



POLICY REPORT
DEVELOPMENT AND BUILDING

P1

Report Date: November 3, 2009
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Phone No.: 604.873.7727
RTS No.: 8327
VanRIMS No.: 08-2000-20
Meeting Date: November 17, 2009

TO: Vancouver City Council
FROM: Director of Planning
SUBJECT: CD-1 Text Amendment - 1133 West Georgia Street

RECOMMENDATION

A. THAT the application by Holborn Development (West Georgia) Ltd. to amend CD-1 #446 (By-law No. 9195) for 1133 West Georgia Street to increase the maximum allowable floor space ratio and building height, be referred to a Public Hearing, together with:

- (i) plans received September 1, 2009;
- (ii) draft CD-1 By-law amendments, generally as presented in Appendix A; and
- (iii) the recommendation of the Director of Planning to approve the application, subject to conditions contained in Appendix B.

FURTHER THAT the Director of Legal Services be instructed to prepare the amendments to CD-1 By-law No. 9195 generally in accordance with Appendix A for consideration at Public Hearing.

B. THAT, should the application be referred to a Public Hearing, the registered property owner shall submit confirmation prior to the date of the Public Hearing, in the form of "Letter A", that an agreement has been reached with the registered owner of a suitable donor site for the purchase of heritage density as described in this report.

C. THAT recommendations A and B be adopted on the following conditions:

- (i) THAT the passage of the above resolution creates no legal rights for the applicant or any other person, or obligation on the party of the City; 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.

GENERAL MANAGER'S COMMENTS

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

COUNCIL POLICY

- CD-1 By-law No. 9195 (#446) for 1133 West Georgia Street enacted November 23, 2005 and amended in 2006 and 2007.

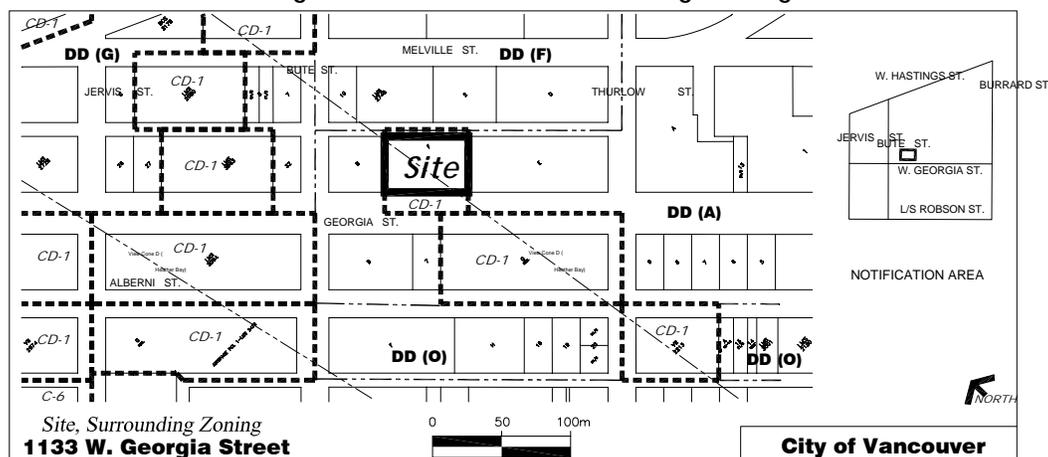
PURPOSE AND SUMMARY

This report assesses an application to amend the CD-1 #446 for 1133 West Georgia Street to increase the maximum allowable density from a floor space ratio (FSR) of 17.74 to 20.80 FSR and to increase the maximum building height from 600 ft. to 616 ft. for this mixed-use hotel, commercial and residential building.

BACKGROUND

Context: The site is surrounded by a variety of development. Immediately to the east is the 24-storey Terasen Centre (1111 West Georgia Street). To the west is a 16-storey office building with retail uses at grade (1185 West Georgia Street). On the south side of Georgia Street is the Shangri-La project, a 57-storey mixed-use hotel, commercial, residential development (1120 West Georgia Street).

