



P3

POLICY REPORT DEVELOPMENT AND BUILDING

Report Date: September 4, 2012
Contact: Kent Munro
(authored by
Grant Miller)
Contact No.: 604.873.7135
RTS No.: 9743
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 - 1695 Main Street

RECOMMENDATION

- A. THAT the application, by Onni 1695 Main Street Holding Corp., to amend CD-1 (Comprehensive Development) District (534) (By-law No. 10543) for 1695 Main Street (*PID: 028-867-424, Lot 1 Block E District Lot 200A and 2037 Group 1 New Westminster District Plan BCP50944*), to allow an increase in the maximum height from 38.00 m (124,7 ft.) to 44.35 m (145.5 ft.) and an increase in the permitted floor space ratio of 3.50 to 4.08, equalling 2,368 m² (25,490 sf.) of additional floor space, be referred to a Public Hearing, together with:
- (i) plans received May 4, 2012;
 - (ii) draft CD-1 By-law amendments, generally as presented in Appendix A; and
 - (iii) the recommendation of the General Manager of Planning and Development Services to approve the application, 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 the Public Hearing.

- B. THAT, if the application is referred to a Public Hearing, consequential amendments to the Southeast False Creek Official Development Plan (By-law No. 9073) to increase by 2,368 m² (25,490 sf.) 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 3C, as set out in Appendix C, be

referred to the same Public Hearing, together with 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 C for consideration at Public Hearing.

- C. THAT Recommendations A and B be adopted on the following conditions:
- (i) THAT passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and 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 (534) and that any costs incurred in fulfilling requirements imposed as a condition of amending By-law CD-1 (534) 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.

REPORT SUMMARY

This report assesses an application by Onni Group to amend the existing CD-1 (534) for 1695 Main Street to increase the maximum height permitted from 38 m to 44.35 m and to increase the maximum permitted floor space ratio from 3.5 to 4.08 FSR. This request follows from the Design Guidelines for Additional Penthouse Storeys in Southeast False Creek, approved on July 20, 2010, which provide design guidance for height increases of up to two floors in Southeast False Creek developments.

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

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Relevant Council policies for this application include:

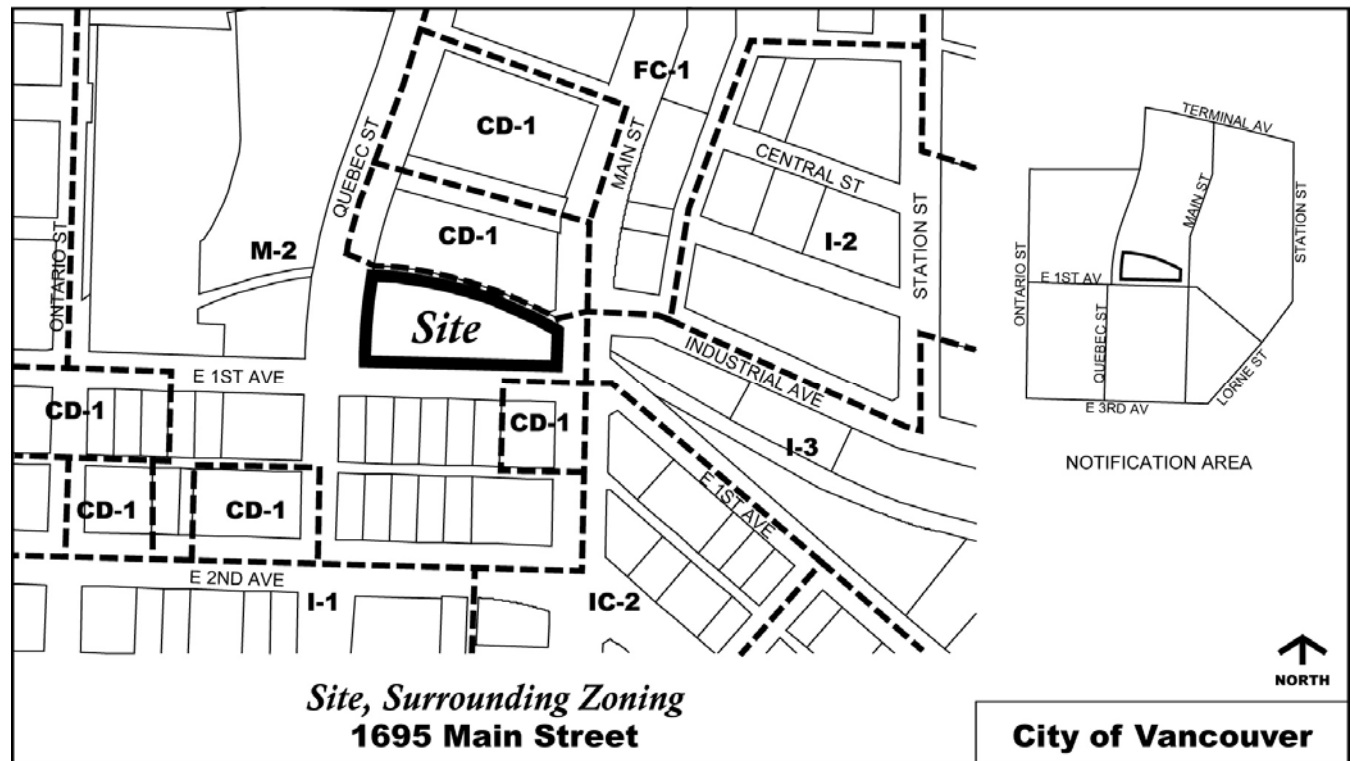
- CD-1 (534) (By-law No. 10543), enacted July 24, 2012
- Southeast False Creek Official Development Plan (July 19, 2005 and last amended July 20, 2010)
- Financing Growth (Community Amenity Contributions) (June 24, 2003 and amended February 12, 2004)
- Southeast False Creek Public Benefits and Compatible Housing Strategy (June 15, 2006)
- Southeast False Creek Public Realm Plan (July 20, 2006)
- Design Guidelines for Additional Penthouse Storeys in Southeast False Creek (adopted July 20, 2010).

