



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: March 28, 2017
Contact: Karen Hoese
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RTS No.: 11995
VanRIMS No.: 08-2000-20
Meeting Date: April 11, 2017

TO: Vancouver City Council
FROM: General Manager of Planning, Urban Design and Sustainability
SUBJECT: CD-1 Text Amendment: 1101 West Waterfront Road (1199 West Cordova Street)

RECOMMENDATION

A. THAT the application by CitySpaces Consulting Ltd., on behalf of the City of Vancouver (Vancouver Board of Parks and Recreation), to amend CD-1 (363) By-law No. 7679 for 1101 West Waterfront Road (1199 West Cordova Street) [*PID 023-686-952; Lot 21, Except Part In Plan BCP1695, of the Public Harbour of Burrard Inlet Plan LMP29892*] to increase the maximum floor area in Sub-area 3 for Retail and Service use (restaurant) from 600 sq. m (6,458 sq. ft.) to 975 sq. m (10,495 sq. ft.) be referred to public hearing, together with:

- (i) plans prepared by Cityspaces Consulting Ltd., received December 8, 2016;
- (ii) draft by-law amendments, generally as presented in Appendix A; and
- (iii) the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve the application, subject to the 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 public hearing.

B. THAT Recommendation A be adopted on the following conditions:

- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;

- (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
- (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

REPORT SUMMARY

This report recommends an amendment to the CD-1 By-law for 1101 West Waterfront Road, which is the site of a proposed restaurant at the east end of Harbour Green Park. The amendment would increase the maximum floor area for Retail and Service (restaurant) use from 600 sq. m (6,458 sq. ft.) to 975 sq. m (10,495 sq. ft.) for Sub-area 3 of the CD-1 District. The additional floor space is needed to accommodate design changes that include enclosing a proposed rooftop patio space for the restaurant. As there are no density rights remaining in for Retail and Service (restaurant) use in Sub-Area 3 of CD-1 (363), a text amendment is required. Staff recommend that the application be referred to public hearing with the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve it, subject to conditions contained in Appendix B.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- Coal Harbour Official Development Plan (1990)
- CD-1 (363) 201 Burrard Street (By-law No. 7679 (1996, last amended 2012)
- Burrard Landing (201 Burrard Street) CD-1 Guidelines
- Green Buildings Policy for Rezoning (2009, last amended 2014)

REPORT

Background/Context

1. Site and Context

The subject site is located along the Seawall between the existing Convention Centre building at Canada Place and the Grand Staircase connecting Jack Poole Plaza to Harbour Green Park (see Figure 1). It is bounded by the Seawall to the north, by the Grand Staircase to the south and by a City of Vancouver parkade to the east, beneath Jack Poole Plaza.

The existing zoning is CD-1 (363) and the subject site is located within "Sub-area 3", which is the eastern waterfront portion of Harbour Green Park (see Figure 2). CD-1 (363) was approved in 1996 to create a mixed-use precinct along the Coal Harbour waterfront from Burrard Street to Bute Street, including office, residential, retail, service and park uses. It also included a major cultural and recreational facility that ultimately became the Convention Centre

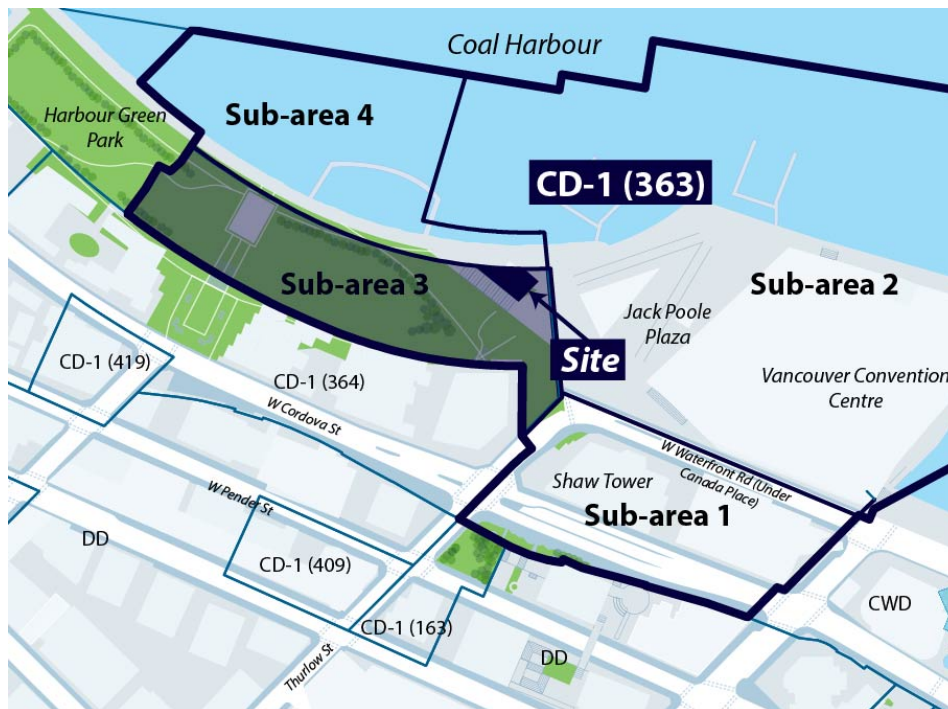
expansion, which was constructed and opened before the 2010 Olympic and Paralympic Winter Games.

The CD-1 By-law envisioned that a restaurant would be located at the east end of the Harbour Green Park, adjacent to the Convention Centre. It is the second of two restaurants planned for the park. The first is located at the north end of Bute Street. Development of the second restaurant was held off until the Convention Centre was constructed and the float plane operation, that occupied the subject site, was moved into its permanent location.