Figure 1 - Site and Surrounding Zoning



Initial Rezoning and Subsequent Amendment: At a Public Hearing in September 2005, Council approved the rezoning of this site from Downtown District (DD) to Comprehensive Development District (CD-1) to permit residential use in a non-residential commercial district, to increase maximum density and to increase maximum building height. The CD-1 by-law, subsequently enacted, permitted an FSR of 17.08, with a minimum of 9.0 FSR being commercial floor area (including hotel use). A building height of 178 m (584 ft.) was approved, which respected the view protection height limit on the west part of the site, and demonstrated architectural excellence. The total building height permitted, including rooftop mechanical rooms and architectural appurtenances, was 182.90 m (600 ft.), in accordance with Council's "General Policy for Higher Buildings", adopted in 1997.

Subsequently, in 2006, an amendment to the CD-1 by-law was approved to increase the maximum residential floor area by 1 607 m² (17,300 sq. ft.). The additional residential floor area resulted from the elimination of a previously proposed amenity space (The Palm Court) and a reconfiguration of hotel functions. It did not affect the overall building envelope or form of development that Council had approved in 2005. The resulting (current) by-law permits an overall FSR of 17.74, with the minimum of 9.0 FSR for commercial uses remaining, to achieve the base commercial capacity of the site.

Development and Building Permits: Development and Building Permits were both issued in May 2008. Excavation of the site began, but was halted by the owner in August 2008.

DISCUSSION

Density: This rezoning application proposes to increase the maximum residential floor area by 7 432 m² (80,000 sq. ft.). This would increase the maximum floor space ratio for dwelling use from 8.74 to 11.80 and the total maximum FSR would be increased from 17.74 to 20.80. The minimum FSR for commercial uses would remain at 9.0. The number of dwelling units proposed would increase from 163 to 293.

Height: The additional residential floor area would be on ten new floors, increasing from 57 to 67 storeys, but the overall building height is proposed to increase by only 4.88 m (16 ft.) because the additional floors would be almost entirely accommodated by a reduction in the floor-to-floor heights shown on the previously approved permit drawings, which was 10 ft. The floor-to-floor heights for the residential component will be reduced to 9.25 ft. and for the hotel component to 8.75 ft.

The resulting building height (measured to the top of the roof slab above the uppermost habitable floor) would increase from 178 m (584 ft.) to 182.88 m (600 ft.) and the overall permitted building height, including mechanical appurtenances and decorative roof would increase from 182.90 m (600 ft.) to 187.76 m (616 ft.).

Other Changes: In addition, the hotel component of the project, which is located on the lower 24 floors of the building, would be reconfigured to provide smaller hotel rooms, increasing from 127 to 176 rooms. No change to the commercial density results from these internal changes.

Form of Development (Note Plans: Appendix C): The overall form of development is unchanged except for the additional 16 ft. of height which, from an urban design standpoint, has no appreciable impact. All of the additional density has been incorporated within reduced floor-to-floor dimensions, as well as the additional 16 ft. of height.

The proposal's architectural and landscape architectural excellence, as previously reviewed through the High Building Urban Design Panel that included international design experts, has been maintained consistent with the approved Development Permit. There are no issues with form of development of this proposal.

Off-Street Parking and Loading: The additional parking spaces required to serve the additional residential units and hotel rooms would be accommodated within two additional levels of underground parking. Engineering Services staff are recommending that the Parking section of the CD-1 by-law be amended as described in Appendix A, to reflect amendments to the Parking By-law approved in principle by Council in June 2009, but not yet enacted.

Two minor deficiencies in parking have been identified and staff have provided conditions that these be rectified during the development permit process.

Sustainability: For all rezonings for buildings that meet the minimum requirements to participate in the LEED® New Construction (NC) program, EcoDensity Action Item A-1 requires that developments establish a design that would achieve a level of LEED® Silver at a minimum, with specific targets, or an equivalent achievement in green design.

The initial rezoning for this project was approved and the development and building permits were subsequently issued prior to Council's adoption of the EcoDensity Charter and Action Items. The initial rezoning application contained an extensive Sustainability Strategy which indicated that the LEED® Silver level would be achieved. This strategy has been carried through in the development and building permit and the applicant has indicated a commitment to carry through with the strategy as previously described.

Public Input: A rezoning information sign was posted on the site on September 25, 2009 and a notification letter was subsequently sent to 2,230 nearby property owners. One phone call was received from a nearby property owner, who followed up with their comments in writing. Three online feedback forms were also completed.

