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Author:

VanRIMS

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POLICY REPORT DEVELOPMENT AND BUILDING

Report Date: November 2, 2010

Ian Cooper

Phone No.: 604-873-7796

No.: 08899

No.: 08-2000-20

Meeting Date: November 16, 2010

TO: Vancouver City Council

FROM: Director of Planning

SUBJECT: CD-1 Text Amendment - 140 West 1st Avenue (Playhouse Theatre

Company Site)

RECOMMENDATIONS

- A. THAT the application by GBL Architects Group on behalf of Wall Financial Corporation to amend CD-1 (462) By-law No. 9594 for 140 West 1st Avenue to permit an increase in the maximum permitted height from 47 m (154.2 ft.) to 52 m (170.6 ft.), an increase in the maximum permitted floor area from 33 150 m² (356,835 sq. ft.) to 36 666 m² (394,682 sq. ft.). and a reduction in the required family units from 25% to 20% be referred to a Public Hearing, together with:
 - (i) plans received May 26, 2010;
 - (ii) draft CD-1 By-law amendments, generally as presented in Appendix A; and
 - (iii) the recommendation of the Director of Planning to approve, subject to 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, if the application is referred to a Public Hearing, consequential amendments to the Southeast False Creek Official Development Plan to increase the floor area limits for maximum total floor area and for maximum residential floor area for the whole of the Southeast False Creek area and for Area 2B, as set out in Appendix C, be referred to the same Public Hearing, together with the recommendation of the Director of Planning to approve;

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

- 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 part 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 to amend By-law CD-1 (462) and that any costs incurred in fulfilling requirements imposed as a condition of amending By-law CD-1 (462) 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

This proposal, if approved, to reduce the percentage of family units will make the development much more responsive to the current housing market than would a development under the present CD-1 By-law. In addition, the extra density proposed will improve the funding of public benefits in Southeast False Creek. The small reduction in the percentage of family housing on this site would be offset by increased floor area which generates an increased CAC. Earlier construction and occupation of the development is made possible because the proposed project responds better to current market conditions and will also have the benefit of hastening the animation of the Olympic Village area.

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

COUNCIL POLICY

Relevant Council Policies for this site for this application include:

- CD-1(462) By-law (February 12, 2008 and amended June 24, 2008)
- Southeast False Creek Official Development Plan (July 19, 2005 and last amended July 20, 2010)
- High-Density Housing for Families with Children Guidelines (March 24, 1992)
- Financing Growth (Community Amenity Contributions) (June 24, 2003 and amended February 12, 2004)
- Southeast False Creek Public Benefits and Compatible Housing Strategy (June 15, 2006)
- Southeast False Creek Public Realm Plan (July 20, 2006)
- Rezoning Policy for Greener Buildings EcoDensity Charter Action A-1 (June 10, 2008)
- Southeast False Creek Design Guidelines For Additional Penthouse Storeys (adopted July 20, 2010).

PURPOSE AND SUMMARY

This report assesses an application by GBL Architects Group to amend the existing CD-1(462) By-law for 140 West 1st Avenue to increase the maximum height permitted from 47 m (154.2 ft.) to 52 m (170.6 ft.) and to increase the maximum permitted floor area from 33 150 m² (356,835 sq. ft.) to 36 666 m² (394,680 sq. ft.). The Floor Space Ratio would increase from 4.72 FSR to 5.21 FSR. The plans submitted would permit residential towers of 14 to 17 storeys. This is two storeys more than what is contemplated in the CD-1(462) By-law. The applicant also proposes a reduction in the percentage of required family units from 25% to 20%. The total number of units would increase from 414 to 559 and the required number of family units would increase from 104 to 112. The proposal continues to include 4 081.79 m² (43,937 sq. ft.) of floor area to be used for the Playhouse Theatre Centre.

Staff have reviewed the application, concluded that the amendments proposed are supported by existing policy and recommend that the application be approved with conditions and subject to a Public Hearing.

