



POLICY REPORT  
DEVELOPMENT AND BUILDING

Report Date: September 15, 2015  
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Meeting Date: September 29, 2015

TO: Vancouver City Council  
FROM: General Manager of Planning and Development Services  
SUBJECT: CD-1 Text Amendment: 1768 Cook Street (201 West 2nd Avenue)

**RECOMMENDATION**

A. THAT the application by GBL Architects on behalf of 0910326 B.C. Ltd. (Concord Pacific Development) to amend CD-1 (582) By-law No. 11069 for 1768 Cook Street (201 West 2nd Avenue) [*PID: 029-387-230; Lot 1, Block 5, District Lot 302, Group 1, New Westminster District Plan EPP42239*] to increase the exclusion of floor area for open balconies from 8% to 12% of the residential floor area being provided, be referred to a public hearing, together with:

- (i) draft by-law amendments generally as presented in Appendix A;
- (ii) 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 the public hearing.

B. THAT Recommendation A 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 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;

- (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 recommends an amendment to the CD-1 By-law for 1768 Cook Street (formerly 201 West 2nd Avenue). The site was approved in 2006 for a 47 m (154 feet) high, market residential building that has yet to be constructed. If approved, the amendment would update the CD-1 By-law to reflect the current practice of allowing an exclusion for open balconies up to 12% of the residential floor area, to meet liveability and Green Building objectives. The proposed amendment would not result in an increase in the floor space ratio (FSR) of 3.5 in the by-law, as that ratio relates only to included floor area. Staff recommend that the application be referred to public hearing with the recommendation of the General Manager of Planning and Development Services to approve it.

### **COUNCIL AUTHORITY/PREVIOUS DECISIONS**

- CD-1 (582) By-law No. 11069, enacted on September 30, 2014.
- Green Buildings Policy For Rezoning (2014).

### **REPORT**

#### **Background/Context**

The subject site is within the area of the Southeast False Creek Official Development Plan. The 4,989 m<sup>2</sup> (1.23-acre) site is bounded by 2nd Avenue, Cook Street, 1st Avenue and Columbia Street. It is located at the point where the street grid shifts, resulting in a triangle-shaped site. Hinge Park, containing the stormwater-retention wetland for Southeast False Creek, is located to the north (see Figure 1). Since approval in principle of the application at a public hearing on October 17, 2006, ownership of the subject property has changed and GBL Architects have been engaged to complete the development application process (under DE419256). The current design is for a 17-storey, 247-unit residential building at the 3.5 FSR and 47 m height set out in the by-law.