Figure 1 - Site location



Figure 2 - Site and surrounding zoning



2. Policy Context

Coal Harbour Official Development Plan – The Coal Harbour Official Development Plan was approved in 1990 to guide the overall development in the Coal Harbour area. The site is located in “Area 3 - The Burrard Landing Precinct”, which envisioned a mixed-use area with an active pedestrian-oriented waterfront and active retail uses. The Coal Harbour Official Development Plan applies to the site and no amendments are suggested to it.

Burrard Landing (201 Burrard Street) CD-1 Guidelines – The intent of the Burrard Landing (201 Burrard Street) CD-1 Guidelines is to maintain a diverse urban waterfront with commercial uses at grade along the water’s edge. The Guidelines identify the site as “Sub-area 3” and the intended location of a civic arts complex, which was never constructed. The Guidelines nonetheless make provision for retail and service uses (cafes and restaurants) in the vicinity of the steps leading into the park, adjacent the public plaza.

3. Previous Development Permit

In 2009, the Vancouver Board of Parks and Recreation (Parks Board) applied for and received a development permit (DE412233) under the current CD-1 By-law for a 600 sq. m, three-storey restaurant, where the third storey was largely an excluded rooftop patio. That design did not proceed to construction and the permit has now lapsed. The Parks Board has now contracted with a different operator for the restaurant with a modified restaurant design.

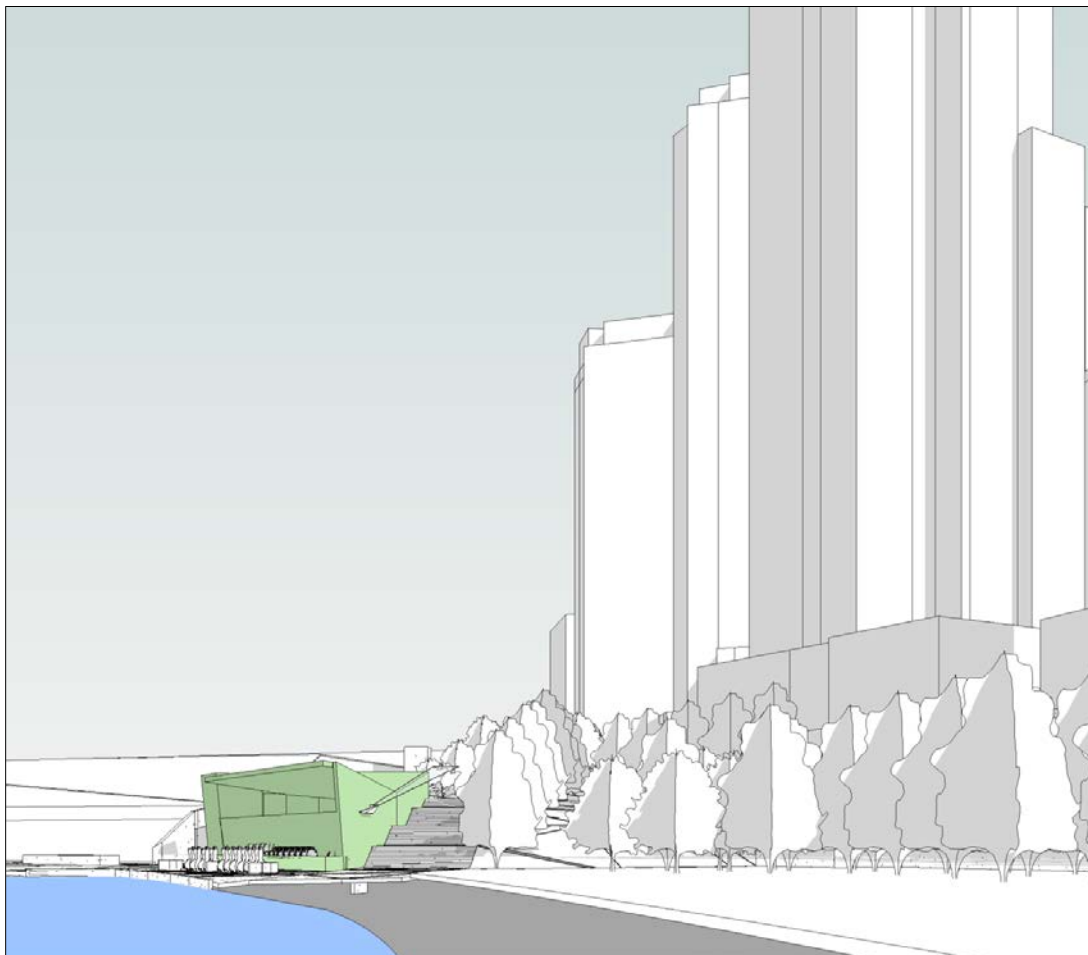
Strategic Analysis

1. Proposal

The current proposal for this site is for a 975 sq. m, two-storey restaurant. The building design has been modified from the earlier development permit and now proposes a two-storey building that is more suitable to the site context, has a reduced building height and a larger building footprint. A key change from the earlier design has been the enclosure of a proposed rooftop patio in response to noise concerns from the local residents. Because the previous open-air patio did not count in the building's floor space calculation and the enclosed one does, the floor space needed for the development increases by 375 sq. m (4,036 sq. ft.) from 600 to 975 sq. m (6,458 to 10,495 sq. ft.). As there are no density rights remaining in for Retail and Service (restaurant) use in Sub-Area 3 of CD-1 (363), a text amendment is required.

The increased floor area will also allow for better "back of house" space, including washrooms, elevators, kitchen, coolers, foyer entrance and a better accommodation of accessibility requirements. The increased floor area will improve the viability of the project and functionality of the building, particularly as it applies to its upper floor.