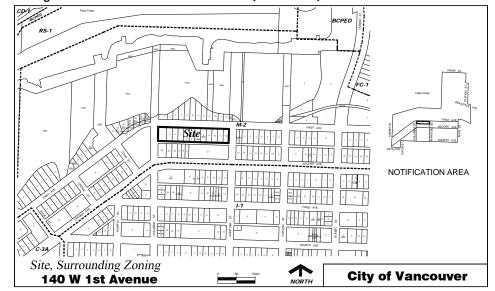


Figure 1 - 140 West 1st Avenue (CD-1 site) and Notification area

BACKGROUND

Council enacted By-law CD-1(462) for this site on February 12, 2008 to permit a development that includes four residential towers ranging in height from 11 to 15 storeys with a maximum height of 47 m (154.2 ft.). The approved development consists of commercial uses at grade along Manitoba Street, residential townhouses that extend along the eastern portion of the site, four residential towers, a pedestrian mews and a cultural amenity space intended to accommodate the Playhouse Theatre Centre of British Columbia.

At present, the total approved floor area is 33 150 m^2 (356,835 sq. ft.) and includes 4 081.79 m^2 (43,937 sq. ft.) of floor area to be used for the Playhouse Theatre Centre. No Development Permit has been issued for this site under the current zoning.

Council approved the Southeast False Creek Design Guidelines For Additional Penthouse Storeys on July 20, 2010 which provide design guidance for height increases of up to two floors in Southeast False Creek. The additional height and floor space that is proposed in this current application is a response to that recently adopted policy.

DISCUSSION

1. Proposal

The applicant proposes an increase in the maximum height of residential buildings from 47 m (154.2 ft.) to 52 m (170.6 ft.) and an increase in the maximum floor area to accommodate the additional floors. The applicant also proposes to revise the mix of residential unit sizes and reduce the minimum percentage of units suitable for families with children from the current requirement of 25% to 20%. Other aspects of the project are substantially unchanged, including the creation of the shell space for the Playhouse Theatre Centre.

2. Site and Context:

The site is centrally located in the Southeast False Creek area. The development site is bounded by Columbia Street to the west and Manitoba Street to the east, and occupies the entire 189 m (621 ft.) frontage along West 1st Avenue. The renovated Salt Building is located to the northeast across 1st Avenue. A recently constructed wetland park is located across West 1st Avenue to the northwest. Manitoba Street has been identified as the commercial "high" street which will be the focus for the emerging community. The site across the lane to south, 105-167 West 2nd Avenue, is currently the subject of a rezoning application to permit a residential development of 488 units.

3. Use

The uses proposed are unchanged from the existing CD-1 (462) By-law.

- 4. Policy Issues raised by Proposed Revisions
- 4.1 Minimum Percentage of Residential Units Suitable For Families with Children Section 4.3.1 (i) of the Southeast False Creek Official Development Plan (SEFC ODP) strives for the achievement, at build out, of a minimum of 25% of residential units in Southeast False Creek Areas 1B, 2B and 3C being suitable for families with children and that they contain two or more bedrooms. The applicant's site is located in Area 2B (See Figure 2). On previous applications within Area 2B to date, each application has been required to provide a minimum of 25% of residential units that satisfy the criteria for family housing. Of the three applications already approved or currently in process (excluding this site), all meet or exceed this minimum requirement. In fact, the proportion of housing suitable for families with children in Area 2B exceeds the 25% target noted in the SEFC ODP based on applications approved or in process.

The subject application proposes a re-configuration of the interior layout of the development to alter the originally proposed mix of unit types. The number of studio and one-bedroom units has increased and the number of units that have at least two bedrooms has decreased. Accordingly, the applicant is now seeking, as part of the approval of the subject application,

an amendment to the CD-1 By-law that would allow this development to provide a minimum 20% of residential units suitable for families with children.

Staff have assessed this request in the context of all other development sites within Area 2B in order to understand the implications on achievement of the SEFC ODP requirement. As noted, development proposals for three of the six development sites in Area 2B have been either approved or are currently under application. Based on the prevailing form of development in the area and considering the land areas of the sites for which applications have not as yet been received, staff have estimated the approximate potential of the two remaining parcels. (See Appendix E) Because the proportion of family units on the four sites where development is approved or under application exceeds the 25% requirement for Area 2B, staff are comfortable that Area 2B remains on track to achieve the Area 2B target of 25% family housing.

