



## POLICY REPORT

Report Date: May 28, 2019  
Contact: Karen Hoesse  
Contact No.: 604.871.6403  
RTS No.: 13141  
VanRIMS No.: 08-2000-20  
Meeting Date: June 11, 2019

TO: Vancouver City Council  
FROM: General Manager of Planning, Urban Design and Sustainability  
SUBJECT: CD-1 Text Amendment: 650 West 41st Avenue (Oakridge Centre)

### **RECOMMENDATION**

A. THAT the application by Henriquez Architects, on behalf of 7503059 Canada Inc. (Westbank Projects), the registered owner, to amend the text of CD-1 (Comprehensive Development) District (1) By-law No. 3568 for 650 West 41st Avenue (Oakridge Centre) [*PID 003-128-687, Lot 7, except Part in Air Space Plan 20425, Block 892, District Lot 526, Plan 20424*], to update the Sub-areas and Height sections, to add floor area exclusions for interior public space providing access to the Oakridge-41st Canada Line Station and for exterior overhangs, and to update the family housing requirements in the Conditions of Use section, be referred to a Public Hearing, together with:

- (i) draft CD-1 By-law provisions, generally as presented in Appendix A; and
- (ii) the recommendation of the General Manager of Planning, Urban Design and Sustainability 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 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 an application to amend the CD-1 (Comprehensive Development) District (1) By-law No. 3568 for 650 West 41st Avenue (Oakridge Centre) to revise the Sub-areas in section 3 and corresponding height table in subsection 7.2, to add exclusions for interior public space providing access to the Oakridge-41st Canada Line Station and for exterior overhangs, and to update the family housing requirements under subsection 5.2 to be in accordance with the current *Family Room: Housing Mix Policy for Rezoning Projects*.

These changes would bring the CD-1 By-law into alignment with the approved Preliminary Development Permit and reflect its revised form of development. No changes to land uses, floor area or density are 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 (1) By-law No. 3568, (enacted April 23, 1956 and last amended September 19, 2018)*
- *Oakridge Centre Policy Statement (2007)*
- *Family Room: Housing Mix Policy for Rezoning Projects (2016)*
- *High-Density Housing for Families With Children Guidelines (1992)*

## **REPORT**

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

Oakridge Centre is situated at the southwest corner of Cambie Street and 41st Avenue, immediately adjacent to the Oakridge-41st Avenue Canada Line station. The site is 11.45 hectares (28.3 acres) in size, roughly equivalent to eight city blocks (see Figure 1).

Developed in 1956, Oakridge Centre, also known as the Oakridge Mall, was the first auto-oriented shopping centre in Vancouver and the first site to be regulated under a Comprehensive Development (CD-1) By-law. This CD-1 District originally included some adjacent apartment areas in addition to the shopping mall site.

In 2007, Council adopted the *Oakridge Centre Policy Statement* which envisioned a vibrant, sustainable redevelopment, with a greater intensity of housing, retail and office uses that takes

advantage of Oakridge Centre's excellent transit accessibility and adjacency to parks and public amenities.

After a public hearing in March 2014, Council approved in principle amendments to CD-1 (1) to permit a substantial redevelopment of the site, including buildings at a range of heights up to 45 storeys. The proposed development reconstructs retail, service, office and civic uses totalling up to 168,059 sq. m and adds residential uses up to 256,541 sq. m. The proposed civic centre includes child daycare, library and a new community centre, with a fitness centre, performance space, artist-in-residence studios, a seniors' centre, and a youth centre. The 2014 by-law amendments also included rezoning of the adjacent apartment areas to separate CD-1 districts (712 and 713).

Following the 2014 public hearing, a Preliminary Development Permit (PDP) process took place to work out the details of the form of development in the different sub-areas of this large site. The PDP was approved by the Development Permit Board on July 23, 2018.