Figure 3 - View of proposed building looking east from the Coal Harbour



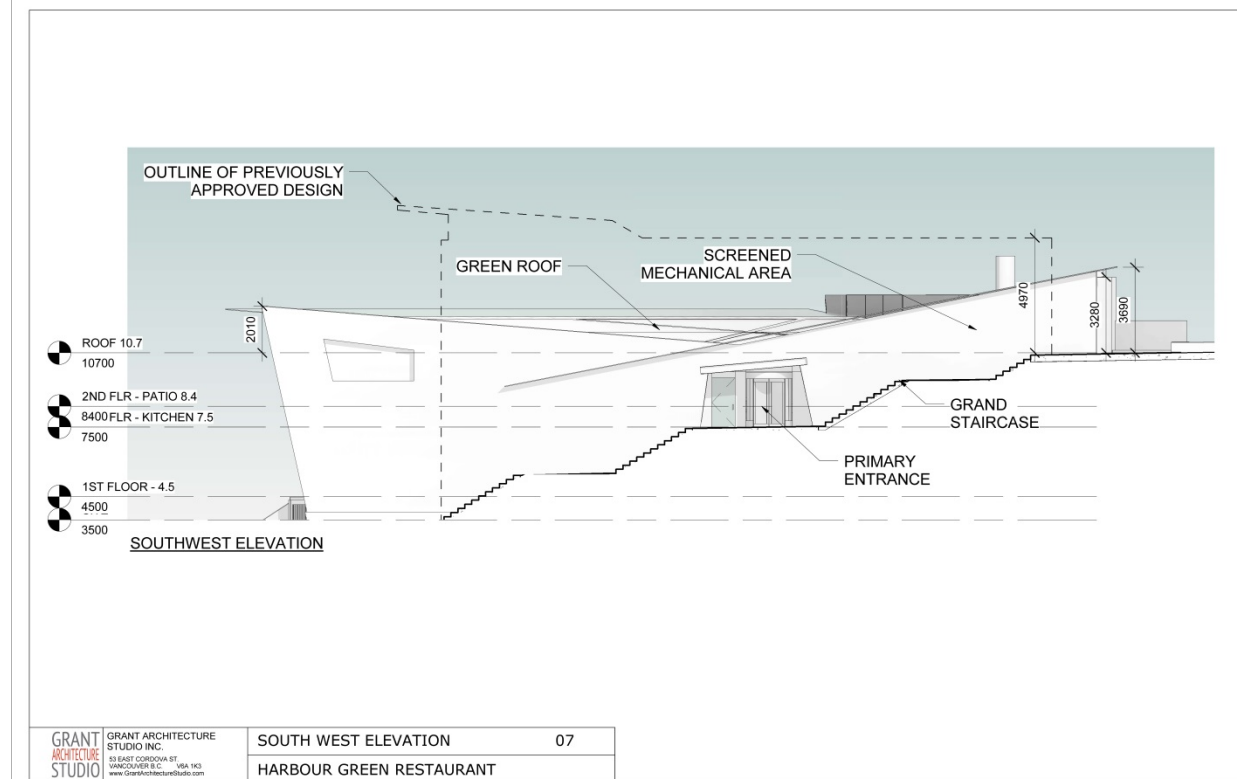
2. Form of Development

Staff have assessed the additional floor space proposed and have confirmed that an increase by 375 sq. m (4,036 sq. ft.) will not detract from the broader urban design objectives of the site. The changes proposed are not a significant departure from the form of development previously approved in 2009 and represent an improvement in the functionality of the building and reduced impact on the local residents.

The amended design has been re-assessed against the *Burrard Landing CD-1 Guidelines*, the intent of which is to maintain a diverse urban waterfront with commercial uses at grade along the water's edge. Staff have concluded that the additional floor space has a minimal impact on the surrounding area given the enclosure of the rooftop patio space and the overall improved shaping of the building. Furthermore, to address concerns about views and the increased floor space, the building height has been reduced and the building footprint has increased.

The more generous floor area will also allow for the development of a green roof on the top of the building, further mitigating view impacts from the plaza and noise concerns from the nearby residents (see figure 4). The green roof is more in keeping with the design of adjacent roofs of the Convention Centre and Cactus Club restaurant.

Figure 4 - Location of green roof on the proposed building.



3. Transportation and Parking

Parking and loading for the restaurant are to be in accordance with the Parking By-law. Under its current provisions four parking spaces would be required for a 600 sq. m restaurant, which increases to seven spaces with a floor area of 975 sq. m. The loading provision is unchanged; one Class B loading would be required.

The subject site is located immediately adjacent to an existing City-owned parking structure below Jack Poole Plaza, which has about 100 parking spaces, and to an existing service lane off of the below-grade Waterfront Road, giving access to the site and to adjacent uses in the Convention Centre complex, such as to the Cactus Club restaurant. The intention in the planning of this area is that the restaurant would utilize these adjacent parking and loading facilities to meet its Parking By-law requirements. At least seven parking spaces are to be secured for the restaurant in the City-owned parkade through arrangements between the City, the Parks Board and the restaurant operator. Restaurant patrons will also have access to the public paid parking that is available in the parkade structure. That structure includes a roundabout drop-off at the restaurant's proposed lower entrance and elevator. Loading for the restaurant would be at the end of the service lane, which also gives direct access to the restaurant's lower level and elevator.

The restaurant would also require four Class A bicycle spaces which are proposed to be located within the building. The site is well situated for bicycle and pedestrian access from the Coal Harbour Seawall and from Jack Poole Plaza. Staff note that the proposed restaurant building and landscaping may affect sightlines for cyclists on the Seawall and exiting from the Waterfront Road service lane. A design development condition is provided for the applicant to illustrate any impacts on sightlines at the development permit stage.

