



**CITY OF VANCOUVER**

**POLICY REPORT**  
**DEVELOPMENT AND BUILDING**

Report Date: August 24, 2005  
Author: J. Baxter  
Phone No.: 604.871.6656  
RTS No.: 05288  
CC File No.: 5305  
Meeting Date: September 13, 2005

TO: Vancouver City Council

FROM: Director of Current Planning

SUBJECT: CD-1 Text Amendment: 1402-1436 Kingsway and 4050 Knight Street

**RECOMMENDATION**

THAT the application by Keith Hemphill, Architect to amend CD-1 By-law No. 8880 for 1402-1436 Kingsway and 4050 Knight Street to increase the site area figure, generally in accordance with Appendix A, be referred to a Public Hearing and be approved subject to conditions contained in Appendix B;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-law generally in accordance with Appendix A for consideration at the Public Hearing.

**GENERAL MANAGER'S COMMENTS**

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

**COUNCIL POLICY**

Relevant Council policies for this site include:

- Community Amenity Contributions - Through Rezoning, approved by Council on June 24, 2003, which applies to all private rezoning applications received as of February 1, 2004, and provides funds for additional community amenities needed for new residents;

- Kensington Cedar Cottage Community Vision, adopted by Council on July 28, 1998, which calls for a wide range of improvements for the Kingsway/Knight shopping area;
- On May 18, 2004, Council approved the closure and conveyance of the 466.4 sq m<sup>2</sup> (5,020 sq. ft.) portion of the lane south of Kingsway to the owner of the adjoining lands; and
- On June 22, 2004, Council enacted CD-1 (#420) By-law No. 8880 which applies to this site.

## PURPOSE

This report recommends an amendment to the CD-1 By-law for 1402-1436 Kingsway and 4050 Knight Street. The proposed amendment would increase the site area figure from 9 730 m<sup>2</sup> (104,732.8 sq. ft.) to 10 196 m<sup>2</sup> (109,748.8 sq. ft.) for purposes of computation of floor space ratio (FSR). This additional 466.4 m<sup>2</sup> (5,020 sq. ft.) represents a portion of closed lane which has now been consolidated into the development site. The proposed amendment will allow the development to proceed as approved by Council on June 22, 2004, along with additional interior floor space.

## DISCUSSION

**Background:** In June 2004, the site was rezoned from C-2 to CD-1 to permit a mixed use development consisting of two high-rise residential buildings, several low to mid-rise buildings, a neighbourhood branch library and public open space, with a retail mews in the centre of the site.

At the rezoning stage, the development site was separated into two parts (north and south) by a City-owned lane. The proposal was to consider two connections under the lane to link the underground parking structures on the north and south properties. However, at the development permit application stage, it was determined that the two-tunnel option did not provide the functionality required for good access to both sites. The developer applied to acquire a portion of the City-owned lane to allow for the construction of a single parking structure below grade. The Director of Real Estate Services negotiated a purchase price of \$325,000 which represented 70 percent of the 2004 land value that would typically be attributed to a closed lane, and it represented no additional density.

In May 2004, just prior to Council's decision on the sale of the lane, the developer proposed that the area of the site be increased to reflect the proposed lane area purchase. Staff advised the developer that Council could not enact an approved CD-1 by-law with any changes without a new public hearing. The developer withdrew his proposal and the CD-1 By-law was enacted without any changes.

Construction is currently underway on the site and permits have been issued to enable the project to proceed independently of the CD-1 text amendment application. Prior to submitting the application, the applicant presented the proposal to the Kensington Cedar Cottage (KCC) City Plan Committee on June 9, 2005 and received their support.

**Increase in Site Area:** The developer has renewed his request by submitting a CD-1 text amendment application to increase the site area figure for the purposes of computation of FSR. The amount of new floor space requested by increasing the site area by 466.4 m<sup>2</sup> (5,020 sq. ft.) is 1 772.2 m<sup>2</sup> (19,076 sq. ft.) at 3.80 FSR as permitted under the CD-1 By-law. This floor space would be distributed within the interior of the proposed building envelopes by converting some amenity space to commercial use, adding a mezzanine level over retail use, and providing two additional commercial units at grade.

Staff are supportive of the proposed amendment to increase the site area to 10 196 m<sup>2</sup> (109,748.8 sq. ft.) for the purposes of computation of FSR as the increase will not affect the visible exterior of the form of development as shown and approved in principle at the Public Hearing, noting that development applications to acknowledge these interior changes will require the approval of the Director of Planning.

**Lane Closure:** The developer now owns the former lane and this area has been consolidated into the overall development site. If the CD-1 text amendment is approved, a larger site will result in additional, useable floor area to be distributed throughout the project. As the original sale of the lane at \$325,000 represented 70 percent of the land value typically attributable to a closed lane, staff recommend that the additional 30 percent, or \$137,347, now be secured as a condition of rezoning (see Condition (a) (i) in Appendix B).

**Community Amenity Contribution (CAC):** CACs are based on the net increase in permitted density on a site. As part of the original CD-1 rezoning, in lieu of a cash CAC, the developer provided a neighbourhood branch library. For this CD-1 text amendment application, staff recommend that as a condition of rezoning a flat rate of \$32.29 per m<sup>2</sup> (\$3.00 per sq. ft.), or \$57,228 be applied to the net increase in the floor space allowed by this new zoning (see Condition (a) (ii) in Appendix B).

#### **FINANCIAL IMPLICATIONS**

There are no financial implications with respect to City budget, fees or staffing.

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

“As the applicant, I, Keith Hemphill, MAIBC, concur fully with the content of this report.”

#### **CONCLUSION**

The proposed amendment to the CD-1 By-law for 1402-1436 Kingsway and 4050 Knight Street will enable the development to proceed as approved by Council plus the addition of interior floor space reflecting the purchased City lane area at 3.80 FSR. Staff recommend that the application be referred to a Public Hearing and be approved.

\* \* \* \* \*

DRAFT AMENDMENT TO A CD-1 (#420) BY-LAW, NO. 8880  
FOR 1402-1436 KINGSWAY AND 4050 KNIGHT STREET

Note: An amending by-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

Section 4 Floor Space Ratio

- in clause 4.2 (a), increase the site size figure from 9 730 m<sup>2</sup> to 10 196 m<sup>2</sup> and delete the words "being the site size at the time of the application for rezoning, prior to any dedications" .

PROPOSED CONDITIONS OF APPROVAL

Note: The recommended approval conditions will be prepared generally in accordance with the draft conditions listed below, subject to change and refinement prior to finalization of the agenda for Public Hearing.

(a) That prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City:

Lane Closure

(i) make arrangements to the satisfaction of the Director of Current Planning, the General Manager of Engineering Services and the Director of Legal Services for the delivery of \$137,347 representing 30 percent of the 2004 land value for the 466.4 m<sup>2</sup> (5,020 sq. ft.) portion of the lane closed and consolidated with the development site.

Community Amenity Contribution (CAC)

(ii) deliver to the City a CAC offering in the amount of \$57,228.