The by-law amendments approved in principle in 2014 were enacted on September 19, 2018. Subsequent minor amendments to Oakridge's CD-1 By-law are the subject of this report.

**Figure 1: CD-1 (1) Site and Surrounding Zoning**



## Strategic Analysis

### 1. Proposal

The current application is to amend CD-1 (1) By-law to update the sub-areas diagram and corresponding height table, to add exclusions for interior public space providing access to the

Oakridge-41st Canada Line Station and for exterior overhangs, and to update the family housing provisions to bring them into alignment with the current requirements of the *Family Room: Housing Mix Policy for Rezoning Projects*. Specifically, the changes to the following sections include:

### ***Sub-Areas and Height***

The Preliminary Development Permit approved in 2018 included refinements that changed the form and public realm of the project, including the elimination of one tower and changes to the locations of some of the other towers. In order for the current by-law to reflect these modifications, the “Figure 1 - Sub-areas” diagram in Section 3 needs to be revised (see proposed diagram in Appendix A). The sub-areas are used to regulate building height, so the table in Section 7.2 also requires modification to remove sub-area 4, which was the sub-area for the tower now eliminated.

### ***Floor area exclusion for interior public space providing access to transit***

The current text amendment application includes a request that floor space occupied by corridors in the retail levels of the development be excluded in the by-law from the calculation of the maximum permitted floor area. This retail corridor space had been shown separately in the 2014 rezoning application and was presented in the architectural drawings as by-law excluded floor area. The understanding at the time by the applicant and staff working on the application was that the previous by-law for Oakridge had excluded the retail corridor space. In fact, the 2004 version of the Oakridge CD-1 By-law permitted a separate maximum floor area for “enclosed public pedestrian circulation, service and exist corridors”. It did not exclude this space from the calculation of the permitted floor area.

The draft by-law posted at the March 10, 2014 public hearing did not include the contemplated floor area exclusion and the accompanying Policy Report did not mention the retail corridors, save for a condition of enactment requiring a statutory right-of-way through the site to give access to the Oakridge-41st Canada Line Station, which could be at the interior mall level. In a follow-up after the public hearing, it was noted by staff to the applicant that it was an error that the retail corridor exclusion had not be addressed in the hearing documents and further suggested that the matter be dealt with in a text amendment after enactment of the by-law. The enactment occurred September 20, 2018 and the current text amendment application followed.

Staff have reviewed the request to add an exclusion to the by-law for retail corridor space and have concluded that the precedent for this type of exclusion for interior public circulation space in commercial developments is limited to public space providing access to transit stations that is secured by a statutory right-of-way and for other internal public features such as atria. Section 3.7(b) of the Downtown Official Development Plan provides the baseline for this provision and limits the exclusion to the lesser of 10% of the permitted floor area or 6,000 square feet (557 sq. m). This provision has also been included in the CD-1 by-laws of other sites within the downtown, and the limits have ranged from 557 sq. m to 1,099 sq. m.

To be consistent with how this exclusion provision has been used on other sites, staff propose that it be limited to the space dedicated as a right-of-way that provides for public access through the site to the Oakridge-41st Canada Line station. This is consistent with the right-of-way agreement secured in the 2018 enactment, which specifies that the right-of-way is for the purpose of public access to the transit station. Staff further recommend that the exclusion be limited, in the case of Oakridge Centre, to 3,000 sq. m., which is the size of the corridor within

which the transit access is proposed. While this limit is higher than has been used in other CD-1 by-laws, it is commensurate with the size of the retail component in this very large development.

### ***Exclusion for exterior overhangs***

A provision to exclude areas under tower building overhangs is proposed, provided that these areas remain unenclosed for the life of the building. This provision is typically included when the overhangs relate to design elements of the building and there is no intention to enclose these areas. The inclusion of this provision was overlooked in 2014, as it was not apparent until the Preliminary Development Permit was submitted that tower building overhangs were proposed.