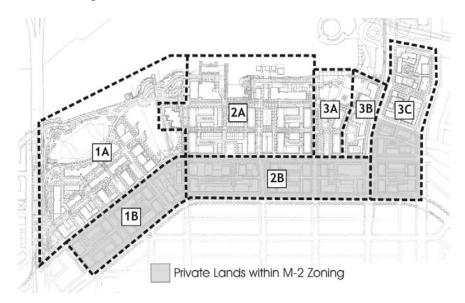


Figure 2 - Southeast False Creek ODP Sub-Areas

4.2 Smaller Units - Liveability

This application includes 25 units under 37 m 2 (398 sq. ft.) in size. Section 10.21 of the Zoning and Development By-law requires a minimum floor area of a dwelling unit to be 37 m 2 (398 sq. ft.) although a lesser floor area, to a minimum of 29.7 m 2 (320 sq. ft.) may be considered, subject to the design, location, and occupancy of the units. The smallest unit proposed in this application is 29.9 m 2 (322 sq. ft.).

Southeast False Creek is considered appropriate for a modest number of smaller units, as individuals have opportunities to enjoy significant cultural, recreational, shopping and other amenities in the community to augment their living space. The proposed development is also well provided with amenity spaces in the form of fitness rooms, lounges and meeting rooms and general purpose rooms. The extensive landscaped roof common areas on Level 3 and Level 6 are easily accessible to all residential units. The Playhouse Theatre Centre will be located on site. Staff conclude that an acceptable level of liveability has been provided to warrant the limited number of smaller units proposed.

5. Form of Development (Note Plans: Appendix D)

The form of development is largely unchanged from that previously approved, apart from the increased height and number of storeys of the residential towers. Staff have reviewed this application and assessed it in the context of the Southeast False Creek Design Guidelines For Additional Penthouse Storeys. The Guidelines call for smaller, partial floors on the upper two levels, no intrusions into public view corridors, a high quality of architectural expression, consistency with the original scale of the building(s) and for the proposed additions to integrate well with the existing building(s) and for the development proposal as a whole to complement adjacent development.

The application proposes two floors above what was previously approved on the two taller towers and three floors on the two central shorter towers.

Staff support an increase in the maximum height from 47 m (154.2 ft.) to 52 m (170.6 ft.) because:

- All towers are within the height limit increase permitted by the SEFC ODP (a maximum 6.25 m (20.5 ft.) above the current 47 m (154.2 ft.) height limit). The upper two floors of all four towers have smaller floor plates than, and are set back from the floors below them;
- No public view corridors are affected by the increased building height;
- The overall scale, design and architectural expression of the additions are virtually the same as what is already approved and staff consider these matters well resolved in a way that reinforces the urban design objectives of the ODP;
- The potential for increased shadow impact was reviewed. Although the taller buildings proposed would cast longer shadows than before, most areas that would be affected are already in the shadow of neighbouring buildings. Increasing the height of the buildings as proposed would have a very minor affect on shadows cast on the park that lies well west and north of the site. Most areas in the park that could be affected are already in partial shadow from neighbouring buildings and from the gantry crane located at the southern end of the park.

Most of the park has good sun access at noon. During the equinox, half of the park will have sun access in the morning. Most of the shadowing on the park is caused by an off-site building immediately to the east of the park and not by the current proposal. The park will have unobstructed sun access in the afternoon.

Staff have also reviewed a small change in the proposed location of the two central residential towers that are now marginally closer (approximately 1 m) to the street, with a corresponding increase in the rear setback from the lane. Although this marginally increases shadow length on the face of the buildings on the north side of West 1st Avenue, the greater separation from the future neighbouring building south of the lane is desirable from a livability perspective;

- It is staff's opinion that the additional floors of the four towers integrate well with the
 overall massing and read as a family of four, giving unity and cohesion to this block
 face;
- The proposal includes extensive roof decks that will provide a high degree of amenity to future residents. The roof decks and other roof areas meet the SEFC ODP requirements for green roofs and urban agriculture and for private and semi-private (e.g. strata- oriented) activities.

Staff recommend approval of the revised form of development subject to satisfying other requirements outlined in the Southeast False Creek Design Guidelines For Additional Penthouse Storeys during a more detailed design review at the Development Permit stage. The Development Permit stage is more appropriate for addressing the remaining detailed guidelines which concern:

- roofscape,
- some aspects of shadowing and shade,
- the programming of roofdecks for urban agriculture,
- the employment of light and transparent materials, and
- other aspects of the sustainability values embodied in the SEFC ODP.