One respondent opposed the application, with the principal concerns being the shadowing and wind effect impacts which very tall buildings are creating downtown. Three respondents supported the additional height and density, although one respondent commented that the floor-to-floor heights should not be compromised to achieve the additional height.

COMMUNITY AMENITY CONTRIBUTIONS

With regard to the City's Financing Growth Policy, the owner has offered a Community Amenity Contribution (CAC) of \$7.28 million for this rezoning, which will be directed to the

purchase and transfer of heritage density from a suitable donor site. Staff in Real Estate Services have confirmed that this amount is appropriate and Planning staff recommend that the offer be accepted.

The previous rezoning applications generated CACs of \$12.5 million and \$1,583,000, respectively. Of that, \$6,583,000 was directed to the purchase and transfer of heritage density to the site.

FINANCIAL IMPLICATIONS

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

APPLICANT'S COMMENTS: The applicant has been provided with a copy of this report and has provided the following comments:

"We have appreciated the efforts of City Staff in working with us to move this project forward. The one area that we seek Council's consideration is to delete the car share requirement for the project. This rezoning request is an amendment to an existing CD-1 for the site. An excavation has been completed for the site in accordance with the parking requirements of the original rezoning. The additional requirement of 6 car share stalls requiring further excavation on the site and accompanying agreement necessitating a minimum contribution of \$120,000 to a car cooperative will undermine the business case for the project.

To our understanding, the car sharing clause is typically provided as an approach to reduce the parking requirements for the development. In this case, as noted, the excavation has been dug. The business case for the project is sensitive. The market analysis for the project has determined parking will need to be maximized to compliment the sale of the residential units. Therefore the project will not benefit from the car shares. In addition, the hotel and accompanying residences also require more stringent security requirements limiting access to the parkade. Continuous 24/7 public access to car shares will conflict with these security requirements.

We recognize the sustainable benefits of car shares. We remain committed to our proposed LEED Silver level initiatives for the project but providing car shares will have significant negative impact on both the construction of the project, its business case and long term operation."

Staff will continue to work with the applicant to address their concerns over the car-share requirement and will report on the conclusions of those discussions at the Public Hearing.

CONCLUSION

Planning staff have reviewed the application to increase the residential density and height of this project and conclude that it is supportable. Staff recommend that the application be referred to Public Hearing and approved, subject to the conditions outlined in Appendix B.

* * * * *

1133 West Georgia Street

DRAFT AMENDMENTS TO CD-1 #446 (BY-LAW NO. 9195)

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

- Amend Section 5 Floor Area and Density
 - 5.2 The floor space ratio must not exceed ~~17.74~~ 20.80, except that approval by the Director of Planning of any dwelling use requires the concurrent or prior approval by the Director of Planning of office, retail or services uses having a floor space ratio of at least 9.0.
- Amend Section 6 Height
 - 6.1 The building height, measured above the base surface to the top of the roof slab above the uppermost habitable floor, must not exceed ~~178 m~~ 182.88 m except that mechanical appurtenances and decorative roof may increase the building height to no more than ~~182.9 m~~ 187.76 m.
- Replace Section 7 Parking with the following:
 - 7.1 Parking, Loading and bicycle parking spaces shall be provided and maintained in accordance with the requirements of the Parking By-Law including provisions for relaxation, exemption and shared use reduction except that the following shall apply:

Parking Standards for Non-Residential Use, excluding Hotel

 - (a) Minimum: One space per 145 m² GFA
 - (b) Maximum: One space per 115 m² GFA
 - (c) Minimum of 1% of parking spaces to be designated as "Shared Vehicle Parking Only".

Parking Standards for Residential Use

 - (a) Minimum: One space per 140 m² GFA, or one space per dwelling unit, whichever is lesser
 - (b) Maximum: Studio - 0.5 spaces; One Bedroom - 1 space; Two Bedroom - 1.5 spaces; Three or more bedrooms - 2 spaces.

Parking Standards for Hotel Use

 - (a) As per Parking By-law, except that the maximum shall be 0.4 space per sleeping/housekeeping unit

Car Sharing

- (a) 0.02 car-share parking spaces per dwelling unit. If the calculation results in a fractional number, the nearest whole number above zero shall be taken. A fraction of one-half shall be rounded up to the next whole number.

