



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: April 1, 2014
Contact: Kent Munro
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VanRIMS No.: 08-2000-20
Meeting Date: April 15, 2014

TO: Vancouver City Council
FROM: General Manager of Planning and Development Services
SUBJECT: CD-1 Text Amendment: 1351 Continental Street (725 Neon Street)

RECOMMENDATION

- A. THAT the application by Cressey Drake Holdings Ltd. to amend CD-1 (Comprehensive Development) District (503) By-law No. 10249 for 1351 Continental Street (725 Neon Street) [*Strata Lots 1 to 212 District Lot 541 Group 1 New Westminster District Strata Plan EPS1290*] to increase the permitted floor space ratio from 7.00 to 7.03 to allow for an additional 68 m² (735 sq. ft.) of floor area for covered canopies at the penthouse levels, be referred to public hearing together with:
- i. plans prepared by IBI Group/HB Architects received November 1, 2013;
 - ii. draft by-law provisions, generally as presented in Appendix A; and
 - iii. the recommendation of the General Manager of Planning and Development Services to approve the application;
- 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 public hearing, that prior to the public hearing, the registered property owner shall submit confirmation, in the form of "Letter A", that an agreement has been reached with the registered owner of the proposed donor site for the purchase of heritage bonus density as set out in Appendix B.
- C. THAT Recommendation A and B be adopted on the following conditions:
- i. THAT the passage of the above resolutions 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 bylaw 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.

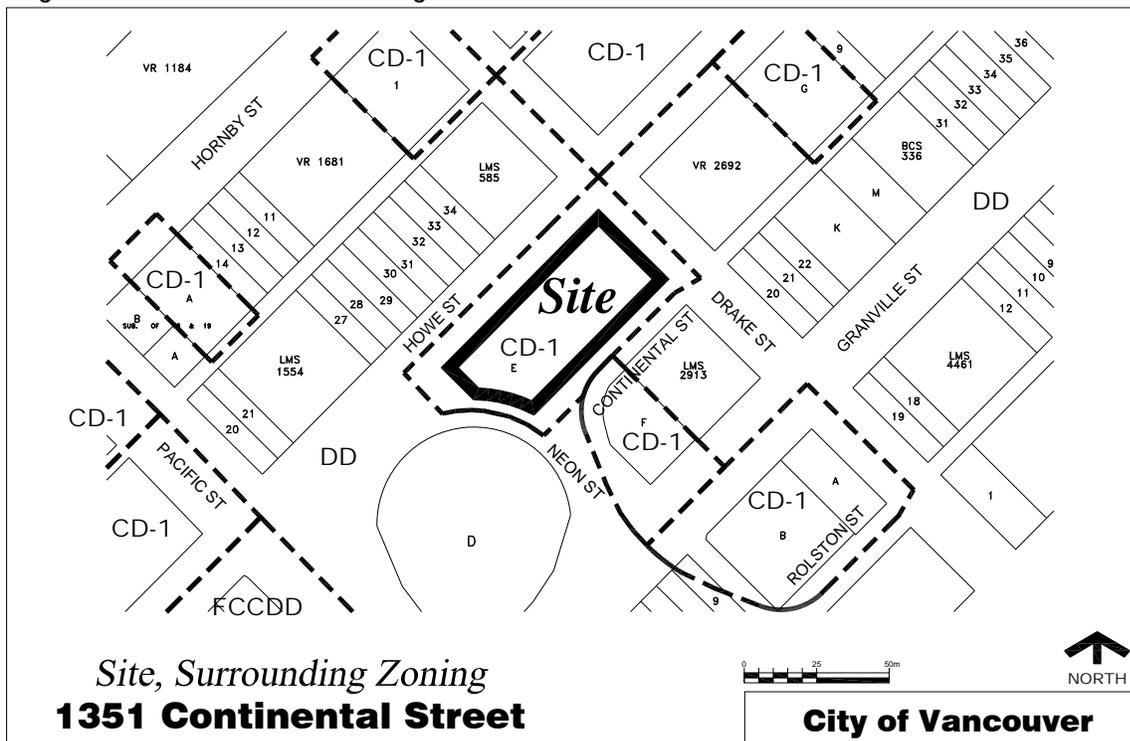
REPORT SUMMARY

This report assesses an application by Cressey Drake Holdings Ltd. to amend CD-1 (503) By-law No. 10249 for 1351 Continental Street to increase the permitted floor space ratio (FSR) from 7.00 to 7.03 to allow for an additional 68 m² (735 sq. ft.) for covered canopies over already-permitted rooftop patios on the penthouse levels. The building is currently under construction and is nearing completion. The amendment would not result in a substantive change to the form of development approved by Council on May 3, 2011. Staff support the increase in floor area and recommend approval of the application, subject to the public hearing.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- CD-1 (503) By-law No. 10249, enacted April 19, 2011
- Transfer of Density Policy and Procedure (1983).

