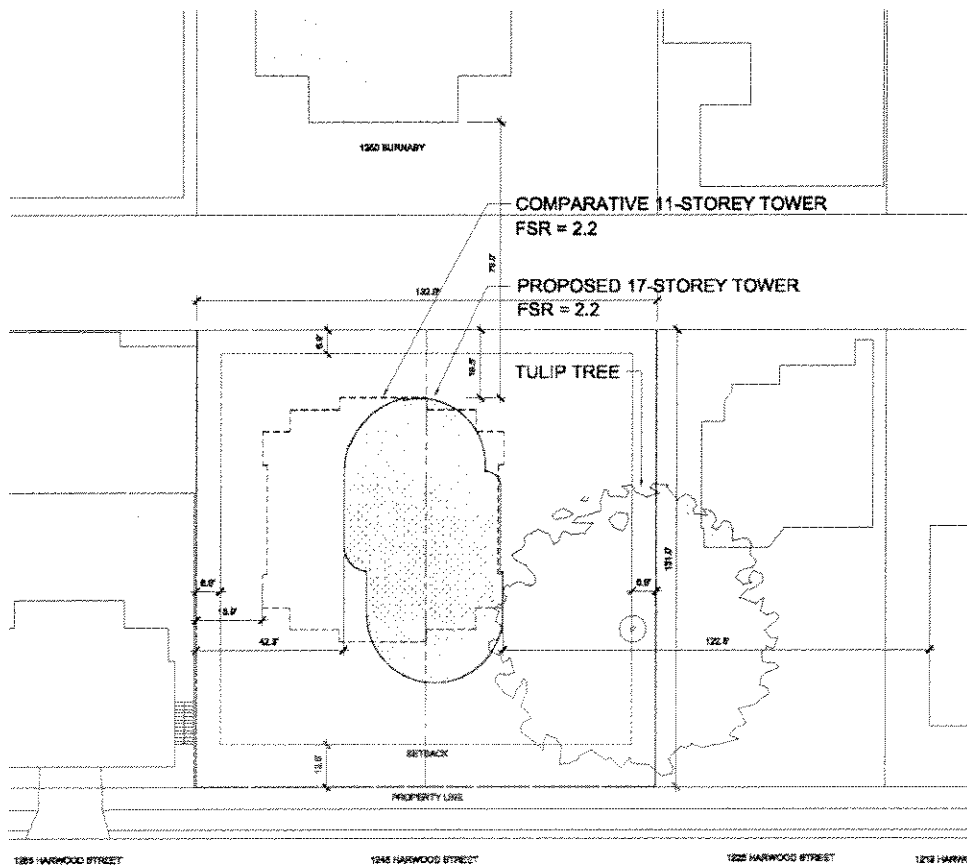


Figure 2. Site plan comparison showing proposed design and hypothetical tower

With regard to separation from lower buildings between 60 and 110 ft. tall such as 1250 Burnaby, the proposal provides 79 ft. of horizontal separation as recommended. Staff are of the opinion that the proposed design meets the requirements and intent of the height guidelines.

*Tree retention:* Retention of the existing tulip tree will be a benefit to the site and the area, and the application meets this recommendation. Given the desirability of retaining mature trees in the area, and the particular quality and value of the tulip tree on this site, staff commend the applicants for their work in accommodating this large specimen. The application proposes minor incursions into the root zone identified by the arbourist. Given the significance of the tree, staff recommend that the application be adjusted to remove any development from the root zone (Condition 1.1).

**4. Heritage**

Council has instructed that, prior to consideration of a proposal for the demolition of an "A" building, a formal report on the physical condition and economic viability of retaining the building should be reviewed by the Director of Planning. This policy is discussed in more detail in the section on Heritage Planning, which follows on page 13.

**5. Rate of Change Guidelines for Certain RM, FM and CD-1 Zoning Districts**

The existing rental units on the site are proposed to be replaced by rental units in the new building. Staff recommend that this replacement be secured by legal arrangements (see Standard Condition A.1.22).

• **Conclusion:**

Staff have reviewed the application and considered relevant policies, site constraints, and other development options, and concluded that on balance the proposed design is supportable, subject to the conditions noted.

**URBAN DESIGN PANEL**

The Urban Design Panel reviewed this application on November 2, 2011, and provided the following comments:

**EVALUATION: SUPPORT (8-0)**

- **Introduction:** Sailen Black, Development Planner, introduced the proposal for this site containing a heritage listed house, the Legg Residence, and a large tulip tree. Mr. Black described the context for the area noting the residential towers and low-rise developments. He also described the details in the policy for the area that included the View Protection Guidelines, allowable height and street character. Mr. Black stated that the preservation of the rare 118 foot Tulip Tree which is in excellent condition had been a central issue regarding the redevelopment of the site. He added that transfer of heritage density off site is not an option and the applicant considered a number of development options which the Panel had reviewed previously. The current application is for a 17-storey tower with small floor plates and a distinctive floor plan with offset rounded ends, and exterior open balconies shrouded by perforated steel screens mounted on curved tracks. As seen from the street, on the east portion of the site, there will be a landscaped terrace rising to the existing garden level. On the west side of the site, a portion has been excavated down to the sidewalk level to create an on-grade access to the underground parking towards the rear of the site. There will also be a reflecting pond at street level from which the tower rises. Mr. Black mentioned that the new proposal meets the guidelines for tower separation at the block face.

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

Panel comments were sought on the architectural and landscape design in general, and in particular on:

- The balance of livability, including private views and natural light, afforded to the existing neighbours and future residents by the proposed form and siting of the tower.
- The proposed design of the landscape, including the streetscape edge, the excavation of the west portion of the site, hard surface, and driveway design.
- The character and design of the tower exterior, including the opacity or reflectivity of the movable steel screens, the composition of fixed glass elements, and the wraparound balconies.

Mr. Black took questions from the Panel.

- **Applicant's Introductory Comments:** Michael Heeney, Architect, described the proposal noting the previous schemes they had considered, and explained how they had ended up with the current proposal. In terms of the ground plane, there will be a drive-through courtyard that will open up the site to the street making the tree more visible. On the east side of the site is the original character of the historic garden which will be retained. The tower will have balconies on the west and south side with moveable screen panels made of stainless steel to provide shading. The building will have a geo-exchange system, green roof and other sustainable aspects.

Chris Phillips, Landscape Architect, described the landscaping plans and indicated that saving the tree had always been the objective for the site. In the tradition of the west end, there will be some parking garages on the lane with a green roof. The street trees will be preserved.

The applicant team took questions from the Panel.

- **Panel's Consensus on Key Aspects Needing Improvement:**
  - Consider further study of the proposed material for the moveable screens and exterior cladding;
  - Design development to the auto-court to differentiate between pedestrians and vehicles.
- **Related Commentary:** The Panel supported the proposal and thought it was an improved scheme from the last review.

The Panel thought the architectural character of the building was well handled and very powerful. They also thought the largest issues of siting, neighbourliness, impacts of shadows, liveability both within the project and to its neighbours had been improved. Although the Panel thought it was unfortunate that the heritage house would be lost with the redevelopment, they felt the scheme made better sense on the site in the current proposal. A number of Panel members thought it was an iconic building and would set a new bar for the west end. They said that the power of the proposal was the tree in conjunction with the sculptural tower. They also supported the parking garages on the lane in keeping with the laneway parking common to the west end.

The Panel had some concerns regarding the stainless steel cladding, and thought it needed some careful study to make sure there isn't any glare. A couple of Panel members suggested using zinc for the material as it would be less reflective and would take on its own coloration and weathering over time. Some other Panel members thought something should be done that would help modulate the design especially on the broader surfaces. They also suggested that the applicant make sure the screens were moveable and useable as proposed, so they remain a dynamic part of the design.

A couple of Panel members thought that a different material should be considered for the base of the building and suggested exposing the heavy concrete work as they thought there might be too much metal already on the building.

The Panel thought the auto-court was a bit too austere and might be differentiated more with landscaping between cars and pedestrian zones. One Panel member suggested making the surface permeable to allow for some greenery to grow.

- **Applicant's Response:** Mr. Heeney said that the Panel's comments were helpful and they would take them into consideration as they continue with the design. Regarding the cladding, he mentioned that they will be using an angel hair finish so there won't be any glare off the material. However, he said they were willing to do more due diligent regarding the material. He added that they have used the material successfully on other buildings. Mr. Heeney agreed with the Panel that the auto-court needed some more design development.

## ENGINEERING SERVICES

The recommendations of Engineering Services are contained in the prior-to conditions noted in Appendix A attached to this report.

## LANDSCAPE

This site contains a very significant tulip tree that has both historical significance, and continues to represent a benefit to the surrounding neighbourhood. As the subject application is proposed within the existing RM-5A zoning regulations, incentives have not been provided to the applicant to retain this tulip tree. Staff have reviewed the recommendations of the Certified Project Arbourist (Appendix G), and are satisfied that, subject to the conditions contained in this report, this tulip tree would be expected to survive with minimal impact.

## HERITAGE PLANNING

### Council Policy - Demolition of a Category 'A' Building

"Council has instructed that, prior to consideration of a proposal for the demolition of an 'A' building, a formal independent consultant's report on the physical condition and economic viability of retaining the building should be reviewed by the Director of Planning. The consultant's report is to be carried out at the expense of the applicant. Council reaffirmed this policy on April 18, 1991."

Although the Legg Residence is listed in the 'B' evaluation category on the Vancouver Heritage Register additional information on the site's heritage value has come forward during the review of the different proposals for the site. A revised historic building and site evaluation, along with a Statement of Significance were reviewed by staff and the Vancouver Heritage Commission, wherein they supported revising the category from 'B' to 'A'. While the change to the evaluation category has not been formally approved by City Council, staff are treating this application as though the policy on demolition of a Category 'A' buildings applies.

The intent of the policy is to ensure a full assessment of retention options is completed including determining an incentive package required to compensate an owner for building retention. During the public consultation phase for the current application there was some feedback suggesting the applicants had not formally addressed this policy. Staff considered this carefully and concluded that the previous development permit application involving the Heritage Revitalization Agreement including the proposed rehabilitation of the Legg Residence (DE414280) did consider the physical condition of the building through the preparation of a heritage conservation plan and the economic viability of retaining the building was also assessed through the preparation of a development proforma by the applicant which was reviewed by Real Estate Services. The proforma review indicated the level of incentive required to compensate the owner. Requiring another study would yield a similar conclusion regarding the building condition as well as the incentives required to make rehabilitation of the Legg Residence

economically viable. It is for this reason that staff feel the intent of the policy has been met and no further reports will be required.

#### Comments of the Vancouver Heritage Commission

Development Permit Application DE415100 was reviewed by the Commission on October 24, 2011 and the following motion was passed unanimously:

THAT the Vancouver Heritage Commission does not support the demolition of an 1899 category 'A' heritage house at 1245 Harwood Street, the Legg Residence, as presented at the October 24, 2011, meeting.

The Commission members noted the current application does not include the retention of the Legg Residence and therefore felt it was appropriate to provide a second motion that would provide the best opportunity for retention of the tulip tree as follows: (carried unanimously)

THAT the Vancouver Heritage Commission supports a form of development at 1245 Harwood Street, that provides for the retention of the historic tulip tree through a smaller tower floor plate.

#### Heritage Planning Comments

The applicant has chosen to pursue a development under the current RM-5A zoning which regrettably involves demolition of the Legg Residence. Condition 1.3 seeks consideration for the owner(s) to seek opportunities to salvage and re-use materials to support heritage conservation activities in the city. Retention of the historic tulip tree, which is a valued community resource, is proposed by the applicant. No incentives have been requested to retain the tree and there is no formal heritage protection (designation) of the tree proposed. Landscape conditions are recommended to ensure appropriate measures are in place to improve the feasibility of tree retention for the foreseeable future.

#### **SOCIAL DEVELOPMENT**

Previous inspections completed prior to the original enquiries in 2005, indicated that the property contained a total of seven dwelling units (six providing rental accommodation and one owner occupied unit). Following the original enquiry to redevelop the site, the owner expressed interest in converting the previously owner occupied unit into rental accommodation. At this time, staff were prepared to recommend replacing only six rental units as the Rate of Change regulations at the time did not require one-for-one replacement. As the original redevelopment enquiry required Council approval of a Heritage Revitalization Agreement, staff advised that Council would make the final decision on replacement of the rental units.

Since then, the new owner rented out two additional units (by converting the previous owner occupied unit into two units) for a total of eight rental units currently existing on the site. In 2007, the Rate of Change regulations were strengthened, requiring one-for-one replacement of existing rental units. The present wording in the Rental Housing Stock Official Development Plan (ODP) does not give staff the discretion to relax the one-for-one replacement requirement. Therefore, Standard Condition A.1.22 seeks to secure eight replacement rental units through a Housing Agreement for 60 years or life of the building.

The applicant has indicated that eight tenants currently reside in the existing buildings on the site, and, pursuant to the Rate of Change Guidelines, has provided a statutory declaration that these tenants have been provided with written notice of the intent to redevelop this site (see Appendix H). In addition, City staff provided a written notification to these tenants on November 29, 2011 which

included additional information on this development application, and the applicable City Policies, and Guidelines (See Appendix I) Pursuant to the Rental Housing Stock ODP, and outlined under Standard Condition A.1.23, the applicant has agreed to provide a Tenant Relocation Plan to the satisfaction of the Director of Planning in consultation with the Managing Director of Social Development (Appendix J).

#### PROCESSING CENTRE - BUILDING

This Development Application submission has not been fully reviewed for compliance with the Building By-law. The applicant is responsible for ensuring that the design of the building meets the Building By-law requirements. The options available to assure Building By-law compliance at an early stage of development should be considered by the applicant in consultation with Processing Centre-Building staff.

To ensure that the project does not conflict in any substantial manner with the Building By-law, the designer should know and take into account, at the Development Application stage, the Building By-law requirements which may affect the building design and internal layout. These would generally include: spatial separation, fire separation, exiting, access for physically disabled persons, type of construction materials used, fire fighting access and energy utilization requirements.

Further comments regarding Building By-law requirements are contained in Appendix C attached to this report.

#### NOTIFICATION

On October 3, 2011, 765 notification postcards were mailed to neighbouring property owners advising them of this application, and offering additional information on the city's website. In addition, the city undertook a hand delivery of notification postcards to rental buildings within the notification area on October 3<sup>rd</sup> and 4<sup>th</sup>, 2011, and those expressing an interest in the previous development application (DE414280) were notified of this application (primarily by e-mail). On November 29, 2011, a separate written notification of the tenants that currently occupy dwelling units on the subject site occurred in accordance with the city's Rate of Change policies (see Appendix I, and Social Development commentary on page 14)

Due to the high public interest in the potential redevelopment of this site over the past years, the applicant hosted an "open house" on October 24<sup>th</sup>, 2011. This event served to provide additional information and details about the submitted development application to the public, and both members of the applicant team and city staff were available to answer questions. A total of 43 members of the public "signed in" at this event, and 23 comment sheets were collected by city staff at the conclusion.

In addition to comment sheets received following the open house, a total of 63 individual written responses were also received to the city's notification. All responses received to date are summarized as follows:

##### 1. Opposition to the demolition of the existing heritage house (Legg Residence):

Virtually every respondent expressing an opposition to this proposal indicated their primary reason being the loss of the existing heritage house. Specific comments included:

- that the city should prohibit the demolition of the building and need not provide incentives or justification to the owner. If the existing policies do somehow allow for the demolition of the heritage house, then these policies should be changed and the house retained and protected;
- that the proposed tower appears very similar to the tower proposed under the previous application (DE414280) which included retention of the heritage building, and therefore it does

not seem logical to consider a similar proposal that includes demolition of the heritage building;

- that if given a choice between a scheme which retains the heritage house or the existing tulip tree, that the house should be retained since trees can be replanted and the tree may not survive the redevelopment;
- that the city should purchase the land and retain the house;
- that although not captured in a legal covenant on the site, the city should respect the wishes of the past owner and protect the entirety of the existing property for the benefit of the neighbourhood;

**Staff Response:** The loss of the heritage building under this application is regrettable. Staff feel that the intent of the Heritage Policies and Guidelines adopted by City Council have been met (see Heritage Commentary on page 13). Condition 1.3 seeks the provision of a plan to salvage and re-use materials from the Legg Residence to support broader heritage conservation activities in the city.

## 2. Opposition to the proposal (new development) in general including:

- that the West End does not need any more residential towers, and that this proposal does not provide any benefit to the neighbourhood;
- that the zoning should not allow for a 17 storey tower at this location. Some feel that the city should insist upon a development that respects the maximum outright densities and heights outlined in the RM-5A zoning;
- that several large redevelopment proposals are planned in the West End community, and that no such developments of this scale should be approved in the West End until a comprehensive West End Neighbourhood Plan is completed;
- that the proposed residential building will not provide much needed affordable housing for the neighbourhood;
- that the overall character of the neighbourhood would deteriorate as a result of this development, and the overall values of the surrounding properties would decrease.

**Staff Response:** This application has been proposed under the sites existing zoning regulations, and responds well to the applicable Policies and Guidelines that affect the site. As a result, staff feel that the conditional density and height have been earned.

## 3. Specific concerns with the impacts related to the proposed residential tower including:

- loss of views and sunshine for surrounding properties;
- that insufficient off-street parking has been provided in this proposal, which could result in increased traffic and less on-street parking;
- reduced privacy due to the proximity of the proposed tower to surrounding buildings;
- that the building design and materials are not compatible with the surrounding neighbourhood;

**Staff Response:** There is a measurable impact on private views and sunlight which is commensurate with the density permitted on this site under the existing zoning. Guidelines for the area are intended to support a wide variety of building design and materials. The building meets or exceeds the tower proximity recommended in Guidelines. Recommended conditions of approval are intended to address specific effects of the material and improve privacy (Standard Condition A.1.1). The applicant has provided more than the required number of off-street parking spaces for this proposal.



4. Concern over the retention of the existing tulip tree:

Several members of the public expressed a strong concern over the viability of the long term survival of the existing tulip tree given the proximity of the new building and underground parking structure to the root system of the tree.

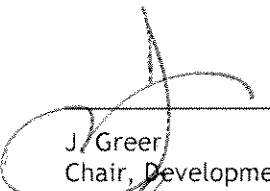
**Staff Response:** The applicant has provided a report from a Certified Arbourist which considers the affect of the proposed development on the existing tulip tree. Condition 1.1 seeks design development, and Standard Condition A.1.17 seeks further confirmations and details of construction in order to mitigate impacts to this tree. Subject to the conditions contained in this report, staff are satisfied that this tulip tree would be expected to survive with minimal impact.

DEVELOPMENT PERMIT STAFF COMMITTEE COMMENTS:

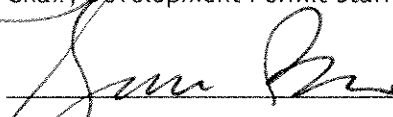
The Staff Committee has considered the approval sought by this application and concluded that with respect to the Zoning and Development By-law it requires a decision by the Development Permit Board.

With respect to the decision by the Development Permit Board, the application requires the Development Permit Board to exercise discretionary authority as delegated to the Board by Council.

The Staff Committee recommends approval subject to the conditions contained within this report. A separate development and building permit will be required for removal of the existing heritage building.



J. Greer  
Chair, Development Permit Staff Committee



S. Black, MAIBC  
Development Planner



T. Chen  
Project Coordinator

Project Facilitator: S. Barker

## DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATIONS

The following is a list of conditions that must also be met prior to issuance of the Development Permit.

### A.1 Standard Conditions

A.1.1 design development to improve the performance of the development in terms of reducing:

- (i) privacy and overlook from the lower levels to adjacent neighbours; and
- (ii) potential glare or reflection from the exterior cladding;

**Note to Applicant:** Item (i) may be addressed by providing reflected elevations including the location of nearby windows, fences and grades, and refining the finishes and detailing of the exterior. For example, translucent or fritted glazing may be used to reduce direct overlook while admitting natural light into the new units. See also external design regulations regarding lane windows.

A.1.2 consideration to provide public seating at the sidewalk level;

A.1.3 notation on the elevation drawings of all finishes, materials and colours, including landscape walls and other features;

A.1.4 provision of enlarged details (at a minimum 1'-0" to 1" scale) for all significant exterior features, including the moveable sun screens;

A.1.5 notation on the plans and elevations of any sustainable design features noted in the design rationale submitted with the application or described during the review process;

A.1.6 reduction of either the total floor area or the amount of open balcony space, to be in compliance with Section 4.7 of the RM-5A District Schedule;

**Note to Applicant:** The amount of balcony space permitted as an exclusion from be excluded from the calculation of floor area is based on the proposed net floor area after allowable deductions rather than the gross floor area. Consequently, the overage in permitted excludable balcony area is currently included in the computation of overall floor area.

