



## POLICY REPORT

Report Date: January 29, 2019  
Contact: Karen Hoese  
Contact No.: 604.871.6403  
RTS No.: 12858  
VanRIMS No.: 08-2000-20  
Meeting Date: February 12, 2019

TO: Vancouver City Council  
FROM: General Manager of Planning, Urban Design and Sustainability  
SUBJECT: CD-1 Text Amendment: 1229-1289 Hornby Street

### **RECOMMENDATION**

A. THAT the application by IBI Group Architects, on behalf of the registered owners Rattenbury Enterprises Ltd. and 0785687 B.C. Ltd. (Reliance Properties and Jim Pattison Developments), to amend the text of CD-1 (Comprehensive Development) District (588) By-law No. 11107 for 1229-1289 Hornby Street [*PID: 029-416-141, Lot G Block 100 District Lot 541 Group 1 New Westminster District Plan EPP44019*], to decrease the permitted floor area for sub-area A by 429.8 sq. m (4,626 sq. ft.) and to increase the permitted floor area for sub-area B by the same amount, allowing for revisions to the floor plans on levels 34 and 35, be referred to a Public Hearing, together with:

- (i) plans prepared by IBI Architects, received September 10, 2018;
- (ii) draft amending by-law provisions, generally as presented in Appendix A; and
- (iii) the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve the application, including approval of the revised form of development as illustrated 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 Public Hearing.

B. THAT Recommendation A be adopted on the following conditions:

- (i) THAT the passage of the above resolution 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 assesses a rezoning application by IBI Architects to amend the text of CD-1 (Comprehensive Development) District (588) By-law No. 11107 for 1229-1289 Hornby Street. The proposed amendments, if approved would decrease the permitted floor area for sub-area A by 429.8 sq. m (4,626 sq. ft.) and increase the permitted floor area for sub-area B by the same amount to allow for introduction of a new residential level 35 in the sub-area B tower, which would be the upper floor of two-level units entered on level 34. No increase to the overall density or height in CD-1 (588) is proposed.

Staff recommend that the application be referred to a public hearing with the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve it, subject to the public hearing.

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

- CD-1 (588) By-law No. 11107, (enacted October 28, 2014, last amended July 7, 2015)

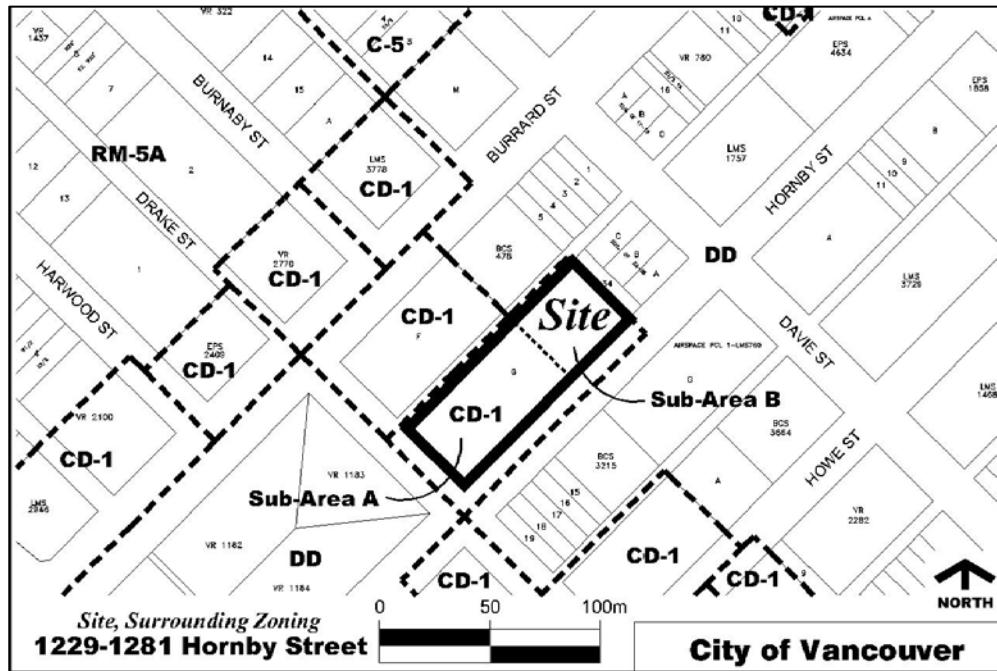
### **REPORT**

#### **Background/Context**

The CD-1 (588) By-law was approved in principle after a public hearing on December 17, 2013, and was enacted on October 28, 2014. The CD-1 District is located at the northwest corner of Hornby and Drake streets (see Figure 1) and includes two sub-areas. The approved form of development for sub-area A includes a mixed-use building, with commercial and residential uses and a maximum height of 167.6 m (550 ft.). For sub-area B, the approved form of development includes a second residential tower on a mixed-use podium, with a maximum height of 112.2 m (372 ft.).

