



POLICY REPORT  
DEVELOPMENT AND BUILDING

Report Date: October 20, 2015  
Contact: Kevin McNaney  
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RTS No.: 11164  
VanRIMS No.: 08-2000-20  
Meeting Date: November 17, 2015

TO: Vancouver City Council  
FROM: Acting General Manager of Planning and Development Services  
SUBJECT: CD-1 Text Amendment: 998 Expo Boulevard (Concord Area 5B West)

**RECOMMENDATION**

- A. THAT the application by Walter Francl, on behalf of One West Holdings Ltd. (Concord Pacific Developments), to amend CD-1 (Comprehensive Development) District (593) By-law No. 11125 for 998 Expo Boulevard (Concord Area 5B West) [PID: 029-434-815 Lot 352 False Creek Plan EPP44417], to increase the floor area exclusion for balconies from 8 to 12 percent, and to increase the underground residential storage space, be referred to a Public Hearing, together with:
- (i) draft by-law provisions, generally as presented in Appendix A; and
  - (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 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; 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 evaluates an application by Francl Architecture, on behalf of Concord Pacific Developments, to amend Section 4, floor area and density, in CD-1 (Comprehensive Development) District (593) By-law No. 11125 for 998 Expo Boulevard. The CD-1 By-law was enacted on November 25, 2014, after approval of the rezoning by Council at Public Hearing on June 11, 2014. The proposed amendments, if approved, would allow an increase in the floor area exclusion for balconies from 8 to 12 percent and would allow for residential storage space greater than the approved maximum of 2,018 m<sup>2</sup>, but only if the amount that exceeds 2,018 m<sup>2</sup> is located underground.

It is recommended that the application be referred to a Public Hearing, with the recommendation of the General Manager of Planning and Development Services to approve it, subject to the Public Hearing.

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

- CD-1 (593) By-law No. 11125 (*enacted November 25, 2014*)
- False Creek North Official Development Plan (*Adopted April 10, 1990, amended up to November, 2014*)

### **REPORT**

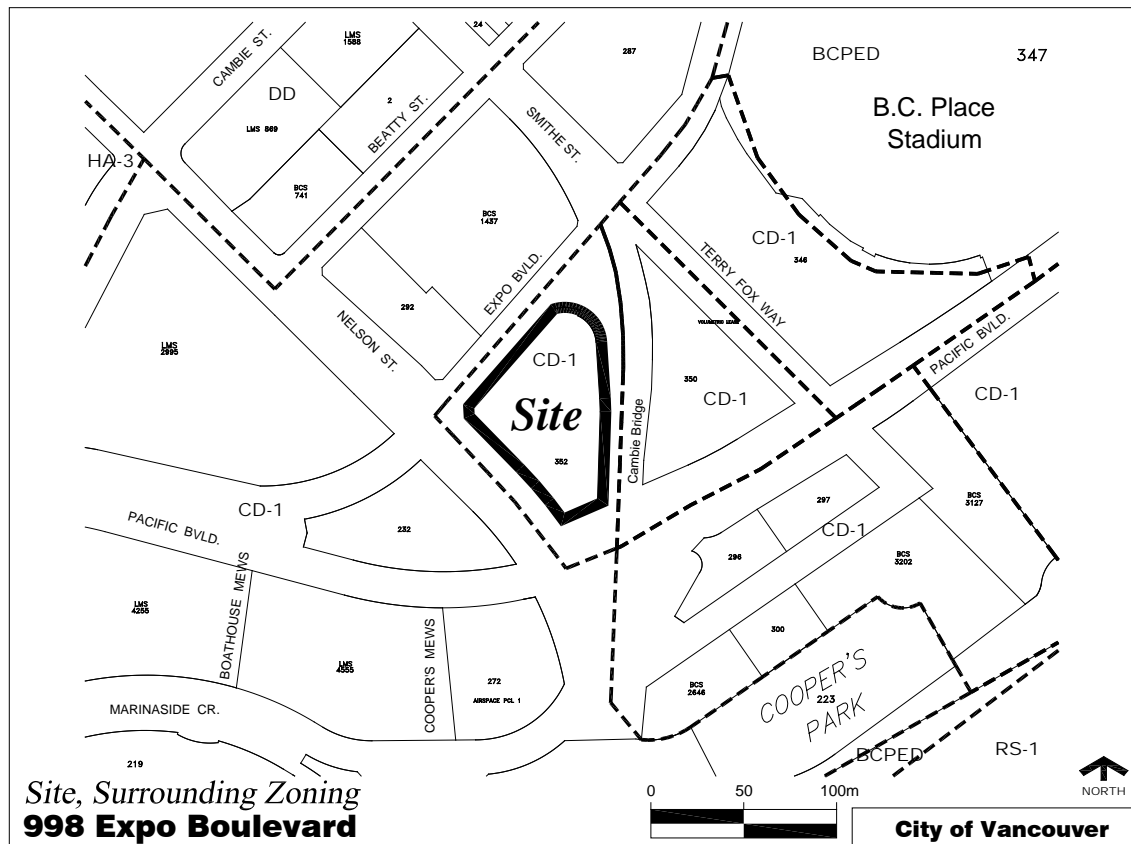
#### ***Background/Context***

The site is located in the False Creek North community and is bounded by Nelson Street, Expo Boulevard, Pacific Boulevard and Cambie Bridge (See Figure 1). The site is currently vacant and surrounded by development that consists of:

- Office and residential development to the north,
- Residential development (including two vacant sites identified for future affordable housing) to the south,
- Cambie Bridge off-ramp and a mixed use project under construction to the east, and
- Residential development, including a vacant site identified for future affordable housing to the west.

The site was rezoned from BCPED (BC Place Expo District) to CD-1 to permit for the development of a mixed-use building with a total floor area of 38,841 m<sup>2</sup>, maximum residential floor area of 36,923 m<sup>2</sup> and up to 620 residential units. The CD-1 By-law was enacted on November 26, 2014 after approval in principle of the rezoning by Council at Public Hearing on June 11, 2014.

Figure 1 - Site and Context



### Strategic Analysis

The original rezoning of the site from BCPED to CD-1 approved a form of development for two curving towers on this site with linking bridge elements. While the proposed tower heights of 28- and 30-storeys were supported, design development prior to Development Permit submission was needed to finalize the exact shape of the curving form to better respond to Cambie Bridge and to offset the westerly tower's Expo Boulevard façade from the neighbouring tower across the street.

The design of the building has evolved since the Public Hearing to address the recommended conditions of approval. As a result of these design changes, the applicant has requested:

- an increase in the allowable balcony exclusion in the CD-1 By-law from 8 to 12 percent, and
- residential storage space greater than 2,018 m<sup>2</sup>, but only if the amount that exceeds 2,018 m<sup>2</sup> is located underground.

As per standard practice, at a later date Council approval of the final form of development will be sought.

The applicant has submitted a Development Permit application, DE419255, for 89 Nelson Street (998 Expo Boulevard), which reflects the revised design for the residential tower. The Development Permit application proposes a total balcony area of 4,374.1 m<sup>2</sup> (47,088 sq. ft.),

or 11.8% of the total residential area. This exceeds the maximum area permitted for balconies in the CD-1 By-law; 1,420.8 m<sup>2</sup> (15,293 sq. ft.) or 8% of the total residential area. The Development Permit Application also proposes a total storage area of 2,239.5 m<sup>2</sup> (24,106 sq. ft.) which exceeds the maximum area permitted for storage by 221.5 m<sup>2</sup> (2,384 sq. ft.).

Through this text amendment, the applicant proposes to increase the allowable balcony exclusion by 1,553.65 m<sup>2</sup> (16,723.40 sq. ft.) and increase the storage space above the permitted 2,022.7 m<sup>2</sup> (21,772 sq. ft.) by 221.5 m<sup>2</sup> (2,384 sq. ft.).

The use of additional balcony space on this building and at this location is supported, subject to no enclosure of the balconies for the life of the building. 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. The increase in storage space greater than 2,018 m<sup>2</sup> (21,722 sq. ft.) is also supported, but only if the amount that exceeds 2,018 m<sup>2</sup> (21,722 sq. ft.), is located below base surface. There is no support for any increase in the volume and bulk of the building.

The Development Permit application for 89 Nelson Street (998 Expo Boulevard), DE419255, was reviewed by the Development Permit Board on October 19, 2015 and was approved, subject to the applicant obtaining approval by Council for the amendment to the CD-1 By-law.

### ***Public Input***

A rezoning information sign was installed on August 7, 2015. Information about the application, as well as an online comment form, was provided on the City of Vancouver Rezoning Centre webpage. One response was received that raised concern about traffic management in the area.

This site is situated in downtown Vancouver, in close proximity to Yaletown, the Central Business District, the Seawall, and both the Canada Line and Expo Line SkyTrain routes. Although the site may generate a modest amount of traffic, it is anticipated that many trips will be taken via walking, cycling and transit. Regarding parking, studies have shown that vehicle ownership for sites in downtown Vancouver falls below one vehicle per unit, particularly those that are located close to frequent transit services. Limited overflow is anticipated, if any.

### ***Public Benefits***

**Development Cost Levies (DCLs)** - Development Cost Levies 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. All land within the False Creek North Official Development Plan (FCN ODP) area is currently exempt from DCL payments. Public amenities and other infrastructure improvements were negotiated and secured as part of the approval of the original FCN ODP.