PUBLIC INPUT

Rezoning information signs were installed on the site on January 12, 2017. Notification and application information were provided on the City of Vancouver Rezoning webpage (vancouver.ca/rezoning). Notices of the rezoning application were mailed out to the surrounding property owners and residents. The public feedback received included three comments concerned with increased density on the site, additional restaurant uses in the area and increased night-time activity and noise. A further two comments were concerned with the design of the restaurant. Three individuals were pleased to see that their earlier concerns around noise impacts had been addressed and the latest design had been revised to include an enclosed patio.

PUBLIC BENEFITS

Development Cost Levies (DCLs) – Development Cost Levies (DCLs) are a growth-related charge on new development and are paid at the development permit stage. The site is subject to the city-wide DCL rate of \$149.73 per sq. m. (\$13.91 per sq. ft.). This rate is applied to the proposed 975 sq. m (10,495 sq. ft.) of new floor area. On this basis a DCL of \$145,987 is anticipated.

Public Art Program – The *Public Art Policy for Rezoning Development* requires that rezonings involving a floor area of 9,290.0 m² (100,000 sq. ft.) or greater allocate a portion of their

construction budgets to public art as a condition of rezoning. As this application entails a building less than the floor area requirement, no public art contribution is required.

Community Amenity Contribution (CAC) – Within the context of the City's *Financing Growth Policy*, an offer of a Community Amenity Contribution to address the impacts of rezoning can be anticipated from the owner of a rezoning site. As this application relates primarily to the enclosure of a proposed rooftop patio to address noise concerns and, as a result, an adjustment to the building's floor space calculation to reflect the conversion of open area to enclosed area, no CAC is anticipated.

Implications/Related Issues/Risk (if applicable)

Financial

As noted in the public benefits section above, there are no CAC or public art contributions associated with this proposed text amendment. A DCL of \$145,987 is anticipated.

CONCLUSION

Staff assessment of this text amendment application has concluded that the proposed floor area increase is acceptable as it achieves a better building outcome and is as such supported. The General Manager for Planning, Urban Design and Sustainability recommends referral of the application to public hearing together with the by-law amendments, generally as presented in Appendix A and with a recommendation that these be approved, subject to the public hearing, including approval of the form of development as shown in the plans included in Appendix B.

* * * * *

1101 West Waterfront Road

PROPOSED AMENDMENTS TO CD-1(363) By-law No. 7679

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

1. In section 6.1, under Floor Area and Density, strike out Table 1 and substitute:

"Table 1
Maximum Floor Area (in square metres)

Use	Sub-Areas (from Diagram 1)				
	1	2	3	4	Total
Office	20 312	1 069 but only at an elevation of 14 000 mm from sea level and only in the north east corner of the building	N/A	N/A	21 381
General Office Live-Work on development Parcel 2B	21 500	N/A	N/A	N/A	21 500
Hotel, Office, General Office Live Work, Retail and Service Uses on Development Parcel 2A	75 832 except that General Office Live Work is limited to 37 160 and Retail and Service Uses combined are limited to 4 875	N/A	N/A	N/A	75 832
Retail and Service, excluding Hotel	3 665	N/A	975	N/A	4 640
Retail and Service in conjunction with Convention and Exhibition Centre, excluding Hotel	N/A	8 831	N/A	N/A	8 831
Convention and Exhibition Centre	N/A	54 997	N/A	N/A	54 997
Exhibition Hall in conjunction with Convention and Exhibition Centre	N/A	23 225	N/A	N/A	23 225
Cultural and Recreational Uses	N/A	10 000	10 000	N/A	20 000
Total	121 309	98 122	10 975	0	23 0406

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1101 West Waterfront Road

DRAFT CONDITIONS OF APPROVAL

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

CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- a) That the proposed form of development be approved by Council in principle, generally as prepared by CitySpaces Consulting Ltd., on behalf of the City of Vancouver (Vancouver Board of Parks and Recreation) as the applicant, and stamped "Received Planning & Development Services (Rezoning Centre) December 8, 2016", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Urban Design

- 1. Provision of minimum 201 sq. m (2,163 sq. ft.) of covered patio space, to be included in the maximum floor area calculation.
- 2. Provision to fully integrate and screen all rooftop equipment and vents within the green roof.
- 3. Provision to minimize impact and to improve public realm interface, such as interface with the Grand Staircase, as well as the interface with the service tunnel.
- 4. Provision to minimize noise impacts on neighbouring residential properties.
- 5. Provision to minimize impact on opportunities for public viewing of the water from Jack Poole Plaza.
- 6. Provision of safe, secure, and accessible site circulation.
- 7. Provision of a Flood Construction Level (FCL) of minimum 4.6 m (15.09 ft.) for the ground-floor level of the proposed development, in accordance with Section 4.0 - Flood Construction Levels (FCLs) of "Flood Plain Standards and Requirements" Guidelines by the City of Vancouver.

Note to Applicant: The site is located in a designated flood plain.

Engineering

8. Arrangements shall be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for modification to SRW BX400792 (as shown on Plan BCP15265) to exclude the proposed building area (or proposed lease site area) prior to occupancy.
9. Provision of a detailed landscape plan, sections and perspective drawings that clearly illustrate the relationship between the building including the associated landscape and the:
 - (i) Seawall cycle path;
 - (ii) Pedestrian/cycling/service tunnel;
 - (iii) Grand Staircase.

Note to applicant: Include drawings of the planters and plant materials proposed adjacent the bike path and illustrate that adequate sightlines are provided for pedestrian and bicycle movements between cyclists on the Seaside Greenway (Seawall) and pedestrians exiting the Grand Stairs and the service tunnel.

10. Provision of automatic door openers on the doors providing access to the bicycle room(s) and note on plans.
11. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:
 - (i) Provision of an improved plan showing the maneuvering aisle with dimensioned and numbered parking and loading spaces being provided for this development.
 - (ii) Provision of minimum vertical clearance for the main ramp, security gates, and loading bays.