REPORT

Background/Context

Application was made to rezone this site in 2006 to allow a 13-storey mixed use development with a density of 3.5 FSR under the Southeast False Creek Official Development Plan (ODP). The site was left undeveloped for several years prior to the Onni Group, the current owner, purchasing the site. Adoption of the Design Guidelines for Additional Penthouse Storeys in Southeast False Creek on July 20, 2010, provided an opportunity for additional height and density. In response, the applicant has made this text amendment application and a concurrent development permit application (DE411865) for a revised form of development.

Figure 1 - CD-1 Site and Notification Area



Strategic Analysis

1. Proposed CD-1 Amendments

In response to the Southeast False Creek Design Guidelines for Additional Penthouse Storeys, the applicant has made this text amendment application and a concurrent development permit application (DE411865) for a revised form of development. The proposal consists of adding two partial penthouse floors to the approved 13-storey and 8-storey towers, and increasing the mid-block podium by one floor.

The two partial penthouse floors on the towers and the additional floor on the mid-block element add 2 368 m² (25,490 sq. ft.) of floor space to the development, for a total floor area of 16 801 m² (180,848 sq. ft.). The Floor Space Ratio would increase from 3.50 FSR to 4.08

FSR. The total number of dwelling units would increase from 150 to 231 and the required minimum number of family units (i.e. units having two bedrooms or more) would increase from 38 to 58 units. The application proposes 63 units that qualify as family units.

The maximum height permitted in the CD-1 is 38.00 m (124.7 ft.). This height would increase by 6.35 m (20.8 ft.) to 44.35 m (145.5 ft.) to allow the additional two storeys in the towers. This increase is allowed for in the Southeast False Creek ODP for partial penthouse floors.

2. Form of Development

The form of development is not substantially changed from that previously approved, apart from the increased height and number of storeys of the residential tower and the one-storey increase of the mid-block element. Staff have reviewed this application and assessed it in the context of the Design Guidelines for Additional Penthouse Storeys in Southeast False Creek. 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), for the proposed additions to integrate well with the existing building(s) and for the development proposal as a whole to complement adjacent development.

Staff support the application to amend CD-1 (534) for 1695 Main Street because:

- The proposed height is at the maximum of 44.35 m permitted by the Southeast False Creek ODP for partial penthouse floors (i.e., 6.25 m above a limit of 38.10 m).
- The height is consistent with the urban design objective to achieve descending heights from the higher heights of the City Gate developments to the north, incrementally dropping to the lower heights at 1st Avenue.
- The extra height does not encroach into any City view cones.
- The additional partial floors meet the suggested design guideline parameters for extra storeys with incremental setbacks from the primary upper massing, preserving an expression of scale consistent with the previous lower heights, as perceived from the street. The extra floors are well integrated with the massing and expression.
- The potential for increased shadow impact was reviewed. It was found that, due to the setting back of the added floors from the floors below, there was no appreciable increase in shadowing.
- All roofs areas have green landscape amenity areas, including opportunities for urban agriculture.

3. 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).

Development Cost Levies (DCLs) - This development is subject to both the Citywide DCL and the Southeast False Creek DCL. The current rates for these DCLs are \$11.33 per sq. ft. and \$16.29 per sq. ft. respectively, for a total of \$27.62 per sq. ft. This development, as previously approved, was due to pay \$4,291,000 in combined DCLs. If the additional floor area is approved as per the text amendment application, an additional \$704,000 in combined DCLs would be received, for a total of \$4,995,000. DCLs are payable at building permit issuance at the rates in effect at that time. DCLs collected in Southeast False Creek are spent on park land, affordable housing, infrastructure and childcare in accordance with the Public Benefits Strategy for Southeast False Creek.

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 the rezoning.

For the current application, the applicant has offered an additional CAC of \$3,109,780, which is based on 85% of the estimated increase in land value of \$3,313,700 that would result from the addition of the floor area in the penthouses and mid-block element, if approved, plus the \$11.50 per sq. ft. Southeast False Creek flat rate for CACs. Staff recommend that this offer be accepted. Payment of the CAC is secured through a rezoning enactment condition (see Appendix B).

Staff recommend that \$293,135 of the \$3,109,780 CAC be allocated to affordable housing based on the Southeast False Creek Public Benefits and Compatible Housing Strategy (which sees \$11.50 of CAC funds per sq. ft. of total project floor area (25,490 sq. ft.) allocated to affordable housing). Staff are recommending that the remaining \$2,816,645 remain unallocated pending completion of a review of public benefits in Southeast False Creek to be funded from CACs.

Financial

As noted in the section on Public Benefits, the applicant will contribute \$3,109,780 to the City as a CAC. \$293,135 of the CAC will be placed in a City reserve fund for affordable housing in South East False Creek pursuant to the Southeast False Creek Public Benefits and Compatible Housing Strategy. The remaining \$2,816,645 will await allocation to various projects in Southeast False Creek following a review of additional CAC funds. The site is subject to both the City-wide DCL and the Southeast False Creek DCL and it is anticipated that the applicant will pay \$704,000 in DCLs for the proposed additional floor space.

CONCLUSION

Staff have reviewed the application by the Onni Group to revise CD-1 (534) for 1695 Main Street to permit an increase in maximum permitted building height from 38.00 m (124.7 ft.) to 44.35 m (145.5 ft.), an increase in the maximum permitted density by 2 368 m² (25,490 sq. ft.), and to amend the approved form of development to permit increases of two floors on the towers and one floor on the podium. Upon review and analysis, staff have concluded that the proposal is supportable. The General Manager of Planning and

Development Services recommends that the application be referred to a Public Hearing, together with the draft by-law amendment contained in Appendix A, and consequential amendments to the Southeast False Creek Official Development Plan contained in Appendix C, and that, subject to Public Hearing, the application be approved along with conditions contained in Appendix B including approval in principle of the amended form of development shown in the plans included as Appendix D.

* * * * *

1695 Main Street
DRAFT AMENDMENTS TO CD-1 (534) (BY-LAW NO. 10543)

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-italic is to be added.

- Replace section 2.2 (a) with the following:

"Dwelling Uses, limited to Multiple Dwelling, Seniors Supportive or Assisted Housing, and Dwelling Units in conjunction with any use listed in this section 2.2."

- Amend section 4.2 to state as follows:

"The floor space ratio for all uses, combined, must not exceed ~~3.5~~ **4.08**."

- Amend section 5.1 to state as follows:

"The building height, measured above based surface, and to the top of the roof slab above the uppermost habitable floor excluding parapet wall must not exceed ~~38 m~~ **44.35 m**."

