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POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: September 4, 2012
Contact: Kent Munro
Contact No.: 604.873.7135
RTS No.: 9733
VanRIMS No.: 08-2000-20
Meeting Date: September 18, 2012

TO: Vancouver City Council
FROM: General Manager of Planning and Development Services
SUBJECT: CD-1 Text Amendment - 745 Thurlow Street

RECOMMENDATION

THAT the application, by Bentall Kennedy on behalf of 2748355 Canada Inc. to amend the text of CD-1 (Comprehensive Development) District (493) By-law No. 10131 for 745 Thurlow Street (*PID: 028-194-128; Lot 1 Block 18 District Lot 185 Group 1 New Westminster District Plan BCP44449*) to remove Dwelling Uses as a permitted use, be referred to public hearing, together with:

- (i) draft by-law amendments, generally as presented in Appendix A, and
- (ii) the recommendation of the General Manager of Planning and Development Services to approve.

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.

REPORT SUMMARY

The application requests removal of the option in the CD-1 By-law to develop this site with residential uses, as the property owner is proceeding with an office development and no longer wishes to reserve that option.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- CD-1 (493) By-law No. 10131 for 745 Thurlow Street, approved after a public hearing September 16, 2008, enacted September 21, 2010 and amended January 18, 2011.
- Metro Core Jobs & Economy Land Use Plan (2007).

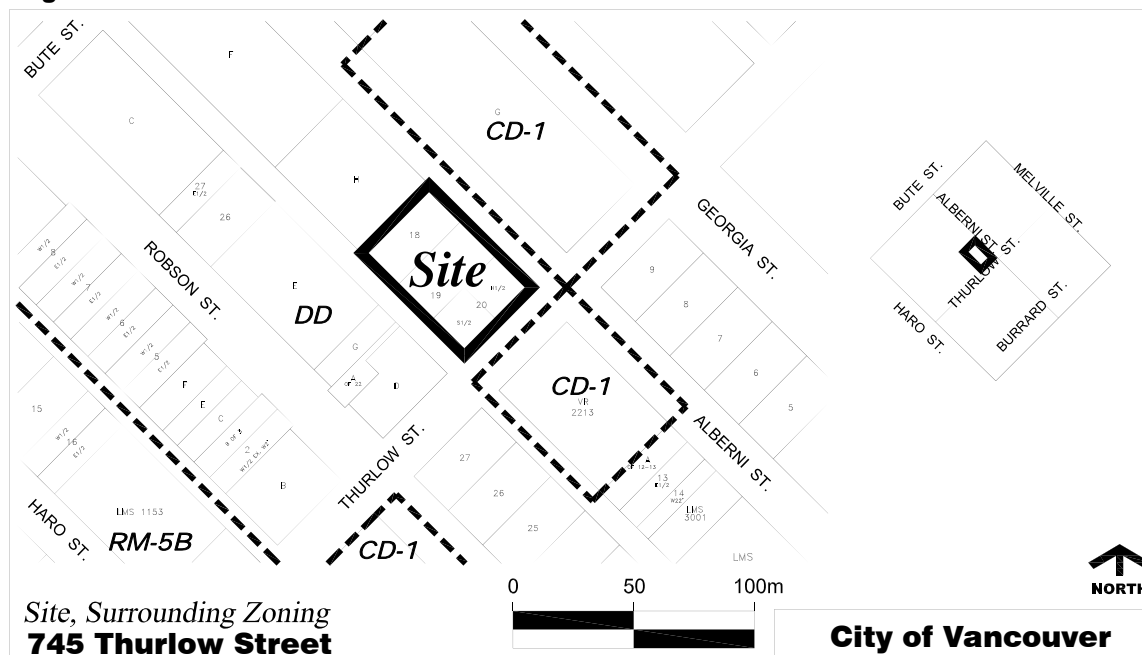
- Consideration of rezoning applications during community plan processes (July 28, 2011). Under Policy 4, minor text amendments to existing CD-1s, not related to height or density increases, may be considered.

REPORT

Background/Context

This report presents the staff assessment of an application to remove dwelling uses from the CD-1 (Comprehensive Development) District By-law for 745 Thurlow Street. The 2008 CD-1 rezoning of this site was for an office building, however the applicant requested that the choice to build residential, which existed in the previous zoning for this site, be retained in the CD-1 By-law. In their view, the economics of office development was uncertain at that time, so they wished to keep residential as an option. An office development is now proceeding, so the option for residential is no longer needed. The applicant wishes it be removed as the presence of dwelling uses in the by-law has implications for the property's assessed land value. The amendment is supportable as dwelling uses would not have been contemplated for inclusion in this CD-1 By-law had the applicant not requested it in 2008.

