



## POLICY REPORT

Report Date: April 15, 2019  
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Meeting Date: April 23, 2019

TO: Vancouver City Council  
FROM: General Manager of Planning, Urban Design and Sustainability  
SUBJECT: Consideration of Rezoning Proposal at 1980 Foley Street

### **RECOMMENDATION**

- A. THAT Council approve staff considering a rezoning application for the site at 1980 Foley Street, which is within the Broadway Plan study area (PID: 025-102-419, Lot 1 District Lots 264A and 2037 Group 1 New Westminster District Plan LMP50588) which includes a proposed office building at a height beyond the current height limit in the existing CD-1 zoning as an exception to the Broadway Plan Interim Rezoning Policy.
- B. THAT passage of the above resolution will in no way fetter Council's discretion in considering any rezoning application for the subject site and does not create any legal rights for the applicant or any other person, or obligation on the part of the City; and expenditure of funds or incurred costs are at the risk of the person making the expenditure or incurring the cost.

### **REPORT SUMMARY**

The *Broadway Plan Interim Rezoning Policy* requires Council approval to allow consideration of rezoning applications within the Broadway Plan study area in exceptional circumstances at the discretion of the Director of Planning. The purpose of this report is to:

- Advise Council that a rezoning inquiry has been received to amend the provisions of existing CD-1 (402) By-law to allow for the development of an office building at 1980 Foley Street (see Figure 1), which is within the Broadway Plan study area.
- Provide background information on the proposed development.
- Recommend that staff work with the applicant to prepare a rezoning application for 1980 Foley Street that addresses City objectives including the provision of job space, public space and urban design considerations.

**COUNCIL AUTHORITY/PREVIOUS DECISIONS**

- CD-1 (402) Great Northern Way Campus (by-law enacted November 30, 1999, lasted amended July 22, 2014)
- *False Creek Flats Plan (2017)*
- *Policy on Consideration of Rezoning Applications and Heritage Revitalization Agreements during Broadway Planning Process (2018)*

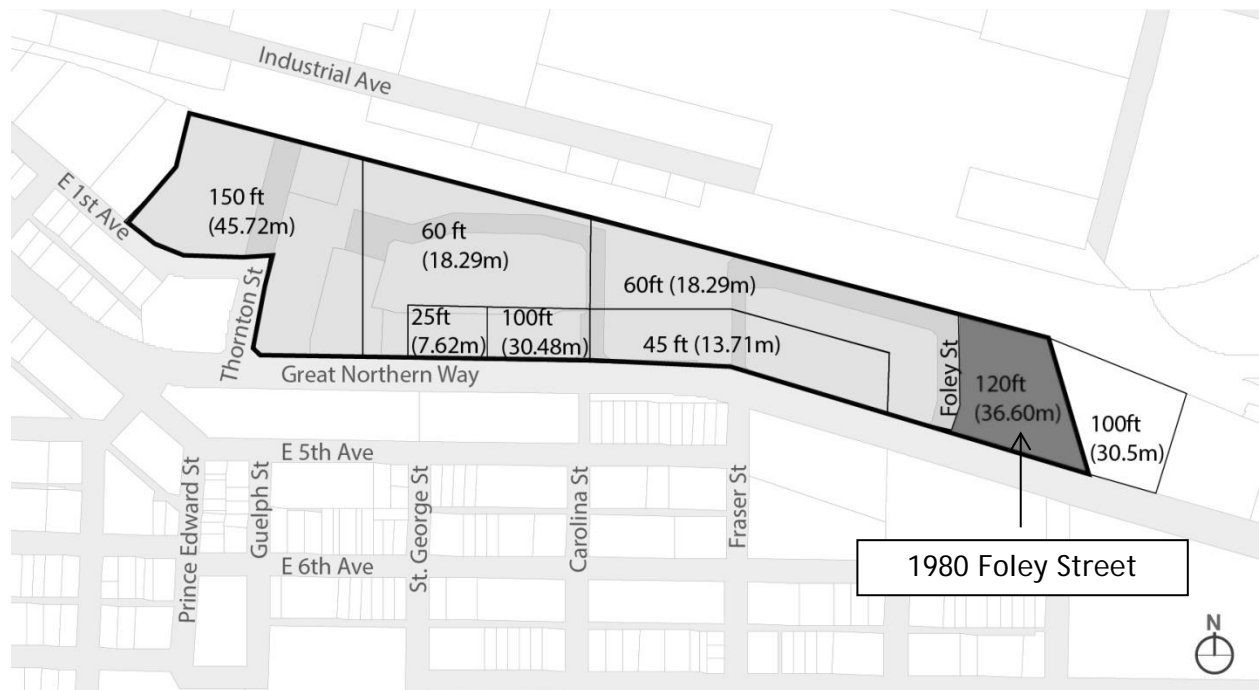


Figure 1: Contextual area map showing maximum permitted heights under CD-1 (402) By-law. The final building height of the proposed development will be determined through the rezoning process and will be subject to Council’s approval. However the rezoning application may include a proposed building height of approximately 250 feet, which exceeds the height permitted by the current zoning for the site, should Council approve staff to consider a rezoning application for the site.

**REPORT**

**BACKGROUND CONTEXT**

**1. Rezoning Enquiry**

Staff have received a rezoning inquiry from Lululemon Athletica that proposes:

- An 11 to 13 storey office building.
- A 15 m wide landscaped public space that commemorates the former China Creek.
- Overall density of 5.13 Floor Space Ration (FSR) and total floor area of 582,951 square feet.