Class A Loading

- (a) For all residential uses, the minimum required loading spaces shall be as follows:
 - (i) 0.008 spaces per dwelling unit up to and including 299 dwelling units; and
 - (ii) 0.006 spaces per dwelling unit for all dwelling units in excess of 299.

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1133 West Georgia Street

PROPOSED 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.

PROPOSED CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Musson Cattell Mackey Partnership/dys architecture, Architects, and stamped "Received City Planning Department, September 1, 2009", 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:
 - (i) provision of one additional disability parking space;
 - (ii) provision of one additional Class A (taxi) passenger space, in accordance with the Parking By-law;

Engineering

- (iii) designate parking space #62 as a small car space, in order to provide the necessary room for a corner cut;
- (iv) modify and designate the parking space at gridline D6-D7 on parking levels P4 to P7 as a small car space;

Note to applicant: A standard-sized vehicle cannot park within the space without encroaching into the adjacent 12 ft. driving aisle.

- (v) re-orient the parking space at gridline C-3 on parking levels P4 to P8 to facilitate front-in entry into the parking space;
- (vi) delete parallel parking space 419 on level P8.

Note to applicant: Due to the curve in the drive aisle and limited stall length, access into the space is not possible.

PROPOSED CONDITIONS OF BY-LAW ENACTMENT

- (a) THAT, prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City, complete the following on terms satisfactory to the Director of Legal Services:

Engineering

- (i) make arrangements to the satisfaction of the General Manager of Engineering Services and Director of Legal Services for the following:
1. upgrading of the 200 mm sanitary sewer in the lane north of Georgia Street from Bute Street to the manhole east of Bute Street, to handle the additional loads on the sewer system from this proposal;
 2. provision of adequate water service to meet the fire flow demands of the project; and

Note to Applicant: The rezoning application lacks the details necessary to determine if watermain upgrading is required. Please supply additional project details including the projected fire flow demands. Should upgrading be necessary, then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure the works.
 3. provision of car-share agreement that provides for the following:
 - The provision, operation, and maintenance of car-share vehicles at a rate of 0.02 vehicles per dwelling unit.
 - If the calculation results in a fractional number, the nearest whole number above zero shall be taken. A fraction of one-half shall be rounded up to the next whole number.
 - Provision of shared vehicle parking spaces calculated in accordance with the by-law, with such parking spaces being in addition to the minimum parking spaces required by the by-law.
 - A professional car-sharing organization satisfactory to the Director of Planning and General Manager of Engineering Services must manage the car-sharing vehicles.
 - The shared vehicle parking spaces must be publicly accessible 24/7 to members of the car-sharing organization who do not reside in the development.
 - The minimum residential parking can be further reduced up to 5 spaces in lieu of one car-share vehicle and parking space. A maximum of two car-sharing vehicles per 100 units is to be available for this reduction in parking.

Community Amenity Contribution

- (ii) complete the purchase and transfer of heritage density with a value of \$7.28 million, from a suitable donor site(s);

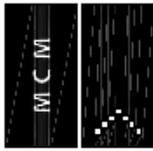
Note to applicant: "Letter B" in the City's standard format is to be completed by both the owner of the subject site, also referred to as the "receiver" site, and the owner of the "donor" site, and submitted to the City together with receipt(s) of heritage density purchase(s), including the amount, sale price and total cost of the heritage density.

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 Covenants pursuant to Section 219 of 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 site 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-law.