A.1.7 provision of the minimum required number of disability parking spaces, and confirmation of a minimum 2.3 m (7'-7") vertical clearance in accordance with Section 4 of the Parking By-law;

A.1.8 provision of a minimum 8'-10" parking space width for parking space 14 in accordance with Section 4.8.1 of the Parking By-law;

A.1.9 provision of elevations for the top of rooftop architectural screen parapet feature;

A.1.10 design development to locate, integrate and fully screen any emergency generator, exhaust or intake ventilation, electrical substation and gas meters in a manner that minimizes their visual and acoustic impacts on the building's open space and the Public Realm;

A.1.11 an acoustical consultant's report shall be submitted which assesses noise impacts on the site and recommends noise mitigation measures in order to achieve noise criteria;

A.1.12 written confirmation shall be submitted by the applicant that:

- the acoustical measures will be incorporated into the final design and construction, based on the consultant's recommendations; and
- mechanical (ventilators, generators, compactors and exhaust systems) will be designed and located to minimize the noise impact on the neighbourhood and to comply with Noise By-law #6555;

A.1.13 details of bicycle rooms, in accordance with Section 6 of the Parking By-law, that demonstrate the following:

- a minimum of 20 percent of the bicycle spaces to be secured via lockers;
- a maximum of 30 percent of the bicycle spaces to be vertical spaces;
- a provision of one electrical receptacle per two bicycle spaces for the charging of electric bicycles; and,
- notation (on the plans) that "construction of the bicycle rooms to be in accordance with Section 6.3 of the Parking By-law"

A.1.14 confirmation that at least 20 percent of all off-street parking spaces will be available for charging of electric vehicles;

**Note to Applicant:** Although this is a Building By-law requirement under Part 13 of the Vancouver Building By-law, the Director of Planning is seeking acknowledgement that this condition can be met during the Building review of this development. For more information, refer to the website link: <http://vancouver.ca/sustainability/EVcharging.htm>

### Standard Landscape Conditions

A.1.15 design development to the front yard terraces to:

- provide a suitable setback of any built form to ensure the retention of the tree on city property at the south east edge of the site, to the satisfaction of the project arborist and Engineering Services, Street Tree Division (Bill Stephen: 604.257.8580);
- follow the natural grade stepping down in increments of 0.66 m, not exceeding 1.0 m for any walls outside of the tree protection zone;
- employ methods and materials that respect existing grades, tree roots and soil resources;

**Note to Applicant:** this requirement is subject to further arborist and staff review. The objective is to avoid, wherever possible, any disturbance within a critical root zone of retained trees, avoid tall walls at the public realm and blend to the existing grade.

A.1.16 revision of the exterior stairway from street level up to the tulip tree to avoid excavation within the root zone;

**Note to Applicant:** Staff recognize the opportunity to provide pedestrian access to the tulip tree garden. Consider an elevated stair not requiring below grade structure, or use of the existing exterior stair(s) to avoid soil disturbance.

- A.1.17 provision of a letter of undertaking that the arborist will be engaged to carry out, manage and supervise any necessary tree preservation work;

**Note to Applicant:** Include a summary of project timeline “triggers” so that the site manager can contact the arborist with advanced notice. The letter should be signed by the applicant and the arborist. There should also be notations on the Tree Protection Plan in this regard.

- A.1.18 provision of a large scale Tree Protection Plan;

**Note to Applicant:** The arborist and design team should coordinate to create an amalgamated plan. Special consideration should be given, but not limited to, site access, utilities, “phased” tree protection barriers, root zone encroachment recommendations, re-landscaping, machinery.

- A.1.19 provision of a detailed landscape/ planting plan;

**Note to Applicant:** Provide details of all hard and soft landscaping.

- A.1.20 provision of typical large scale sections;

**Note to Applicant:** Sections should be provided through the site from property line to property line on both directions, and through planted areas on and around buildings. For planting on slabs, detailed sections should include the soil profile, root ball and slab/ retaining walls.

- A.1.21 provision of layered planting on the inside boulevard;

**Note to Applicant:** Refer to *Engineering guidelines for planting on boulevards*.

## Social Development

- A.1.22 arrangements shall be made, to the satisfaction of the Director of Planning, the Managing Director of Social Development, and the Director of Legal Services, to secure a minimum of eight rental units as residential rental accommodation for 60 years or life of the building, whichever is longer;

- A.1.23 provision of a Tenant Relocation Plan, to the satisfaction of the Director of Planning, in consultation with the Managing Director of Social Development;

**Note to Applicant:** The Tenant Relocation Plan should be consistent with the Rate of Change Guidelines for RM, FM, and CD-1 Zoning Districts.

## A.2 Standard Engineering Conditions

- A.2.1 arrangements shall be made to the satisfaction of the Director of Legal Services and the General Manager of Engineering Services for the consolidation of Lots 22 and 23, Block 39, District Lot 185, Plan 92;

- A.2.2 reduction to the proposed stairwell door-swing over the lane to a maximum of 1 ft;

- A.2.3 provision of a crossing application to the General Manager of Engineering Services;
- A.2.4 written confirmation that all utilities will be underground and within private property;

**Note to Applicant:** The General Manager of Engineering Services will require all utility services to be underground for "conditional" developments. All electrical services to the site must be primary with all electrical plant, including, but not limited to, junction boxes, switchgear, and pad-mounted transformers located on private property. There is to be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require review and approval by the Utilities Management Branch. The applicant is required to show details of how the site will be provided with all services being underground. Bill Moloney of the Utilities Management Branch should be contacted at 604.873.7373 for further information.

**B.1 Standard Notes to Applicant**

- B.1.1 The applicant is advised to note the comments of the Processing Centre-Building, Vancouver Coastal Health Authority and Fire and Rescue Services Departments contained in the Staff Committee Report dated November 16, 2011. Further, confirmation that these comments have been acknowledged and understood, is required to be submitted in writing as part of the "prior-to" response.
- B.1.2 It should be noted that if conditions 1.0 and 2.0 have not been complied with on or before **June 12, 2012**, this Development Application shall be deemed to be refused, unless the date for compliance is first extended by the Director of Planning.
- B.1.3 This approval is subject to any change in the Official Development Plan and the Zoning and Development Bylaw or other regulations affecting the development that occurs before the permit is issuable. No permit that contravenes the by-law or regulations can be issued.
- B.1.4 Revised drawings will not be accepted unless they fulfill all conditions noted above. Further, written explanation describing point-by-point how conditions have been met, must accompany revised drawings. An appointment should be made with the Project Facilitator when the revised drawings are ready for submission.
- B.1.5 A new development application will be required for any significant changes other than those required by the above-noted conditions.

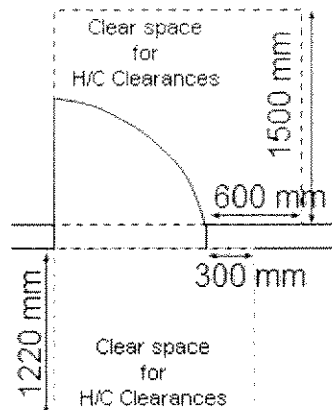
**B.2 Conditions of Development Permit:**

- B.2.1 All approved off-street vehicle parking, loading and unloading spaces, and bicycle parking spaces shall be provided in accordance with the relevant requirements of the Parking By-law prior to the issuance of any required occupancy permit or any use or occupancy of the proposed development not requiring an occupancy permit and thereafter permanently maintained in good condition.
- B.2.2 All landscaping and treatment of the open portions of the site shall be completed in accordance with the approved drawings prior to the issuance of any required occupancy permit or any use or occupancy of the proposed development not requiring an occupancy permit and thereafter permanently maintained in good condition. Any future consideration to remove the existing tulip tree from the site would require the approval of the Director of Planning.
- B.2.3 Any phasing of the development, other than that specifically approved, that results in an interruption of continuous construction to completion of the development, will require application to amend the development to determine the interim treatment of the incomplete portions of the site to ensure that the phased development functions are as set out in the approved plans, all to the satisfaction of the Director of Planning.
- B.2.4 The issuance of this permit does not warrant compliance with the relevant provisions of the Provincial Health and Community Care and Assisted Living Acts. The owner is responsible for obtaining any approvals required under the Health Acts. For more information on required approvals and how to obtain these, please contact Vancouver Coastal Health at 604-675-3800 or visit their offices located on the 12<sup>th</sup> floor of 601 West Broadway. Should compliance with the health Acts necessitate changes to this permit and/or approved plans, the owner is responsible for obtaining approval for the changes prior to commencement of any work under this permit. Additional fees may be required to change the plans.
- B.2.5 This site is affected by a Development Cost Levy By-law and levies will be required to be paid prior to issuance of Building Permits.

### Processing Centre - Building comments

The following comments have been provided by Processing Centre - Building and are based on the architectural drawings received on September 1, 2011 for this Development Application. This is a preliminary review intended to identify areas in which the proposal may conflict with requirements of the Vancouver Building By-law (VBBL).

1. An accepted Alternative Solution for the Roof Covering Class rating is required for green roofs.
2. The following diagram shall be used for handicap clearances for doors into bicycle rooms, corridor doors on Level 2 to access the storage rooms, office on Level 3, etc.



- 3.\* A maximum of 15 m is permitted from the street's curb to the front entrance.
4. A continuous 2 m wide path of travel is required to the front entrance.
5. Scissor stairs require two points of exiting to the street which are remote from each other (and doors are to swing in the direction of exit travel).
6. Level 15: Provide cross-over floors.
7. Provide two exits from the roof.
8. Demonstration of compliance with ASHRAE 90.1 - 2007 will be required at the Building Permit stage. Indicate which of the three options (Prescriptive, BE Trade-Off, or Energy Cost Budget) is anticipated to be used to ensure compliance with ASHRAE 90.1 - 2007, as required by code (VBBL, Div A, Part 1, 1.3.3.7.1)."

\*Items marked with an asterisk have been identified as potentially serious non-conforming Building By-law issues. Written confirmation that the applicant has read and has understood the implications of the above noted comments is required and shall be submitted as part of the "prior to" response.

The applicant may wish to retain the services of a qualified Building Code consultant in case of difficulty in comprehending the comments and their potential impact on the proposal. Failure to address these issues may jeopardize the ability to obtain a Building Permit or delay the issuance of a Building Permit for the proposal.





# PROJECT DATA

CIVIC ADDRESS: 1245 HARWOOD STREET, VANCOUVER, BC  
 LEGAL DESCRIPTION: LOTS 22 & 23, BLOCK 30 DISTRICT LOT 185, PLAN 92  
 PROPERTY OWNER: ACORN DEVELOPMENT INC.  
 SITE AREA: 17,204.64 SQ. M.  
 ZONING: RM-6A  
 USE: RESIDENTIAL  
 DISCRETIONARY PER: 2.2 (COUNCIL SP)  
 FSR PROPOSED: 42.40 SP  
 BUILDING HEIGHT PROPOSED: 17.2 SP  
 BUILDING HEIGHT PERMITTED: MAX. VIEW CONE 20 HEIGHT - 16.5 SP  
 REQUIRED SET BACK: FRONT 3.7M (12')  
 SIDE 2.1M (7')  
 REAR 2.1M (7')  
 PROPOSED SET BACK: FRONT 8.9M (29.5 FT)  
 WEST SIDE 12.7M (41.7 FT)  
 EAST SIDE 13.5M (44.2 FT)  
 REAR 5.0M (16.5 FT)  
 SITE COVERAGE: PERMITTED: 50%  
 PROPOSED: 22.3%

# PARKING SUMMARY

REQUIRED	SMALL	HC	TOTAL
24	5		29 (87%)
PROPOSED			29

LOADING

NOT REQUIRED

BICYCLE

CLASS A

CLASS B

PROPOSED

45 (1.250MT) 6

47

# BUILDING PROGRAM

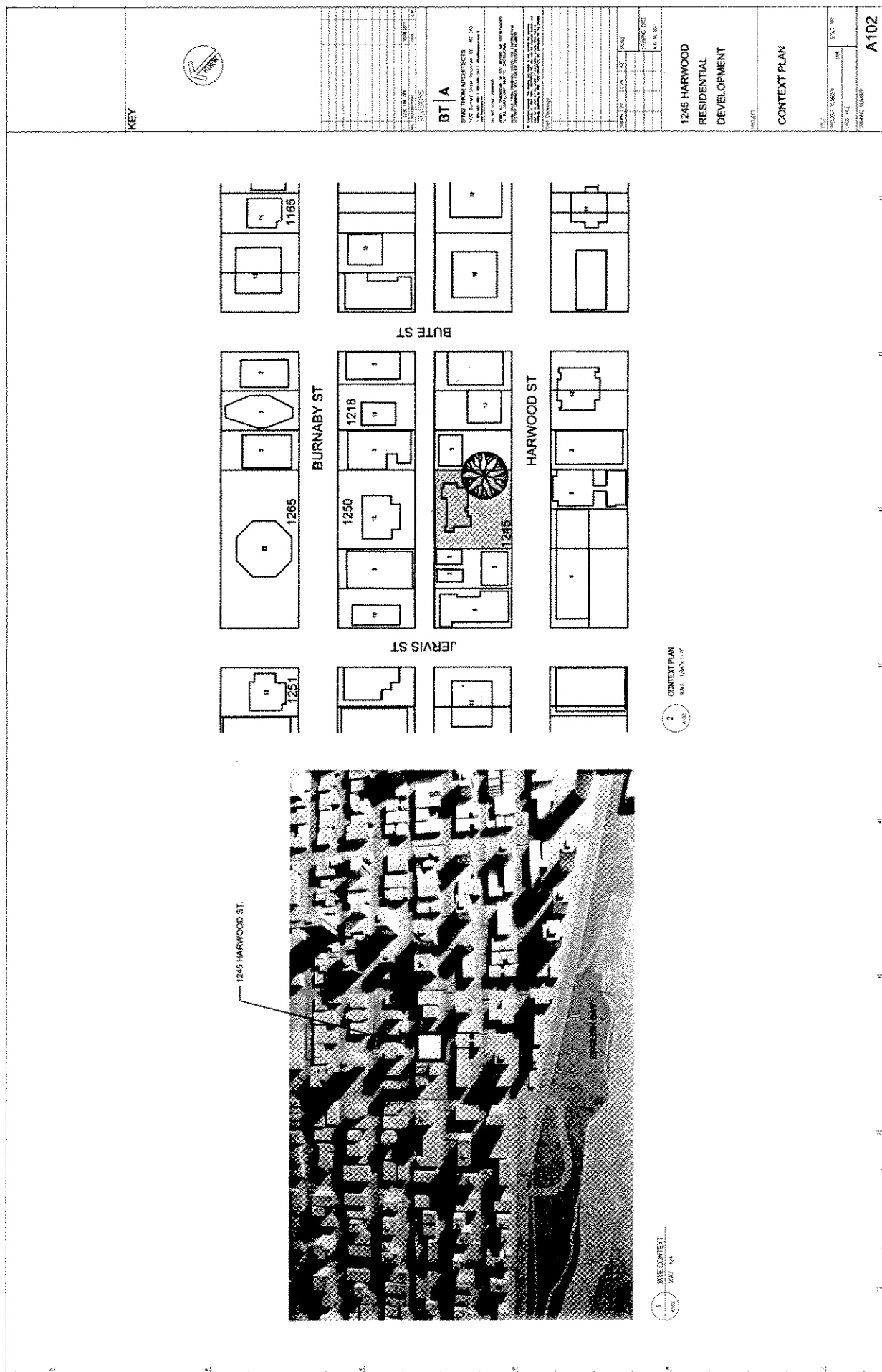
ALL RESIDENTIAL UNITS WITH A MAX OF 18.28  
 FLOOR AREA PER UNIT INCLUDING VERTICAL UNITS  
 FOR PERMITALITY.  
 - IN-SUITE STORAGE  
 - SUITE 1000S INCLUDING READING ROOM,  
 DRESSING ROOM, BATH, KITCHEN, LIVING ROOM  
 AND LOUNGE/PARTY ROOM  
 - 4000 17 PARKING SPACES  
 - RETAIN TULIP TREE  
 - DEMOLISH HERITAGE HOUSE

# FSR AREA CALCULATION SUMMARY

Area	Base Area	Storage	Permitted	Proposed	Permitted Density	Proposed Density	Unit Density
LOT 22	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 23	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 24	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 25	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 26	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 27	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 28	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 29	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 30	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 31	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 32	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 33	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 34	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 35	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 36	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 37	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 38	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 39	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 40	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 41	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 42	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 43	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 44	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 45	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 46	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 47	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 48	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
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LOT 50	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 51	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 52	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
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LOT 54	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 55	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 56	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 57	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 58	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 59	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 60	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 61	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 62	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 63	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 64	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 65	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 66	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 67	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 68	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 69	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 70	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 71	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 72	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 73	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 74	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 75	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 76	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 77	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 78	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 79	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 80	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 81	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 82	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 83	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 84	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 85	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 86	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 87	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 88	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 89	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 90	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 91	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 92	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 93	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 94	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 95	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 96	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 97	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 98	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 99	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00
LOT 100	1,741.36	1.00	1,741.36	1,741.36	1.00	1.00	1.00

# UNIT TYPE SCHEDULE

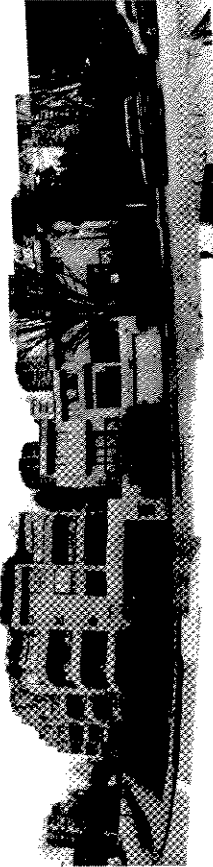
Unit Type	Area	1 Bedroom	2 Bedroom	3 Bedroom	Total
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1000-2	440.00	11	11		
1000-3	440.00	11	11		
1000-4	440.00	11	11		
1000-5	440.00	11	11		
1000-6	440.00	11	11		
1000-7	440.00	11	11		
1000-8	440.00	11	11		
1000-9	440.00	11	11		
1000-10	440.00	11	11		
1000-11	440.00	11	11		
1000-12	440.00	11	11		
1000-13	440.00	11	11		
1000-14	440.00	11	11		
1000-15	440.00	11	11		
1000-16	440.00	11	11		
1000-17	440.00	11	11		
1000-18	440.00	11	11		
1000-19	440.00	11	11		
1000-20	440.00	11	11		
1000-21	440.00	11	11		
1000-22	440.00	11	11		
1000-23	440.00	11	11		
1000-24	440.00	11	11		
1000-25	440.00	11	11		
1000-26	440.00	11	11		
1000-27	440.00	11	11		
1000-28	440.00	11	11		
1000-29	440.00	11	11		
1000-30	440.00	11	11		
1000-31	440.00	11	11		
1000-32	440.00	11	11		
1000-33	440.00	11	11		
1000-34	440.00	11	11		
1000-35	440.00	11	11		
1000-36	440.00	11	11		
1000-37	440.00	11	11		
1000-38	440.00	11	11		
1000-39	440.00	11	11		
1000-40	440.00	11	11		
1000-41	440.00	11	11		
1000-42	440.00	11	11		
1000-43	440.00	11	11		
1000-44	440.00	11	11		
1000-45	440.00	11	11		
1000-46	440.00	11	11		
1000-47	440.00	11	11		
1000-48	440.00	11	11		
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1000-65	440.00	11	11		
1000-66	440.00	11	11		
1000-67	440.00	11	11		
1000-68	440.00	11	11		
1000-69	440.00	11	11		
1000-70	440.00	11	11		
1000-71	440.00	11	11		
1000-72	440.00	11	11		
1000-73	440.00	11	11		
1000-74	440.00	11	11		
1000-75	440.00	11	11		
1000-76	440.00	11	11		



KEY



EXISTING TALL TREE (TO REMAIN)