Figure 1: Site and surrounding context



REPORT

Background/Context

The subject site is located between Howe, Drake and Continental Streets (see Figure 1). South of the site is the loop on-ramp from Pacific Street to the Granville Street Bridge. The approved form of development is for a 32-storey residential tower with townhouses, amenity space and a small amount of commercial floor area at grade level. The CD-1 By-law was approved in principle after a public hearing on July 8, 2008 and was enacted on April 19, 2011.

The building, known as the "Maddox", is currently under construction and is nearing completion. To finish the penthouse levels, the applicant is requesting a modest increase in the allowable floor area to accommodate larger weather-protection canopies over already-permitted rooftop patios. External floor space, under canopies that are supported by columns, is included in the floor space ratio (FSR) calculation. So, while the applicant's desire to increase the covered area will not result in additional enclosed floor space, it does necessitate an increase in the FSR provision in the CD-1 By-law.

Strategic Analysis

The applicant requests additional floor area, increasing the FSR from 7.00 to 7.03, to allow for an additional 68 m² (735 sq. ft.) for covered canopies over already-permitted rooftop patios in the penthouse located on levels 36 and 37 (see Figure 2). On Level 36, the main level of the penthouse suite, a canopy is proposed to partially cover the north-facing roof deck. A canopy of about 1.4 m (4.5 ft.) in depth is permitted over this deck under the CD-1 By-law provisions, but this only covers a small portion of the roof deck. The applicant has applied to extend the canopy to about 3.9 m (12.8 ft.) in depth and 49 m² (528 sq. ft.) in area, which would cover about half of the roof deck. On Level 37, the applicant has applied to amend the canopy over the entry to the south-facing roof deck from a shallow, L-shaped, cantilevered canopy to a larger, column-supported, square canopy at 19 m² (207 sq. ft.) in area. While the floor area of an open roof deck is excluded from the floor space ratio under the zoning by-law, floor area that is covered by a canopy, to the extent proposed, is not excluded. Another 68 m² (735 sq. ft.) of floor area beyond what the CD-1 By-law currently permits is needed to allow the canopies as now proposed.