A Development Permit for sub-area B, was reviewed by the Development Permit Board on September, 17, 2018 and was approved, subject to Council consideration of the proposed CD-1 text amendment.

Figure 1: CD-1 (588) District and Sub-areas A and B



**Strategic Analysis**

The current text amendment proposes to transfer 429.8 sq. m (4,626 sq. ft.) of unused density from sub-area A to sub-area B. The Development Permit for sub-area A, approved in 2016, incorporated less than the total amount of residential and overall floor area permitted in that sub-area by the CD-1 By-law (see Figure 2).

Figure 2: Previously approved and proposed floor area

	Permitted Under Existing Zoning	Approved in 2016 for Sub-area A and now Proposed for Sub-area B	Proposed Changes
<b>Maximum Floor Area</b>	Sub-area A 46,125.8 m <sup>2</sup> Sub-area B 21,304.5 m <sup>2</sup> Total: 67,430.3 m <sup>2</sup>	Sub-area A 45,696.0 m <sup>2</sup> Sub-area B 21,734.3 m <sup>2</sup> Total: 67,430.3 m <sup>2</sup>	Sub-area A -429.8 m <sup>2</sup> Sub-area B +429.8 m <sup>2</sup>
<b>Maximum Residential Floor Area</b>	Sub-area A 39,910.1 m <sup>2</sup> Sub-area B 16,925.4 m <sup>2</sup> Total: 56,835.5 m <sup>2</sup>	Sub-area A 39,553.1 m <sup>2</sup> Sub-area B 17,282.4 m <sup>2</sup> Total: 56,835.5 m <sup>2</sup>	Sub-area A -357.0 m <sup>2</sup> Sub-area B +357.0 m <sup>2</sup>

Floor area transferred from sub-area A is proposed to be incorporated into sub-area B with no change to the overall form of development approved in 2013 for that sub-area. The Development Permit application for sub-area B, recently approved by the Development Permit Board, proposes two-level suites at level 34. Residential floor area will be added to create the upper floor for these units on a new level 35. The dimensional height of the tower is unchanged as the 35 floors are accommodated within the maximum building height of 112.2 m (372 ft.)

currently in the CD-1 By-law. Staff support the floor area amendment to the CD-1 By-law, contained in Appendix A, and the revised form of development, as presented in Appendix B.

### **Public Input**

Information about the application, as well as an online comment form, was provided on the City of Vancouver Rezoning Centre webpage [www.vancouver.ca/rezapps](http://www.vancouver.ca/rezapps). There has been no public feedback in response to the rezoning application.

### **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.

This site is subject to City-wide DCLs and City-wide Utilities DCLs. DCL rates are subject to future adjustment by Council including annual inflationary adjustments. DCLs are payable at building permit issuance based on rates in effect at that time. A development may qualify for 12 months of in-stream rate protection from DCL rate increases, provided that an application has been received prior to the rate adjustment. See the City's [DCL Bulletin](#) for details on DCL rate protection.

As there is no net increase to the maximum floor area permitted in the CD-1, no additional DCLs would be anticipated. DCLs for the 357 sq. m of floor area not built in sub-area A will now be collected with the Building Permit for sub-area B.

**Public Art Program** – The Public Art Policy for Rezoning Development requires that rezonings involving a floor area of 9,290.0 sq. m (100,000 sq. ft.) or greater allocate a portion of their construction budgets to public art as a condition of rezoning. Following the initial rezoning from DD to CD-1, a public art contribution was required as a condition of enactment.

As this application proposes no change to the overall floor area in the CD-1, 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. CACs 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 \$22.6 million CAC was achieved as part of the original rezoning from DD to CD-1, which was allocated to securing some market rental housing units in the development, to the purchase of heritage amenity, and towards other local and city-wide needs.

As this application proposes no change to the overall floor area permitted in the CD-1, no additional CAC contribution is anticipated.

### **Financial Implications**

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 decrease the permitted residential floor area for sub-area A of CD-1 (588) for 1229-1289 Hornby Street by 429.8 sq. m (4,626 sq. ft.) and increase the permitted floor area for sub-area B by the same amount, to allow for revisions to the proposed tower floor plans. The General Manager of Planning, Urban Design and Sustainability recommends that the application be referred to public hearing together with the draft amending by-law as generally set out in Appendix A and the revised form of development as shown in Appendix B, and that these be approved, subject to the Public hearing.