## **2. Policy Context**

The subject site is currently zoned CD-1 and is located within the False Creek Flats. The *False Creek Flats Area Plan* was adopted in 2017 and included strategic direction to “*Maximize development opportunities to create employment intensification.*”

The Plan seeks to intensify job space opportunities close to transit:

*“7.1 BUILT FORM PRINCIPLES Intensify Employment Opportunities Economic advances, new ideas and innovation are often tied to the sharing of ideas tied to local interactions and conversations. As such, this plan seeks to encourage a high-intensity employment district near transit and around high amenity public spaces to anchor public life.”*

The *False Creek Flats Area Plan* also includes policy to improve north-south walking and cycling connections from Mount Pleasant and surrounding areas. The “Walk the Line” network of public spaces, as shown in Figure 2, includes the “five-point walking/cycling route connector” adjacent to the 1980 Foley Street site. A connection will be explored through access to the eastern portion of the 1980 Foley Street site, as part of a 15 m Right-of-Way, as shown in Figure 3.

In June 2018, Council approved a Broadway Plan Interim Rezoning Policy which limits rezoning applications being considered within the Broadway Plan study area. The policy provides that generally rezonings will not be considered in the Broadway Plan Study Area while the Broadway Plan process is underway, in order to not pre-empt or divert the planning process with rezonings which set new directions or preclude options that could emerge during the process. The policy provides for three exceptions to allow consideration of rezoning applications, including the following “Policy 3” which provides:

*“Rezoning applications which seek relief from any of the terms of this rezoning policy may be considered under exceptional circumstances once reported to Council for direction, at the discretion of the Director of Planning.”*

In this case, the Director of Planning recommends that Council approve staff considering and proceeding with a rezoning application review process based upon exceptional circumstances, including that there is no additional density being requested, the provision of job space is aligned with the recently completed False Creek Flats Area Plan, and there is an opportunity to advance strategic streetscape and public space improvements.



Figure 2: False Creek Flats Area Plan – Walk the Line map

### 3. Strategic Analysis

The Director of Planning recommends that a rezoning application be considered for the site. The submitted enquiry incorporates a significant office building that will help advance the objectives of the *False Creek Flats Area Plan* by:

- intensifying job space close to transit and amenities,
- securing additional public space (China Creek), and
- improving walking and cycling connections.

Staff also recommends that the inquirer work with Staff on the preparation of a rezoning application that improves the urban design development to reduce shadowing on the new China Creek public space, and that maximizes views from Mount Pleasant to the North Shore Mountains.



Figure 3: 1980 Foley Street site

The provisions of the existing CD-1 By-law will not allow the existing density to be achieved on site, without an increase in the allowable height. This is due to the need for setbacks from Foley Street and from Great Northern Way to allow for walking, cycling and landscaping improvements, and the easements and Rights-of-Way that limit the portion of the site that can be built on as shown in Figure 3. Additionally, a 15 m Right-of-Way along the eastern portion of the site can be used to secure a new China Creek public space.

**Land Use** – The proposed office land use is consistent with the existing CD-1 By-law and with *False Creek Flats Area Plan*.

**Height and Density** – The proposed development in the rezoning inquiry seeks no increase in density. However, it does seek additional height to allow the existing density to be achieved, while allowing urban design creativity to maximize views to the North Shore Mountains and to minimize shadows on the future China Creek public space. A building height of up to 250 feet will be tested as part of the Rezoning Application process. The maximum allowable height under the existing zoning is 120 feet. Any proposed increase in height above that currently allowed under the CD-1 By-law will be subject to Council approval as part of the rezoning process, if the rezoning application proceeds and Council subsequently refers it to a Public Hearing.

**Views** – View impacts to the North Shore Mountains from the top of the escarpment on the south side of Great Northern Way and from China Creek North Park will be considered as part of the rezoning review process and a building massing for the site will be developed through the rezoning process to improve upon what can be achieved under the existing zoning.

**China Creek Open Space** – As shown in Figure 3 above, a 15 m Right-of-Way runs along the eastern side of the site for the purpose of constructing/maintaining water and sewer works, and for the purpose of the "daylighting" of China Creek, if/when required. This unique opportunity will be explored further as part of the rezoning process.

**Proposed Planning and Consultation Process** – Staff anticipate considerable public engagement throughout the rezoning inquiry and application process. As with all rezoning applications, a formal public hearing would be required.

As part of the rezoning process, public consultation would be led by City staff with involvement from the proponent. The process would be conducted concurrently with staff review of a formal rezoning inquiry and application, and would include:

- Prior to applying for rezoning:
  - Pre-application public open house, led by the proponent with staff in attendance, outlining principles and showing high-level redevelopment plans for the site
- Following submission of rezoning application:
  - Mailed notification of neighbouring residents
  - Meeting with local stakeholder groups
  - At least one additional staff-led open house to provide an opportunity for members of the public to ask questions and receive feedback
  - Public feedback forms to be made available both online and in hard-copy at public engagement events
  - Dedicated project page on the City website including staff contact information and a link to the public feedback form, and information regarding engagement events
  - Other meetings, as deemed necessary by City staff

### ***Financial Implications***

Subject to Council direction and as part of the rezoning process, staff will report back at the time of any rezoning referral report on applicable developer contributions (e.g. Development Cost Levies, Community Amenity Contribution's, and Public Art), as well as proposals for on-site and/or off-site amenities for Council's consideration.

### ***CONCLUSION***

The rezoning inquiry for a proposed office building at 1980 Foley Street presents a unique opportunity to advance a significant amount of job space and improve public space and access within the False Creek Flats.

The General Manager of Planning, Urban Design and Sustainability recommends that Council approve Staff consider a rezoning application for this site as an exceptional circumstance under the Broadway Plan Interim Rezoning Policy on the basis outlined in this report.

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