### ***Family Housing Requirements***

The *Family Room: Housing Mix Policy for Rezoning Projects* has been updated since the approval in principle of the amendments to the CD-1 (1) By-law was granted in 2014. The current policy requires that in respect of market housing, at least 35% of the units must be two- and three-bedroom units suitable for families and designed in accordance with *the High Density Housing for Families with Children Guidelines*, and in respect of social housing, 50% of the units must be housing suitable for families. An amendment to section 5.2 of the by-law is proposed to bring it into alignment with the current standards for family housing mix. The applicant is proposing approximately 65% family units for market strata housing, 37% family units for market rental housing and 50% family units for the social housing units on the site. Accordingly, the applicant's proposal exceeds or meets the current minimum family housing requirements.

Staff support the amendments to the CD-1 By-law, contained in Appendix A.

### ***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 (DCLs) collected from development help pay for facilities made necessary by growth, including parks, childcare facilities, replacement housing (social/non-profit housing) and engineering infrastructure. The proposed amendments do not alter the maximum floor area in the CD-1 By-law and the addition of standard provisions for floor area exclusion would have a marginal impact on the DCLs paid. The amount of floor area that is excludable, and therefore not subject to DCLs, relative to the total floor area in this project is typical for a mixed-use development combining residential and commercial uses.

***Public Art Program*** – The Public Art Policy for Rezoning Development requires that rezonings involving a floor area of 9,290 sq. m (100,000 sq. ft.) or greater allocate a portion of their construction budgets to public art as a condition of rezoning. A public art agreement was secured as part of the enactment of the amendments approved in 2014. The proposed amendments would have a marginal impact on the project's \$8 million public art budget.

**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 CAC was secured as part of the amendments to the CD-1 By-law enacted on September 19, 2018, including in-kind contributions towards social housing, a Civic Centre containing a new Community Centre, Library, Senior's Centre, Performance Spaces, and a Child Daycare Facility, a nine-acre Park and other needs as identified through the *Cambie Corridor Plan*.

As this application proposes no change to the maximum permitted floor area for this site, no additional CAC contribution is anticipated.

### ***Financial Implications***

As noted in the public benefits section above, the proposed amendments to the provisions for floor area exclusions would have a marginal impact on the Development Cost Levies and public art contributions associated with the development and there is no additional Community Amenity Contribution.

### ***CONCLUSION***

Staff have reviewed the application to amend the text of CD-1 (1) for 650 West 41st Avenue (Oakridge Centre) and support the updates to the sub-areas and height sections, the addition of floor area exclusions for public access to transit and for exterior overhangs, as well as the update to the family housing requirements. Approval of these amendments would not have any implications for the approved floor area and density, and they enable the form of development approved as part of the Preliminary Development Permit for the site. The General Manager of Planning, Urban Design and Sustainability recommends that the application be referred to Public Hearing, together with the draft by-law provisions generally as set out in Appendix A, and that it be approved, subject to the Public Hearing.