\* \* \* \* \*

**1229-1289 Hornby Street  
PROPOSED BY-LAW PROVISIONS  
to amend CD-1 (588) By-law No. 11107**

Note: A By-law to amend CD-1 (588) By-law No. 11107 will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

**Floor Area and Density**

- Replace the table in sub-section 5.1 with the following:

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<b>Sub-Area</b>	<b>Maximum Floor Area</b>
A	45,696 m <sup>2</sup>
B	21,734.3 m <sup>2</sup>
Total	67,430.3 m <sup>2</sup>

”

- In sub-section 5.2(c), strike “39,910.1 m<sup>2</sup>” and substitute “39,553.1 m<sup>2</sup>”.
- In sub-section 5.2(d), strike “16,925.4 m<sup>2</sup>” and substitute “17,282.4 m<sup>2</sup>”.

\* \* \* \* \*

1229-1281 Hornby Street  
REVISED FORM OF DEVELOPMENT

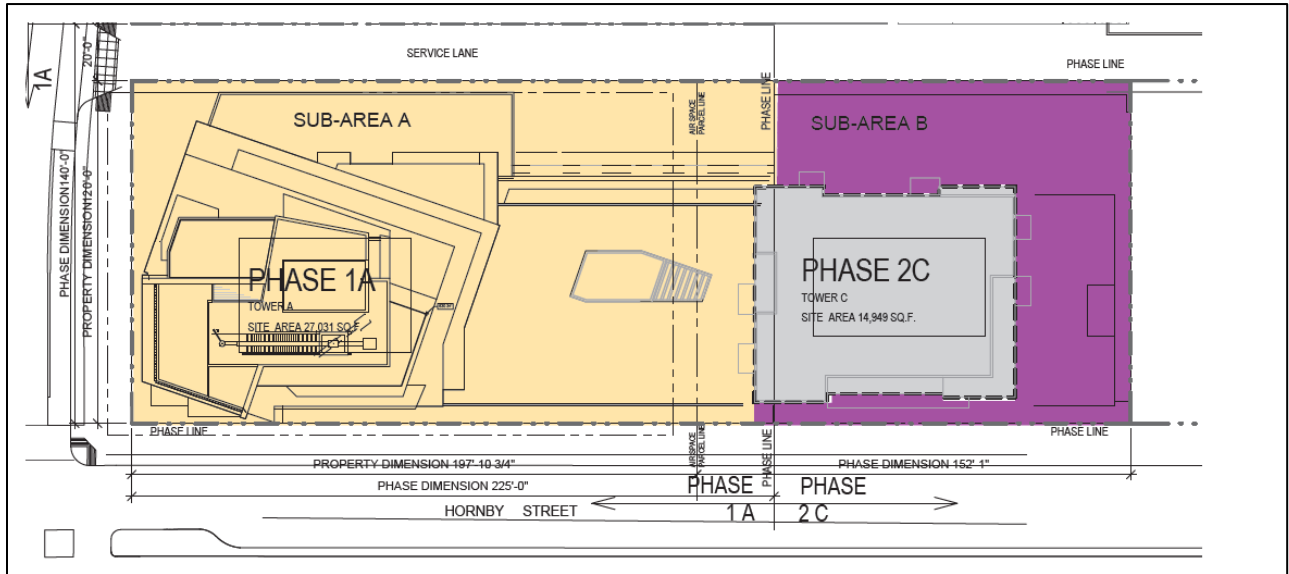


Figure 1: Site Plan showing Sub-areas A and B

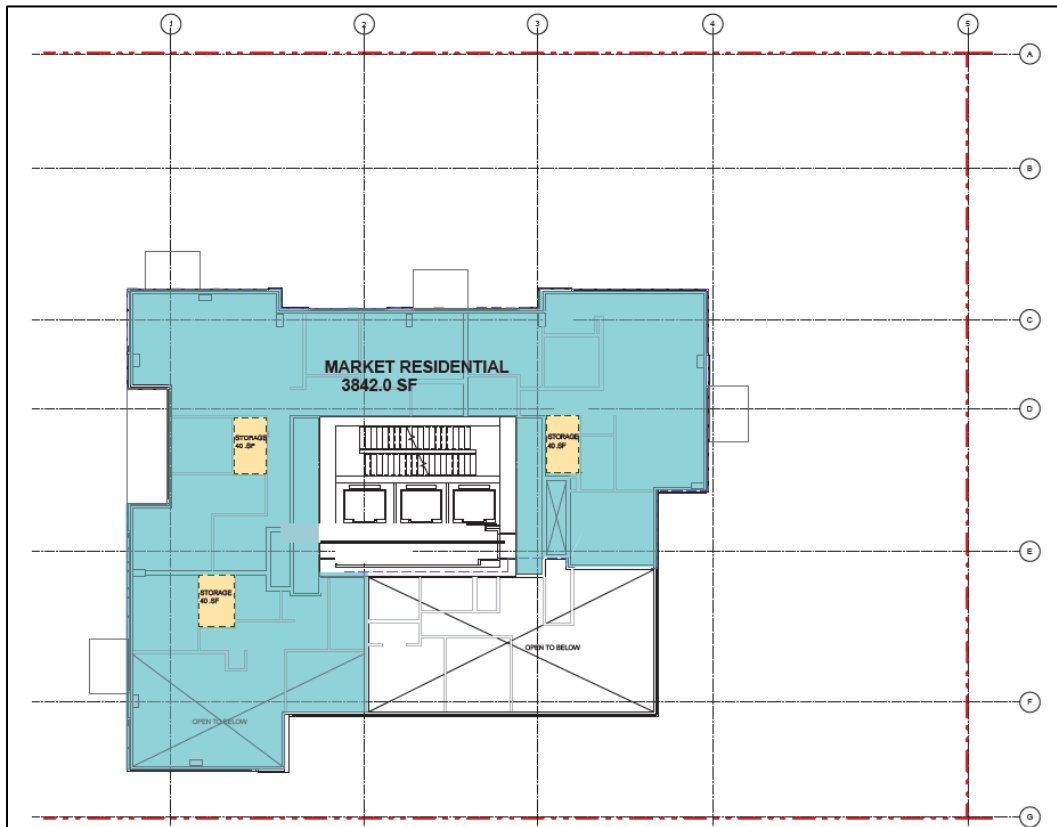


Figure 2: Plan of new Level 35 showing additional floor area in Sub-area B (Tower C) – upper floor of two-level units



Figure 3: Elevation showing in blue proposed location of additional floor area in Sub-area B (Tower C)



**1229-1289 Hornby Street  
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION**

**APPLICANT AND PROPERTY INFORMATION**

<b>Street Address</b>	1229-1289 Hornby Street
<b>Legal Description</b>	PID: 029-416-141; Lot G Block 100 District Lot 541 Group 1 New Westminster District Plan EPP44019
<b>Applicant/Architect</b>	IBI Group