6. Public Benefits

The Southeast False Creek ODP includes a comprehensive public infrastructure and amenity package to serve the Southeast False Creek area. This includes parks, public realm and infrastructure improvements, childcare, community centre, library, and affordable housing. In June 2006, Council adopted the Southeast False Creek Public Benefits and Compatible Housing Strategy which included:

- establishing an area-specific Development Cost Levy (DCL) district for the Southeast False Creek ODP area in addition to the City-wide DCL, and
- the objective of achieving 20% affordable housing in the Southeast False Creek Private Lands supported by Community Amenity Contributions (CACs).

6.1 Development Cost Levies

The proposed project, like all others in the Southeast False Creek area, will pay two Development Cost Levies (DCLs). The current Citywide rate is \$10.42/sq. ft. and the area-specific rate is \$15.68/sq. ft., for a total of \$26.10/sq. ft. at current rates. DCLs are calculated and paid at the time of Building Permit issuance.

Based on the applicant's floor area figures, a total DCL payment of \$10,301,148 would be received, at current rates, if a building permit based on this application were approved. The Public Benefits Strategy for Southeast False Creek establishes the percentage of DCLs that would be allocated to park land, affordable housing, infrastructure and childcare. The table below summarizes how that DCL would be allocated, at current rates.

DCL Allocation for 140 West 1st Ave	Citywide DCL	Amount	SEFC area- specific DCL	Amount	Total
Park land	41% \$1,	686,152	61.50% \$3	805,978	\$5,492,130
Affordable Housing	32% \$1,	316,021	0% \$0		\$1,316,021
Infrastructure (e.g., roads, sewerage, water, drainage)	22% \$9	04,764	21.60% \$1	336,734	\$2,241,498
Childcare	5% \$2	05,628	16.90% \$1	045,870	\$1,251,499
Total	100% \$4,	112,566	100% \$6,	188,582	\$10,301,148

6.2 Community Amenity Contributions (CAC)

The City's Financing Growth Policy anticipates a voluntary Community Amenity Contribution (CAC) from applicants for rezonings, including text amendments, which seek an increase in height or density. The contribution is to address some of the costs of growth and the off-site impacts of additional development and is evaluated by City staff in light of the increase in land value expected to be generated by rezoning/text amendment approval. A CAC of \$4,103,552 in addition to the provision of the space for the Playhouse Theatre that was agreed on for the rezoning in 2008.

The applicant has offered an additional Community Amenity Contribution of \$3,631,400 as part of this application, based on 85% of a land value increase of approximately \$4,272,255 that would result from this proposed text amendment, if approved. Staff recommend that the offering associated with this application be accepted. Payment of the CAC is secured through a rezoning enactment condition (see Appendix B). The CAC contributions will be allocated in accordance with the Southeast False Creek Public Benefits and Compatible Housing Strategy (approved by Council June 15, 2006).

6.3 Public Art

A public art budget of was established at the time of the rezoning approval in 2006 based on public art fees of \$0.95/sq. ft. of floor area. Based on the floor area permitted by the existing CD-1 By-law, a public art contribution of (356 835 X \$0.95 =) \$338,993 is required.

The current public art fee is \$1.81/sq. ft. Based on the proposed additional floor area applied for, an additional (37,847 X \$1.81 =) \$68,503 would be expected. The total expected would be \$407,496. The public art will be delivered prior to occupancy of the building.

FINANCIAL IMPLICATIONS

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

CONCLUSION

Staff have reviewed the application by GBL Architects Group to revise the CD-1 By-law for 140 West 1st Avenue to permit an increase in maximum permitted building height from 47 m (154,2 ft.) to 52 m (170.6 ft.), an increase in the maximum permitted density, a reduction in the minimum number of family units from 25% to 20% and to amend the approved form of development to permit increases of three floors on the two shorter towers and two floors on the two taller towers. Upon review and analysis, staff have concluded that the proposal is supportable. The Director of Planning recommends that the application be referred to a Public Hearing, together with the draft By-law amendment contained in Appendix A, and amendments to the Southeast False Creek Official Development Plan contained in Appendix C, and that, subject to Public Hearing, the application be approved subject to conditions contained in Appendix B.