STREET VIEW OF WEST NEIGHBOURING BUILDINGS



HARWOOD STREETSCAPE



VIEW OF LANE WITH HERITAGE HOUSE



VIEW OF LAST NEIGHBOURING HOUSE

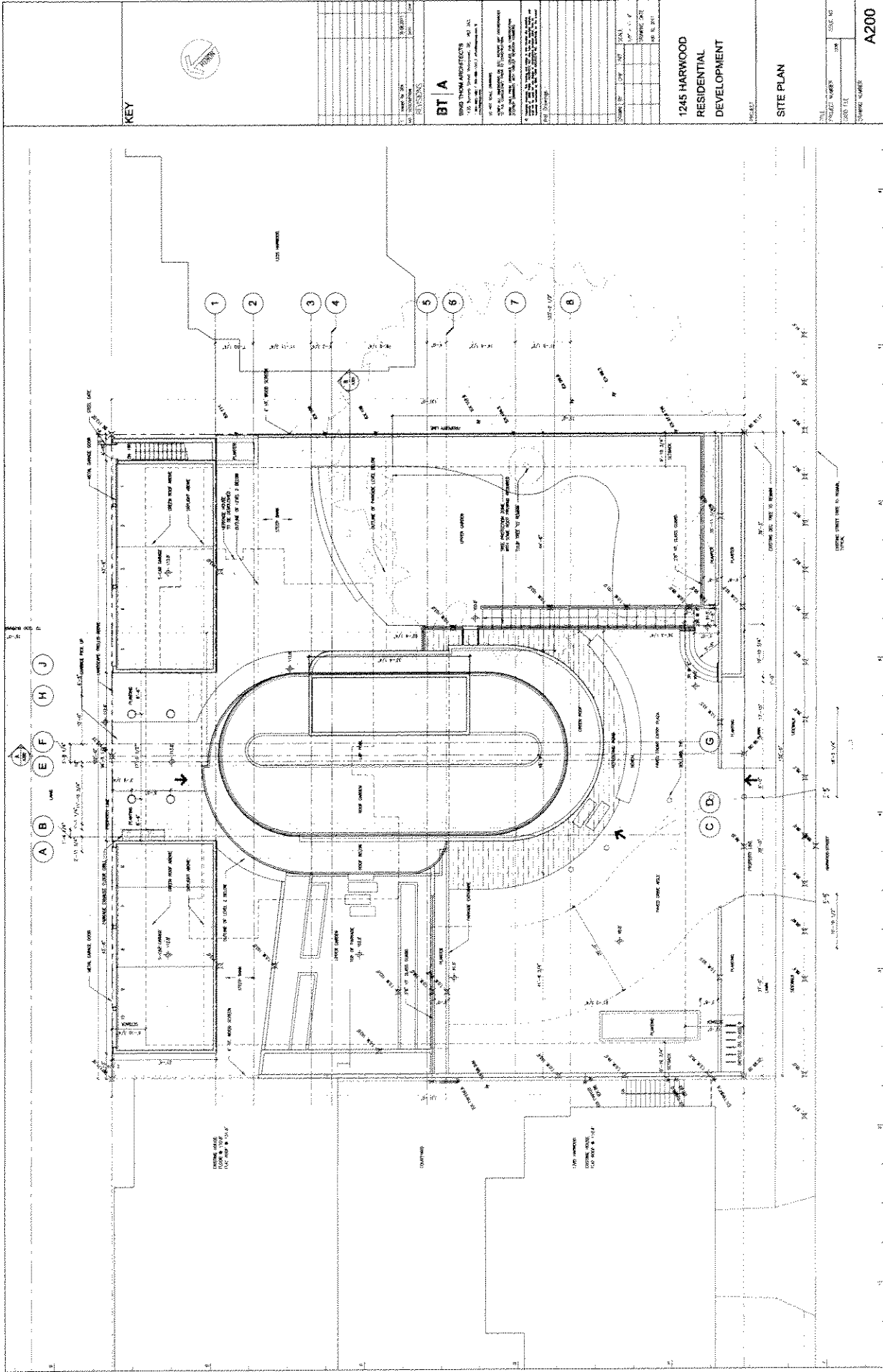
BT | A

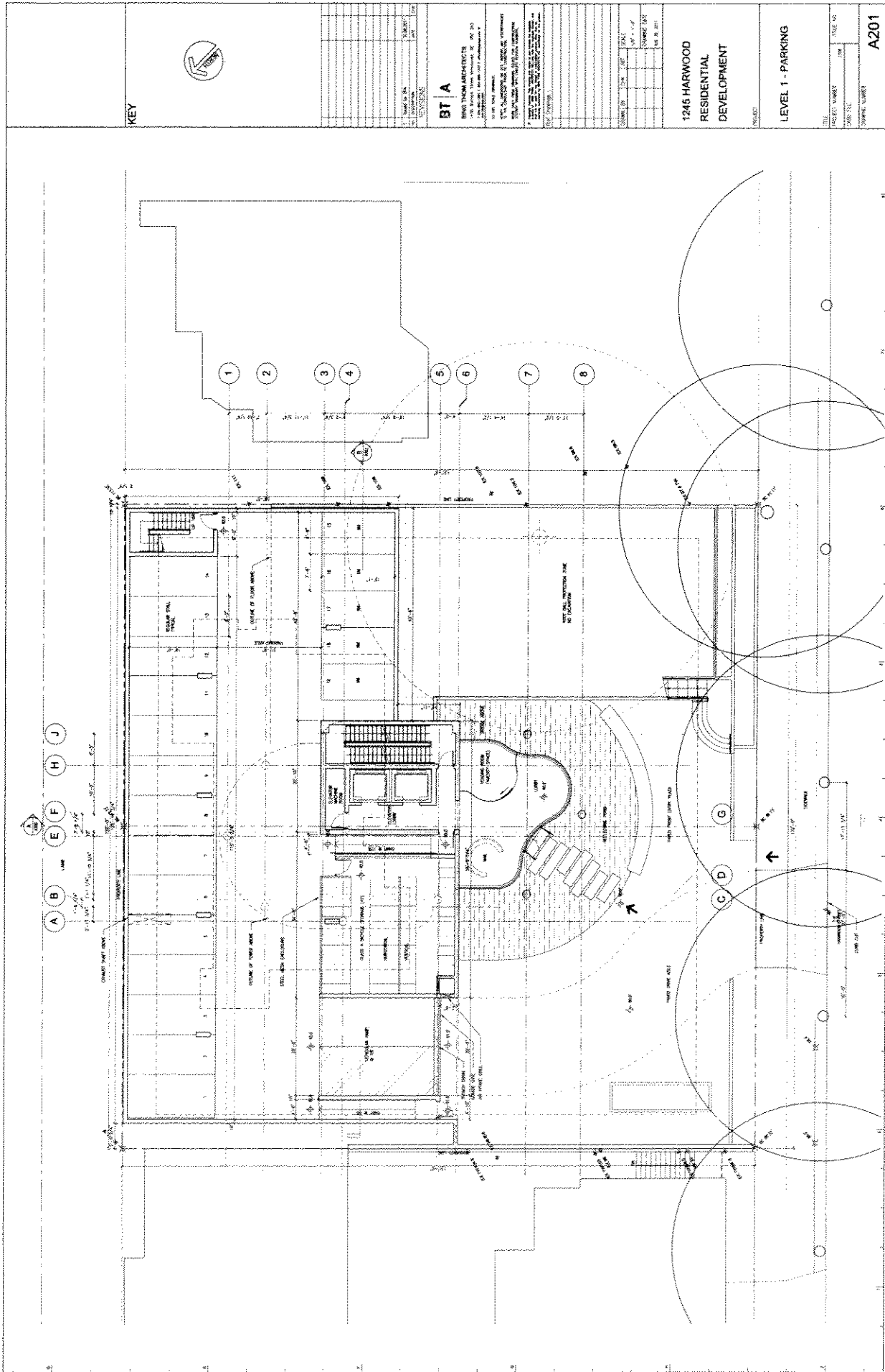
BRING THOM ARCHITECTS  
1000 10th Avenue  
Suite 100  
Vancouver, BC V6Z 1A1  
Tel: 604.681.1111  
Fax: 604.681.1112  
www.bringthom.com