* * * * *

1695 Main Street
PROPOSED CONDITIONS OF APPROVAL

Note: The recommended approval conditions supplement or amend those approved by City Council for this site at its meeting of December 12, 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 Chris Dikeakos Architects, and stamped "Received City Planning Department, April 1, 2012", 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:

Design Development

- 1. Clarification on the drawings indicating the statutory right away (SRW) pathway through the site between Building "B" and Building "C".
- 2. Confirmation on the drawings of the hard landscape treatment of the rail spur.

Note to Applicant: Development of this rail spur as a vehicular and pedestrian access route is a shared responsibility between the applicant and the development at 1650 Main Street, north side of the rail spur. Treatment of the rail spur should invoke historic use of this important character defining part of the Rail Yards. Provide details.

- 3. Design development to the setback, massing and expression, north elevation, Building "C" in the following manner:
 - (i) provide a minimum sidewalk width of seven feet along the rail spur, as measured from the curb to the face of the building;

Note to Applicant: As commented on by the Urban Design Panel, increase the building setback on the north property line by approximately three feet to achieve a wider sidewalk and more generous public realm. Loading bay and recycling area to be reconfigured to accommodate a wider sidewalk.

- (ii) reshape the massing of the north elevation to emphasize and strengthen the arc of the rail spur with a continuous curving exterior wall parallel to the rail spur, extending up the 8th floor level;

Note to Applicant: As commented on by the Urban Design Panel, the proposed straight wall narrows the sidewalk and weakens the effect of the sweeping curve of the rail spur.

- (iii) further extend the commercial storefront around the corner of Main Street and the rail spur the full depth of the commercial space, providing continuous storefront glazing and weather protection;
- (iv) improved integration of the upper massing with the base treatment, providing continuity and quality of expression, pedestrian interest and scale.

Note to Applicant: Through material treatment and architectural elements, further knit the expression of the higher massing into the base, to achieve a greater consistency of appearance.

Landscape

4. Further design development of the public realm landscape expression to strengthen the historic shoreline treatment in keeping with the character-defining elements outlined for Area 3C Southeast False Creek Public Realm Plan.

Note to Applicant: The shoreline element should connect with the outline [L2.0] as it crosses the lane [rail spur] from 1650 Quebec Street and winds through the south to 1st Avenue in an organic flow of combined materials.

5. Improved alignment of the proposed lane-edge tree planting with the adjacent property to the north to create a double-row effect.

Note to Applicant: Shift proposed trees as needed. Coordinate tree species with the trees proposed for 1650 Quebec Street approved under DE414744 and in accordance with the Southeast False Creek Public Realm Plan. Confirm the tree species for this location on the Plant List, and to be confirmed prior to issuance of the related Building Permit.

6. Provision of a secure at-grade common outdoor amenity space located between Building A and B illustrated on the Landscape Plan and coordinated with the architectural drawings.

Note to Applicant: Gates have been provided at the north of the space, but are missing from the drawings at the south end.

7. Expansion of the common amenity deck on Level 6 of Building B to allow more space for building residents to practice urban agriculture.

Note to Applicant: The size of the adjacent private roof deck may need to be minimized.

8. Confirmation that the proposed buildings meet "Roof-Mounted Energy Technologies and Green Roofs - Discretionary Height Increases" Administrative Bulletin.

Note to Applicant: The CD-1 By-law regulates building height to top of roof slab with a provision to allow certain projections beyond the height limit. For projections to be considered, clarify the extent of extensive and/or intensive green roofs.

Sustainability

9. Clarification of the proposed sustainable features on the drawings.

Note to Applicant: The intent is to define on the final approved permit drawings those features referred to on the LEED® checklist to attain minimum Silver level or equivalency. Consideration to include providing a cistern, water-efficient landscaping, additional solar shading panels, heat recovery systems and energy modeling studies prior to further design development.

Engineering

10. Removal of all items (raised terraces, stairs, gates, concrete walls, etc.) located within the required southerly 1.5 metre SRW.

Note to Applicant: Also delete the café tables shown within this SRW.

11. Completion of a lane lighting and street lighting plan to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The servicing agreement calls for an electrical design for lane and street lighting. Past experience suggests this should be completed as soon as possible.

12. Provision of a streetscape design plan to the satisfaction of the General Manager of Engineering Services and the Director of Planning, in keeping with the SEFC Public Realm Enhancement Guidelines and 1st Avenue Central Valley Greenway requirements and including lane and street lighting information.

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, to the Director of Planning and to the General Manager of Engineering Services, as necessary, make arrangements for the following:

Engineering Services

1. Arrangements are to be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for a surface statutory Right of Way over the north 1.5 metres of the site for landscaping and lighting purposes.

2. Arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the release of Easement & Indemnity Agreement 501555M (3 commercial crossings) prior to occupancy of any new development on this site.

Note to Applicant: Arrangements are to be secured prior to issuance of the development permit with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment is required to address this condition at the development permit stage

3. Arrangements are to be made to the satisfaction of Director of Planning, the General Manager of Engineering Services and the Director of Legal Services for the SRW pathway through the site between Building B and Building C.

Community Amenity Contribution

4. The agreed Community Amenity Contribution of \$3,109,780 is to be paid to the City and such payment is to be made prior to enactment of the by-law to amend CD-1 (534), 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.

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1695 Main Street
DRAFT CONSEQUENTIAL AMENDMENTS TO THE
SOUTHEAST FALSE CREEK OFFICIAL DEVELOPMENT PLAN
(BY-LAW NO. 9073)

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

- In section 4:
 - (a) strike out subsection 4.2, and substitute:
 - “4.2 Maximum permitted floor area for all uses developed after February 1, 2005, except for cultural, recreational and institutional uses, must not exceed the applicable floor area maximums in the following table:

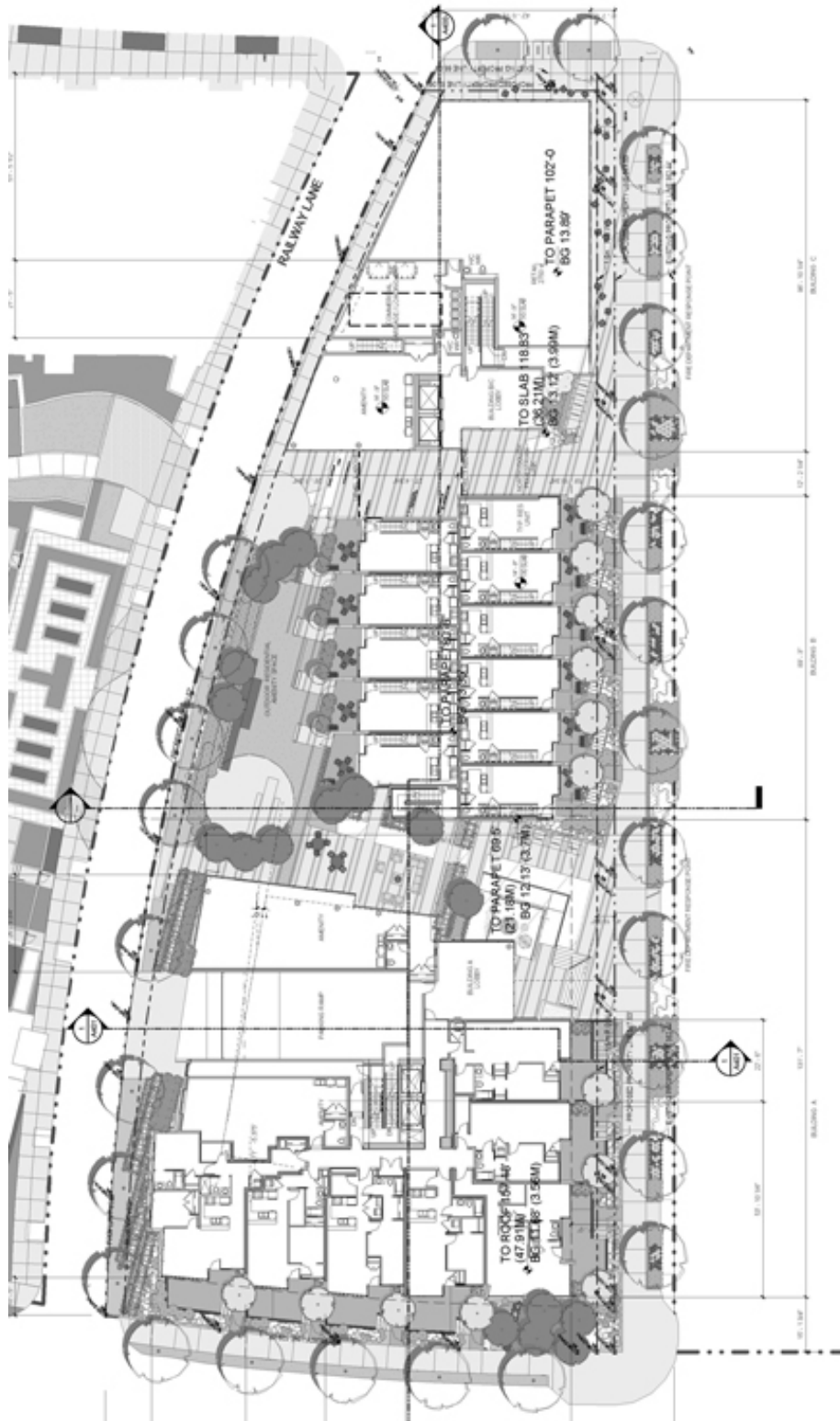
Table 1 – Maximum permitted floor area

Area	Maximum permitted floor area for residential uses	Maximum permitted floor area for non-residential uses other than cultural, recreational and institutional	Maximum permitted floor area for all uses
Area 1A	84 595 m ²	350 m ²	84 945 m ²
Area 2A	114 655 m ²	10 212 m ²	124 867 m ²
Area 3A	16 770 m ²	0 m ²	16 770 m ²
Area 1B	83 848 m ²	0 m ²	83 848 m ²
Area 2B	136 353 m ²	5 732 m ²	142 085 m ²
Area 3B	30 485 m ²	0 m ²	30 485 m ²
Area 3C	116 360 m ²	10 215 m ²	126 575 m ²
Total maximum permitted floor area for all areas	583 066 m²	26 509 m²	609 575 m²

