



CITY OF VANCOUVER

## CITY OF VANCOUVER

### POLICY REPORT DEVELOPMENT AND BUILDING

# P1

Report Date: April 1, 2008  
Author: Michelle McGuire  
Phone No.: 604.871.7484  
RTS No.: 07297  
VanRIMS No.: 11-3600-20  
Meeting Date: April 15, 2008

TO: Vancouver City Council  
FROM: Director of Planning  
SUBJECT: CD-1 Text Amendment - 311 West 2nd Avenue

#### RECOMMENDATION

THAT, subject to enactment of the CD-1 By-law for 311 West 2nd Avenue (approved in principle by Council on July 18, 2006), the Director of Planning be instructed to make application to amend the CD-1 By-law for 311 West 2nd Avenue to allow exemptions from the height and density provisions to facilitate access to landscaped rooftop areas for this proposed development, and that Council refer to Public Hearing the application together with draft CD-1 By-law amendments generally as presented in Appendix A;

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

#### GENERAL MANAGER'S COMMENTS

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

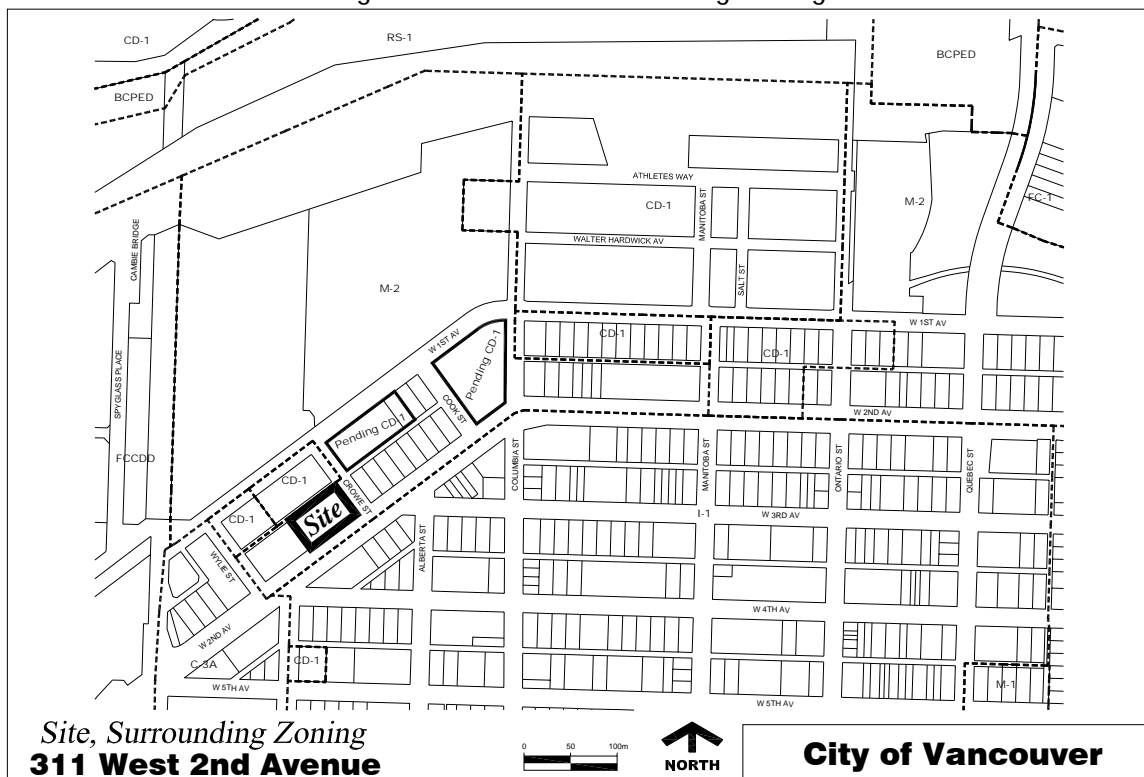
**COUNCIL POLICY**

- Draft CD-1 By-law for 311 West 2<sup>nd</sup> Avenue, approved by Council “in principle” on July 18, 2006.
- Southeast False Creek Official Development Plan (SEFC ODP), enacted July 19, 2005, amended March 21, 2006 and April 17, 2007.

**PURPOSE & SUMMARY**

This report recommends referral to Public Hearing amendments for the CD-1 By-law for 311 West 2<sup>nd</sup> Avenue (approved in principle by Council on July 18, 2006 subject to fulfillment of certain conditions) to permit exemptions for the height and floor space ratio (FSR) provisions to facilitate elevator and stairwell access to the proposed landscaped rooftop deck for building residents which would support the use of green roofs and urban agriculture. These amendments would allow the development to be consistent with the Vancouver Building By-law which has requirements to make buildings and occupancies “accessible by persons with disabilities” (Section 3.8).