1245 HARWOOD  
RESIDENTIAL  
DEVELOPMENT

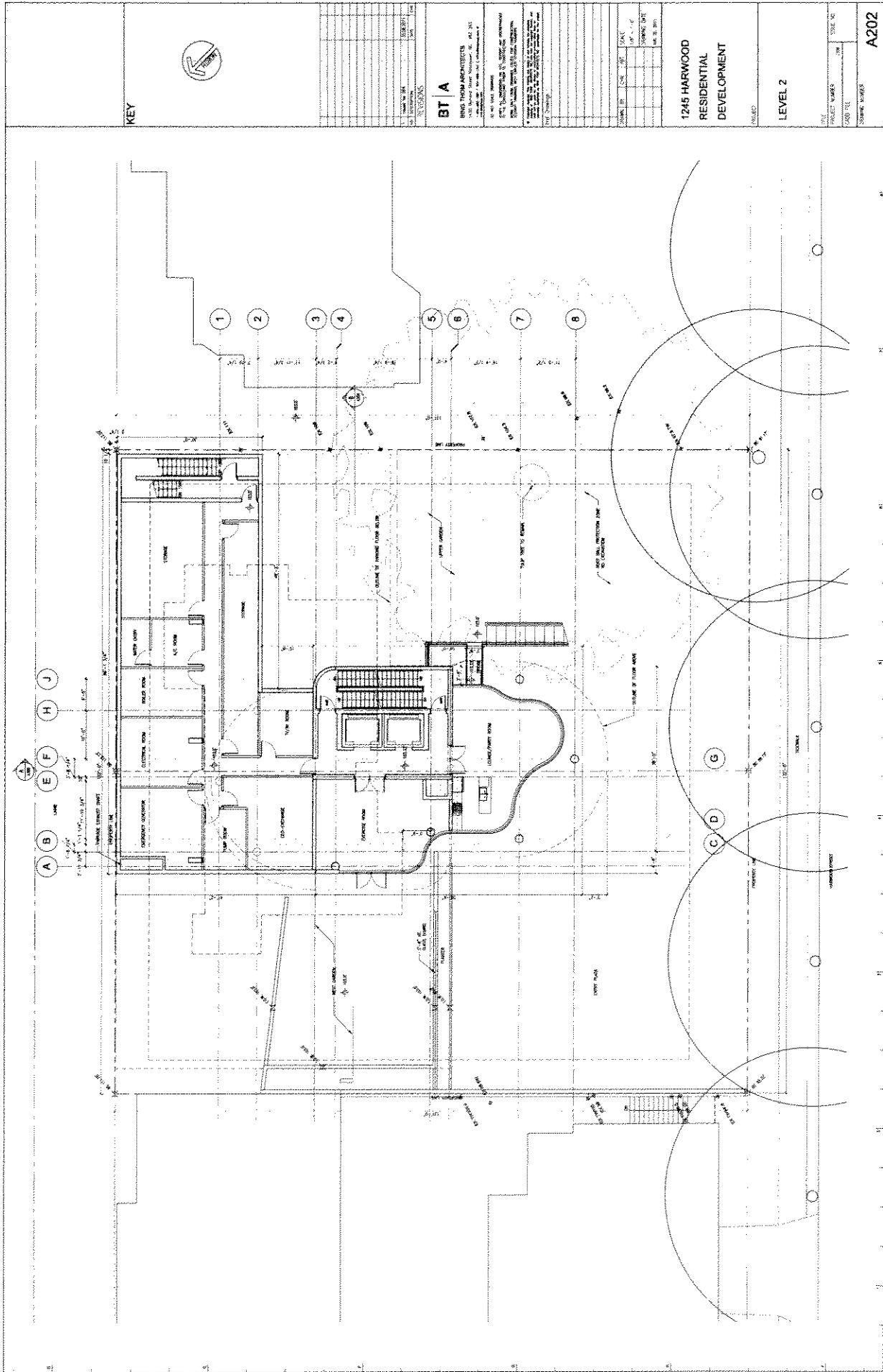
CONTEXT PHOTOS

A103



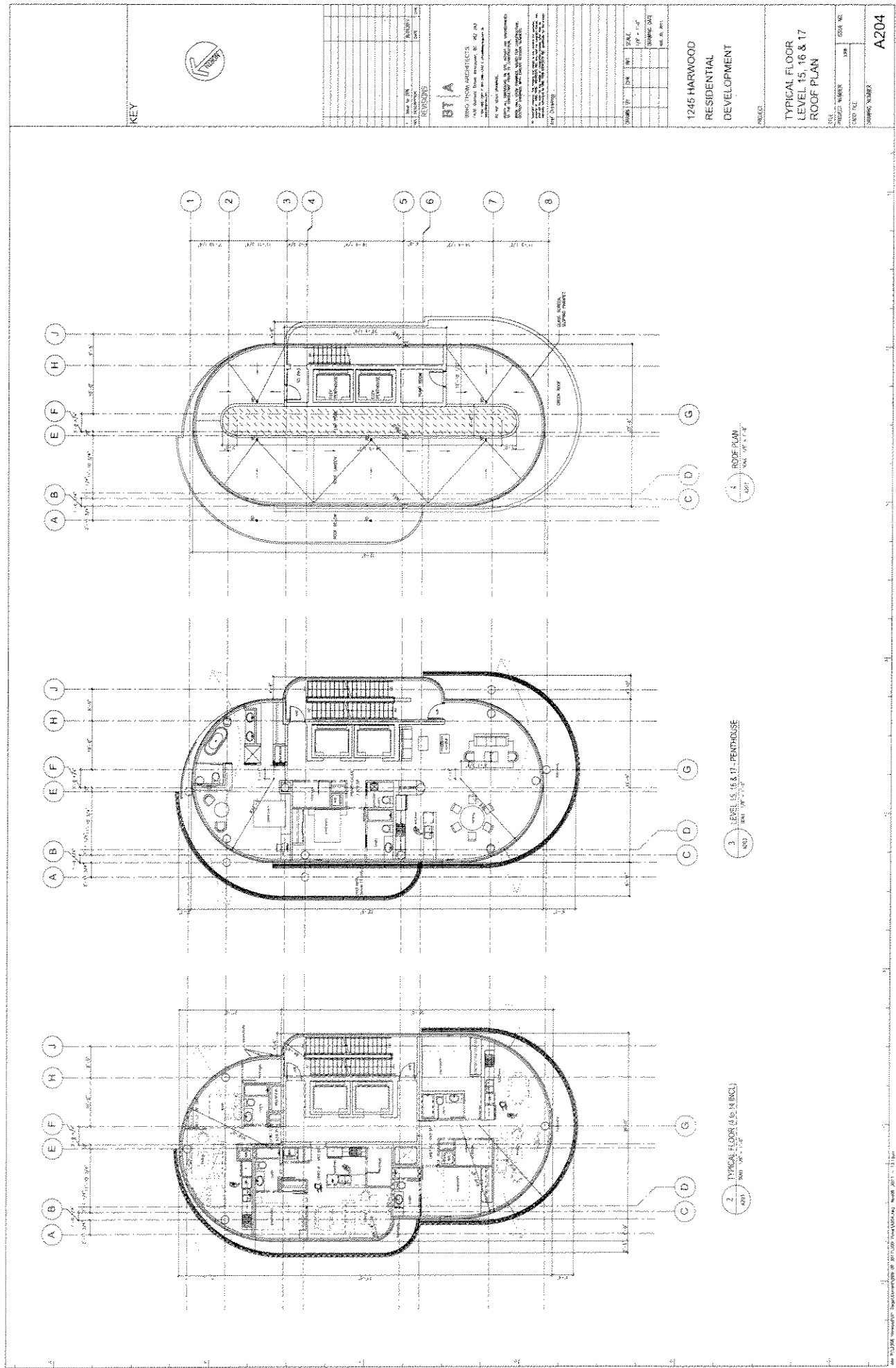


Appendix D; page 6 of 28







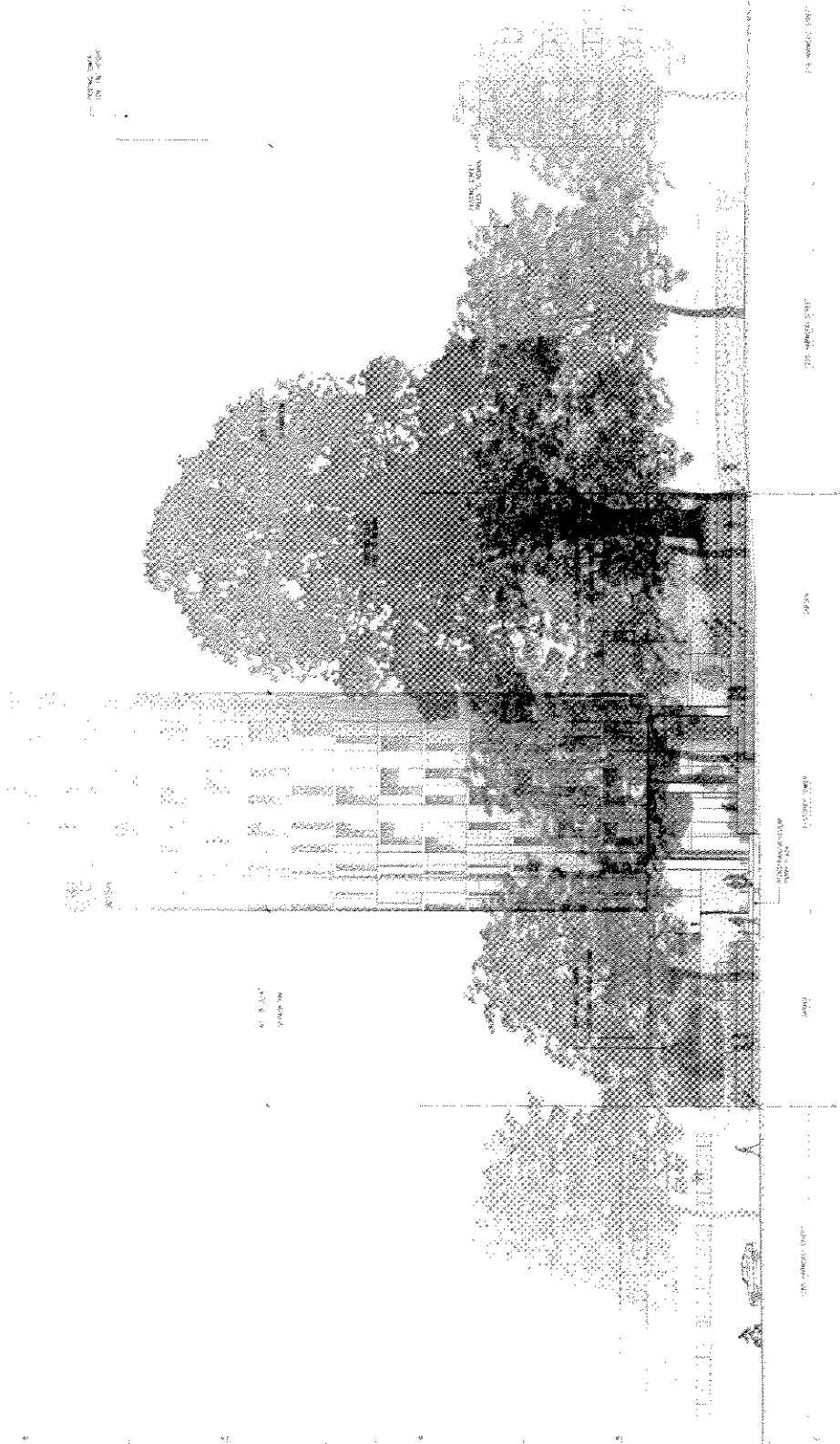






KEY

1245 HARWOOD STREET



1245 HARWOOD STREET

BT | A

1245 HARWOOD STREET

RESIDENTIAL DEVELOPMENT

1245 HARWOOD STREET

RESIDENTIAL DEVELOPMENT

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1245 HARWOOD STREET

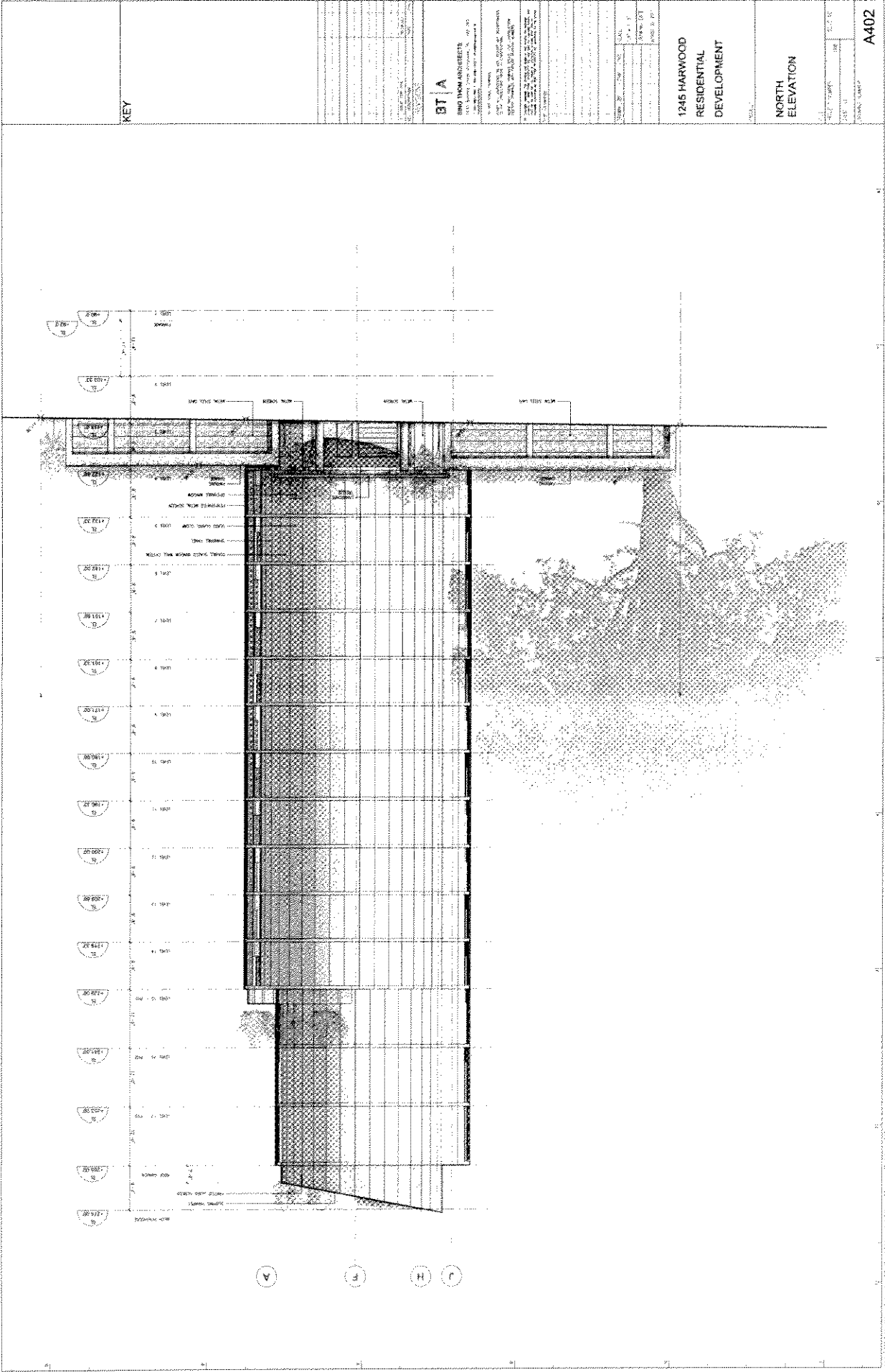
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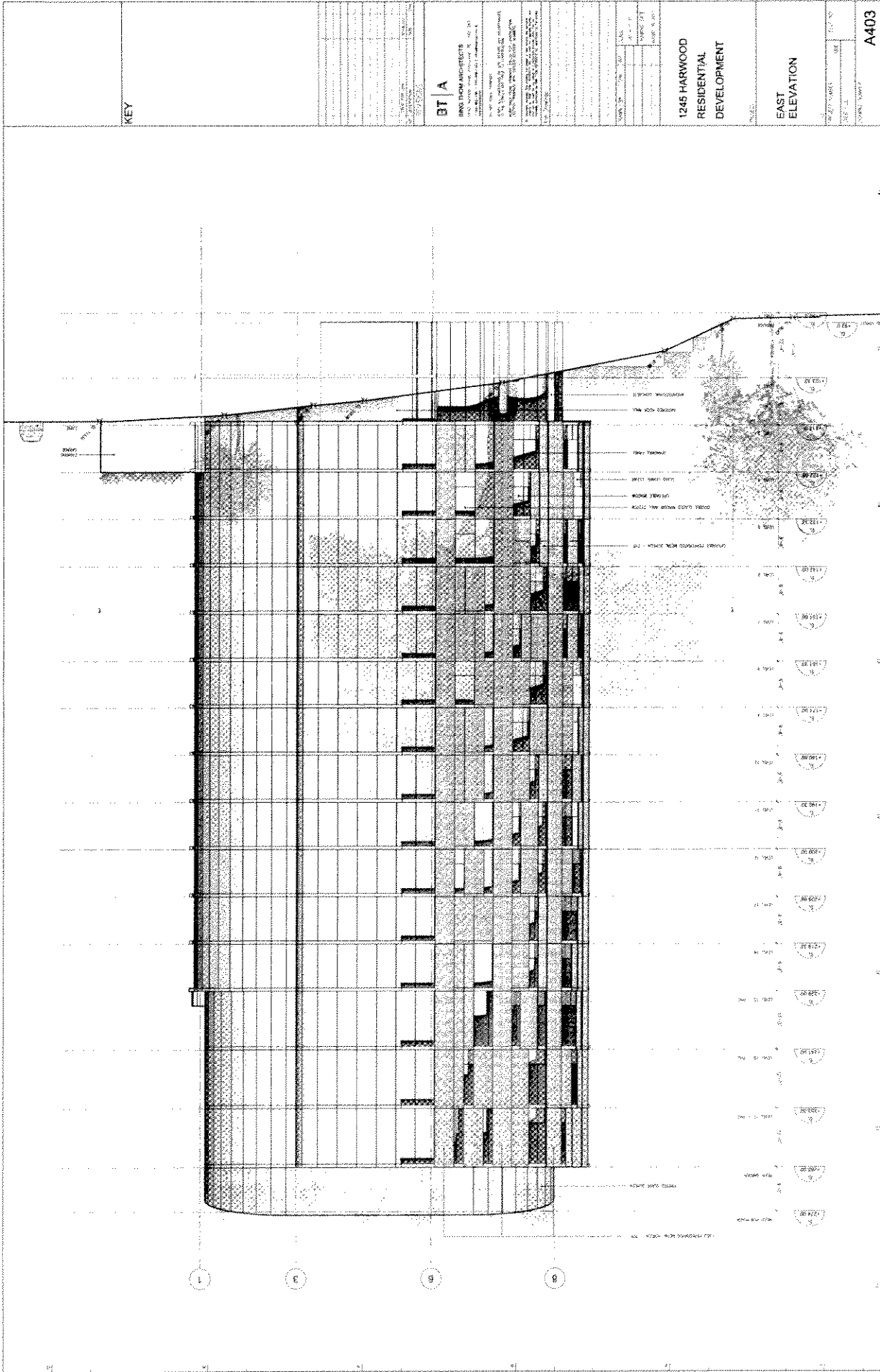
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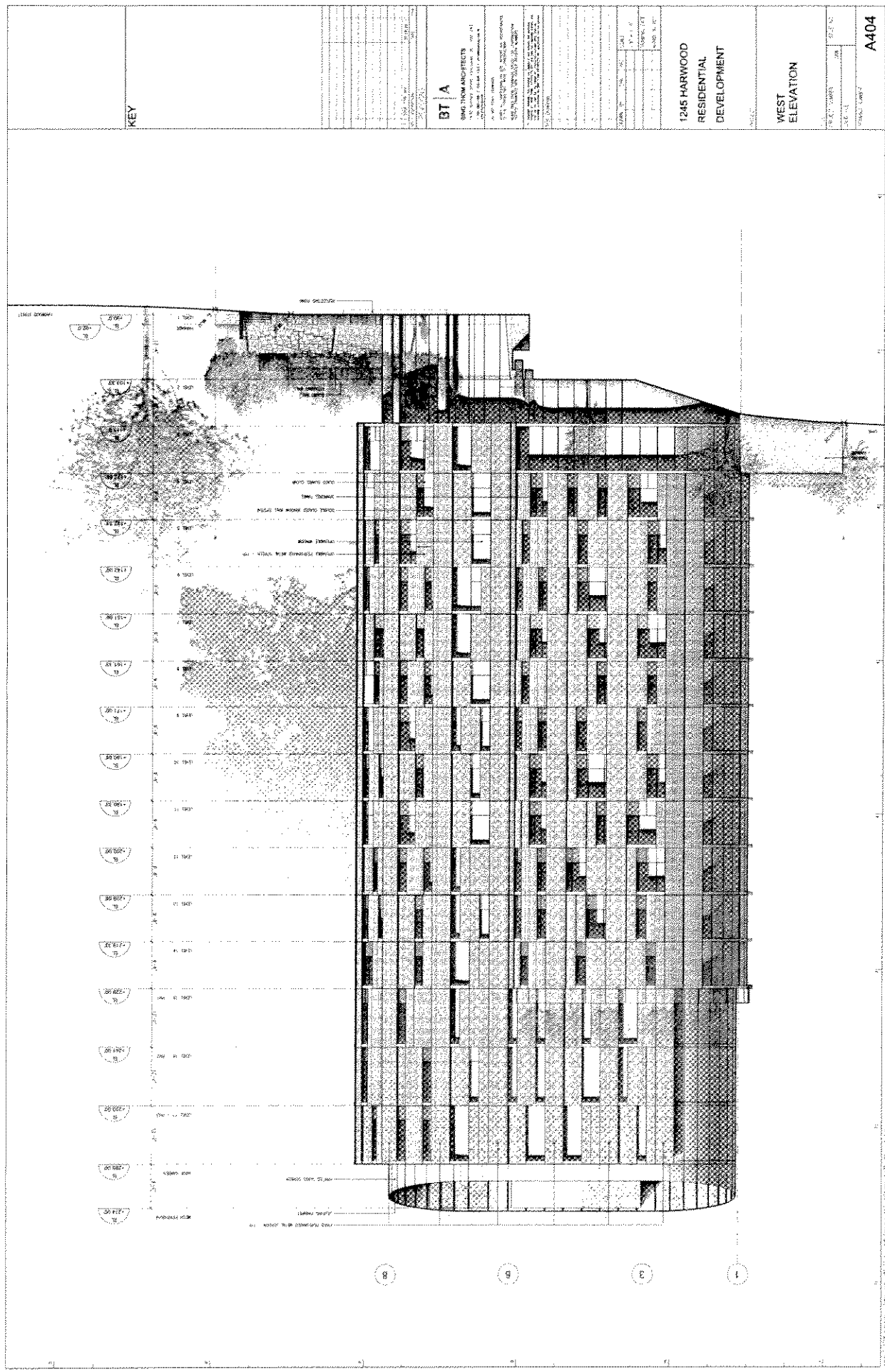
A400

Appendix D ; page 2 of 28









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KEY

BY A

WING THOM ARCHITECTS

1245 HARWOOD

RESIDENTIAL

DEVELOPMENT

SHADOW

ANALYSIS

DATE: 10/10/10

SCALE: 1" = 10' - 0"

SHEET: 10 OF 10

PROJECT: 1245 HARWOOD

CLIENT: WING THOM ARCHITECTS

LOCATION: 1245 HARWOOD

CITY: LOS ANGELES

STATE: CALIFORNIA

COUNTRY: USA

DATE: 10/10/10

SCALE: 1" = 10' - 0"

SHEET: 10 OF 10

PROJECT: 1245 HARWOOD

CLIENT: WING THOM ARCHITECTS

LOCATION: 1245 HARWOOD

CITY: LOS ANGELES

STATE: CALIFORNIA

COUNTRY: USA

DATE: 10/10/10

SCALE: 1" = 10' - 0"

SHEET: 10 OF 10

PROJECT: 1245 HARWOOD

CLIENT: WING THOM ARCHITECTS

LOCATION: 1245 HARWOOD

CITY: LOS ANGELES

STATE: CALIFORNIA

COUNTRY: USA

DATE: 10/10/10

SCALE: 1" = 10' - 0"

SHEET: 10 OF 10

PROJECT: 1245 HARWOOD

CLIENT: WING THOM ARCHITECTS

LOCATION: 1245 HARWOOD

CITY: LOS ANGELES

STATE: CALIFORNIA

COUNTRY: USA

DATE: 10/10/10

SCALE: 1" = 10' - 0"

SHEET: 10 OF 10

PROJECT: 1245 HARWOOD

CLIENT: WING THOM ARCHITECTS

LOCATION: 1245 HARWOOD

CITY: LOS ANGELES

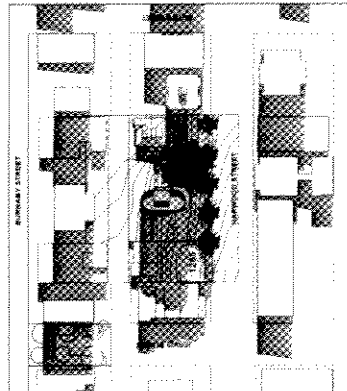
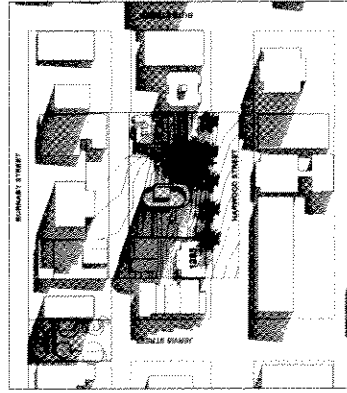
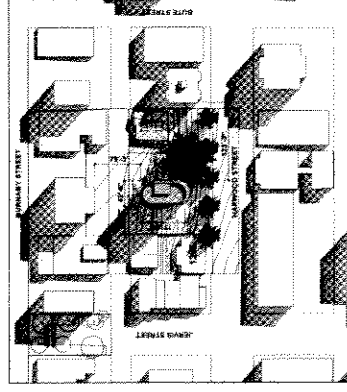
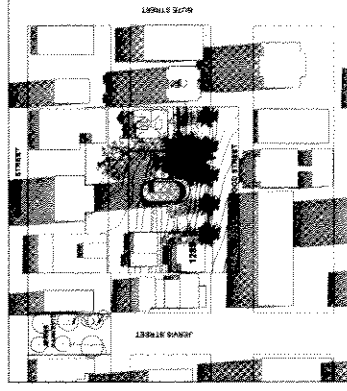
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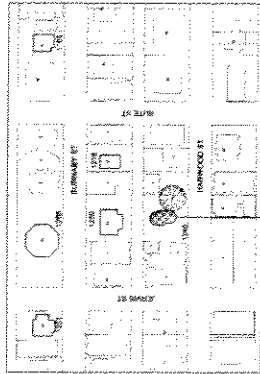
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DATE: 10/10/10

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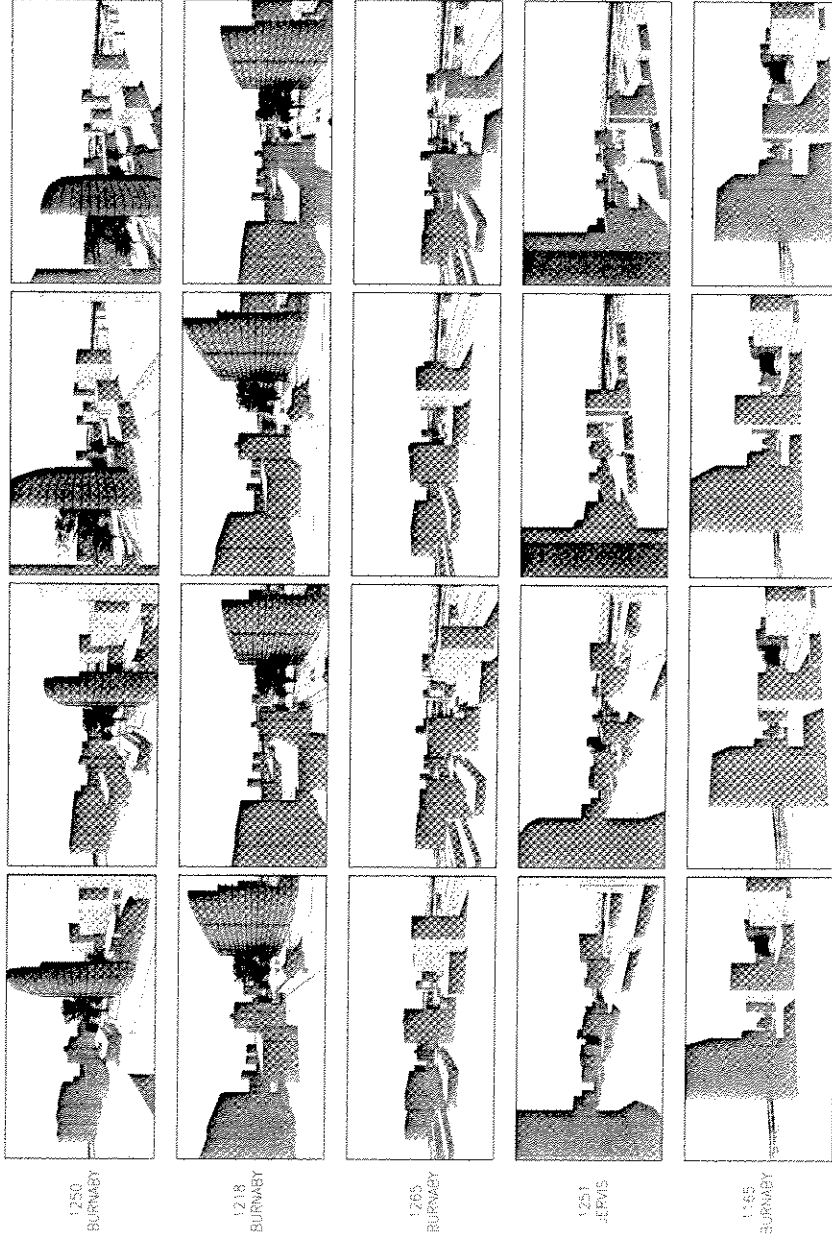
SHEET: 10 OF 10





FOOTPRINT OF PROPOSED SCHEME  
17-STOREY SLIM TOWER  
WITH TREE RETENTION

EAST UNIT @ 6TH FLOOR EAST UNIT @ 11TH FLOOR WEST UNIT @ 6TH FLOOR WEST UNIT @ 11TH FLOOR



KEY

BT | A

1245 HARWOOD  
RESIDENTIAL  
DEVELOPMENT

VIEW IMPACT  
ANALYSIS

A501

# VIEW ANGLE ANALYSIS SUMMARY

## 1250 BURNABY ST - EAST UNIT - 11TH FLOOR

VIEW ANGLE	VIEW ANGLE (%)
EAST UNIT	5.4
MIDDLE EAST UNIT	11.3
MIDDLE WEST UNIT	9.8
WEST UNIT	13.1
11TH FLOOR	12.1
10TH FLOOR	18.4
9TH FLOOR	11.3
8TH FLOOR	18.0

## 1218 BURNABY ST - EAST UNIT - 11TH FLOOR

8TH FLOOR	2.0
11TH FLOOR	7.1

## 1265 BURNABY ST - EAST UNIT - 11TH FLOOR

EAST UNIT	0.0
MIDDLE EAST UNIT	0.0
MIDDLE WEST UNIT	7.1
WEST UNIT	0.0
11TH FLOOR	0.0
10TH FLOOR	7.0

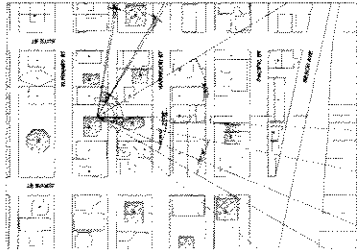
## 1251 JERVIS ST - EAST UNIT - 11TH FLOOR

EAST UNIT	0.0
MIDDLE EAST UNIT	1.3
MIDDLE WEST UNIT	0.0
WEST UNIT	0.0
11TH FLOOR	0.0
10TH FLOOR	0.0

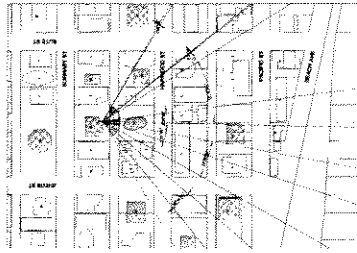
## 1165 BURNABY ST - EAST UNIT - 11TH FLOOR

EAST UNIT	0.3
MIDDLE EAST UNIT	3.7
MIDDLE WEST UNIT	1.0
WEST UNIT	3.6

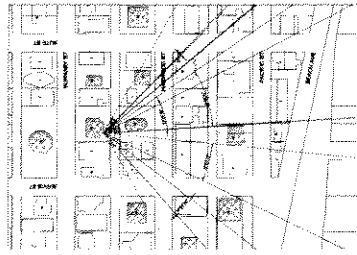
1250 BURNABY ST - EAST UNIT - 11TH FLOOR



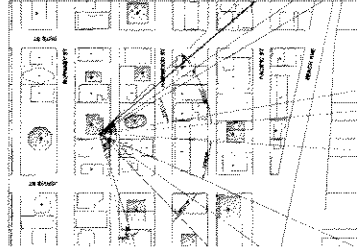
1250 BURNABY ST - MIDDLE EAST UNIT - 11TH FLOOR



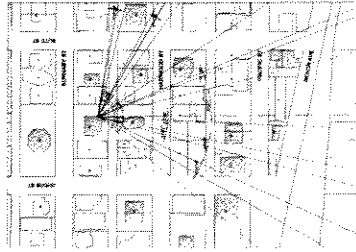
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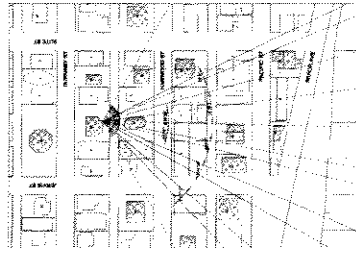
1250 BURNABY ST - WEST UNIT - 11TH FLOOR



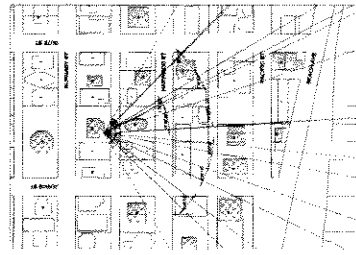
1250 BURNABY ST - EAST UNIT - 8TH FLOOR



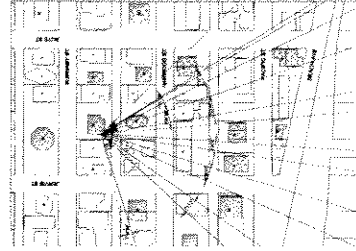
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1250 BURNABY ST - MIDDLE WEST UNIT - 8TH FLOOR



1250 BURNABY ST - WEST UNIT - 8TH FLOOR



VIEW ANGLE LEGEND

KEY

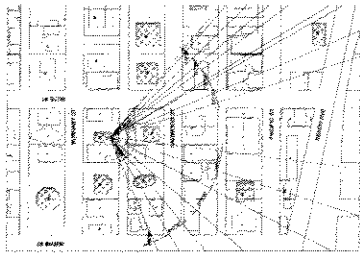
BT A

1245 HARWOOD RESIDENTIAL DEVELOPMENT

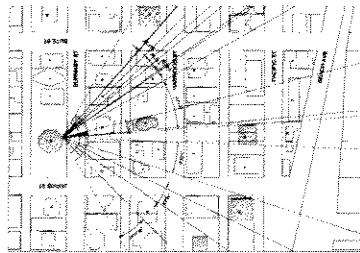
VIEW IMPACT ANALYSIS

A502

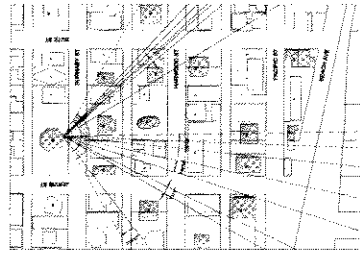
1218 BURNABY ST. - EAST UNIT - 11TH FLOOR



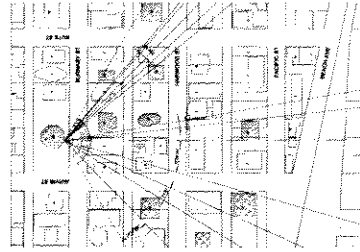
1218 BURNABY ST. - EAST UNIT - 17TH FLOOR



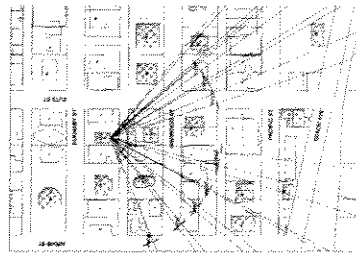
1218 BURNABY ST. - EAST UNIT - 6TH FLOOR



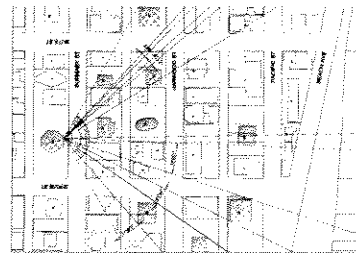
1218 BURNABY ST. - WEST UNIT - 11TH FLOOR