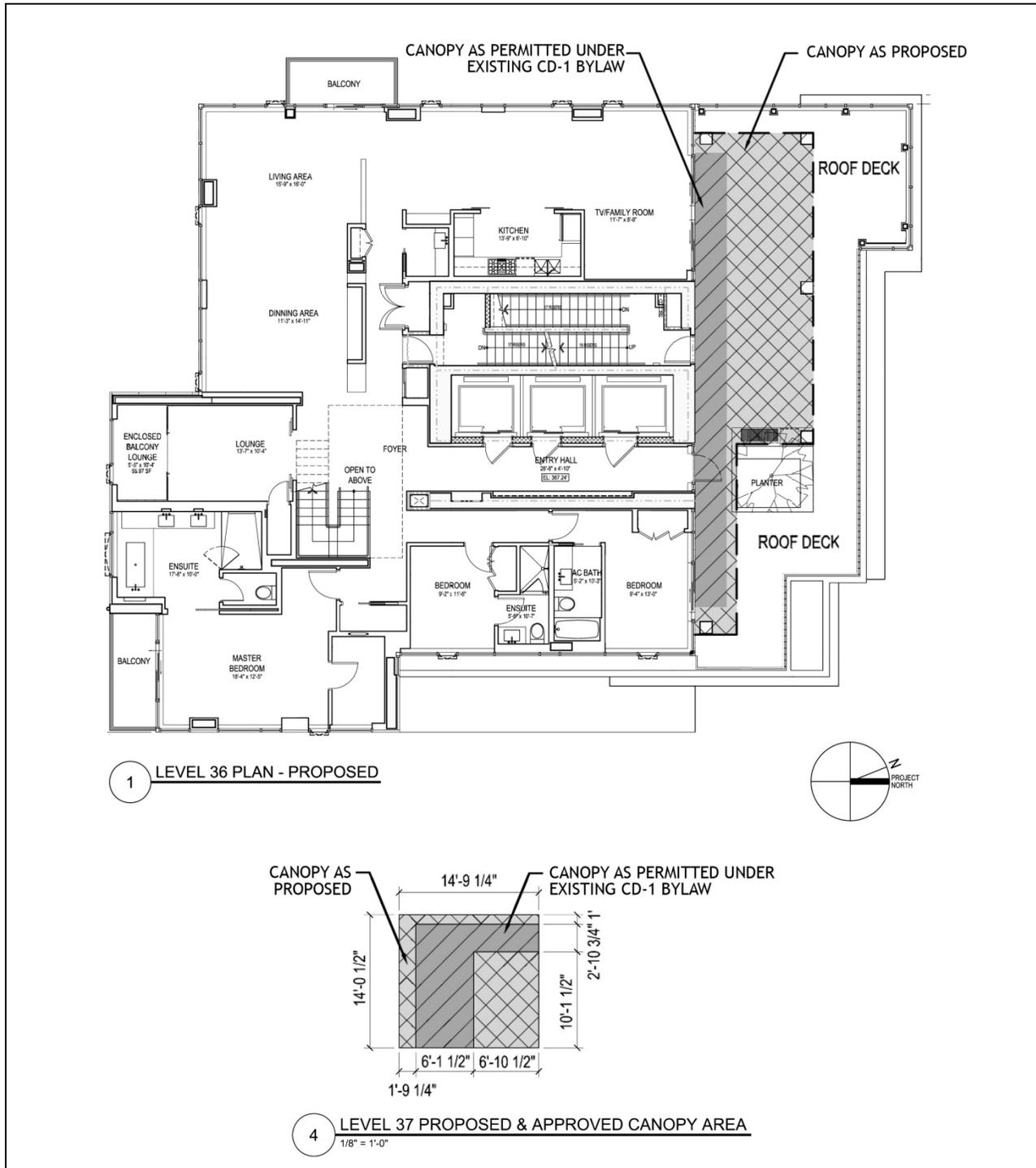
Staff have reviewed the proposed larger canopies and conclude that they constitute a negligible change from the approved form of development and would have little impact on views from other buildings, especially given that the canopies are proposed to be constructed with glazing to allow sunlight penetration.

The proposed amendment to the CD-1 By-law is set out in Appendix A.

Public Input

A rezoning information sign was installed at the building site on or before December 19, 2013 and details of the application were made available on the City's website. Staff have not received any comments from the public in relation to this application.

Figure 2: Approved and Proposed Covered Canopies over Rooftop Decks



PUBLIC BENEFITS

In response to City policies which address changes in land use and density, this amendment, if approved, can be expected to realize the following public benefits.

Required Public Benefits

Development Cost Levies (DCLs) – DCLs collected from development help pay for facilities made necessary by growth, including parks, child care facilities, replacement housing (social/non-profit housing) and various engineering infrastructure. The site is subject to the City-wide DCL rate of \$136.38/m² (\$12.67/sq. ft.) of floor space. On this basis, an additional DCL of approximately \$9,312 is anticipated due to the increase in density. This DCL would be payable at issuance of a building permit to construct the roof deck canopies. The rate is subject to Council approval of an inflationary adjustment which takes place each year on September 30.

Offered Public Benefits

Community Amenity Contribution (CAC) – In the context of Financing Growth Policy, the City anticipates the offer of a community amenity contribution (CAC) from the owner of a rezoning site to address the impacts of rezoning. Contributions are negotiated and evaluated by staff in light of the increase in land value expected to result from rezoning approval. In this case, because the additional density is for exterior canopies, Real Estate Services staff have concluded there would be no increase in land value. Nonetheless, the Zoning and Development By-law provides, in certain district schedules, provisions to allow for small increases in density through the purchase and transfer of heritage density. While these provisions are not available to CD-1 districts, the applicant has offered to purchase and transfer heritage density in exchange for the small increase in density requested. The purchase and transfer to the site of 68 m² (735 sq. ft.) of heritage density (valued at \$47,775) would support City-wide heritage conservation efforts by contributing to the reduction of the Heritage Amenity Bank. Staff support this offered public benefit and recommend that a letter of intent (Letter A) be submitted prior to the public hearing.