Note to Applicant: A section drawing is required showing elevations, and vertical clearances. The minimum vertical clearance should be noted on plans. 2.3 m of vertical clearance is required for access and maneuvering to all disability spaces. 3.8 m of vertical clearance is required for Class B loading spaces and maneuvering.

- (iii) Provision of an improved plan showing the loading access route from the loading space to the restaurant.

Note to Applicant: The route must be 'stairs free' and not require the use of the Seawall or other public walking spaces.

- (iv) Provision of an improved plan showing the access route from the Class A bicycle spaces to reach the outside.

Note to Applicant: The route must be 'stairs free' and confirm the use of the parking ramp, if required.

Sustainability

12. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold, as required by the Green Buildings Policy for Rezoning, including a minimum of 63 points in the LEED® rating system, including at least 22% reduction in energy cost as compared to ASHRAE 90.1 2010, one water efficiency point, and one stormwater point.

Note to Applicant: A Sustainable Design Strategy must be submitted as part of the Development Permit that articulates which credits the applicant will be pursuing and how their building application, as submitted, incorporates strategies, features or technologies that will help achieve these credits. The strategy, along with the LEED checklist must be incorporated into the drawing submission. A letter from a LEED Accredited Professional or Administrator must confirm that the proposed strategy aligns with the applicable goals of the rezoning policy. Proof of registration of the CaGBC must be provided with the application and the project registration number incorporated into the drawings. Application for Certification will be required at a subsequent stage.

CONDITIONS OF BY-LAW ENACTMENT

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

Environmental Contamination

1. If applicable:
 - (i) Submit a site profile to Environmental Services (Environmental Protection);
 - (ii) As required by the Manager of Environmental Services and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
 - (iii) If required by the Manager of Environmental Services and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Services, the General Manager of Engineering

Services and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until separate Certificates of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, have been provided to the City.

Note: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as registered charges pursuant to the Land Title Act.

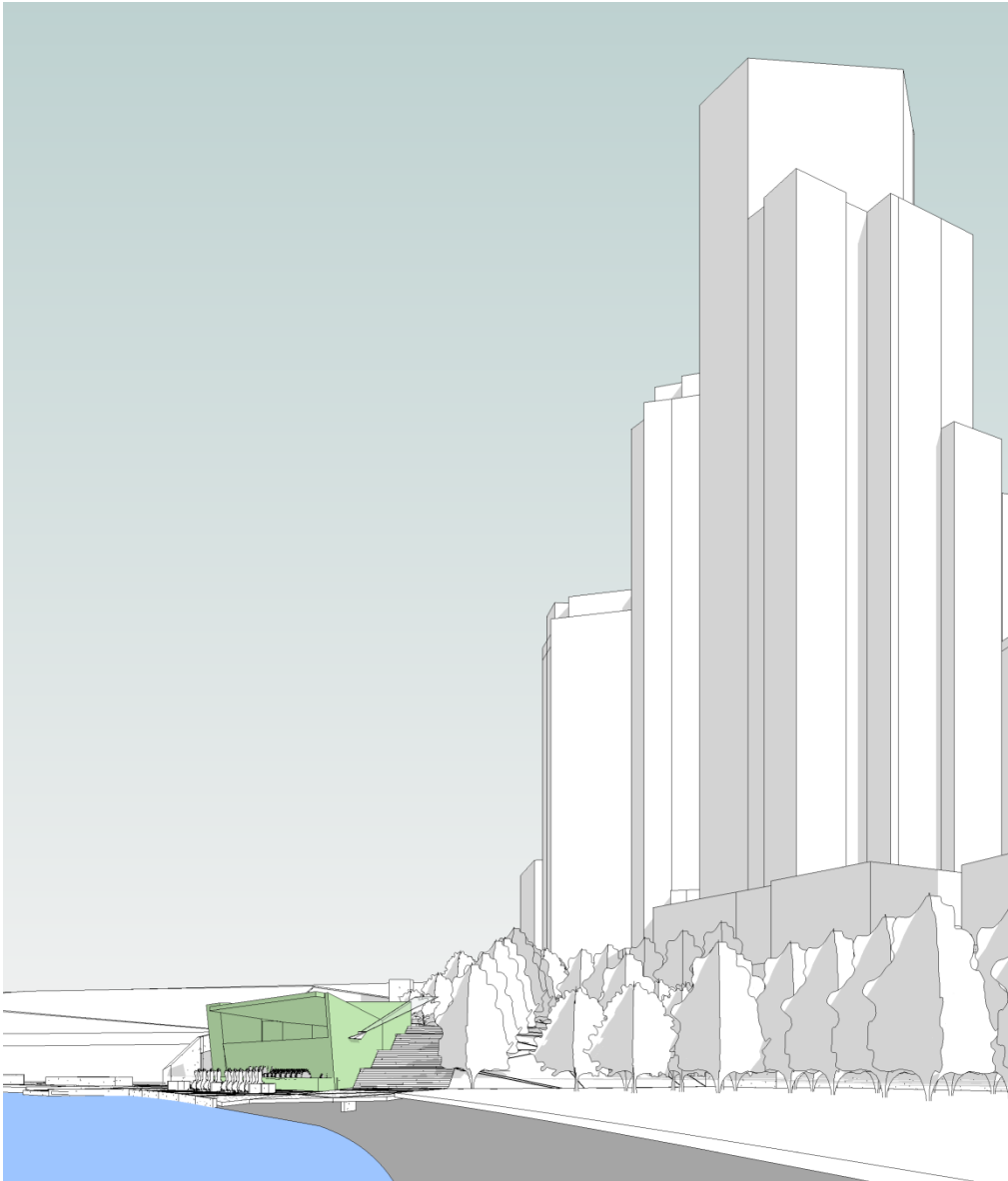
The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject sites as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-laws.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