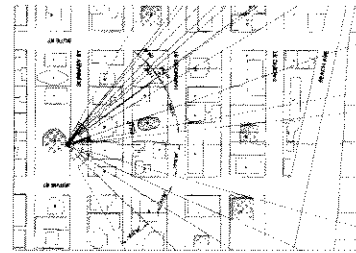
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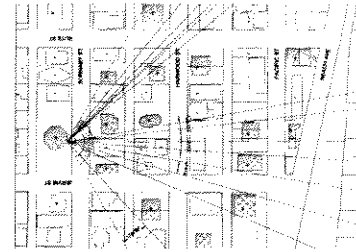
1218 BURNABY ST. - EAST UNIT - 17TH FLOOR



1218 BURNABY ST. - WEST UNIT - 17TH FLOOR



1218 BURNABY ST. - WEST UNIT - 6TH FLOOR



KEY

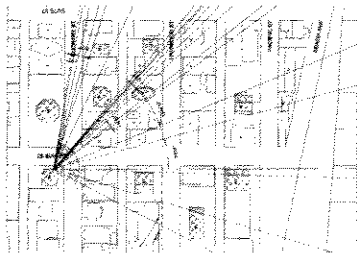
BT | A

1245 HARWOOD  
RESIDENTIAL  
DEVELOPMENT

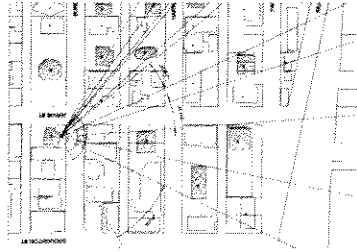
VIEW IMPACT  
ANALYSIS

A503

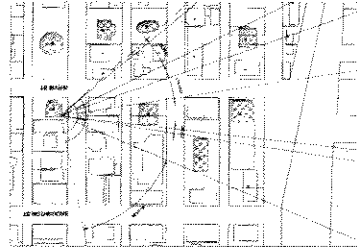
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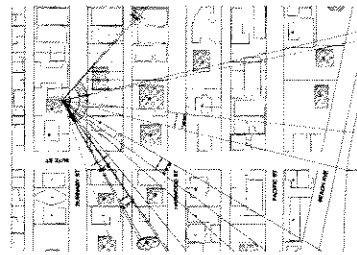
1251 JERVIS ST - MIDDLE UNIT - 11TH FLOOR



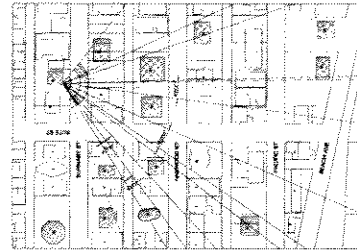
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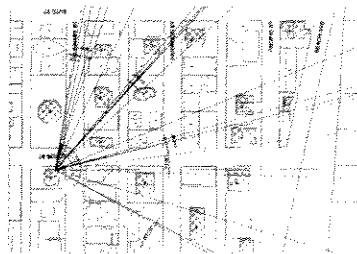
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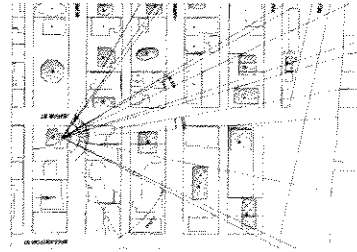
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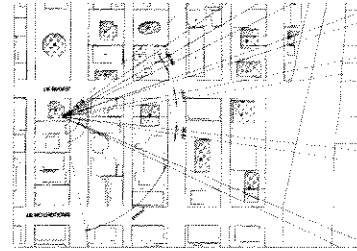
1251 JERVIS ST - EAST UNIT - 6TH FLOOR



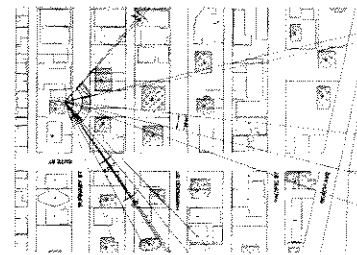
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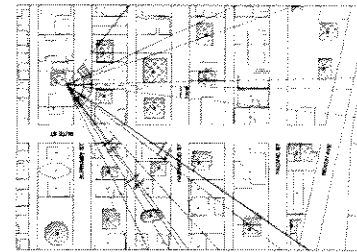
1251 JERVIS ST - WEST UNIT - 6TH FLOOR



1195 BURNABY ST - EAST UNIT - 6TH FLOOR



1195 BURNABY ST - WEST UNIT - 6TH FLOOR



KEY

BT | A

BRAND ARCHITECTS

1245 HARWOOD

RESIDENTIAL

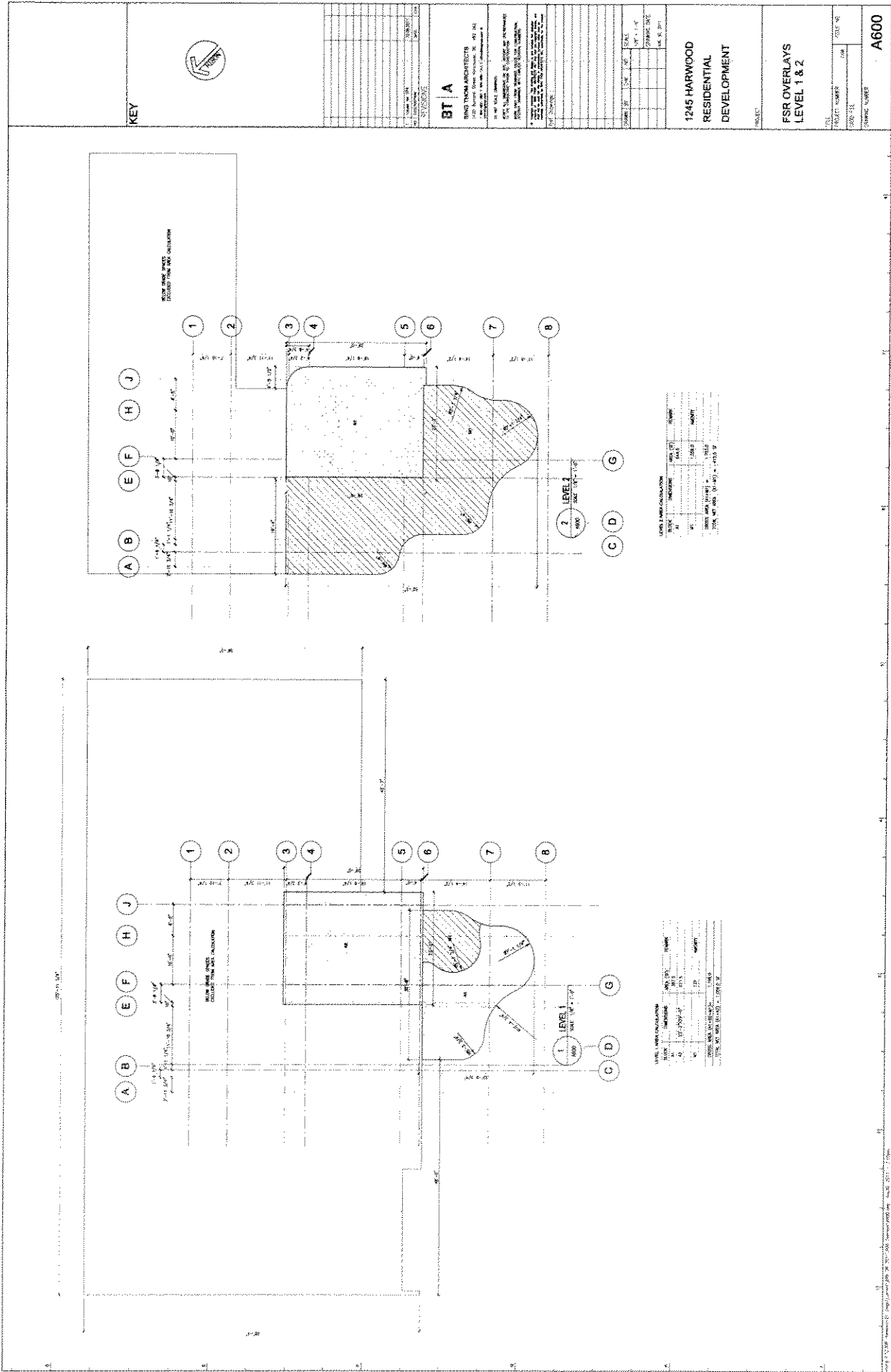
DEVELOPMENT

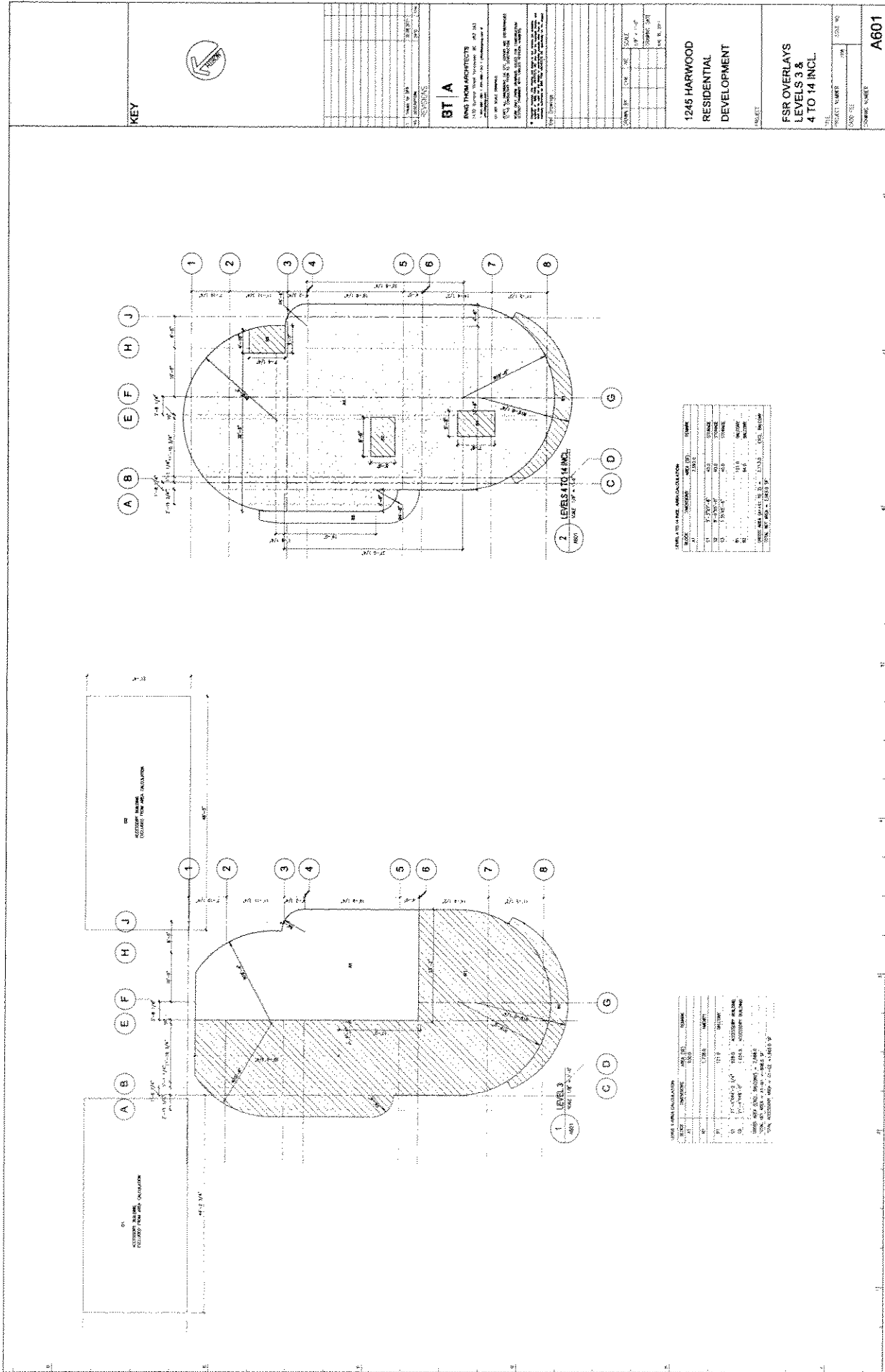
VIEW IMPACT

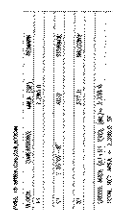
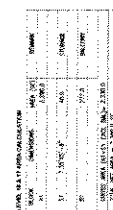
ANALYSIS

A504

Appendix D; page 2 of 28







NAME	DATE	TIME	STATION
1	10/10/10	10:10	10:10
2	10/10/10	10:10	10:10
3	10/10/10	10:10	10:10
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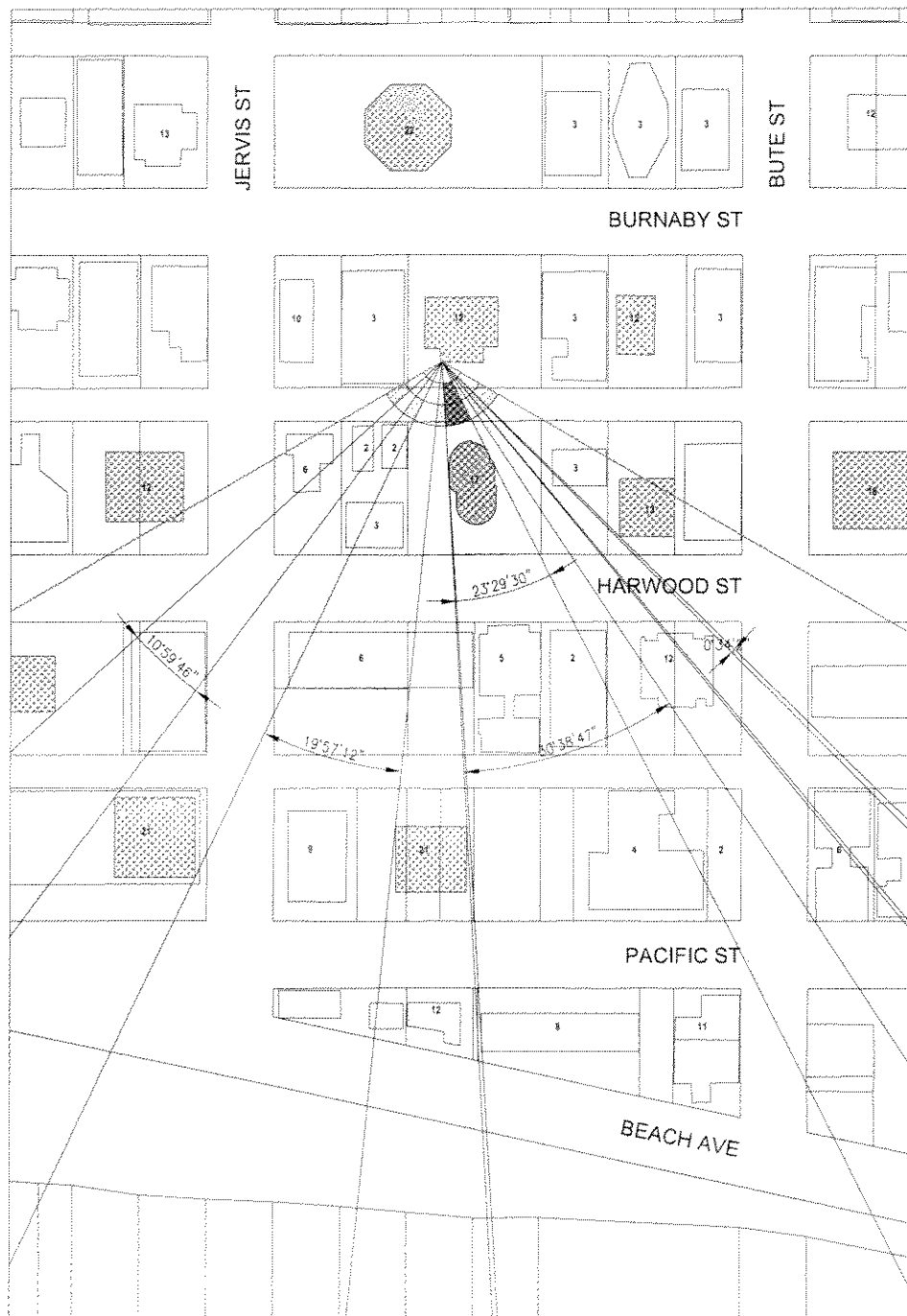
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Appendix D: page 24 of 28



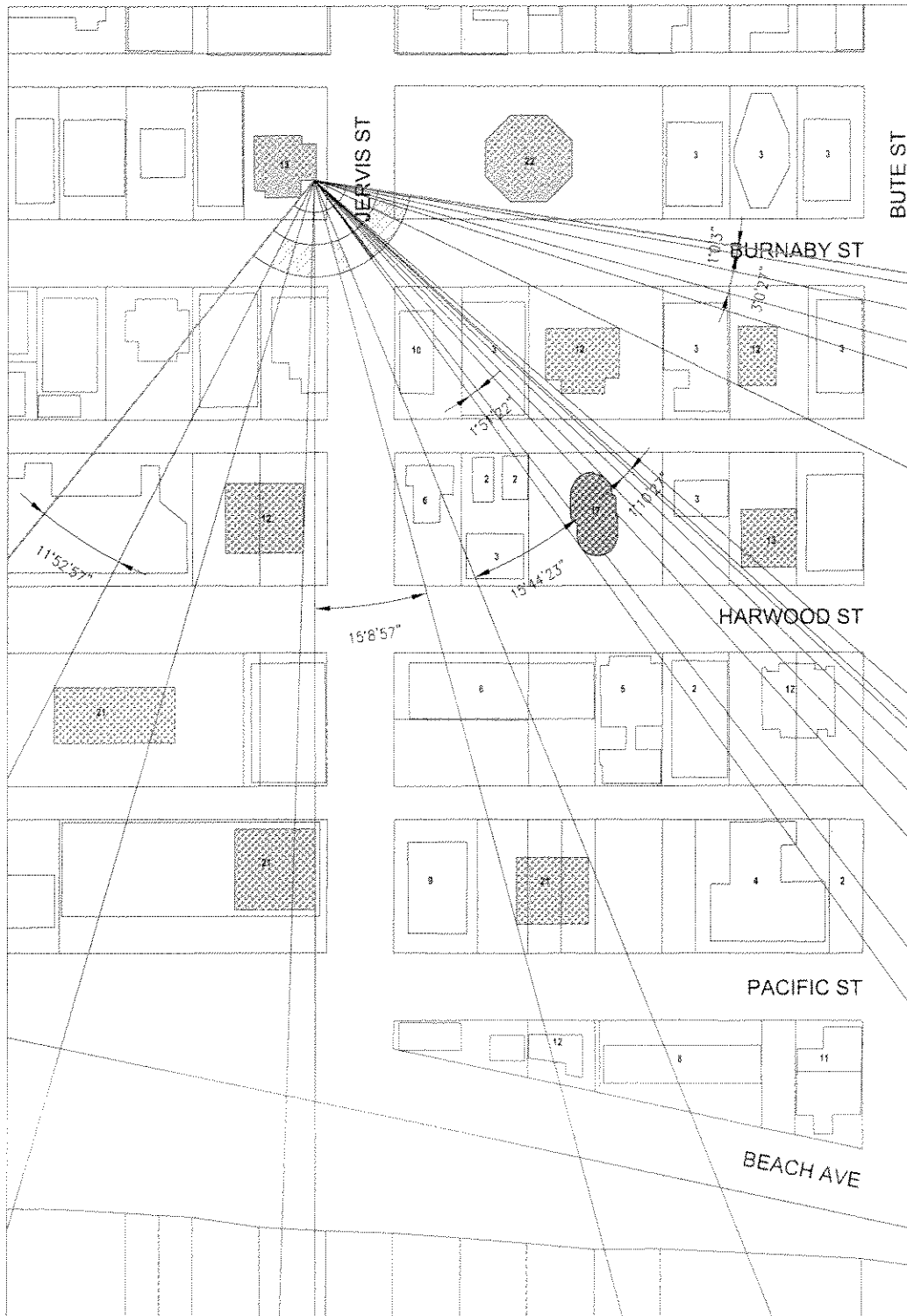


# 1250 BURNABY ST - MIDDLE WEST UNIT - 11TH FLOOR

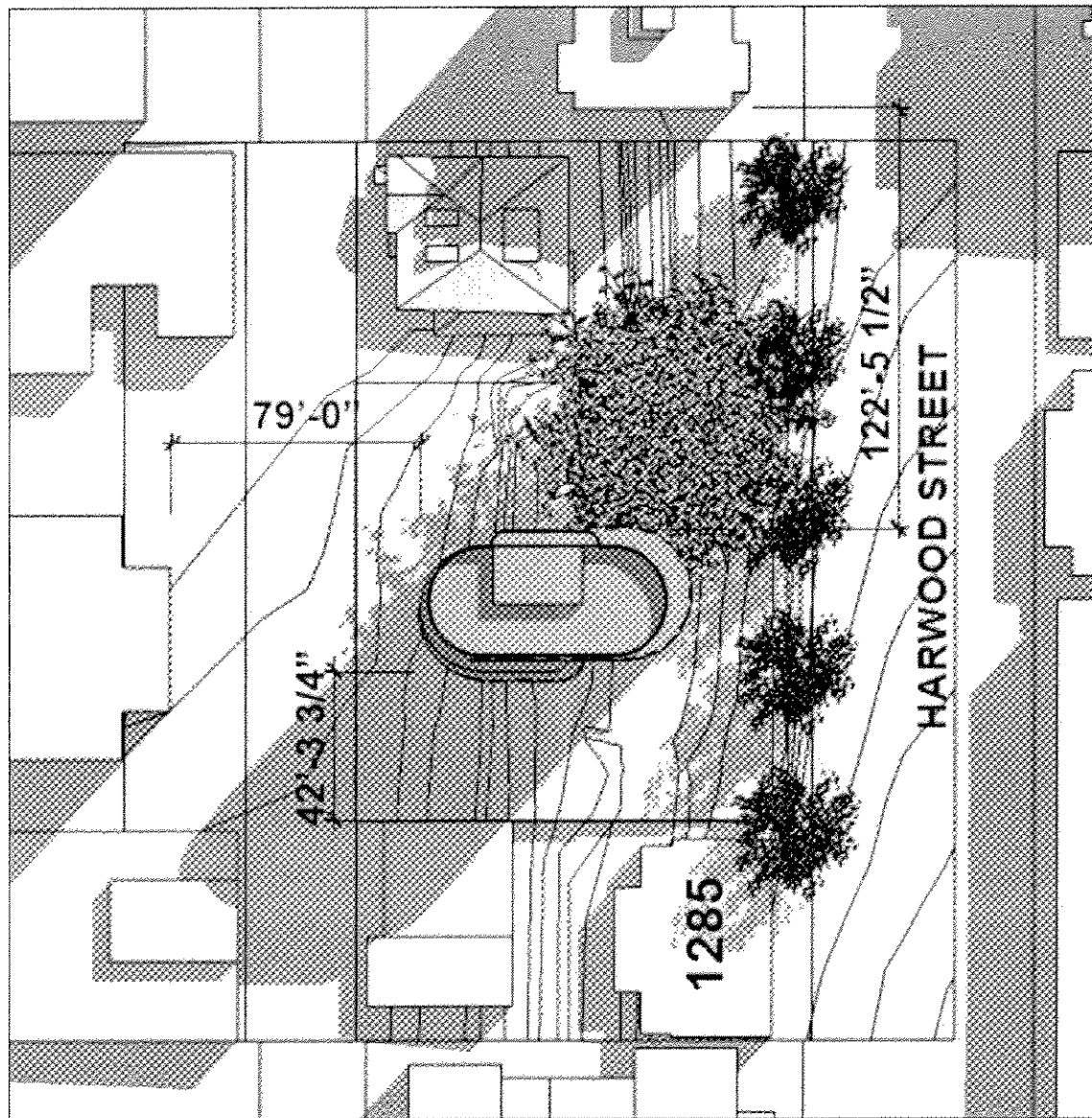


STUDY VIEW ANGLE:	120°	100%
EXISTING UNOBSTRUCTED VIEW:	61.08°	50.9%
NEW UNOBSTRUCTED VIEW:	37.79°	31.5%
CHANGE:	23.29°	19.4%

# 1251 JERVIS ST - EAST UNIT - 11TH FLOOR



STUDY VIEW ANGLE:	120°	100%
EXISTING UNOBSTRUCTED VIEW:	47.86°	39.9%
NEW UNOBSTRUCTED VIEW:	46.35°	38.6%
CHANGE:	1.51°	1.3%



## PROJECT OVERVIEW

Bing Thom Architects provides this report in support of the development application for 1245 Harwood Street in the West End.