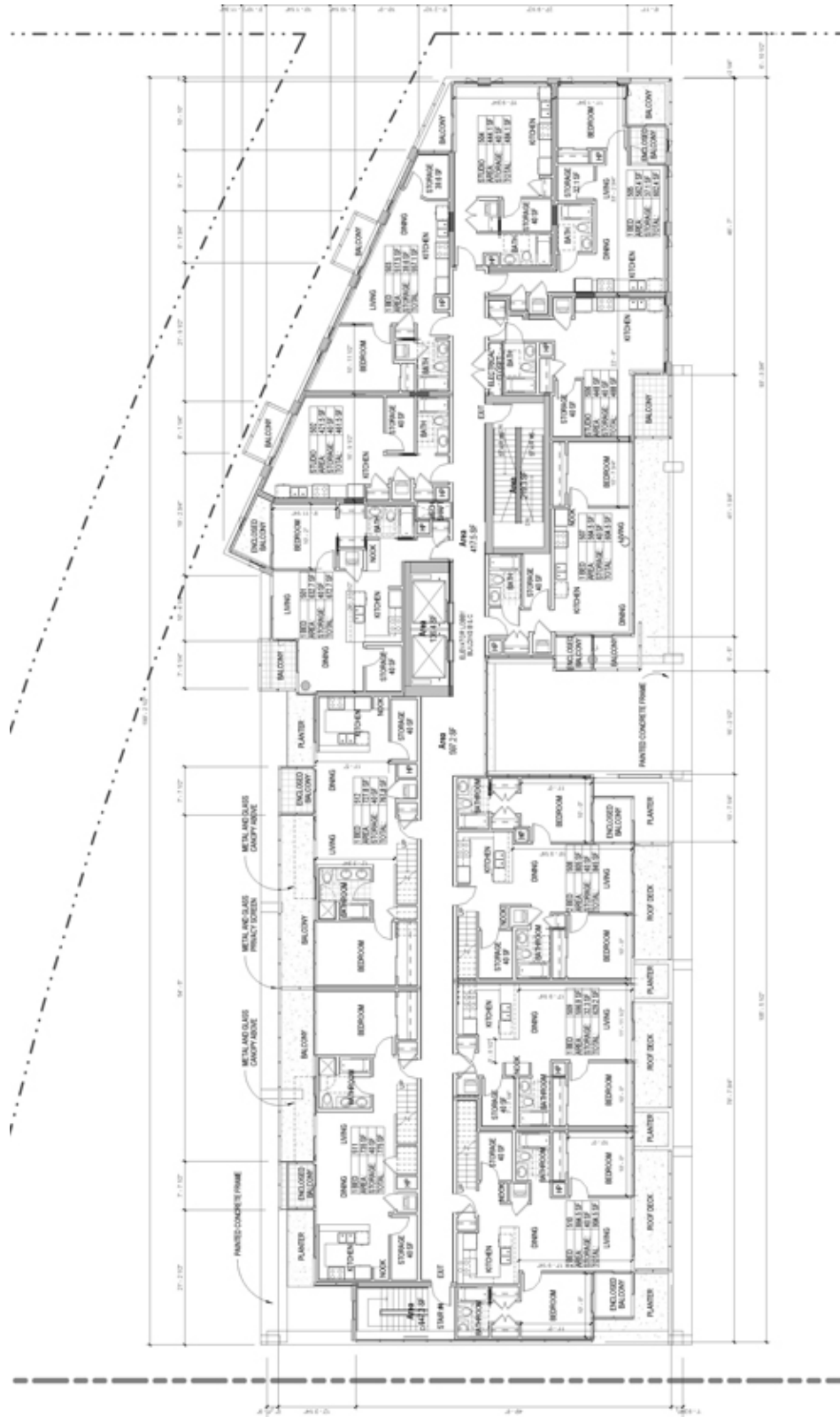
- (b) Strike out subsections 4.3.1(a), 4.3.1(b), 4.3.1(c)(i), 4.3.1(d), 4.3.1(e), and 4.3.1(f), and renumber the remaining paragraphs in the appropriate alphabetical and numerical order;
- (c) in renumbered subsection 4.3.1(b), strike out “4.3.1(h)”, and substitute “4.3.1(c)”; and
- (d) in renumbered 4.3.1(c), strike out “this section 4.3.1”, and substitute “Table 1”.
- In Figure 4, strike out the diagram and, below the title “Figure 4: Total Floor Area and Residential Floor Area”, substitute:
 - “Figure 4 has been replaced by Table 1 in section 4”

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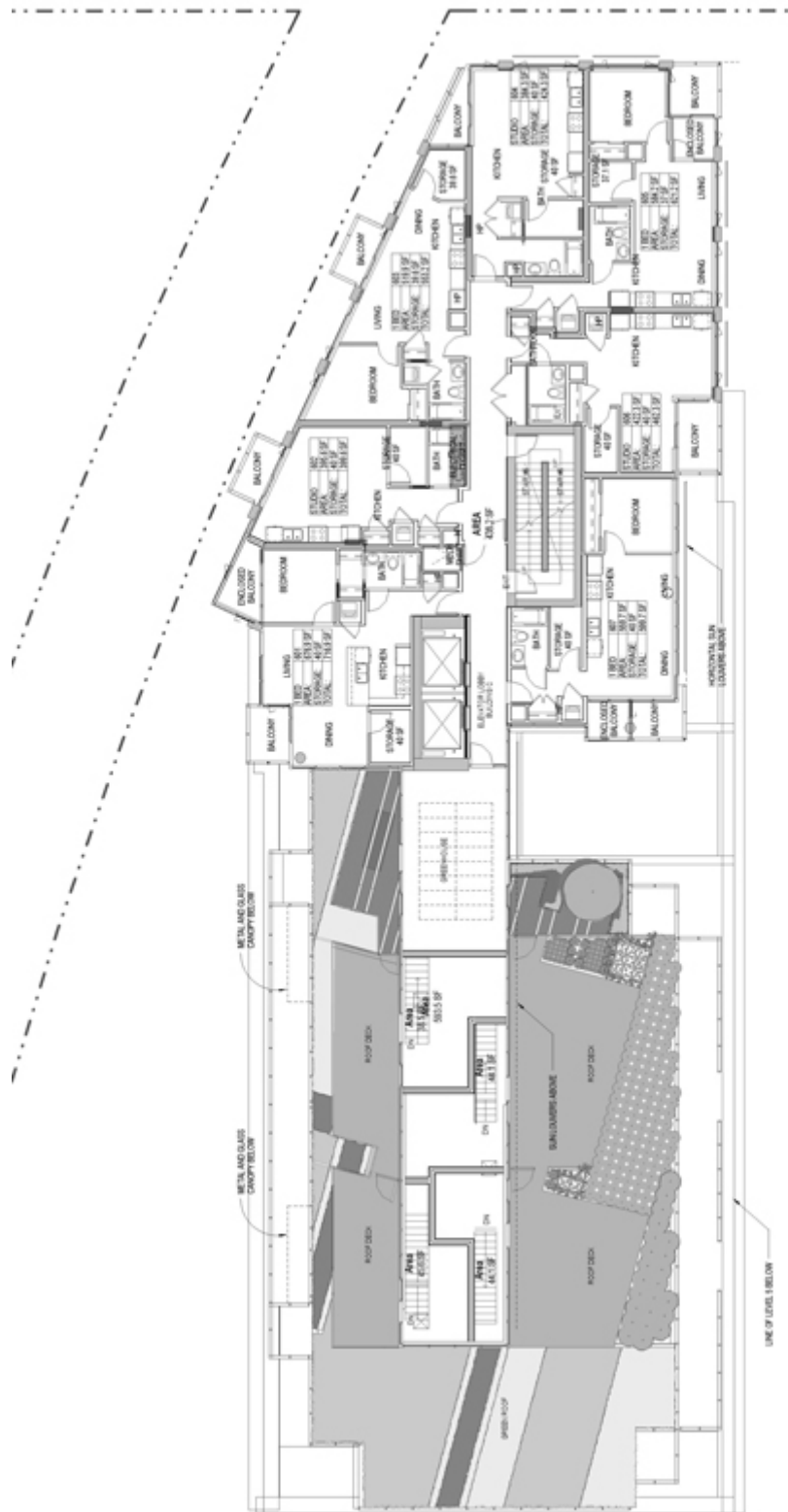
1695 Main Street
FROM OF DEVELOPMENT