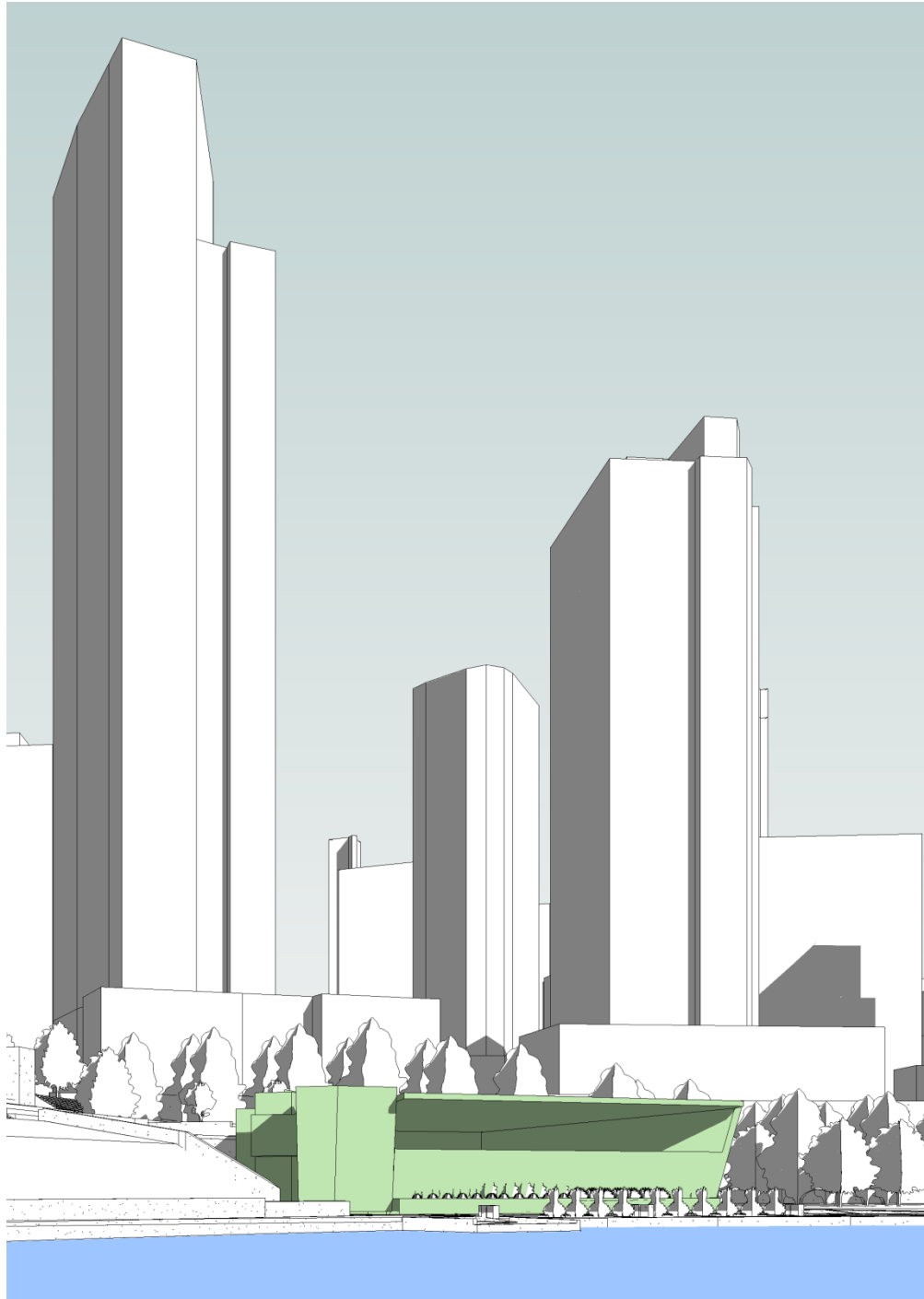
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1101 West Waterfront Road
FORM OF DEVELOPMENT

