

VanRIMS No.: 08-2000-20

## MEMORANDUM

June 6, 2017

TO: Mayor and Council

CC: Sadhu Johnston, City Manager  
Paul Mochrie, Deputy City Manager  
Janice MacKenzie, City Clerk  
Lynda Graves, Manager, Administration Services, City Manager's Office  
Rena Kendall-Craden, Director, Communications  
Kevin Quinlan, Chief of Staff, Mayor's Office  
Katie Robb, Director, Communications, Mayor's Office  
Naveen Girn, Director of Community Relations, Mayor's Office  
Catherine Kinahan, Legal Department  
Heidi Granger, Legal Department

FROM: Karen Hoese, Acting Assistant Director - Downtown Division, Planning, Urban Design and Sustainability

SUBJECT: CD-1 Text Amendment - 1101 West Waterfront Road (Harbour Green Park Restaurant)

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This memorandum provides information about the above item requested by Council at the Public Hearing of May 16, 2017. It also brings forward for Council's consideration an additional condition of approval recommended by staff at the Public Hearing.

### 1. Clarification of Role of the City Council and the Role of Applicant (Park Board)

Staff were asked to clarify the role of the City Council and the role of applicant in Council's consideration of the text amendment application. The applicant is the Vancouver Board of Parks and Recreation ("Park Board").

Council is asked to consider approval of a text amendment to the CD-1 By-law for Harbour Green Park that would allow an increase in floor area for the proposed restaurant at the east end of the park. Zoning for a 600 sq. m restaurant at this location was approved when the CD-1 District was created in 1996. The question for Council now is not whether to rezone the site to allow a restaurant, but rather whether to approve a text amendment to the zoning to allow the restaurant to occupy 975 sq. m in floor area.

The Park Board has made the application on behalf of the successful bidder to a Request for Proposal (RFP) process, which took place in 2015. The selected operator wishes to submit a

development permit (DP) application to construct a redesigned restaurant that now includes a roofed-over outdoor seating area that, due to its roof covering, is included in the calculation of maximum floor area. An earlier design, for which a DP was issued to the Park Board in 2009, had a similar seating capacity as the design now proposed, but it had about half of its seating located in open-air terraces and rooftops that are routinely excluded from the calculation of maximum floor area. There is also an increase in the amount of kitchen and back-of house space to allow for a better functioning restaurant.

While some speakers at the May 16 Public Hearing questioned aspects of the 2015 RFP process, the outcome of that process should not factor into Council’s decision on the text amendment application. The RFP process has its own resolution method for any disputes that arise from it. Council should consider only those representations made at the hearing that are related to the proposed by-law amendment.

## 2. Clarification of Seating Capacity

Other matters, legitimately related to the proposed by-law amendment, were raised at the May 16 hearing, such as about the restaurant’s design and seating capacity, and about sight lines and safety issues related to the proximity of the building to the seawall. With regard to the seating capacity and its relationship to floor area, staff offer the following table which compares the 2009 proposal with the current one.

Table 1: Comparison of the 2009 Restaurant Proposal and the Current Proposal

	2009 Proposal		Current Proposal	
	Floor area	Seating capacity	Floor area	Seating capacity
Indoor seating	266 sq. m	170 seats	202 sq. m	125 seats
Outdoor seating (roofed over)*	none proposed		201 sq. m	125 seats
Outdoor seating (open air)**	204 sq. m	128 seats	none proposed	
Kitchen, washrooms, circulation & back-of-house	334 sq. m		572 sq. m	
<b>Total Seats</b>		<b>298 seats</b>		<b>250 seats</b>
<b>Overall total floor area</b>	<b>804 sq. m</b>		<b>975 sq. m</b>	
Indoor floor area & roofed-over outdoor floor area (included in by-law maximum)	600 sq. m		975 sq. m	
Open-air outdoor floor area (excluded from by-law maximum)	204 sq. m		0	

\* Outdoor areas that are roofed over are routinely counted in the calculation of maximum floor area.

\*\* Open-air rooftops, terraces and patios are routinely excluded from the calculation of floor area.

### 3. Additional Condition of Approval

With regard to the sight lines and safety issues related to the proximity of the building to the seawall, staff proposed at the hearing a further condition of approval, which Council can add by approving the following.

#### *RECOMMENDATION*

C. THAT the following condition of approval be added after condition (b)3 and the remaining conditions be renumbered:

"4. Design development to ensure adequate site lines and safe pedestrian movement between the Grand Staircase and the seawall.

Note to Applicant: This may require in reduction to the extent of the building wall along the Grand Staircase."

### 4. Development Permit Process

When the Park Board approved the successful bid from the RFP process, the Board's staff report dated October 19, 2015 indicated that a subsequent step would be application for a new development permit for the revised restaurant design that the operator had proposed. The report indicated that the DP review process would include "rigorous public consultation", including a public information meeting.

The DP process will occur after approval of the text amendment, subject to Council's approval of that amendment. This process will also include review by Engineering's Active Transportation staff and by Planning's Urban Design staff of the building's interface with the seawall. Urban Design staff will further review in some detail the building design and its contextual fit, including its impact on views from key public vantage points, such as from Jack Poole Plaza. Staff are confident that the rigour of the development review process, including its public consultation and ultimate decision by the Development Permit Board, will satisfactorily address the issues raised by speakers at the May 16 Public Hearing.

Should the text amendment not be approved, the applicant may still apply for a DP under the current zoning provisions—that is for a 600 sq. m restaurant— noting the previous design under the current provisions featured open-air seating areas that were problematic for nearby residents. The nearby residents now include those in the Harbour Green III development which was not yet built in 2009. The new 975 sq. m design, with its roofed-over patio, is intended to address the noise concerns about the outdoor seating. The additional floor area is critical to resolving that issue.

If you have any questions, please contact Karen Hoese, Assistant Director of Planning for Vancouver Downtown at 604-871-6094 or [karen.hoese@vanocuver.ca](mailto:karen.hoese@vanocuver.ca).



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