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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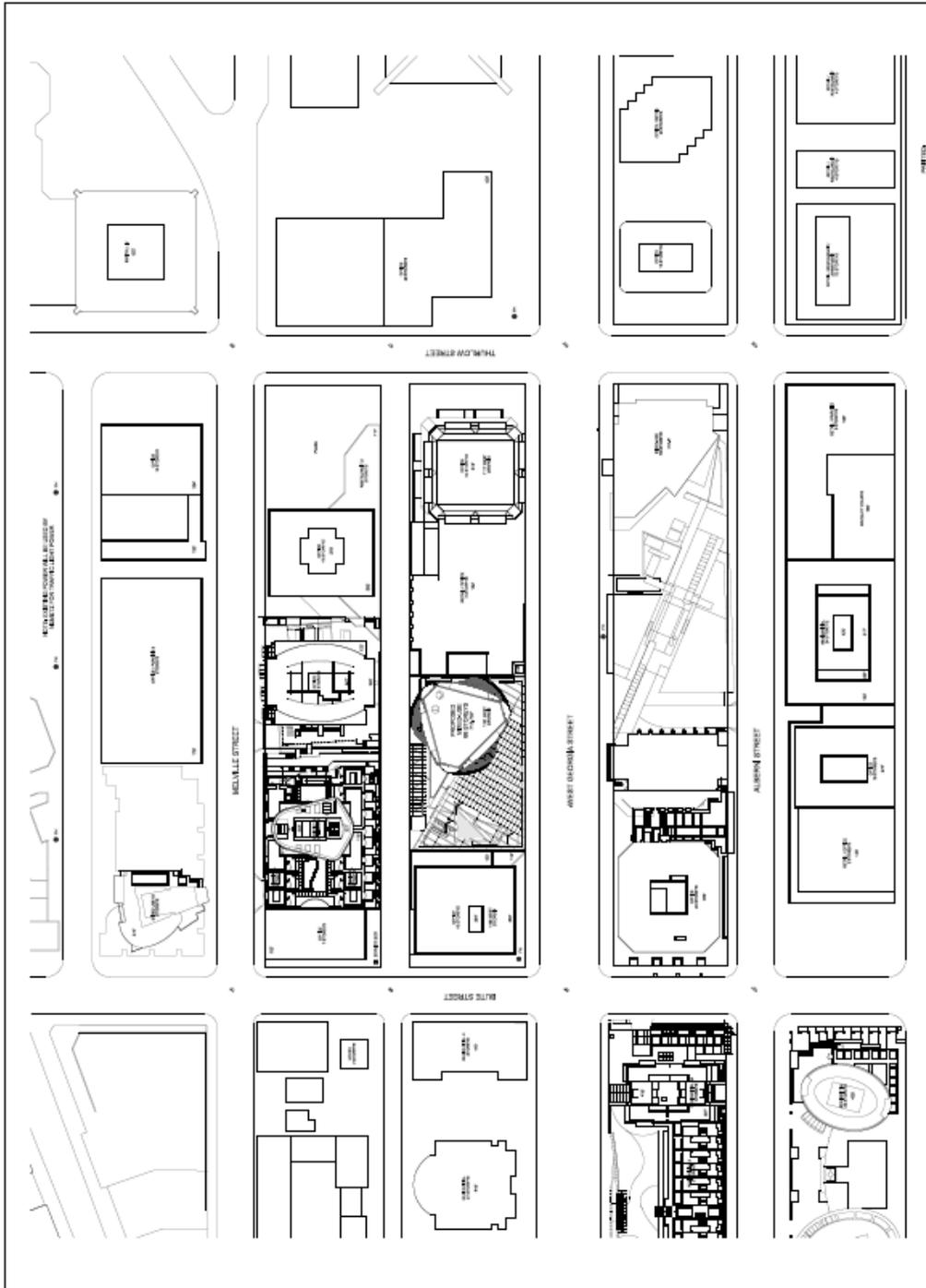
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 CHECKED BY: [Name]
 APPROVED BY: [Name]

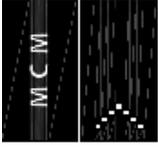
CHYSM/CHESLEUP
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AUGUST 31, 2009
 CD-1 REZONING
 TEXT ADJUDICMENT