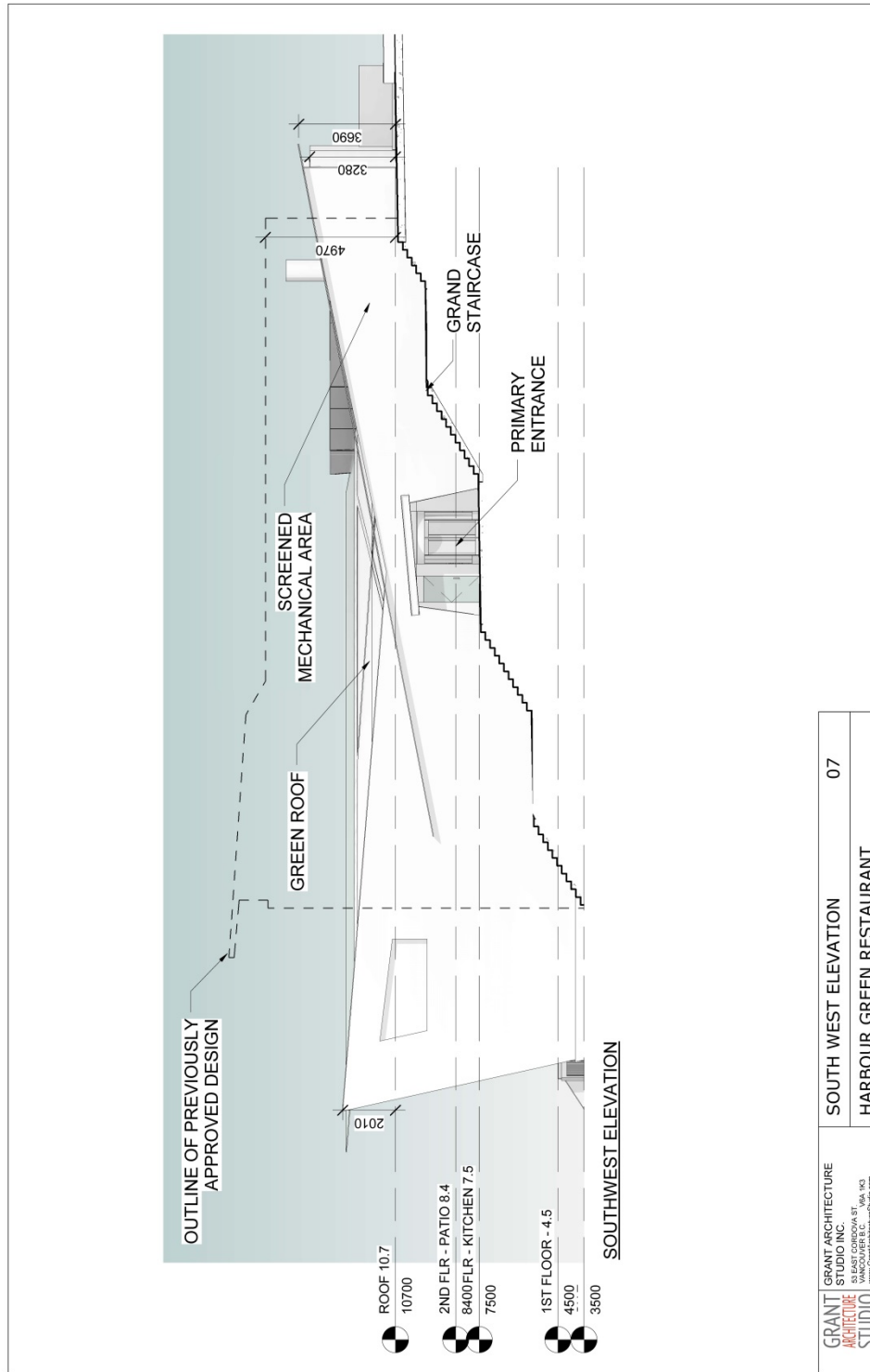
View of amended building proposal looking east from Coal Harbour



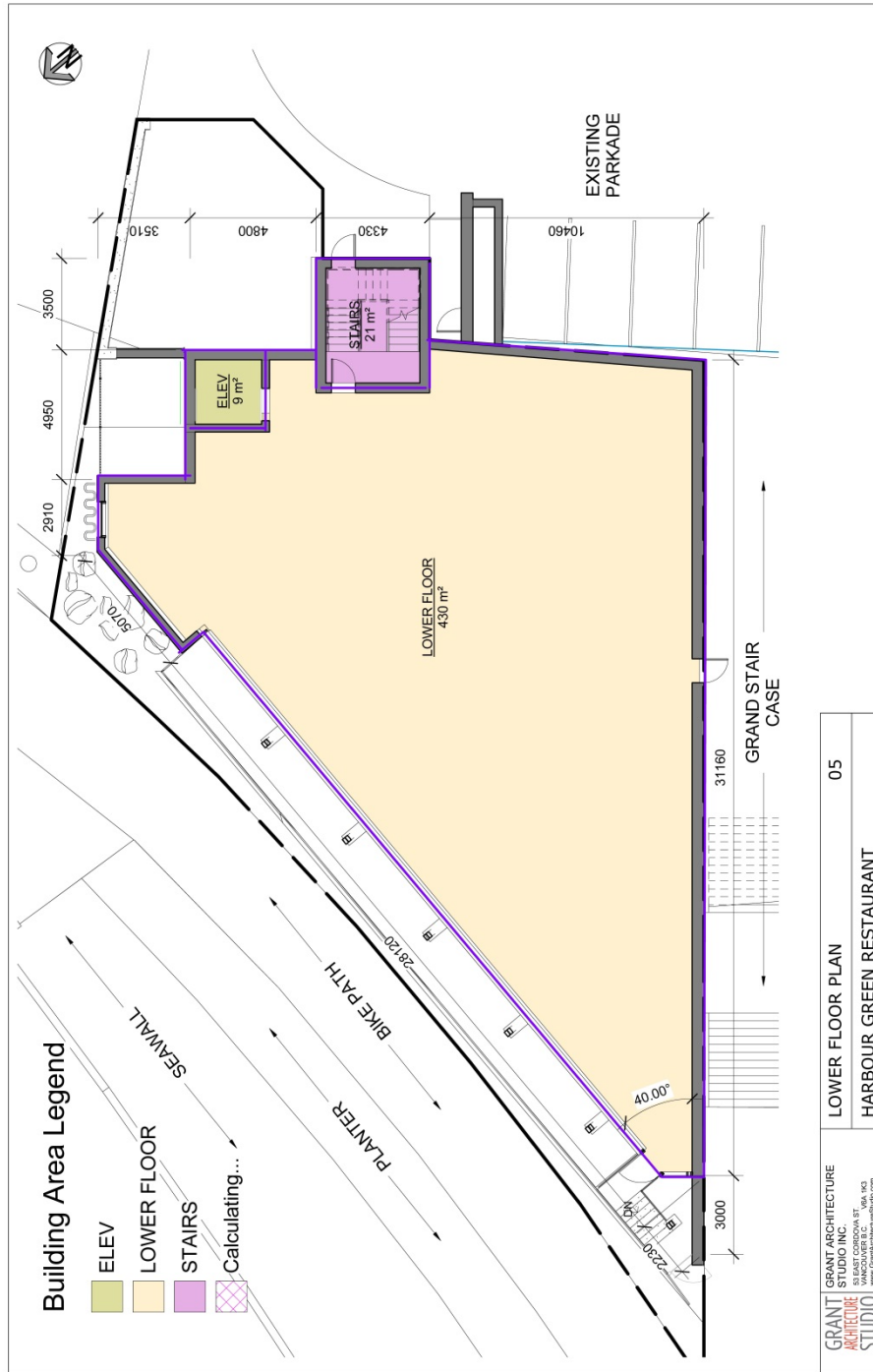
View of amended building proposal looking south from Coal Harbour