<b>Developer</b>	Reliance Properties Ltd. and Jim Pattison Developments Ltd.
<b>Property Owner</b>	Rattenbury Enterprises Ltd. and 0785687 B.C. Ltd.

**SITE STATISTICS**

<b>Site Area</b>	3,900 sq. m (41,979.3 sq. ft.)
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**DEVELOPMENT STATISTICS**

	<b>Permitted Under Existing Zoning</b>	<b>Proposed</b>
<b>Zoning</b>	CD-1 (588)	amended CD-1 (588)
<b>Uses</b>	Cultural and Recreational, Residential, Institutional limited to Child Day Care, Retail including Vehicle Dealer, Service including Motor Vehicle Repair, Office	No change
<b>Max. Density</b>	17.29 FSR	No change
<b>Floor Area</b>	Total: 67,430.3 m <sup>2</sup>	No change
<b>Maximum Floor Area</b>	Sub-area A 46,125.8 m <sup>2</sup> Sub-area B 21,304.5 m <sup>2</sup> Total: 67,430.3 m <sup>2</sup>	Sub-area A 45,696.0 m <sup>2</sup> Sub-area B 21,734.3 m <sup>2</sup> Total: 67,430.3 m <sup>2</sup>
<b>Maximum Residential Floor Area</b>	Sub-area A: 39,910.1 m <sup>2</sup> Sub-area B: 16,925.4 m <sup>2</sup> Total: 56,835.5 m <sup>2</sup>	Sub-area A: 39,553.1 m <sup>2</sup> Sub-area B: 17,282.4 m <sup>2</sup> Total: 56,835.5 m <sup>2</sup>
<b>Maximum Height</b>	Sub-area A: 167.6 m (550 ft.) Sub-area B: 112.2 m (372 ft.)	No change
<b>Parking, Loading and Bicycle Spaces</b>	As per Parking By-law, except that: Class A loading is required at a rate of 0.01 spaces for each dwelling unit up to 300 dwelling units, and at a rate of 0.008 spaces for each unit in excess of 300.	No change