PLAN
 CITY: VANCOUVER
 SHEET: A101
 PROJECT: WEST BERNIA STREET
 SHEET: A101

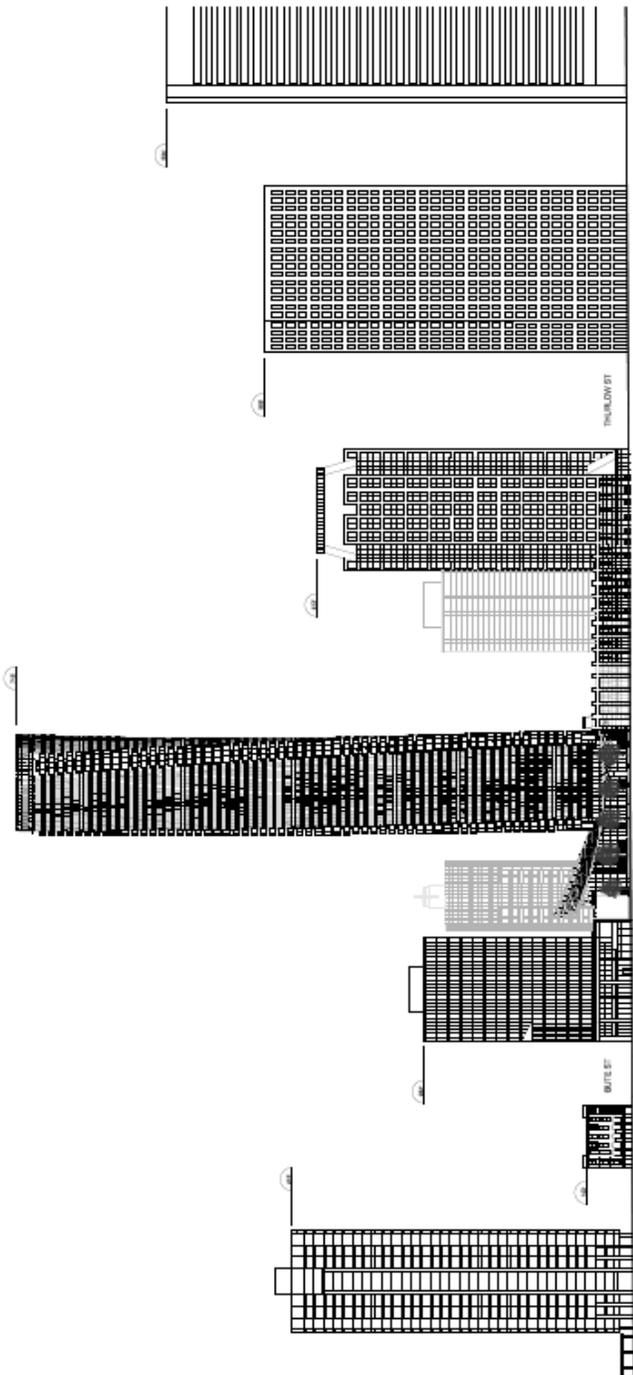




PROJECT: WEST GEORGIA STREET
 CLIENT: MCM
 ARCHITECT: MCM
 DATE: AUGUST 31, 2009
 DRAWING NO.: 001 REZONING
 SHEET NO.: A501

WEST GEORGIA STREET
 GEORGIA STREET

SCALE: 1" = 80'-0"
 DATE: 08/31/09
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT: WEST GEORGIA STREET
 SHEET: A501



WEST GEORGIA ST

1133 West Georgia Street
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

Street Address	1133 West Georgia Street
Legal Description	Lot F, Block 17, DL 185, Plan LMP20826, PID: 018-658-628
Applicant	Joo Kim Tiah, President and CEO, Holborn Development (West Georgia) Ltd.
Architect	Dane K. Jansen, dys architecture
Property Owner	West Georgia Holdings Inc.
Developer	Holborn Development (West Georgia) Ltd.

SITE STATISTICS

SITE AREA	Deemed to be 2 426.2 m ² as per CD-1 By-law #446.
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DEVELOPMENT STATISTICS

	DEVELOPMENT PERMITTED UNDER EXISTING ZONING AND APPROVED DEVELOPMENT PERMIT	PROPOSED DEVELOPMENT
ZONING	CD-1	CD-1 amended
USES	Cultural and Recreational, Dwelling, Institutional, Office, Retail, Service and Accessory Uses.	No change proposed to use section
DWELLING UNITS	124	293
HOTEL ROOMS	127	176
MAXIMUM FLOOR SPACE RATIO	17.74, with a minimum of 9.0 FSR of office, retail or services uses if any dwelling uses are proposed.	20.8, with a minimum of 9.0 FSR of office, retail or service uses if any dwelling uses are proposed.
MAXIMUM HEIGHT	178 m, except that mechanical appurtenances and decorative roof may increase the height to no more than 182.9 m.	182.88 m, except that mechanical appurtenances and decorative roof may increase the height to no more than 187.76 m.
PARKING SPACES	287	429