140 West 1st Avenue DRAFT AMENDMENTS TO CD-1 (462) (BY-LAW NO. 9594)

Note:

An amending By-law will be prepared in accordance with the provisions listed below, subject to change and refinement prior to posting. Text crossed out is to be deleted and text in bold is to be added.

- (a) Amend Section 4.2 to state as follows:
 - 4.2 The design and lay-out of at least 25% 20% of the dwelling units must:
 - (a) be suitable for family housing;
 - (b) include two or more bedrooms; and
 - (c) comply with Council's "High Density Housing for Families with Children Guidelines".
- (b) Amend Section 5.2 to state as follows:
 - 5.2 The floor area for all uses, combined, must not exceed 33 149.57 m². 36 666 m².
- (c) Amend Section 6.1 to state as follows:
- 6.1 The building height, measured above base surface, must not exceed 47 m. 52 m.

140 West 1st Avenue PROPOSED CONDITIONS OF APPROVAL

Note: The recommended approval conditions supplement or amend those approved by City Council for this site at its meeting of September 26, 2006.

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.

FORM OF DEVELOPMENT

- (a) That the revised form of development be approved by Council in principle, generally as prepared by GBL Architects Group, and stamped "Received City Planning Department, May 26, 2010", 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) design development to satisfy the Southeast False Creek Design Guidelines For Additional Penthouse Storeys during a more detailed design review at the Development Permit stage; and
 - (ii) provision and review of a red dotted overlay of the previous floor plans and elevations for detailed comparison of the approved and revised designs.

CONDITIONS OF BY-LAW ENACTMENT

(c) That, prior to enactment of the amended CD-1 By-law, the registered owner shall, at no cost to the City, and on terms and conditions satisfactory to the Director of Legal Services and to the Director of Planning, as necessary, make arrangements for the following:

1. Public Art

Revise the public art agreement to increase the public art contribution by \$68,503, satisfactory to the Directors of Legal Services and the Managing Director of Cultural Services

2. Community Amenity Contribution

The agreed Community Amenity Contribution of \$3,631,400 is to be paid to the City and such payment is to be made prior to enactment of the amendment to By-law CD-1 (462), at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services.

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 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.

* * * *

140 West 1st Avenue DRAFT CONSEQUENTIAL AMENDMENTS

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

DRAFT AMENDMENTS TO THE SOUTHEAST FALSE CREEK OFFICIAL DEVELOPMENT PLAN (BY-LAW NO. 9073)

[All additions are shown in bold, Deletions are shown in strikeout.]

Amend Section 4.2 as follows:

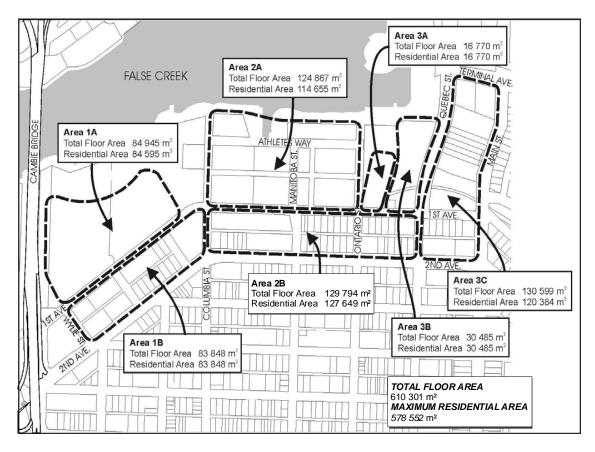
Density

4.2 The basic floor area allowance for all uses developed after February 1, 2005, except cultural, recreational and institutional uses, is not to exceed 606 785 610 301m².