As background, for the past six years the property owner has been working in good faith to try and find a way to preserve both the magnificent tulip tree and the historic Legg Residence on the property. Over the past two years, two separate decisions by Council have made this impossible. In May 2010, Council voted that the tree would not be eligible for heritage density, thereby making it uneconomical to preserve the tree. This decision was followed by a detailed application and proposed Heritage Revitalization Agreement (HRA) that included preserving the Legg Residence in exchange for heritage density that would be used on site in the form of a tower on the west side of the property. Despite strong support from the Heritage Commission, Urban Design Panel and Staff, Council did not support the proposed HRA in June 2011.

The current application represents a development proposal for the site under the existing zoning. The proposed design responds closely to the intent of the RM-5A Design Guidelines in order to be eligible for the conditional height and density that can be approved under the Zoning By-Law by the Director of Planning [FSR of 2.2 and a maximum height of 185'].

Although it is not economically feasible to save the Legg House, the current scheme proposes to retain the magnificent tulip tree without burdening the site with any additional density bonus. By proposing a slim 17 storey tower in the middle of the site, it is possible to respect the tree's root ball protection zone and also provide a generous setback from the western neighbours who had been so upset by the tower location in the proposed HRA. Assuming the property to the east continues to respect the tree, there is no reason that it will not continue to thrive as an amenity for the community for another hundred years.

To protect the tulip tree's root ball, the underground parking footprint has been restricted on the site. In order to meet the necessary parking requirements for the project, two accessory buildings accommodating 10 cars and accessed off the lane will be required in addition to the parking located underground. A "floating" green roof spanning between the 2 garages mitigates their visual impacts for the high-rise residents living nearby. A relaxation is being requested to allow these structures and to exclude their areas from the FSR.

The development aims for exceptional level of architectural design, quality construction and material finishes. Livability plays an important role for the external treatment of the façade and the internal unit layouts. A housing agreement will ultimately be in place to secure 6 rental units in the building for perpetuity. Maintaining rental housing stock, saving a significant tree, visual and physical connections to the front garden are some of the public contributions that are integral to the objectives of this development.



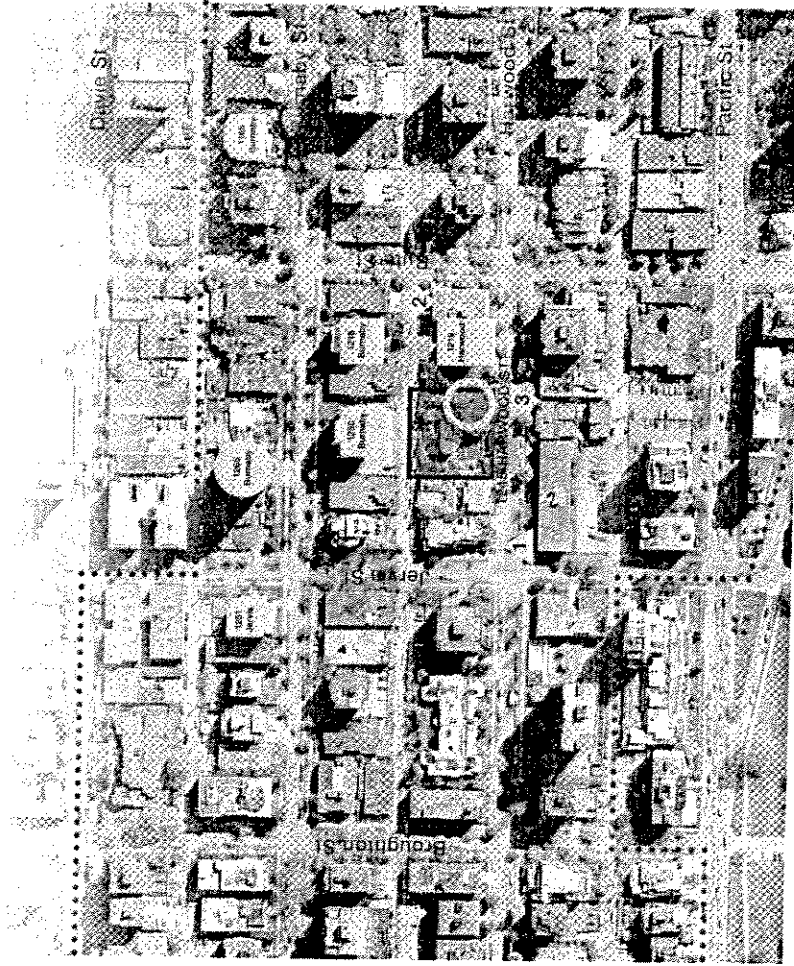
## SITE DESCRIPTION & SITING CONSIDERATIONS

The project site is located in a dense residential neighborhood of the West End. The street is quiet and pedestrian friendly. It is characterized by a row of mature trees on each side of the street. The existing buildings on the street are of different heights, massing and styles built over several decades, reflecting the social and demographic changes of this neighborhood.

Currently, a heritage house sits in the middle of the site towards the rear of the property. The site also has a large garden which still retains the original estate characters of the area. The dominant feature of the garden is a magnificent and healthy Tulip Tree which the owner has committed to save. On the east side, a house of similar bulk as the heritage house is located. It also sets back from the street with a sizable front garden. The west neighbor is a 3-storey town house complex with a courtyard in the middle. The rear half of the complex is built tight to the west property line. Within the block, there is one tower slightly under 110' in height. To the north directly across the lane, a 12-storey residential tower looks across the site towards the water.

After substantial study, it was determined that a tall narrow tower can be accommodated in the middle of the site, respects the tulip tree root ball boundary on the east, while maximizing the setback from the courtyard building to the west. The slim tower form was developed to minimize view disruptions and shadow impacts on the neighbors. The proposed tower is below the View Cone 20 height and thus well within the discretionary height limit of the RM-5A Guidelines. Extensive view studies and shadow analysis were conducted to assess the impact of the tower on its immediate neighbors and the community. The proposed building form responds to the site constraints discussed above with its slender proportion and compact footprint.

There is approximately one level drop across the site with the lower portion on Harwood Street. This facilitates concealing the underground parking floor at the rear of the site with vehicular access off the street. This approach is consistent with all the nearby tower developments on this side of the street. Additional parking is provided in 2 accessory buildings off the lane.



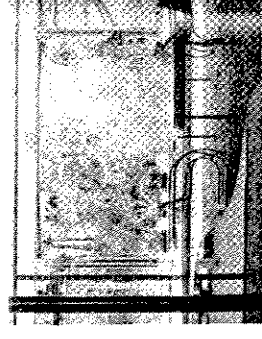
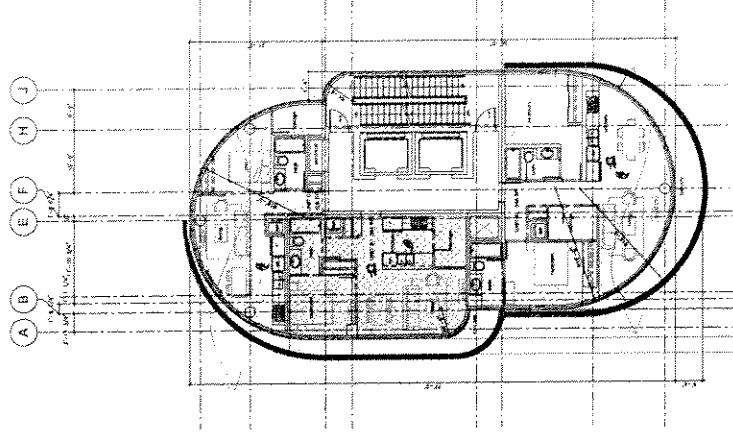
- PROJECT SITE
- RM-5A ZONE
- BUILDING WITH VIEW IMPACT STUDY
- TULIP TREE

# BUILDING PLAN

The tight site constraints require the building to be compact and simple in form. Its footprint is merely 3,050sf in area including the projecting balconies. The rounded north and south ends of the tower give the building a distinctive fluid geometry. At 17-storey in height, the tower has an elegant slender appearance and has the least impact on the neighbors according to the shadow and view analysis.

The floor layout is organized around an offset central core on the east side with majority of the units orienting towards the southerly and south-westerly views. Projecting balconies on these faces provide the much needed shading without compromising the views. Additionally, a system of exterior operable screens allows the residence to move the screens around for solar control. A typical floor consists of 3 units of various sizes. Operable windows facilitate opportunities for natural and cross ventilation in all the units. The upper penthouse floors are intended for larger units with possible one unit per floor and private access to the elevators.

The main tower lobby with an interconnecting second level above occupies the front portion of the ground level. The rear half of level 1 and 2 are well below-grade containing underground parking, mechanical and service spaces. The lobby is accessed via a meandering pathway above the reflecting pond that fronts on Harwood Street. Off to the side, an exterior curving stairs lead to the upper garden with the feature tulip tree. An exercise room on level 2 has direct access to the west garden and overlooks the entry lobby below. Additional amenity spaces are located on level 3 which also contains the secondary entrance from the lane.





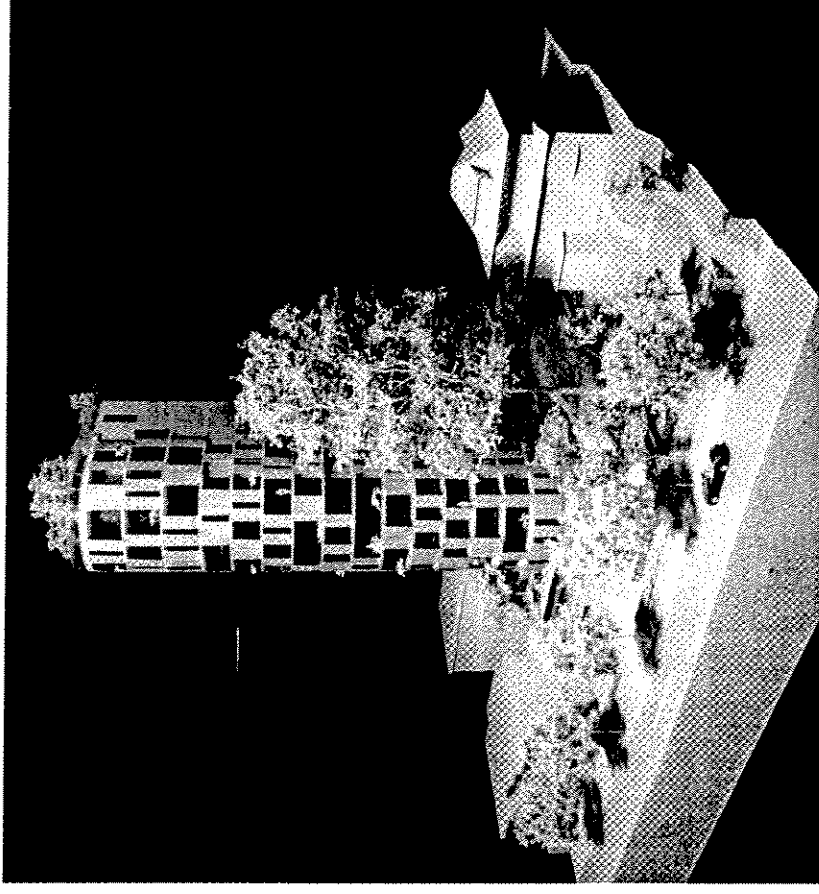
## ARCHITECTURAL CHARACTER, COLOUR & MATERIAL

The building concept is that of a slender tower being inserted into the landscaping that slopes towards the street. By the doing so, it carves out a welcoming entry plaza on Harwood street concealing parking and mechanical spaces beyond. The open plaza and the round form of the tower offer generous views of the upper garden and the magnificent tulip tree from the street. The open character of the building and landscape contributes to the urban fabric of this dense neighborhood by making the project visually, and to a certain degree physically, accessible to the community.

The front portion of the tower with its seemingly substantial base lands on the plaza and the reflecting pond ever so lightly. Its undulating curves reminiscent of an architectural expression commonly found in some high-rise developments in West End. The building character is built on its fluid geometry and the effect of layering building skins that both enclose and open the building to the elements and views. On the side of the building susceptible to solar gain, a system of operable screen provides sun shading in addition to the wrap around cantilevered balconies.

A deliberate restraint material palette is used to compliment the simple and elegant geometry of the building. The vision glass has a slight blue tint for enhanced shading coefficient. The glazing system is a hybrid windowwall system that has the appearance of a 4-sided SGS curtainwall. The spandrel panels will have a stainless steel face on the exterior and the sliding screens are also of stainless steel, except with perforation. Stainless steel is chosen for its durability and sparkling effect in certain sunlight condition, given the building a pristine appearance. The top of the building is capped with a low profile stainless steel canopy. It completes the lozenge geometry of the glass enclosure that houses the rooftop garden and the mechanical penthouse.

The hard landscaping material consists of pre-casted concrete slabs and stones, some of which have been salvaged from the old house. The extensive use of stone reinforces the concept of landscape extraction revealing the natural building blocks beneath.





# SUSTAINABILITY

The design approach is to focus on passive strategies supplemented with active systems, as needed. The building targets a high level of environmental and sustainability performance, as well as using an integrated design team approach to the project.

Designing a building for optimal solar orientation in an urban context is often challenging. City grids and zoning requirements often broadly define the building form. This project presents additional challenges due to the retention of a significant tree and the highly desirable views to the west and south-west.

Our response has been to design a simple form with a building skin that incorporates a palette of design elements. Each of these offer various passive design benefits and their occurrence and distribution varies around the building, creating a skin that is both beautiful and tuned to the climate as it wraps the building. (see diagram). The following passive strategies are being used:

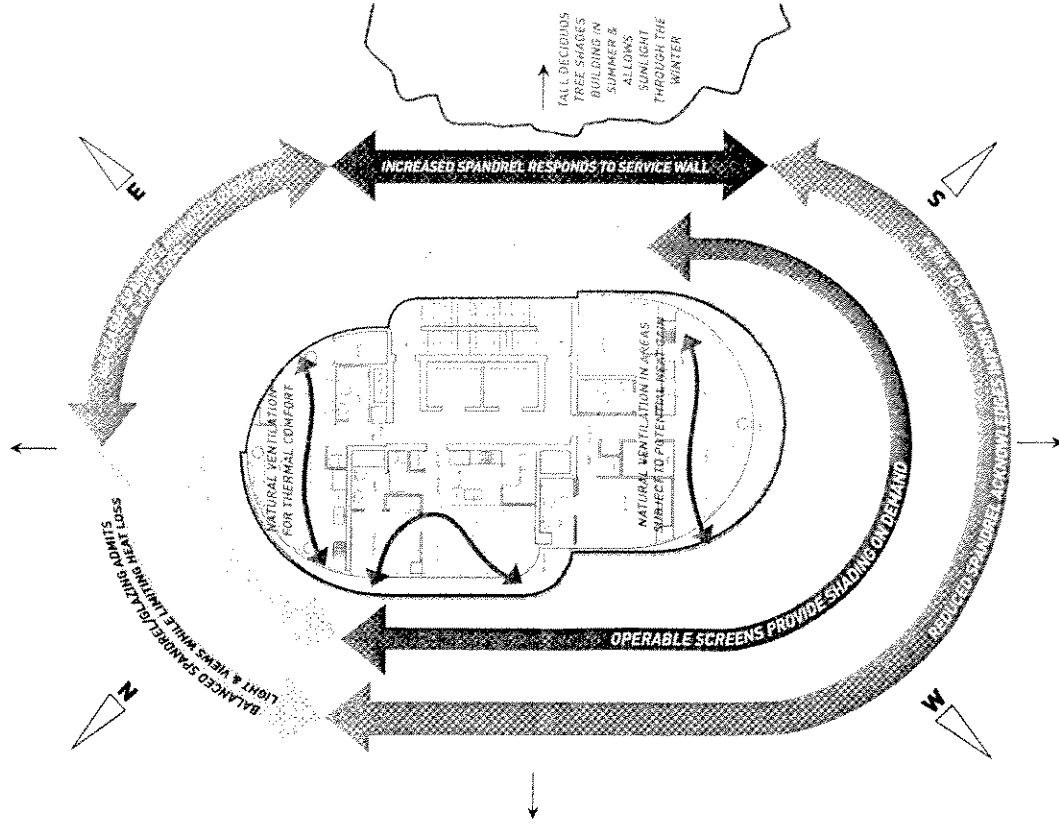
- A well-insulated building envelope with a focus on minimizing thermal bridging. This includes a minimum R-value of 2.8 for window assemblies (including framing) and R-15 for spandrel panels.
- A 50/50% ratio of opaque wall area vs. glazing for the entire building complimented by an exterior operable screen system on the south and south-west orientation.
- A maximum ratio of 30/70% opaque wall area vs. vision glazing for the individual suite.
- Thermally insulated spandrels where the slab edge meets the curtainwall system.
- Suites have operable windows, and a majority are "dual aspect" in orientation, allowing good cross ventilation which also allows better passive cooling.
- In-slab passive ventilation ducts to temper direct fresh air supply to occupants.
- Green roof reduces the urban heat island impact of the building.
- Retention of the tall deciduous tree to the east screens summer sun/heat gain but allows it through in the winter.

The above strategies will be supplemented by the following active systems:

- High efficiency Geo-exchange system uses earth energy to heat and cool the occupied spaces.
- Energy efficient and superior comfort hydronic radiant heating and cooling system using capillary tube systems.
- Domestic hot water pre-heated by the heat pump system.
- Dual flush toilets, low flow faucets and shower heads, with piping designed for equal pressure and minimal wait time for hot water to further minimize water use.

Other strategies with broader sustainability objectives include the retention of the magnificent Tulip tree on site. Stone salvaged from the demolition will be re-used as landscape and patio paving. In addition, the landscape design will promote water efficiency and the water feature will use collected rainwater.