Section through revised building illustrating green roof



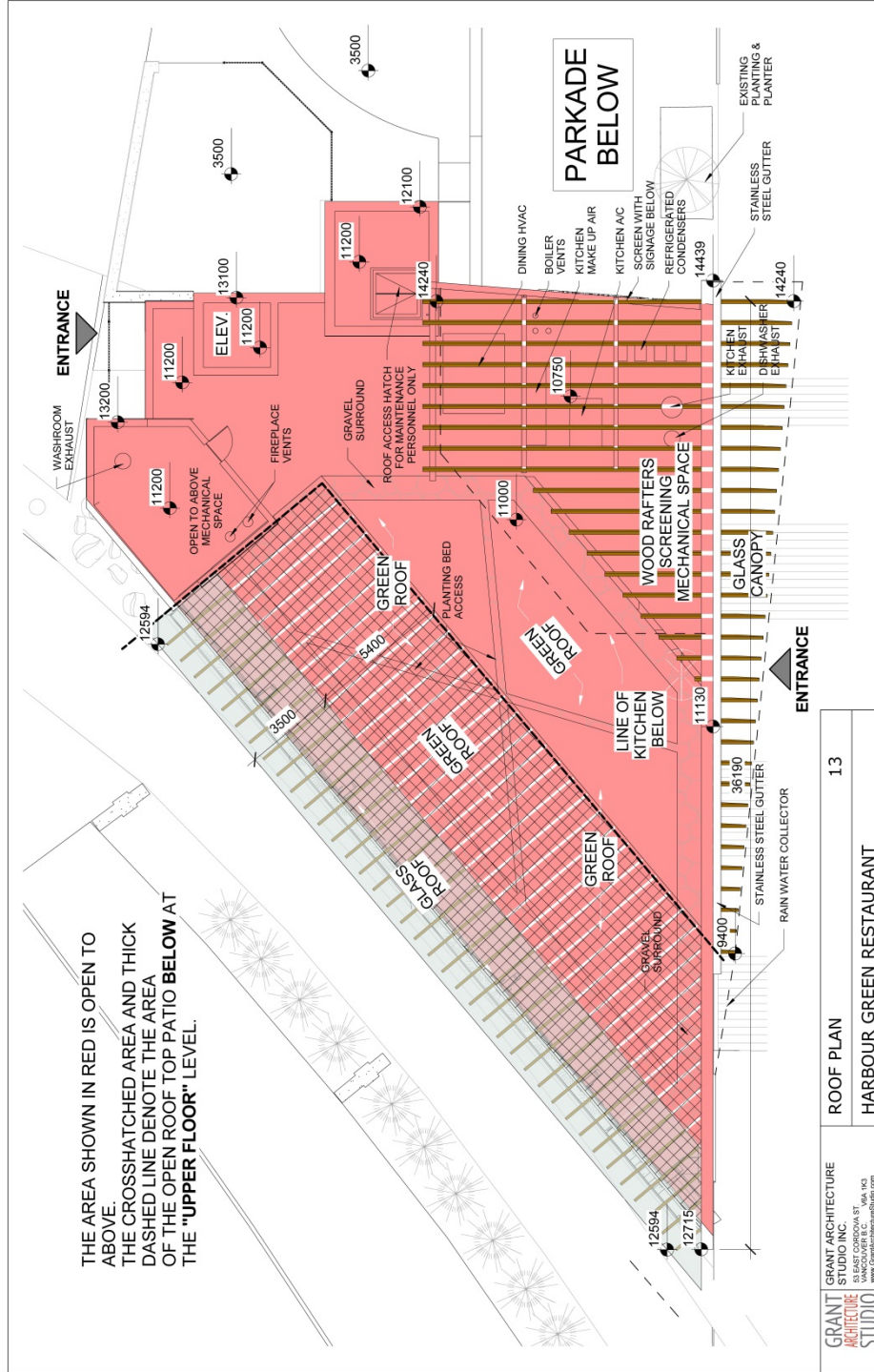
Floor Plan - Ground Floor



Floor Plan - Upper Floor



Proposed Green Roof Plan



**1101 West Waterfront Road
APPLICANT, PROPERTY AND DEVELOPMENT PROPOSAL INFORMATION**

APPLICANT AND PROPERTY INFORMATION

Street Address	1101 West Waterfront Road (1199 West Cordova Street)
Legal Description	<i>PID 023-686-952; Lot 21, Except Part In Plan BCP1695, of the Public Harbour of Burrard Inlet Plan LMP29892</i>
Applicant	CitySpaces Consulting Ltd., on behalf of the City of Vancouver (Vancouver Board of Parks and Recreation)
Property Owner	City of Vancouver

SITE STATISTICS

DEVELOPMENT STATISTICS

	DEVELOPMENT PERMITTED UNDER EXISTING ZONING	PROPOSED DEVELOPMENT
ZONING	CD-1 (363)	CD-1 (363)
SITE AREA	Sub-area 3: 680 m ²	No change
USES	Sub-area 3: Cultural, Recreational, Retail and Service, excluding Hotel.	No change
FLOOR AREA	Sub-area 3: 600 m ² (6,458 sq. ft.)	Sub-area 3: 975 m ² (10,495 sq. ft.)

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