Implications/Related Issues/Risk (if applicable)

Financial

As noted in the above section on Public Benefits, the applicant has offered to purchase approximately 68 m² (735 sq. ft.) of heritage amenity density (valued at \$47,775) for the proposed increase in density.

The site is subject to the City-wide DCL and it is anticipated that the applicant will pay \$9,312 in DCLs.

CONCLUSION

Staff have reviewed the application to amend the floor space ratio of the CD-1 By-law for 1351 Continental Street and conclude that an increase in FSR from 7.00 to 7.03 is supportable in this instance. The General Manager of Planning and Development Services recommends that the application be referred to a public hearing, together with the draft by-law provisions generally as set out in Appendix A and, subject to the public hearing, that it be approved, subject to the condition included in Appendix B.

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1351 Continental Street (725 Neon Street)
PROPOSED AMENDMENTS TO CD-1 (503) BY-LAW NO.10249

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 4.2, Density, strike "7.0" and substitute "7.03".

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1351 Continental Street (725 Neon 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.

CONDITIONS OF BY-LAW ENACTMENT

- a) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and to the General Manager of Planning and Development Services, the General Manager of Engineering Services, the Managing Director of Cultural Services and the Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Heritage Density Transfer

1. Secure the purchase and transfer of 68.3 m² (735 sq. ft.) of heritage density (which has a value of \$47,775) from a suitable donor site.

Note to applicant: Given the stipulated value that the City attributes to the creation of new transferable bonus density, currently \$65.00 per buildable square foot as of this date, the City recognizes that the Owner may negotiate its best price to secure the required density at a lower cost, but in no event shall the City recognize the value of the density above \$65.00 per buildable square foot unless bona fide market conditions demonstrate transactional evidence to the contrary.

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, including the amount, sale price, and total cost of the heritage density.

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1351 Continental Street (725 Neon Street)
PUBLIC BENEFITS SUMMARY

Project Summary:

A modest increase in allowable density to permit larger canopies at the penthouse levels of a previously approved 32-storey residential tower.

Public Benefit Summary:

This application would result in a DCL payment and CAC contribution toward heritage amenity.

	Current Zoning	Proposed Zoning
Zoning District	CD-1	CD-1
FSR (site area = 2327.52 m ²)	7.00	7.03
Buildable Floor Space (m ²)	16,293	16,361
Land Use	Residential and commercial	Residential and commercial

Public Benefit Statistics		Value if built under Current Zoning (\$)	Value if built under Proposed Zoning (\$)
Required*	DCL (City-wide)		\$9,312
	DCL (Area Specific)		
	Public Art (\$1.81/sq. ft.)		
	20% Social Housing		
Offered (Community Amenity Contribution)	Heritage		\$47,775
	Childcare Facilities		
	Cultural Facilities		
	Green Transportation/Public Realm		
	Housing (e.g. supportive, seniors)		
	Parks and Public Spaces		
	Social/Community Facilities		
	Unallocated		
	Other		
TOTAL VALUE OF PUBLIC BENEFITS		\$0	\$57,087

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.

1351 Continental Street (725 Neon Street)
APPLICANT, PROPERTY AND DEVELOPMENT PROPOSAL INFORMATION

Applicant and Property Information

Address	1351 Continental Street
Legal Descriptions	Strata Lots 1 to 212 District Lot 541 Group 1 New Westminster District Strata Plan EPS1290
Developer	Cressey Developments
Applicant	Cressey Drake Holdings Ltd.
Architect	IBI Group / HB Architects
Property Owners	Cressey Drake Holdings Ltd.

Development Statistics

	Development Permitted Under Existing Zoning	Proposed Change
ZONING	CD-1	-
SITE AREA	2327.52 m ² (25,053 sq.ft.)	-
USES	Residential and commercial	-
FLOOR AREA	16,293 m ² (175,376 sq. ft.)	16,361 m ² (176,111 sq. ft.)
Floor Space Ratio (FSR)	7.00 FSR	7.03 FSR
HEIGHT	91.44 m (300 ft.)	-
PARKING, LOADING AND BICYCLE SPACES	as per Parking By-law	-