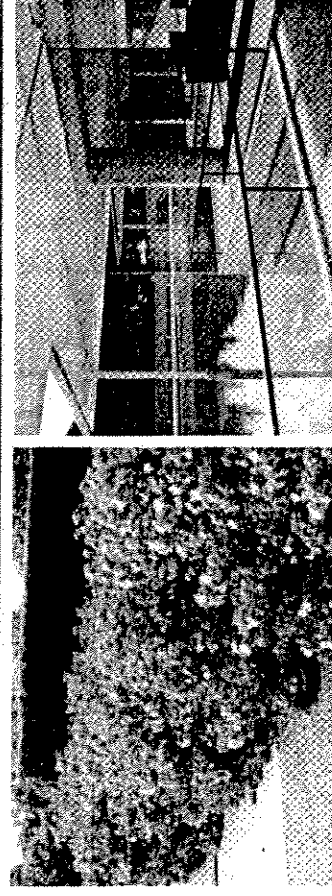
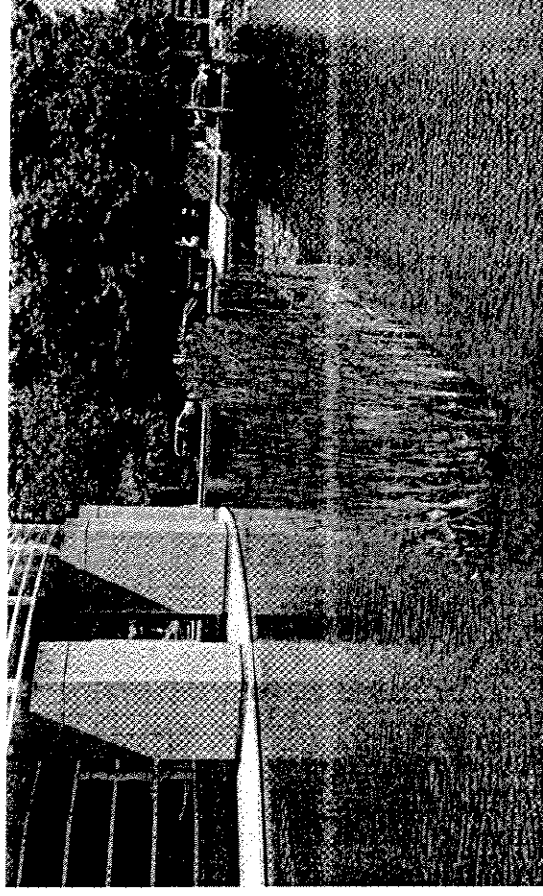
BINGTHOM



## LANDSCAPE

The tower intervention and saving of the tulip tree result in 3 garden rooms throughout the project. Each of the garden room takes on a distinctive character reflecting its relationship to the street and/or the adjacent interior spaces.

Off Harwood street, an entry plaza seamlessly incorporates both the pedestrian and vehicular entrances. It consists of predominantly hard landscaping; except for the large reflecting pond marking the tower entrance. Planting is kept to a minimum to provide maximum view towards the tulip tree. A meandering stairway besides the pond connects the plaza level to the upper east garden which is anchored by the heritage tulip tree. A series of terraced planters similar to the existing terraced garden of the house define the street edge of the east garden. To avoid disrupting the root system of the tree, this garden maintains all the natural grades resulting in a gently rolling field for passive strolling and contemplation. The stone wall of the garages define the upper edge of both the east and west gardens. Directly off the Exercise Room on Level 2, the west garden overlooks the entry plaza and is visible from the street. It features a unique terraced garden that has the appearance of a series of landscaped ramps. A formal row of trees along the west property line provides screening for the westerly neighbors. All walls in the garden rooms are rendered in stone giving them a unified look.





POLICY REPORT  
DEVELOPMENT AND BUILDING

Report Date: April 26, 2011  
Contact: Kent Munro  
RTS No.: 09152  
VanRIMS No.: 08-2000-20  
Meeting Date: May 17, 2011

TO: Vancouver City Council

FROM: Director of Planning in consultation with the Director of Legal Services

SUBJECT: Heritage Designation and Heritage Revitalization Agreement -  
1245 Harwood Street - "Legg Residence"(1900)

**RECOMMENDATION**

- A. THAT the heritage building at 1245 Harwood Street (Legg Residence), which is listed in the "B" category of the Vancouver Heritage Register, be designated pursuant to the provisions of the *Vancouver Charter* as protected heritage property.
- B. THAT Council authorize the Director of Legal Services to prepare and sign on the City's behalf a Heritage Revitalization Agreement for the site located at 1245 Harwood Street to:
  - secure the rehabilitation and long-term preservation of the heritage building; and
  - grant floor area variances to the Zoning and Development By-law in respect of the site to permit the construction of an 18-storey residential tower under development permit application no.DE 414280.
- C. THAT Council instruct the Director of Legal Services to bring forward for enactment by-laws authorizing the designation of the heritage building as a protected heritage property and a heritage revitalization agreement for the site located at 1245 Harwood Street.
- D. THAT the Heritage Revitalization Agreement shall be prepared, completed, registered on title to the lands which make up the site, and given priority on title, to the satisfaction of the Director of Legal Services and the Director of Planning.

- E. THAT the Vancouver Heritage Register categorization of the site at 1245 Harwood Street (Legg Residence) be changed from "B" to "A".

#### **GENERAL MANAGER'S COMMENTS**

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

#### **COUNCIL POLICY**

- *Heritage Policies and Guidelines (April 18, 1991)*
- *Rezoning Policy for Greener Buildings (June 10, 2008)*
- *On June 10, 2010 Council passed the following motion:*  
*" THAT historic landscape resources in the City are important and worthy of retention and protection however, Council affirms that bonus incentives are not supported for landscape resources that cannot be wholly protected through legal designation".*
- *View Protection Guidelines (December 12, 1989)*
- *West End RM-5, RM-5A, RM-5B, and RM-5C Guidelines (January 20, 1998)*
- *RM-5, RM-5A, RM-5B and RM-5C District Schedule ( November 1996)*
- *Rate of Change Guidelines for Certain RM, FM and CD-1 Zoning Districts (May 24, 2007)*
- *On July 28, 2009 Council passed a number of motions with respect to density transfers in support of heritage conservation.*

#### **SUMMARY & PURPOSE**

The purpose of this report is to seek Council approval to designate the site at 1245 Harwood Street containing a heritage building (Legg Residence) as protected heritage property, and to enter into a Heritage Revitalization Agreement (HRA) for the site which will ensure the long-term protection of the heritage building. As an incentive for and compensation to the Owner for the designation of the heritage building, floor area variances are proposed for use in a new residential tower proposed for the site as set forth in Development Application Number DE414280 (see the drawings in Appendix B).

The application proposes to restore and rehabilitate the heritage house. The heritage house would contain 8 rental apartments and the building would be moved 23 feet to the east to accommodate a new 18-storey market residential tower. As incentive and compensation for the conservation and designation of the heritage building, bonus density of 26,000 square feet is requested for an overall floor area ratio (FSR) of 3.7 (64,042 square feet). The Director of Planning is prepared to approve the development application should Council, under its discretion and authority, approve the additional floor area through the proposed Heritage Revitalization Agreement and designate the site.

Through review of this application, staff have concluded that the existing Vancouver Heritage Register "B" category for the site did not reflect its true value. A revised historic building and site evaluation, along with a Statement of Significance were reviewed by the Vancouver Heritage Commission, wherein they supported revising the category from "B" to "A". As part of the staff recommendations, Council is asked to amend the Vancouver Heritage Register category for the site at 1245 Harwood Street to an "A".

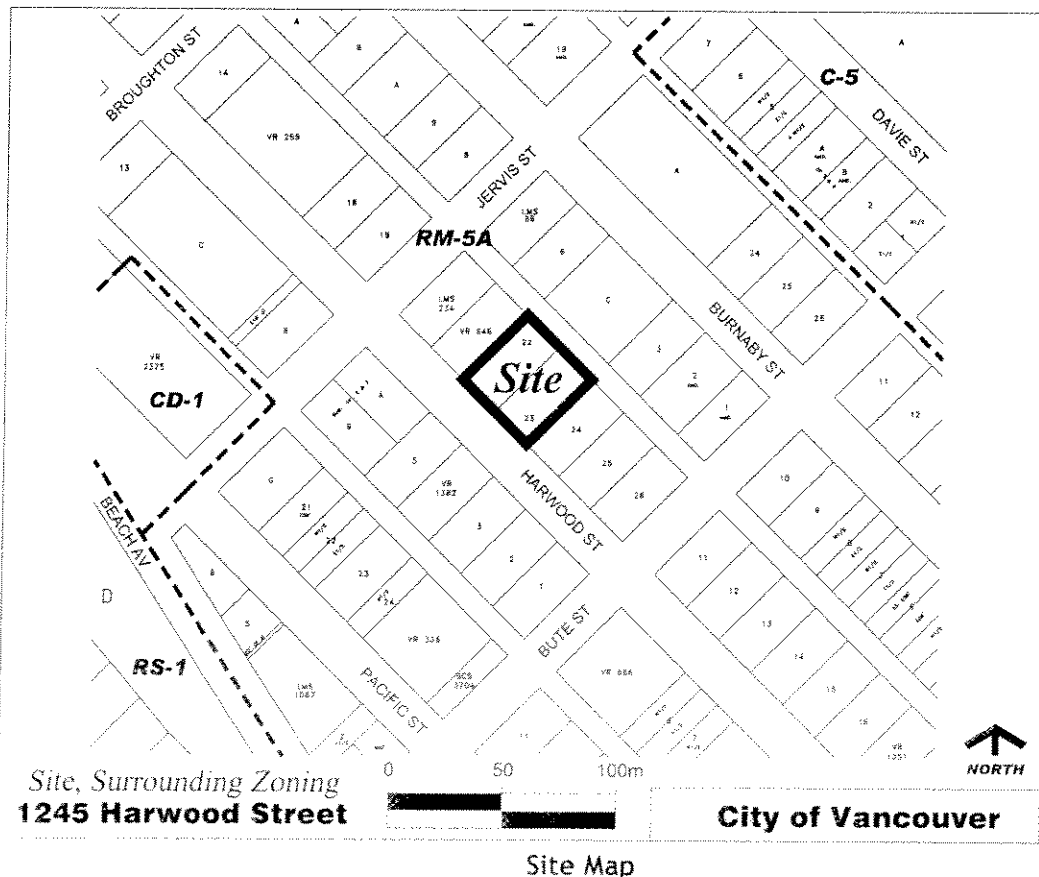
## BACKGROUND

### Site, Context and Background

The site that is the subject of this proposed HRA is located in the West End neighbourhood in an RM-5A zoned district (see site map). The existing RM-5A zoning permits multiple dwellings up to a conditional density of 2.2 FSR and a conditional height of 190.3 feet under certain parameters recommended in the West End RM-5A guidelines. Notwithstanding the height provisions of the existing zoning, the maximum height is affected by view cone # 20, which limits heights at this location to 176.7 feet above the 28 metre contour line.

The site is comprised of two legal lots with a combined area of 17,290.4 square feet, and is situated on the north side of Harwood Street between Bute and Jervis Streets. It has a frontage of 132 feet and a depth of 131 feet. The heritage building straddles the two lots; site consolidation would be a condition of the development permit.

The surrounding area is an established multiple-family neighbourhood. Within that area which has the same RM-5A zoning as the subject site, a variety of building heights ranging from two-storey buildings to the 22-storey tower at 1265 Burnaby Street currently exist. There is a twenty foot wide lane to the north of the site and a 12-storey multiple dwelling directly across the lane (see Context Plan on page 9). The site to the west contains two- and three-storey multiple dwellings separated by a courtyard. The property to the east is a character house converted to apartments.



A development application for this subject site was submitted in 2007 and it originally proposed the preservation of the heritage house as well as the retention of a significant tulip tree that is situated in the front yard. Based on preserving and designating the house and tulip tree, the proposal requested 45,000 square feet of bonus density for use in the construction of a new 18-storey tower with a floor plate size of approximately 4500 square feet. Several open houses were held to consult the neighbourhood and the owner put the project on hold several times. A significant amount of the requested bonus density in that original application related to the cost of construction to avoid impacts on the root ball of the tree. Given that 40% of the root bulb was located on a neighbouring lot, full designation and protection of the tree could not be secured without the neighbouring owner's permission to designate their portion of the root bulb and tree canopy. Staff consulted Council in June 2010 to determine the level of support for the granting of development incentives for heritage resources that can not be wholly secured. Based on those circumstances, Council established the following policy:

*THAT historic landscape resources in the City are important and worthy of retention and protection, however, Council affirms that bonus incentives are not supported for landscape resources that cannot be wholly protected through legal designation.*

Based on Council's motion, the owner of 1245 Harwood Street determined that the preservation of the tulip tree was not viable without a corresponding density bonus to off-set the costs to construct without impacting the root bulb. Given this, the applicants withdrew their earlier application and submitted a new Development Permit application on October 15, 2010 showing the retention of the heritage house but not the tulip tree.

The site at 1245 Harwood Street is a good candidate for on-site heritage incentives. If it were to be effectively demonstrated that using all of the bonus floor area on the site would create a development that is significantly out of alignment with the intent of the zoning, consideration could have been given to the transfer of the remainder of the bonus density to another site. However, on July 28, 2009, Council approved a number of actions to maintain the integrity and the value of its transferable bonus density program. This included a restriction that no new density would be created until the density balance reached a state of equilibrium which is defined as an amount equal to the previous three years' absorption. Therefore transfer of density is not available as an option. It is important to note, that RM-5A zoning permits the construction of a tower on this site. Given the small size and narrowness of the proposed floor plate in the present application, it is likely that a similar sized tower could have been contemplated even under the existing RM-5A zoning district regulations.

## **DISCUSSION**

### **Historic Value**

The Legg Residence, a late Victorian house, was constructed between 1899 and 1900 by Gordon Legg, Managing Director of the Union Steamship Company. At the time, the West End was being developed as Vancouver's premier residential neighbourhood due to the views to English Bay and the proximity to the business core. Many large estates occupied the area,

such as Gabriola and the Tudor Manor. This is one of the few remaining properties that have not seen significant change since its construction. The grade rises significantly from Harwood Street to the lane and the site was developed to maximize the views to English Bay by placing the building at the high end of the site. The gardens are approximately one-storey above the level of the street with a heavily landscaped barrier along the street edge. A tulip tree was planted at the time of the building's construction and has grown unimpeded to a height of approximately 120 feet. The house, garden, and tree have become a landmark for the neighbourhood and are currently listed under the "B" category of the Vancouver Heritage Register. The name of the site changed to Eastwood Place when the building was converted to rental apartments in the 1930's. The historic value of the site lies within its ability to reflect the early development of Vancouver.

It is important to note that at the time the Vancouver Heritage Register (formerly Inventory) was created, some sites were left without adequate understanding of their historic value due to limited funding for research. In the case of 1245 Harwood Street, the existing site evaluation did not adequately acknowledge the architectural, social or cultural value of the site. Through this application process, staff prepared a building evaluation based on the Statement of Significance and determined that the rating should be increased to an "A". The changes are due to the rarity of a large estate-like site and landscaping in the West End, the evolution of changes in tenancy over the years, and the architectural and landscape quality of the site. On July 9, 2007 the Vancouver Heritage Commission voted to support revising the category of the site from a "B" to an "A" in accordance with the updated information and analysis submitted (see Appendix A).

**Conservation Approach:**

In the early years of the site, the house was converted to rental apartments as an outcome of the economic challenges during the Depression. The building is in good condition however, some changes have occurred over time (see Conservation Plan in Appendix C). A three-storey addition was added to the western portion of the front façade and if this application is approved it will be retained as a legitimate reflection of the history of the site. An unsympathetic third-storey sun room is proposed to be removed, and the original south facing dormers and windows replicated. The remainder of the building would be retained and restored. To facilitate the construction of the new tower, the building would be moved approximately 23 feet to the east, while retaining the same relationship of the house to the street. The garden would be partially retained, and the site opened up to the street through filtered landscaping along the front property line.

Under the proposal, the house would be designated as protected heritage property and a Heritage Revitalization Agreement would be placed on title to secure the long-term preservation and maintenance of the heritage building and to permit the construction of the new tower. Regrettably, the tulip tree would not be retained under this proposal, as it straddles the property line with a portion of the root bulb located on the adjacent property. As such, the long term health of the tree cannot be ensured and Council has given policy direction to not provide incentives for landscape resources that cannot be wholly protected through designation.

On February 28, 2011, the Heritage Commission reviewed and supported the Development Permit application as presented, wherein the heritage house would be retained and restored (without the tulip tree) and an 18-storey market residential tower would be constructed on the western portion of the site (see Appendix A ). Staff supports the conservation approach

for the house and concludes that the proposal is consistent with the federally adopted Standards and Guidelines for the Conservation of Historic Places in Canada.

#### **Development Application and Proposed Incentives**

The site is within the RM-5A zone and is governed by a number of Council policies relating to heritage preservation (see Council Policies on page 2). To assist with the economic viability of retaining and designating the heritage house, the proposal is to compensate the owner in the form of floor area variances as set forth in Development Application Number DE414280 (see technical chart in Appendix D). The heritage building is proposed to be retained as a rental building on the eastern portion of the site and a new 18-storey market residential tower with a floor plate size of approximately 3,500 sq.ft., containing 48 units is proposed on the western portion of the site. The existing six rental units within the heritage house would be reconfigured to create eight rental units. Council's policies on "Rate of Change" in the West End require the replacement of rental units on a one to one basis. Underground parking would be constructed over the full site with access from Harwood Street.

The zoning conditionally permits the construction of a tower, however, the total density proposed is greater than permitted. The maximum discretionary density permitted in the RM-5A District Schedule is 2.2 FSR (floor space ratio) which for this site equals 38,038 square feet. The applicant has requested additional bonus density of 26,000 square feet for a total density of 3.7 FSR (64,042 square feet) (see Table in Appendix D for a technical summary). Council may elect to increase the density beyond 2.2 FSR, for the preservation and designation of a building or site on the Vancouver Heritage Register, in accordance with the Heritage Policies and Guidelines. Staff conclude that the value of the variance is commensurate with the loss in market value caused by designating the site as a protected heritage property and the costs to the owner of rehabilitating and preserving the heritage building. The approach is supported under Council's Heritage Policies and Guidelines.

#### **Compatibility with RM-5A Zoning Regulations and Design Guidelines**

##### RM-5A Zoning and Guidelines

The intent of the RM-5A District Schedule is to permit a variety of multiple-family forms with emphasis on achieving compatibility with adjacent development in terms of the following:

- streetscape character,
- open space,
- view retention,
- sunlight access, and
- privacy.

The West End RM-5, RM-5A, RM-5B and RM-5C Guidelines offer more detailed advice and are used to assess applications for discretionary density and height by describing the design considerations that apply to West End projects. The Guidelines also note that heritage buildings contribute to the character and diversity of the West End, and encourage their retention be explored as a part of any new development.

In general, the proposal meets the conditional limits of the district schedule except for density. Required building setbacks to both neighbouring property lines and to the lane meet the RM-5A requirements for side yards, rear yard, and site coverage. In addition, the proposal meets many of the recommendations in the Guidelines. These recommendations are discussed in more detail in the following sections.



### Streetscape Character

The Guidelines identify mature street trees and lushly landscaped front yards as major elements in creating a cohesive streetscape that can tie together a variety of building types. The application proposes to retain the street trees and restore a series of stone planters in the front yard, leading up to a landscaped plateau. This design also meets the Guidelines recommendation on topography to reduce scale along the street edge. While the removal of the existing tulip tree will be a loss for the site and the area, the intention is to replace this tree with a similar species. A driveway off Harwood Street to underground parking is proposed, as the combination of the lane being 24 feet higher than the street and the width of the heritage building, leaves relatively little room for a parkade ramp on the lane. An opportunity exists to improve the future prospects of the replacement tree for the tulip tree, by shifting the interior parkade ramp and architectural treatment of the parkade opening will mitigate its effect on the pedestrian realm. This opportunity, like others mentioned in this report, will be considered during the review of the associated development permit application.

### Open Space

The Guidelines recommend setting buildings back from street corner to create wider views down streets and extending a sense of open space into a lot through careful building placement. Where possible, the siting of a building should provide a large contiguous open area through the site rather than several smaller spaces. The proposed design reflects these recommendations by placing the tower on the western portion of the site. The guidelines also recommend providing seating in the landscaped area, which may be an opportunity on this site.

### View Cone 20 - Granville Street

City Council adopted a number of view cones to protect public views in 1989, and reaffirmed them in 2010. View Cone 20 is designed to protect the view from Granville Street at Broadway northward to Capilano Valley and the North Shore Mountains, and limits the height of development relative to the lowest point on this site to 176.7 feet. Both the view cone and the site contours step up towards the lane, so that the maximum height near the centre of the tower is approximately 172 feet above the existing grade. This equates to a maximum elevation of 277 feet above the geodetic datum for all new structures. Preliminary calculations indicate a limited portion of the decorative rooftop screen for the proposed tower is located in the view cone, which means that a condition of approval for the development permit will require revision to bring this structure below the view corridor height limit.

### Views

Views from private and public locations toward English Bay are a significant amenity for many residents of the area. The proposed tower will affect the private views of many residents to some degree, but the relatively narrow (45 feet) width of the proposed tower floor plate and its orientation on the site means that the impact on private views for residents uphill of the site is reduced when compared to a more typical tower width of 80 feet, or by distributing the same density over fewer floors. The maximum loss of view studied occurs in the middle unit on the 11<sup>th</sup> floor of 1250 Burnaby Street looking to the west, where the view loss totals 16.9% or 20 degrees out of an existing 120 degree view. The portion of view loss decreases for other units, elevations and locations. For example, the same floor and unit position at 1251 Jervis Street, 380 feet away, would lose 2 degrees of a 120 degree view. Further, no

significant public view from a street or park is impacted by this development. For more detailed information, see the view analysis included in Appendix E.