Amend Sub-Section 4.3.1 as follows:

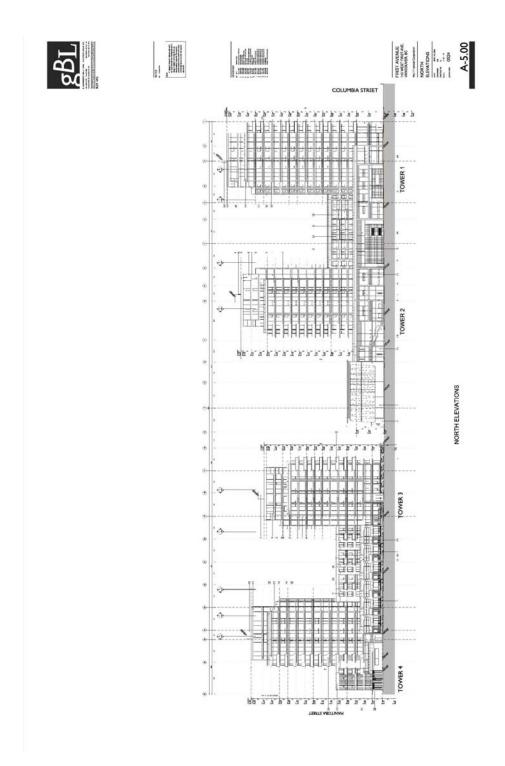
- (a) the basic residential floor area allowance for all areas is not to exceed $\frac{575.036}{578.552}$ m²;
- (e) in areas 1B and 2B, the basic residential floor area allowance is not to exceed 207 981 211 497 m², subject to confirmation at the time of the applicable CD-1 rezoning;

Substitute Figure 9 in Section 6 with the following amended figure:



140 West 1st Avenue Form of Development Drawings

North Elevation (West 1st Ave side)



Shadow Analysis



140 West 1st Avenue ADDITIONAL INFORMATION

Public Input: A notification letter was sent to nearby property owners on June 21, 2010 and rezoning information signs were posted on the site on June 21, 2010.

Three email comments were received opposing the application on the basis that the revised heights were too tall and that the original approval should not be altered.

Southeast False Creek - Compliance with Family Housing Requirements - Section 4.3.1 (i) of SEFC ODP - Sub-Area 2B:

Family Housing Compliance - SEFC Sub-Area 2B - All Sites						
Dev	elopment Sites		units	2 bdm units	% 2 bdm units	required 2 bdm units
2B	140 W 1st Ave	application to amend CD-1	559	112	20%	20%
2B	15 and 97 East 2nd Avenue	approved	158	40	25%	25%
2B	105-167 W 2nd Ave	RZ application	488	139	28%	25%
2B	99 W 2nd and 26 and 88 W 1st	concurrant - circulating	156	64	41%	41% proposed
		total>	1361	355		
New	New sites					
2B	38-88 E 1st	projected	192 *	48 **		25%
2B	5 W 2nd	projected	77 *	19 **		25%
total sites	of known development	2B subtotal	1361	355	26.08%	25%
total all sites new sites @25% family housing		1630	422	25.91%		

^{*} assumes average unit sizes proposed on the 4 development sites

Comments of the Applicant: The applicant has been provided with a copy of this report and agrees with its contents

^{**} assumes 25% requirement for analytical purposes

140 West 1st Avenue APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

Street Address	140 West 1st Avenue	
Legal Description	LOT 1 BLOCK 10 DISTRICT LOT 200A GROUP 1 NWD PLAN BCP35797	
Applicant	GBL Architects Group	
Architect	GBL Architects Group	
Property Owner	Wall Financial Corporation	
Developer	Wall Financial Corporation	

SITE AREA 7 023.79 m ²

DEVELOPMENT STATISTICS

	DEVELOPMENT PERMITTED UNDER EXISTING ZONING	PROPOSED DEVELOPMENT	RECOMMENDED DEVELOPMENT (if different than proposed)
ZONING	CD-1(462) CD-1(462)		as proposed
USES	Cultural, Recreational, Retail, Service, and Residential	Cultural, Recreational, Retail, Service, and Residential	as proposed
DWELLING UNITS	Approx. 414	559	as proposed
Max FLOOR AREA	33 150 m ² (356,835 sq. ft.)	36 666 m ² (394,682 sq. ft.)	as proposed
MAX. FLOOR SPACE RATIO	4.72 5.2	1	as proposed
MAXIMUM HEIGHT	47 m	52 m	as proposed
MAX. NO. OF STOREYS	15 17		as proposed
PARKING SPACES	As per SEFC Green Building Strategy Parking Standards	640 maximum	as proposed