As there is no increase to the maximum floor area over the whole CD-1 site, no additional DCLs would be anticipated.

**Public Art Program** - The *Public Art Policy for Rezoning Development* requires that rezonings involving a floor area of 9,290.0 m<sup>2</sup> (100,000 sq. ft.) or greater allocate a portion of their

construction budgets (\$1.81/sq. ft.) to public art as a condition of rezoning. Following the initial rezoning from BCPED to CD-1, a public art budget of approximately \$757,309 was required as a condition of enactment and due prior to Building Permit issuance.

As this application does not propose a change to the maximum floor area for the CD-1 site, no additional public art contribution is required.

**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 toward other public benefits and they take into consideration community needs, area deficiencies and the impact of the proposed development on City services. For this site, a \$19,608,850 CAC package was achieved as part of the original rezoning from BCPED to CD-1, and included:

- transfer of title of 58 West Hastings to the City (valued at \$11.5 million) with the potential to provide 250-300 units of affordable housing ;
- \$4.2 million cash contribution towards a Paddling Centre or other marine- based recreation improvements;
- recreation improvements to land beneath the Cambie Street Bridge (valued at \$0.8 million);
- interim seawall improvements between Plaza of Nations and Quebec Street (valued at \$0.5 million);
- purchase of 40,000 sq. ft. of heritage density (valued at \$2.6 million).

With no changes proposed to the approved height or overall density for the site, a further CAC would not be anticipated.

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

#### *Financial*

As noted in the public benefits section above, there are no additional Community Amenity Contributions, Development Cost Levies or public art contributions associated with the proposed CD-1 text amendment.

### **CONCLUSION**

Staff have reviewed the application to amend the CD-1 (593) for 998 Expo Boulevard and support an increase to the floor area exclusion for balconies from 8 to 12 percent, on the condition that there will be no enclosed balconies, and the allowance for residential storage space greater than 2,018 m<sup>2</sup>, but only if the amount that exceeds 2,018 m<sup>2</sup> is located underground. The General Manager of Planning and Development Services recommends that the application be referred to 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.

\* \* \* \* \*

998 Expo Boulevard  
DRAFT AMENDMENTS TO CD-1 (593) BY-LAW NO.3575

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

[Deletions are ~~struck through and underlined~~. Additions are in **bold and underlined**.]

- Amend sub-section 4.4 as follows:

4.4 Computation of floor area must exclude:

- (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 the total area of all such exclusions must not exceed ~~8%~~ **12%** of the residential floor area;
- (b) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses, which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which are at or below base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length; and
- (d) all residential storage space above ~~or below~~ base surface to a maximum of 2,018 m<sup>2</sup>, except that residential storage space above base surface shall not exceed 3.7 m<sup>2</sup> per dwelling unit.

- Amend sub-section 4.5 as follows

4.5 Computation of floor area ~~may~~ **must** exclude, ~~at the discretion of the Director of Planning or Development Permit Board:~~

- (a) ~~enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure,~~ **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 ~~open and enclosed balcony or sundeck exclusions~~ **such exclusions** must not exceed ~~8%~~ **12%** of the residential floor area ~~being provided;~~ and
  - ii) **the balconies must not be enclosed for the life of the building;**  
~~no more than 50% of the excluded balcony floor area may be enclosed;~~
- (b) amenity areas, except that the total exclusion for amenity areas must not exceed the lesser of 20% of permitted floor area or 929 m<sup>2</sup>.

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998 Expo Boulevard (Concord Area 5B West)  
APPLICANT, PROPERTY AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

Street Address	998 Expo Boulevard
Legal Description	PID: 029-434-815, Lot 352 False Creek Plan EPP44417
Applicant/Architect	Francl Architecture
Property Owner/Developer	Concord Pacific Developments Inc.

SITE STATISTICS

DEVELOPMENT STATISTICS

	DEVELOPMENT PERMITTED UNDER EXISTING ZONING	PROPOSED DEVELOPMENT
ZONING	CD-1 (593)	CD-1 (593)
SITE AREA	5,064 m <sup>2</sup>	No change
USES	Cultural and Recreational Uses, Dwelling Uses, Institutional Uses, Office Uses, Parking Uses, Retail Uses, Service uses, Accessory Uses	No change
FLOOR AREA AND DENSITY	Total area of all exclusions must not exceed 8 percent Residential storage space above or below base surface to a maximum of 2,018 m <sup>2</sup>	Total area of all exclusions must not exceed 12 percent Residential storage space above base surface to a maximum of 2,018 m <sup>2</sup>
Floor Space Ratio (FSR)	38,841 m <sup>2</sup> - Maximum floor area for all uses 36,923 m <sup>2</sup> - Maximum floor area for residential development	No change
MAXIMUM HEIGHT	91.0 m	No change

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