#### Sunlight and Shadowing

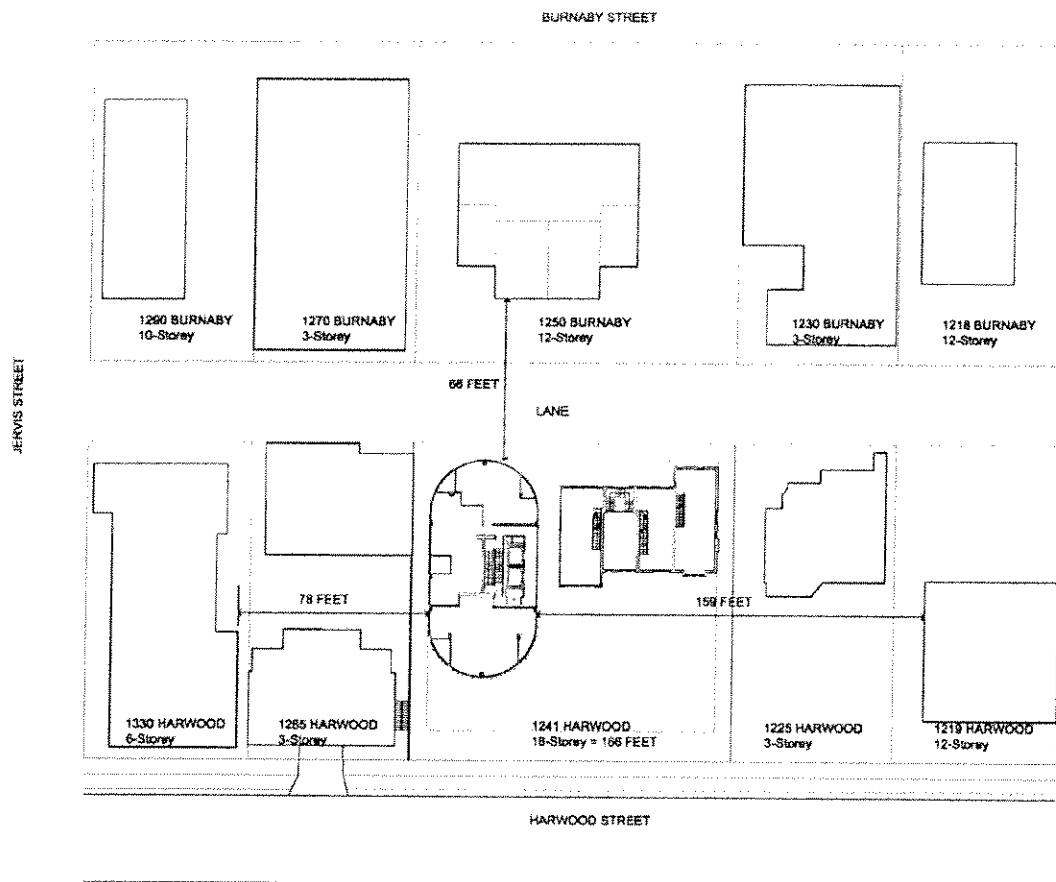
Residential liveability for new units is generally well provided by virtue of the limited number of units per floor, which increases the extent of natural light to each unit. However, the shadowing effect by the proposed building on the immediately adjacent neighbours is greater when compared to what could be expected were the heritage building not retained and a new tower built in the center of the lot under the RM-5A zoning. The distinctive lozenge shape of the floor plate helps to some degree by removing the corners that typically extend the width of a shadow cast. (For more detailed information, see the shadow study included in Appendix E.) More significantly, the floorplate is relatively small: about 3,500 square feet on typical floors. The narrow width of the tower as seen from the Harwood Street frontage also helps keep a view open from the sidewalk to Eastwood Place.

When considering the standard dates of the Spring and Fall equinox, the shadow of the proposed building would reach the southern tip of the public green space located on the Jervis Street closure north of the site. The duration of the shadow would be limited to approximately 10:45 am to 12:00 noon. By 12:00 noon the shadow has cleared the open space. Staff have compared this shadow impact to what could be expected were the corner site at 1200 block Harwood Street to be redeveloped with a 110 foot tower, which could be permitted under RM-5A zoning and concluded that the proposal has a lesser impact.

Given Council policy to preserve Vancouver's listed buildings where possible, and with few siting options that do not affect some stakeholders, staff are satisfied that the proposal is designed to minimize effects on the wider neighbourhood while maximizing public views to the heritage house.

#### Privacy

The Guidelines strive for development that provides adequate privacy for new and existing residents. Although the required side yards are met and the design is generally comparable to the privacy impacts of other developments in the area, there is an opportunity for further design development at the lower levels of the building, closest to the adjacent residential units, by locating windows so that they do not align with existing developments to the west. If the report recommendations are adopted, prior to conditions to the development permit will be issued to address some of these opportunities.



## Context Plan

### Height

The Guidelines indicate that an increase in height beyond 60 feet may be considered when the livability of adjacent development is respected, and when other public objectives such as opening up street end view corridors or retaining heritage buildings are met. In order to preserve views and the skyline pattern, the Guidelines recommend that buildings over 60 feet tall have a horizontal separation of 79 feet from other buildings of similar height, and that buildings over 110 feet tall have a horizontal separation of 400 feet from other buildings of similar height on the same block face. The specific advice of the Guidelines is to limit buildings over 110 feet to one per block face to help create a skyline with an evident pattern, to maintain or create view corridors between existing buildings, and to not fill in gaps. Creating a continuous wall of towers would not be supported. The Guidelines further recommend the use of smaller floor plates to minimize view blockage, which has been employed with this application, relative to the nearest tower, as shown in the view impact analysis in Appendix E.

The proposal provides approximately 66 feet of horizontal separation to the closest building over 60 feet tall (1250 Burnaby Street), rather than the 79 feet that is recommended, but does offer angled views from the most affected suites to the west and east as the floor plate rounds off the corners (see Context Plan above). More significantly, the building width is fairly narrow as seen from 1250 Burnaby Street, at 45 feet wide. As a comparison, 1250 Burnaby has a more typical West End tower width of about 78 feet. Moving the proposal southward by 13 feet would provide the recommended dimension relative to the neighbouring tower but this would have a significant impact on the adjacent neighbours in low-rise buildings, especially at 1285 Harwood Street.

The proposal provides approximately 159 feet of horizontal separation to the closest tower over 110 feet tall on the same block face (1219 Harwood Street). The horizontal separation to the next nearest building, 1330 Harwood Street, is approximately 78 feet which meets the Guidelines recommendation. While 1219 Harwood Street is approximately 110 feet in height, the start of the height that would normally preclude another tower on the same block face, staff note that 1219 Harwood is close to the cut off, and there are no other towers over 110 feet tall on the same block face.

Other options to retain the heritage house while developing the site with the bonus density were considered through the review process, including reducing the proposed building height to meet the recommended 110 feet limit with a redistribution of the density into a wider, lower form. Staff concluded that while this would serve to redistribute view and shadowing effects from many residents to fewer, the impact on the immediate neighbours was significantly worse. Staff are of the opinion that the design of the proposed massing minimizes view impacts on surrounding units.

Although the application if approved, would represent a variation from the recommended pattern of towers in the neighbourhood, this proposed circumstance is deemed to be acceptable in this case in order to achieve the civic goal of heritage preservation. The application will not only fulfil priorities for heritage preservation, but also meet a range of West End Guidelines, and in the opinion of the Urban Design Panel, create a well-designed building that reduces its potential effects. Staff have reviewed the application in comparison to the relevant policies, considered the specific circumstances and the possible alternative scenarios, and have concluded that on balance the proposed design is supportable. There are a number of design development conditions that will be required to complete the development application approval. Should Council support the staff recommendation for the additional density, these conditions will become prior to conditions to the development permit.

#### Urban Design Panel

On January 26, 2011, the Urban Design Panel reviewed the development permit application and unanimously supported the application (see Appendix A ).

#### **Results of Neighbourhood Notification and Review of the Application**

As part of the 2007 development application review, staff held three Open House/Information Sessions to inform the neighbourhood on the aspects of the application and the specifics of RM-5A zoning. With little exception, the community responded negatively to the application indicating concerns over the scale and height of the proposed tower and its relationship to

surrounding development along with the loss of views to English Bay from existing buildings north of the site.

On October 15, 2010, a new development application was submitted which retained only the heritage house. Staff hosted an Open House early in the process to inform the community on the changes to the application from the 2007 scheme. An Open House was held on January 17, 2011 and 755 surrounding neighbours were notified. The notification included mailing postcards to property owners in the surrounding area and a hand delivered postcard to 73 rental buildings in the notification area. In addition, interested neighbourhood groups were notified including: the West End Neighbours (WEN), West End Resident's Association (WERA), West End Business Improvement Association (BIA), and the West End Mayors Advisory Committee (WEMAC). The notification postcard invited the public to obtain more information on the proposal from the City's website, including the history of development proposals on this site, and details of the current application. The web site also provided an opportunity to comment on all aspects of the proposal currently under review. A total of 70 people attended the Open House and staff received 45 written comments and 28 e-mails through-out the development permit review period. At the Open House, both drawings and models were available for viewing, including a model showing what a proposed developed under the RM-5A zoning without heritage retention would likely be. A question and answer session followed a presentation made by staff and the applicant team.

The applicant team met separately with representatives from the West End Mayor's Advisory Committee (WEMAC), West End Neighbours (WEN), and the West End Residents Association (WERA). A summary of community responses is contained within Appendix F. The public were asked two questions as part of the Open House comment sheets:

1. Do you support varying the zoning regulations for this site to allow for a larger building, in exchange for the retention of the heritage house?
2. Do you support demolishing the heritage house and developing to the maximum permitted size under the RM-5A zoning?

The key points expressed in the feedback received are:

1. Opposition to the loss of the existing Tulip tree,
2. Opposition to providing bonus incentives for the preservation of the heritage house, and
3. Opposition to the proposed tower, in terms of its scale, height, impact on existing views, light and shadowing of surrounding buildings.

To the two questions asked at the Open House, the public answered predominately "No" to the first question of varying the zoning to allow a larger building and "No" to the second question of supporting the demolition of the heritage house.

With respect to the loss of the tulip tree, without the ability to secure the entire root bulb, the tree cannot be designated and protected and therefore cannot generate bonus incentives to off-set the additional costs incurred in constructing the underground parking around the root bulb of the tree. Council's motion on July 10, 2010, affirmed that only heritage resources that can be wholly protected are eligible for bonus incentives to off-set their retention costs.

With respect to providing bonus incentives for the preservation of the heritage house, Council's Heritage Policies and Guidelines outline Council's priority in preserving Vancouver's

valuable heritage resources. The site at 1245 Harwood Street has been re-assessed as warranting an "A" rating on the Vancouver Heritage Register, and it is City policy that all avenues to retain the character defining elements of the site are explored and compensation be granted, in accordance with the methodology outlined within the policy.

With respect to the impact on the neighbourhood by the proposed tower, staff have outlined Council's RM-5A zoning and Guidelines, and feel the application substantially complies with the intent of the policies. The tower will undoubtedly impact a number of the surrounding sites, however, on balance, staff note that the height may be permitted under the existing RM-5A zoning regulation, that the current proposal has been reduced in scale and that the new development is sited in the least impactful location while still providing for the conservation of the heritage house. In the opinion of staff, the proposal constitutes an acceptable development option for Council's consideration.

#### **Financial Proforma Evaluation**

Real Estate Services staff reviewed the applicant's proforma in accordance with Council's approved policies. The Director of Real Estate Services advises that the proposed variances requested by the applicant are commensurate with the heritage designation and conservation. Staff have determined that no undue profit will arise should this HRA be approved and that the application is supportable.

#### **Public Benefits**

The proposed rehabilitation and conservation of the heritage building to be carried out in exchange for the proposed Zoning and Development By-law variances will result in the revitalization and conservation of a valuable heritage resource in the form of the Legg Residence. In addition, Development Cost Levies (DCLs) will be collected in accordance with Council's Financing Growth Policies. The City-wide DCL rate of \$10.42 applies to this site (see the Public Benefits Chart in Appendix G). DCL's are payable at building permit issuance and are subject to periodic adjustments.

#### **Greener Buildings Policy**

The City's "Rezoning Policy for Greener Buildings" applies to the application and requires developments of this scale to achieve LEED™ Gold with a score of 63 points. The policy allows for exemptions for heritage components provided reasonable design efforts are made to improve green performance where appropriate, while respecting heritage aspirations and promoting heritage retention. Staff encourage owners for applications such as this to seek registration and certification. Conditions of the development application approval will require that the drawings incorporate the proposed sustainable features, noting as well that the "Green Homes Program" changes to the Vancouver Building By-law, adopted on September 5<sup>th</sup>, 2008, will be applicable to the project as well.

#### **FINANCIAL IMPLICATIONS**

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

**CONCLUSION**

The designation and proposed Heritage Revitalization Agreement for the house at 1245 Harwood Street will ensure the conservation of the building and the long-term protection from inappropriate exterior alterations and demolition. The owner and the City have agreed upon a compensation package that off-sets the additional costs to designate the heritage house and the owner agrees to seek no further compensation. The proposed Heritage Revitalization Agreement outlines the proposed floor area variance to the Zoning and Development By-law. Therefore, Council is asked to approve the staff recommendation to enter into a Heritage Revitalization Agreement for long-term maintenance of 1245 Harwood Street and designate the site as protected heritage property. Further, Council is asked to adjust the Vancouver Heritage Register category for the site from a "B" to an "A", in accordance with the motion from the Vancouver Heritage Commission on July 9, 2007.

\* \* \* \* \*



**ACL**  
arbortech consulting ltd

Appendix 6, page 1 of 3

November 7 2011

Attn.: **Dan Du**

**Bing Thom Architects**

1430 Burrard Street

Vancouver BC V6Z 2A3

cc:

ACL File: **05103**

Project Ref: **1245 Harwood Street Vancouver**

Re: **Tree Retention Review  
August 2011 Design Option**

Dear Mr. Du,

Pursuant to the plans you provided on Friday November 4, 2011, I have reviewed the potential impacts to the existing Tuliptree for consideration in the DP Application. We have provided previous assessment and impact studies for previous iterations of the design for this site, and the design generally meets the protection criteria determined from our previous work. A few exceptions that appear to be easily mitigated have been identified in this design. I include an impact and mitigation advice in this study. A copy of my markup of the site plan (based on your plan A200) is enclosed for graphic reference. Following are my comments.

## **Design Review and Tree Impact Assessment**

### **1. Protection Measures:**

The protection setbacks (shown highlighted green) are acceptable, and they meet the minimum setbacks of 8.0m to the north, 9.0m to the west and to the existing landscape features on the south side of the tree established from my earlier work. No soil disturbance would be allowed within that zone, although underground anchors and pinning for shoring would be acceptable to extend below that zone without causing impact to the tree.

#### **Mitigation Recommendations:**

- a) All retained trees must be protected to meet City and/or Arbortech specifications.
- b) The tree protection fencing should be inspected and approved by the City and/or the project arborist prior to any demolition, site preparation or construction work commencing.
- c) Activities within and access to the tree protection zones are restricted so that no soil, spoil, aggregate, construction supplies/materials and/or waste materials etc. are placed within the protection areas, and no vehicles and equipment may pass within these zones.





- d) The trunks or limbs of retained trees may not be used to affix signs, lights, cables or any other device.
- e) Signs stating "TREE PROTECTION AREA – NO ENTRY" should be placed on the tree protection fence at a suitable frequency.
- f) If encroachment into the tree protection zone is required for any other reason, it should be authorized in advance by the project arborist. Special measures may need to be implemented to allow access, and some activities will not be allowed.

## **2. Root Loss Assessment:**

The expected scope of root loss from the prescribed minimum setbacks is deemed to be acceptable subject to certain mitigation measures being undertaken including advance root pruning and enhancements to the remaining root zone (see below). These mitigation measures should be implemented at least one full growing season in advance of the bulk excavation commencing.

### **Mitigation Recommendations:**

- a) The excavation limits for the foundation of the parkade and main building structure will require advance root pruning treatments to "culture" the root zone so that the root loss can be tolerated more easily by the tree. This process should be commenced as soon as possible for best results, however it is vital that the site layout is absolute before proceeding. The root pruning process will likely be destructive to some existing landscape elements, however the higher value of tree protection supersedes the other landscape impacts. The grounds can be repaired to some degree for the interim between root pruning and site excavation being commenced (i.e. while residents in the site continue to enjoy the property).
- b) The remaining root zone inside the protection area will require soil enhancement treatments including liquid fertilization applied via pressurized injection into the soil to specified depths (fertigation) and using a formula and/or products to suit the root building objective. Aeration and vertical mulching via air spade should also be implemented. And, the surface of the root protection zone should be topped with a 3 inch depth layer of compost based soil amender to aid in soil hydrology moderation and long term fertility improvement.

## **3. Encroachments:**

The stair structure and related railing wall proposed within the tree protection area could cause root loss within the protection area to a setback that is too close to the tree. In order to mitigate those impacts, a small revision to the stair location and the configuration of the railing wall are requested (see below).

### **Mitigation Recommendations:**

- a) The wall proposed for the stairs in the western limits of the protection zone encroaches into the minimum setbacks. This stair feature should be re-aligned to respect the 9.0m setback line. The scope of the re-alignment is approximated at 1.0m, and I understand that this is possible, however it may also result in a small



shift in the location of the main tower structure.

b) The railing footing that is currently shown to be separated from the east wall of the stairway should be re-aligned to be incorporated into the east wall of the stair so that root zone encroachments are avoided. This is only necessary for the section within the protection zone.

**4. Pruning:**

The crown may require minor pruning to accommodate construction of the aerial portions of the building. These scope of pruning is estimated to be negligible.

**Mitigation Recommendations:**

Any pruning should be undertaken by a qualified tree service contractor retained by the owner and working under our direct supervision.

## **Conclusions**

Based on the proposed design represented in the plans provided by your office on November 4 2011, and conditional to the above mitigation recommendations being implemented, I advise that the tree is expected to survive with minimal impacts.

Thank you for choosing Arbortech for your tree assessment needs. If you require any further information, please call me directly at 604 275 3484 to discuss.

Regards,

Norman Hol,  
Consulting Arborist  
ISA Certified Arborist #PN-0730, Certified Tree Risk Assessor #0076, Wildlife and Danger  
Tree Assessor (Parks and Recreation Module)

Enclosures; Site Plan A200 Markup by Arbortech

BT | A

November 21, 2011

City of Vancouver  
Planning Department  
453 W. 12<sup>th</sup> Avenue  
Vancouver, B.C. V5Y 1V4

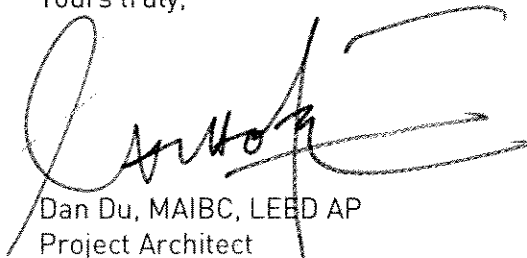
Dear Sir/Madam:

Re: 1245 Harwood - DE415100

As representative of the applicant team, I hereby confirm the following actions have been properly executed according to the British Columbia Residential Tenancy Act.

- Provide written notice to each tenant about the intent to redevelop the property;
- Provide Project Facilitator the number of units occupied on the date of the notice;
- Post written notice in the lobby, advertising of the intent to redevelop the building;

Yours truly,



Dan Du, MAIBC, LEED AP  
Project Architect

*Sworn before me in the City of  
Vancouver November 24, 2011*

BINGTHOM ARCHITECTS  
1430 BARRARD STREET  
VANCOUVER BC  
CANADA V6E 2A3  
T 604 682 1881 F 604 688 1343  
BINGTHOMARCHITECTS.COM

DOUGLAS PARTON NOTARY PUBLIC  
2356 West 4th Avenue  
Vancouver, B.C. V6K 1P1  
(604) 731-5208

November 29, 2011

Dear Sir and/or Madam:

RE: 1241/1245 Harwood Street  
Development Application Number DE415100

Please refer to my letter dated October 3, 2011 regarding the Development Application from Bing Thom Architects to redevelop the existing site at the above-noted address. If this development were to proceed, it would involve the demolition of the building you currently occupy.

City Council has adopted the "Rental Housing Stock Official Development Plan" and the "Rate of Change Guidelines for Certain RM, FM, and CD-1 Zoning Districts" applicable to conditionally permitted uses involving the loss of existing rental accommodation from a site. The Development Permit Board shall consider these policies and guidelines in making a decision on this development application. These documents are available at the following links:

<http://vancouver.ca/commsvcs/BYLAWS/ODP/RHS.pdf>

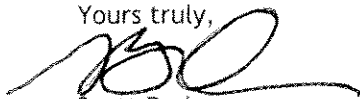
<http://vancouver.ca/commsvcs/guidelines/R021.pdf>

You may also wish to seek more information regarding your rights under the Residential Tenancy Act as it relates to the redevelopment of this site. More information is available on the Residential Tenancy Branch website at: <http://www.rto.gov.bc.ca/>

The Development Permit Board is scheduled to consider this application on **December 12, 2011**, beginning at 3:00 p.m. in Council Chambers, 3rd Floor, City Hall (Main Building). You or your representative may attend the meeting and, upon request, will be accorded the opportunity to address the Board.

Please contact me if you have any questions on this development application, or the information contained in this letter.

Yours truly,



Scott Barker  
Project Facilitator  
[scott.barker@vancouver.ca](mailto:scott.barker@vancouver.ca)  
Phone: 604.873.7166

SB/sb

BT | A

November 28, 2011

City of Vancouver  
Planning Department  
453 W. 12<sup>th</sup> Avenue  
Vancouver, B.C.  
Attn: Scott Barker

Dear Mr. Barker:

Re: 1245 Harwood – DE415100

Subject to the approval of the Development Permit, the property owner is prepared to enter into a Tenant Relocation Plan to the satisfaction of the Director of Planning in consultation with the Managing Director of Social Development as follows.

- Provide each tenant with two month's free rent
- Reimburse the tenants for receipted moving expenses up to a maximum of \$250 per unit
- Offer the tenants the first right of refusal to relocate into replacement rental units in the new development

I trust this fulfills the conditions of the Rate-of-Change Policy.

Sincerely yours,



Dan Du MAIBC LEED CP  
Project Architect