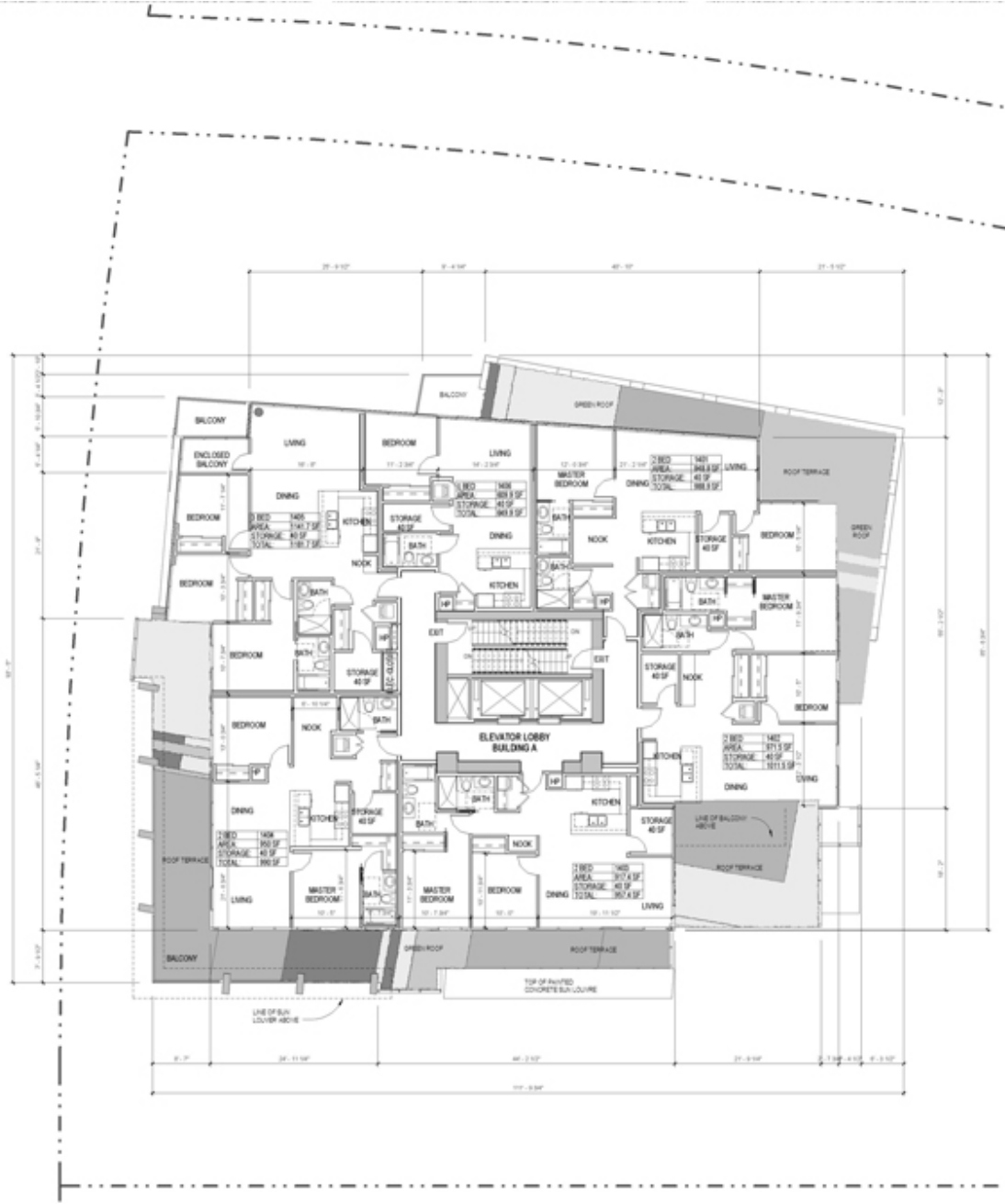
Ground Floor Plan



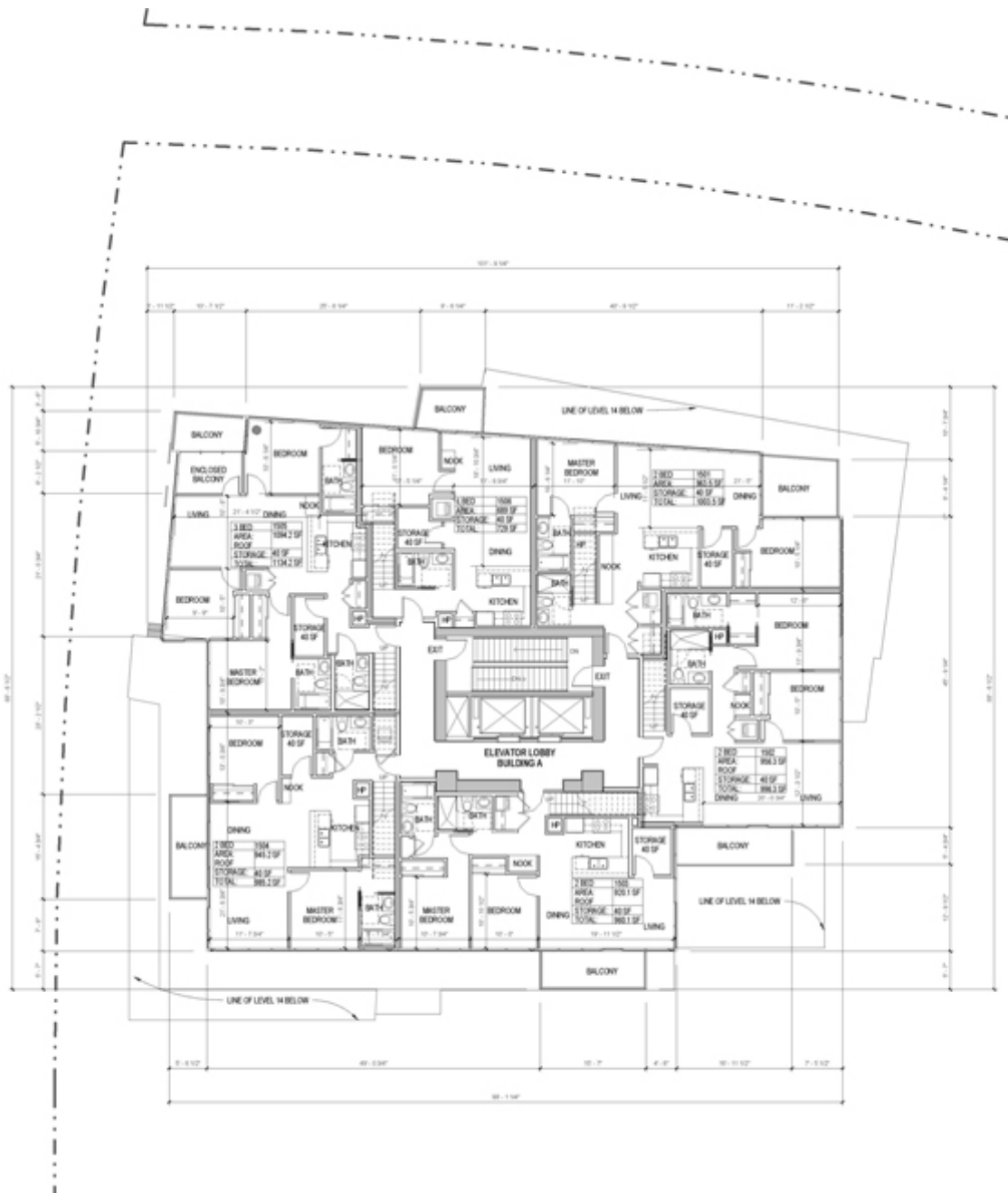
Level 5 Podium and East Tower



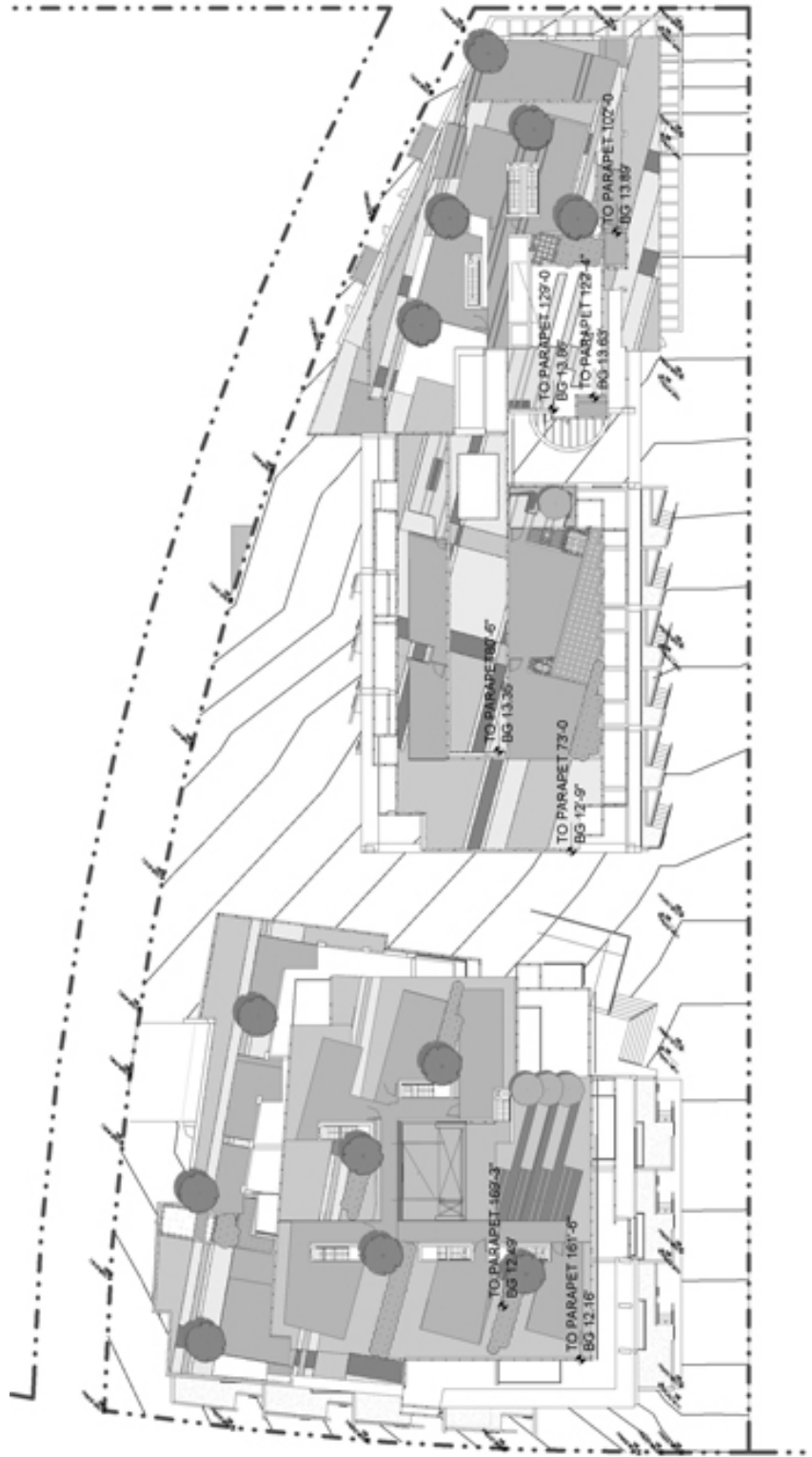
Level 6 Podium and East Tower



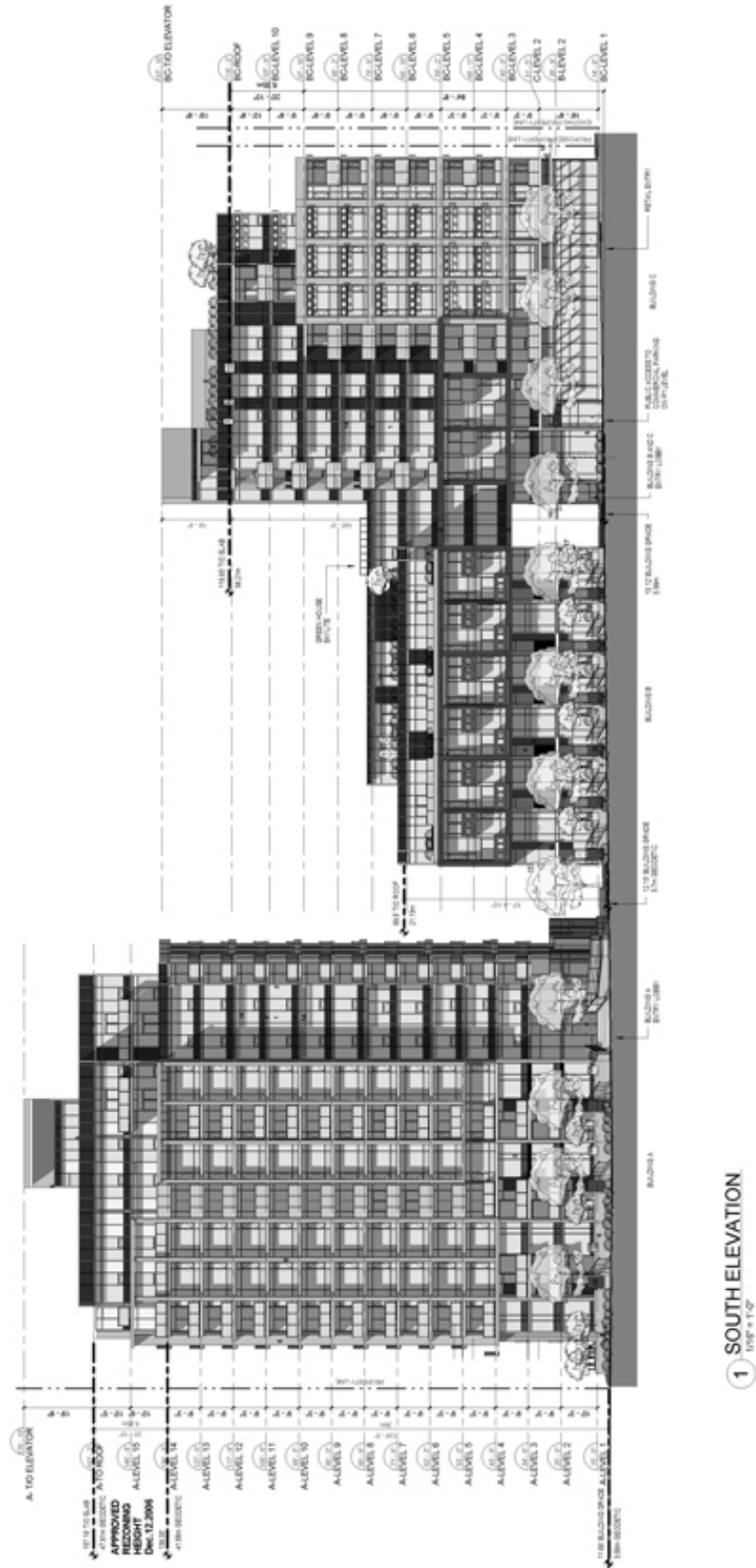
Level 14 West Tower



Level 15 West Tower



Roof Plan



1695 Main Street
ADDITIONAL INFORMATION

Public Input: A notification letter was sent to property owners within the notification area on March 15, 2012 and a rezoning information sign was posted on the site on or near March 14, 2012. No comments were received.

Engineering Services: The General Manager of Engineering Services has no objection to the proposed rezoning provided that the arrangements and conditions as shown in Appendix B are satisfactorily concluded.

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

* * * * *

1695 Main Street
PUBLIC BENEFITS SUMMARY

Project Summary:

Amend existing CD-1 to allow for additional floor area and height for partial penthouse floors, as per Southeast False Creek policy.

Public Benefit Summary:

The proposal would generate additional DCLs and CACs. (Note: The initial CD-1 rezoning included about \$6 million in public benefits not shown here. Only the additional benefits are shown.)