Figure 1: Site and Surrounding Zoning



## BACKGROUND

**Initial Rezoning:** An application to rezone the site from M-2 (Industrial) District to CD-1 (Comprehensive Development) District was submitted in March 2006. This application proposed a mixed use development with a five-storey podium containing 2 storey live/work units at grade and 3 storey townhouse units above and a 10-storey mid-rise building to a maximum height of 90 ft. (27.43 m) and an FSR of 3.5. At Public Hearing on July 18, 2006, Council approved in principle the application to rezone the site from M-2 to CD-1 under the Southeast False Creek Official Development Plan (ODP).

**Development Permit Application:** A Development Permit application (DE 411286) to construct a mixed use development with two buildings (six and ten storeys) containing a total of 84 residential units and nine live/work units at grade was submitted on April 13, 2007. Due to reconfiguration of the floor to ceiling heights an additional storey was proposed for the low-rise six-storey building. The application was reviewed by the Development Permit Board on January 18, 2008 where it was unanimously approved subject to certain conditions.

The project features a landscaped rooftop area of approximately 5,500 sq. ft. (511 m<sup>2</sup>) on the 10-storey building for the use of building residents. The application proposes access to the amenity deck via a stairwell and elevator, however the CD-1 By-law, as currently drafted, does not allow for elevator enclosures or stairwells to be excluded from height or density provisions.

## DISCUSSION

The draft CD-1 By-law approved in principle by Council at public hearing on July 18, 2006 specifies a maximum building height of 90 ft. subject to Section 10.11 of the Zoning and Development By-law (Relaxation of Limitations on Building Height) which permits various projections beyond the height maximum which applies. Section 10.11 limits the maximum projection of "roof garden access" to 1.1 m above the height limitation, and such access usually takes the form of a hatch. An elevator access and enclosure typically exceeds a height of 1.1 m and thus cannot meet Section 10.11. The draft CD-1 By-law does not include the provision for the Director of Planning or Development Permit Board to exclude elevator enclosures and stairwells that would be used for access to the roof gardens from floor space calculations. The SEFC ODP noted that a "goal with respect to urban agriculture is to encourage podium and low and mid-rise developments to accommodate green roofs for urban agriculture.....".

The Vancouver Building By-law has a recent requirement to make buildings and occupancies "accessible by persons with disabilities" (Section 3.8). In particular, there is a requirement in residential occupancies that "there must be an accessible path of travel from the main entrance and from any parking area or parking facility serving the building to the entry doors of dwelling units and to common amenity areas containing recreational, storage and laundry facilities for use by building occupants," [Sec. 3.8.2.27.4(e)]. Staff propose to amend the CD-1 By-law to allow an exemption in height limitation and floor space calculations for structures including elevator enclosures, stairwells, pergolas, trellises, and tool sheds that support the use of urban agriculture amenity space and to facilitate universal access.

There are some CD-1 By-laws for other Southeast False Creek rezonings that do contain exclusions for elevator enclosures and stairwells to rooftop amenity areas (e.g., Olympic Village CD-1 (454), and other draft CD-1 By-laws proceeding to enactment). Staff will report back in due course with a set of amendments to address other developments with rooftop amenities that may require a similar exemption to height and density limitations.

## FINANCIAL IMPLICATIONS

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

## CONCLUSION

Planning staff conclude that the proposed amendments to the draft CD-1 By-law for 311 West 2<sup>nd</sup> Avenue to provide exemptions to the height limitation and floor space calculations to facilitate access to the landscaped rooftop deck and urban agriculture amenity in this development, is consistent with the Vancouver Building By-law. It is recommended that the Director of Planning be instructed to make application to amend the By-law and that the application be referred to Public Hearing.

\* \* \* \* \*

311 West 2<sup>nd</sup> Avenue  
DRAFT AMENDMENTS TO THE CD-1 BY-LAW FOR THIS SITE

[All additions are show in *bold italics*. Deletions are shown in ~~strikeout~~.]

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

**Density**

To Section 5.6

5.6 Computation of floor space ratio may exclude, at the discretion of the Director of Planning or Development Permit Board:

- (f) ~~“trellises and other garden structures~~ *structures including elevator enclosures, stairwells, pergolas, trellises, and tool sheds* which support the use of intensive green roofs and urban agriculture;”

**Height**

To Section 6.2:

“6.2 Despite Section 6.1, maximum building height excludes ~~a mechanical penthouse, trellises, and other garden structures~~ *structures including elevator enclosures, stairwells, pergolas, trellises, and tool sheds* which support the use of intensive green roofs or urban agriculture, as provided by section 10.11 of the Zoning and Development By-law.”