



CITY OF VANCOUVER
POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: November 1, 2006
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Meeting Date: November 14, 2006

TO: Vancouver City Council
FROM: Director of Planning
SUBJECT: CD-1 Text Amendment: 1762 Davie Street

RECOMMENDATION

THAT the Director of Planning be instructed to make application to amend CD-1 By-law No. 7820 for 1762 Davie Street in accordance with Appendix A, and that the application be referred to a Public Hearing;

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

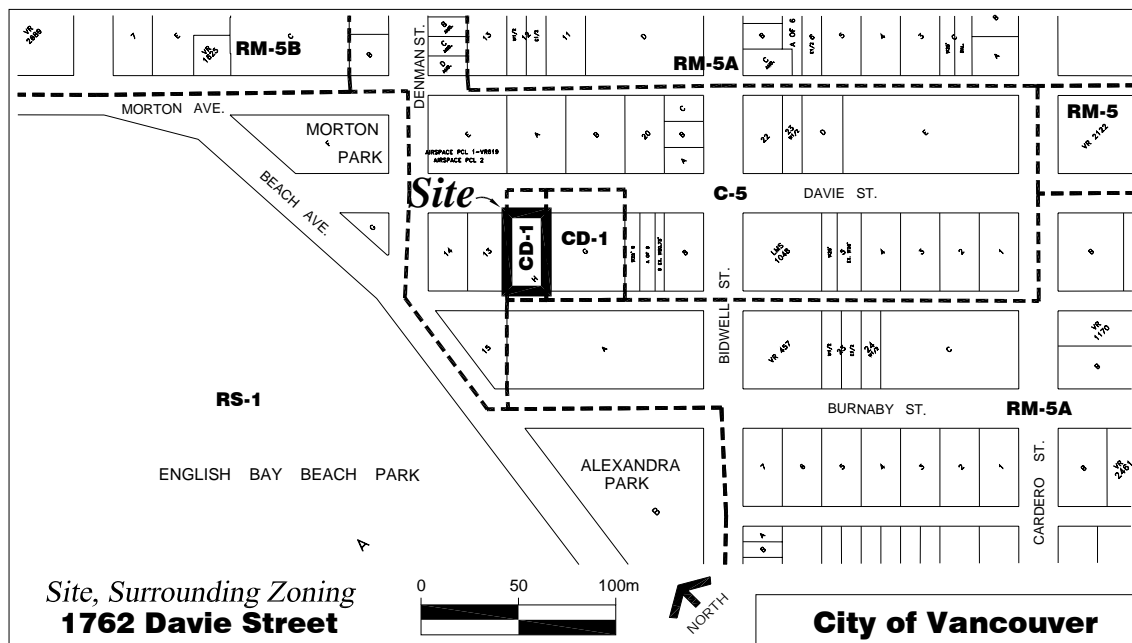
- CD-1 By-law No. 7820 (#374) for 1762 Davie Street, enacted November 18, 1997.

PURPOSE AND SUMMARY

This report assesses an application by the Director of Planning to amend CD-1 By-law No. 7820 (reference no. 374) for 1762 Davie Street to allow an exemption in height limitation to enable

access to rooftop decks for building residents, and an exclusion in floor space ratio (FSR) for structures such as pergolas, trellises, and tool sheds which support the use of green roofs and urban agriculture. This amendment would be more 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 C-5 to CD-1 submitted in November 1995 proposed a height of 16 storeys and an FSR of 5.0. Many neighbouring residents immediately raised concerns about the impacts of building height on views and sunlight access. In February 1996 the applicant withdrew the application and indicated that the neighbourhood would be consulted in preparation of a revised proposal.

A new application was submitted on April 17, 1996 which proposed a height of eight storeys and an FSR of 3.7. Twelve letters of concern were subsequently received about this. The Urban Design Panel reviewed the application on May 22, 1996 and did not support it.

A revised proposal, which reduced the proposed height and FSR was submitted on July 8, 1996. This revised proposal was supported by the Urban Design Panel on September 11, 1996. At Public Hearing on May 7, 1997, an application was approved to rezone the site from C-5 to CD-1 to allow for an increase in the maximum FSR from 2.2 to 3.4 for a mixed-use development having one storey of commercial uses at grade and six storeys of residential use above.

DISCUSSION

Development Permit application (DE 410421) to construct a 7-storey mixed-use building with retail on the ground floor and six storeys of residential has been approved on September 14, 2006 by the Director of Planning subject to various prior-to conditions. The project features a landscaped rooftop amenity area of approximately 3,460 sq. ft. (321 m²) which includes three decks - two for the exclusive use of two penthouse units (46% of the total area), and one common amenity deck of approximately 1,875 sq. ft. (174 m²) for the use of building residents. Access to the amenity deck would be via a stairwell and elevator.

The CD-1 By-law specifies a maximum building height of 60 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 1.1m and thus cannot meet Section 10.11.

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 for elevator and stairwell access.

Staff also believe it is appropriate to support the use of green roofs and urban agriculture, and therefore propose that structures such as pergolas, trellises, and tool sheds be excluded from FSR calculation.

Staff will report back in due course with a broader set of amendments to address other developments with rooftop decks that may require a similar exemption in height limitation and FSR exclusion.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

Planning staff conclude that the proposed amendments to CD-1 By-law No. 7820 for 1762 Davie Street to provide an exemption in height limitation to enable accessibility to rooftop decks and an exclusion in FSR to allow supportive structures, will be consistent with the Vancouver Building By-law. No conditions of approval are required beyond those which were approved in the rezoning of the site. 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.

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1762 Davie Street
DRAFT AMENDMENTS TO CD-1 BY-LAW No. 7820 (#374)

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

Floor Space Ratio

To Section 3.4:

- At the end of section 3.4 (a), delete "and",
- At the end of section 3.4 (b), delete "." and add "; and", and
- After section 3.4 (b), add the following:

"(c) structures such as pergolas, trellises, and tool sheds which support the use of intensive green roofs and urban agriculture."

Height

To Section 4, renumber the first paragraph to "4.1", and add the following:

"4.2 Section 10.11 of the Zoning and Development By-law will apply except that the Director of Planning or the Development Permit Board, as the case may be, may permit a greater height than otherwise permitted for structures such as an elevator and lobby enclosure, stairwells, pergolas, trellises and tool sheds which provide accessibility to common roof amenity areas provided that, in the opinion of the Director of Planning or Development Permit Board, the livability and environmental quality of the surrounding neighbourhood is not unduly harmed, and provided that it first considers:

- (a) all applicable policies and guidelines adopted by Council;
- (b) the submission of any advisory group, property owner or tenant; and
- (c) the effects on public and private views, shadowing, privacy and open spaces."

Make such other changes to the by-law, including re-numbering the provisions set out above which are necessary to modernize the by-law but which do not change the substance of the by-law.