	Current Zoning	Proposed Zoning
Zoning District	CD-1	CD-1
FSR (site area = 44,388 sq. ft.)	3.50	4.08
Buildable Floor Space (sq. ft.)	155,358 sq. ft.	180,848 sq. ft.
Land Use	residential/commercial	same

Public Benefit Statistics		Value if built under Current Zoning (\$)	Value if built under Proposed Zoning (\$)
Required*	DCL (City-wide)		\$288,800
	DCL (Area Specific) \$175.34/m2 (\$16.29/sf)		\$415,200
	Public Art (below 160,000 sf. threshold (2006))		
	20% Social Housing		
Offered (Community Amenity Contribution)	Heritage (transfer of density receiver site)		
	Childcare Facilities	N/A	
	Cultural Facilities		
	Green Transportation/Public Realm		
	Housing (e.g. supportive, seniors)		\$293,135
	Parks and Public Spaces		
	Social/Community Facilities		
	Unallocated		\$2,816,645
	Other		
TOTAL VALUE OF PUBLIC BENEFITS			

Other Benefits (non-market and/or STIR components):

* DCLs, Public Art and Social Housing may have exemptions and/or minimum thresholds for qualification. For the City-wide DCL, revenues are allocated into the following public benefit categories: Parks (41%); Replacement Housing (32%); Transportation (22%); and Childcare (5%). Revenue allocations differ for each of the Area Specific DCL Districts.

1695 Main Street
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

Street Address	1695 Main Street
Legal Description	Lot 1 Block E DL 200A and 2037 Group 1 NWD Plan BCP50944
Applicant	Onni Group
Architect	Chris Dikeakos Architects
Property Owner	Onni 1695 Main Holdings Corp. Inc.
Developer	Onni Group

SITE AREA	4 123.6 m ²
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DEVELOPMENT STATISTICS

	DEVELOPMENT PERMITTED UNDER EXISTING ZONING	PROPOSED DEVELOPMENT	RECOMMENDED DEVELOPMENT (if different than proposed)
ZONING	CD-1(534)	CD-1(534)	as proposed
USES	Cultural, Recreational, Retail, Service, and Residential	Cultural, Recreational, Retail, Service, and Residential	as proposed
DWELLING UNITS	150	231	as proposed
Max. FLOOR AREA	11 803 m ² (155,358 sq. ft.)	13 766 m ² (180,848 sq. ft.)	as proposed
Max. FLOOR SPACE RATIO	3.50	4.08	as proposed
Max. HEIGHT	38.0 m	44.35 m	as proposed
NO. OF STOREYS	13	15	as proposed
PARKING SPACES	As per Parking By-law	As per Parking By-law	Must reduce to meet current maximum