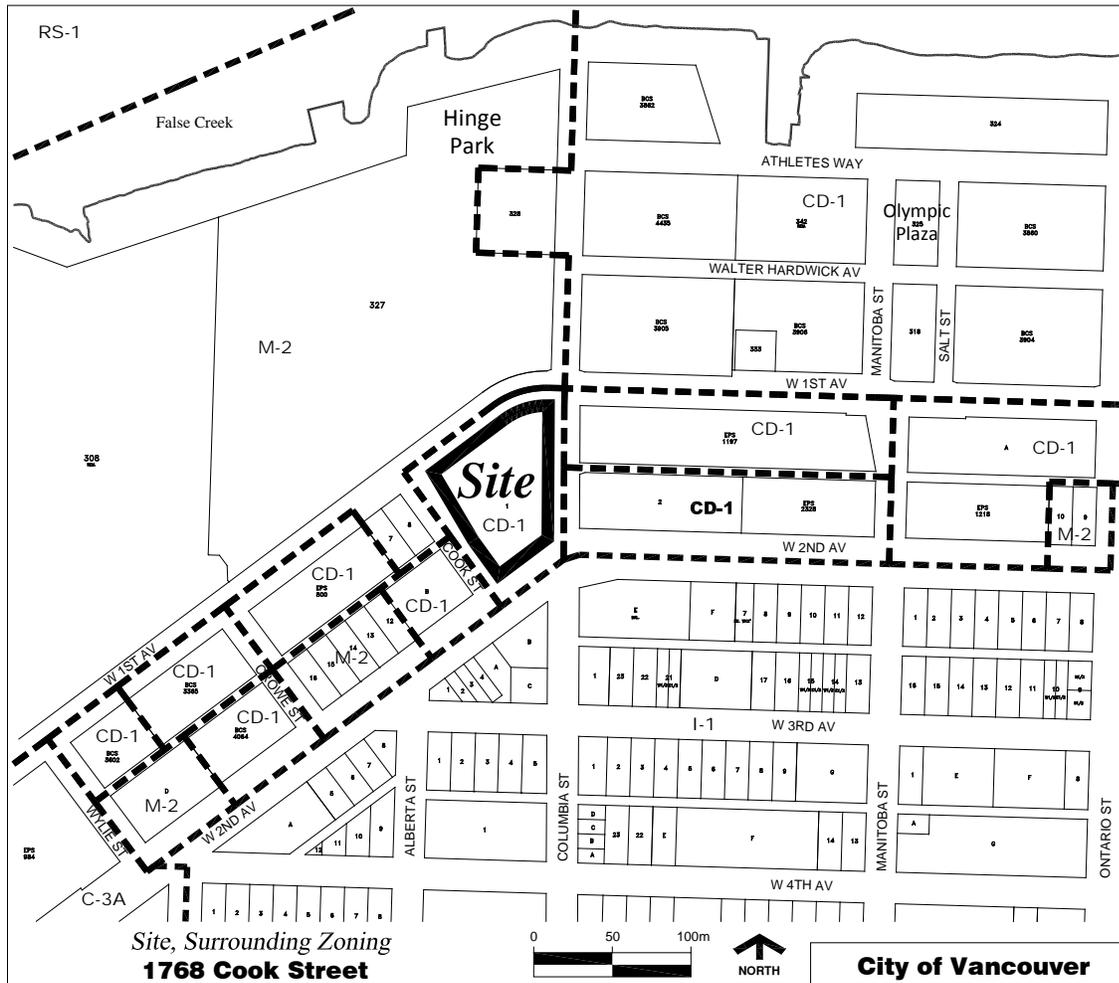
#### **Strategic Analysis**

At the time of the rezoning application in 2006, the standard provision for residential balconies was that up to 8% of the residential floor area could be excluded from the floor area calculation for balconies. Of the 8% floor area provided in balconies, up to half or 4% could be "enclosed" and the balance must be "open".

An "open balcony" is an extension of the floor of a dwelling unit beyond the exterior wall which is open to the air and is contained by a 1.07 m (42-inch) high railing, commonly of metal and glass. An "enclosed balcony" is where the floor extension is not open to the air but is enclosed floor-to-ceiling by windows and walls. They may be preferred in situations where

noise or exposure to elements is a concern. Enclosed balconies are limited to half of the floor area excluded for balconies because they contribute to the apparent mass of the building in a way that open balconies do not. Exclusion of balconies from the floor area calculation was introduced as way to encourage residential buildings with generously sized balconies. Most new developments today do include balconies for some, if not all, of the dwelling units.

Figure 1: Site and surrounding zoning



In 2006, with the rezoning of the Olympic Village, larger open residential balconies were tested as a passive design element to improve solar performance of a building by providing increased shading on the south and west façades. Following the experimentation at the Olympic Village, staff concluded that it would be appropriate to allow for an increased floor area exclusion for balconies to meet sustainability goals and to improve the liveability of residential units by offering more usable outdoor space, provided that the balconies were all open balconies.

In current practice, staff generally recommend all open balconies and the 12% all-open balcony provision is now included in most new CD-1 by-laws, although some applicants do request the older balcony provision of 8% where 4% may be enclosed.

In the case of 1768 Cook Street, the applicant has requested the 12% exclusion. Staff have reviewed the development application drawings submitted by GBL Architects, which indicate 12% open balconies, and conclude that the larger open balconies are consistent with the City's current objectives for balconies, as they would improve the liveability of the building. Staff recommend that the CD-1 By-law, which contains the older provision, be amended to replace it with the 12% all-open balcony provision. The provision stipulates that enclosure of the balconies is not permitted for the life of building.

The proposed amendment would not result in an increase in the floor space ratio of 3.5 as set out in the by-law, as that ratio relates only to floor space included in the floor area calculation and does not include balconies.

### ***PUBLIC BENEFITS***

**Development Cost Levies (DCLs)** – DCLs collected from development help pay for facilities made necessary by growth, including parks, childcare facilities, replacement housing (social/non-profit housing) and various engineering infrastructure. As this amendment, if approved, would result in no addition to the permitted floor area or FSR beyond that previously approved for the site, there is no additional DCL payable.

**Community Amenity Contribution (CAC)** – Within the context of the City's Financing Growth Policy, an offer of a Community Amenity Contribution to address the impacts of rezoning can be anticipated from the owner of a rezoning site. CAC offers typically include either the provision of on-site amenities or a cash contribution towards other public benefits; and they take into consideration community needs, area deficiencies and the impact of the proposed development on City services. No CAC is anticipated from amending the balcony exclusion provision, as there is no addition to the permitted floor area or FSR beyond that previously approved for the site.

### ***Implications/Related Issues/Risk (if applicable)***

#### ***Financial***

As noted in the Public Benefits Section above, there are no additional Community Amenity Contributions or Development Cost Levies associated with the proposed CD-1 text amendment.

### ***CONCLUSION***

This report proposes a text amendment to the CD-1 By-law for 1768 Cook Street (201 West 2nd Avenue). If approved and enacted, the amendment would change the residential balcony exclusion to allow 12% all-open balconies, as is consistent with the current practice to permit larger open balconies to achieve greater liveability and higher sustainability performance. This practice is in keeping with Vancouver's Greenest City initiative. The General Manager of Planning and Development Services recommends that the application be referred to a public hearing, together with a draft amendment to the CD-1 By-law generally set out in Appendix A. Further it is recommended that, subject to a public hearing, the application be approved.

\* \* \* \* \*

1768 Cook Street (201 West 2nd Avenue)

PROPOSED AMENDMENTS TO CD-1 (582) BY-LAW NO.11069

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. This By-law amends the indicated provisions of By-law No. 11069.
2. In section 4.4, replace sub-section (a) with the following:  
  
“(a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that:
  - (i) the total area of all such exclusions must not exceed 12% of the residential floor area being provided, and
  - (ii) the balconies must not be enclosed for the life of the building;”
3. In section 4.5, delete sub-section (a) and renumber sections (b) to (f) as (a) to (e) respectively.

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