Figure 1 – Site and Context



Strategic Analysis

Council's 2008 decision to rezone this site to CD-1 was to enable an office building to be constructed at a floor space ratio (FSR) of 15.4. The density was subsequently amended to allow 16.1 FSR for commercial uses. Before rezoning to CD-1, development on the site was regulated by the Downtown Official Development Plan (DODP). The site was in Area O of the DODP which is a "choice of use" area permitting 7.0 FSR of either residential or commercial uses (with retail uses required at grade level) and a maximum building height of 91.44 m

(300 feet). The choice to build residential (at 7.0 FSR) has been retained in the CD-1 and height for either use is limited to 91.44 m.

A development permit for an office building (DE413483) was issued on February 13, 2012 and a building permit application (BU452298) is in review. The existing building on the site, a parkade structure with grade-level retail, is in the process of being demolished.



Figure 2 – Computer rendering, looking north on Thurlow Street, showing the approved office tower

In 2008, the reason for retention of the option to build residential was due to the economic uncertainty of the office market at that time. If the conditions for office space did not improve, the applicant wished to be able to pursue a residential development. Since an office development is proceeding on the site, the applicant has applied to remove that option from the by-law because it has implications for the property's assessed land value.

Staff support amending the by-law to remove dwelling uses. Typically, when a CD-1 By-law is created, only uses which are compatible with the proposed form of development are included. It was unusual in this case to retain the choice to build residential when the proposed form of development was for an office building. There is no policy requirement to include or require residential use at this location. On the contrary, development of this key site with a significant amount of office floor space meets the City's economic development objectives to provide increased job space in and near the Central Business District (CBD).

The draft amendments to the CD-1 By-law are presented in Appendix A. In addition to removing "dwelling uses" from Section 2 "Uses", there are also changes to the "Floor Area and Density" and "Acoustics" sections that are consequential to the removal of dwelling uses.

Public Input

The subject site is located within the area of the West End which is currently undergoing community planning, the boundaries of which extend to Burrard Street and to Georgia Street. Policy 4 of Council's "rezonings during community planning" policies allows for minor text amendments to CD-1 By-laws which are not related to height or density increases. It further states that this would include public consultation and a public hearing.

During early fall, up to an anticipated public hearing in October, staff will engage those involved in the West End Community Planning Program to provide notification of the proposed by-law amendment. Since the office development is proceeding as proposed and because removal of dwelling uses from the by-law makes no difference to that development as planned, staff do not anticipate the public to have any issues with this by-law change.

Implications/Related Issues/Risk (if applicable)

Financial

The proposed text amendment does not entail any additional floor space, hence there are no additional implications for Development Cost Levies or Community Amenity Contributions.

CONCLUSION

Staff assessment of the application to amend the text of the CD-1 By-law for 745 Thurlow Street to remove "dwelling uses" concludes that the application is supportable. The General Manager of Planning and Development Services recommends that the application be referred to a public hearing, together with draft by-law amendments generally as contained in Appendix A, and that, subject to the public hearing, it be approved.

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745 THURLOW STREET
DRAFT AMENDMENTS TO CD-1 (493) BY-LAW NO. 10131

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

1. In section 2.2, delete "(b) Dwelling Uses in conjunction only with Retail and Service Uses;" and re-number sub-sections (c) through (g), as (b) through (f).

2. Delete section 3.2.

[Note: Section 3.2, which allows for a 10% transfer of heritage density for dwelling uses, becomes obsolete with removal of dwelling uses from the by-law.]

3. Amend section 3.3 by deleting the struck-through text as shown:

~~"3.3 The floor space ratio for all uses, combined, must not exceed 16.1, except that if the development includes dwelling uses, the floor space ratio for all uses must not exceed 7.0."~~

4. Re-number sections 3.3 through 3.7, as 3.2 through 3.6.

5. In renumbered section 3.6, replace the cross-reference "3.5 or 3.6" with "3.4 or 3.5".

6. Delete section 6, and re-number sections 7 and 8, as 6 and 7.

[Note: Section 6 "Acoustics" is only applicable to dwelling units and therefore becomes obsolete if dwelling uses are removed from the by-law.]

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