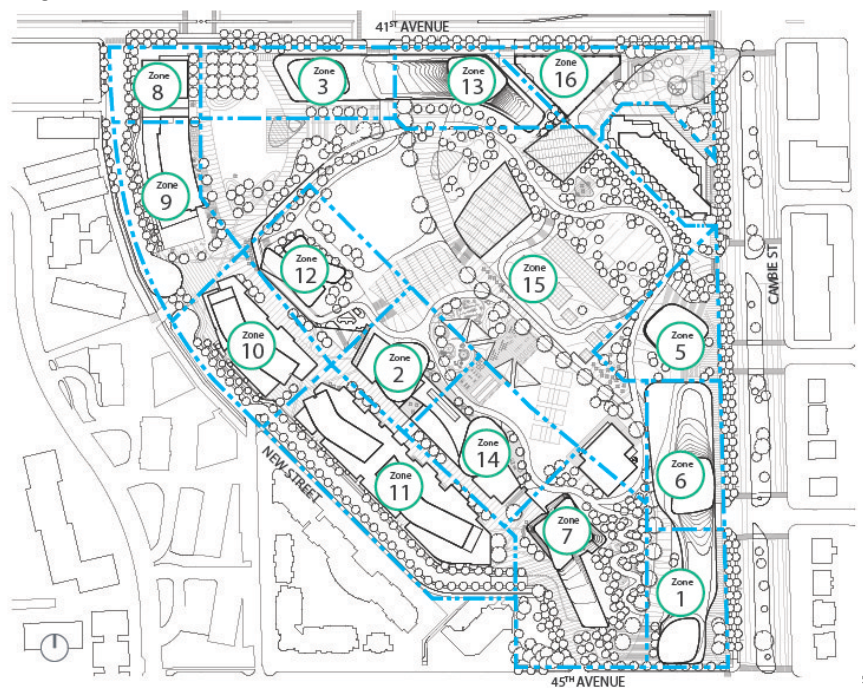
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**650 West 41st Avenue (Oakridge Centre)  
PROPOSED BY-LAW PROVISIONS  
to amend CD-1 (1) By-law No. 3568**

Note: A By-law to amend CD-1 (1) By-law No. 3568 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 3568.
2. In section 3, Council strikes out “16 sub-areas” and substitutes “15 sub-areas”.
3. In section 3, Council strikes out Figure 1 – Sub-Areas and substitutes the following:

“Figure 1 – Sub-Areas



4. Council strikes out section 5.2 and substitutes the following:

“5.2 The design and layout of at least 35% of the dwelling units not used for social housing must:

- (a) be suitable for family housing;
- (b) comply with Council’s “Family Room: Housing Mix Policy for Rezoning Projects” requiring:
  - (i) a minimum of 35% family units (units having two or more bedrooms) in residential strata housing, including a minimum 25% two-bedroom units and a minimum 10% three-bedroom units; and

- (ii) a minimum of 35% family units with two or more bedrooms in secured market rental housing;
  - (c) comply with Council's "High-Density Housing for Families with Children Guidelines".
- 5. Council renumbers section 5.3 as section 5.4, and adds a new section 5.3 as follows:

"5.3 The design and layout of at least 50% of the dwelling units used for social housing must:

  - (a) be suitable for family housing;
  - (b) include two or more bedrooms; and
  - (c) comply with Council's "High Density Housing for Families with Children Guidelines".
- 6. Council strikes out section 6.9 and substitutes the following:

"6.9 Computation of floor area may exclude:

  - (a) amenity areas, except that the total exclusion for amenity areas must not exceed 2,600 m<sup>2</sup>;
  - (b) unenclosed outdoor areas underneath tower building overhangs, provided they are at grade or park level, except that they must remain unenclosed for the life of the building; and
  - (c) interior public space providing access to the Oakridge-41st Canada Line Station, except that:
    - (i) the excluded area must not exceed 3,000 m<sup>2</sup>,
    - (ii) the excluded area must be secured by a covenant and right of way in favour of the City of Vancouver which sets out public access and use, and
    - (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council."



7. Council strikes out table in sub-section 7.2 and substitutes the following:

“

<b>Sub-Area</b>	<b>Maximum building heights (in meters)</b>
1	143.9 m
2	166.3 m
3	191.9 m
5	213.2 m
6	186.3 m
7	191.9 m
8	149.0 m
9	116.0 m
10	127.2 m
11	115.4 m
12	194.9 m
13	221.5 m
14	184.2 m
15	112.9 m
16	118.2 m

”

\* \* \* \* \*

**650 West 41st Avenue (Oakridge Centre)  
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION**

**APPLICANT AND PROPERTY INFORMATION**

<b>Street Address</b>	650 West 41st Avenue
<b>Legal Description</b>	PID: 003-128-687, Lot 7, except Part in Air Space Plan 20425, Block 892, District Lot 526, Plan 20424
<b>Applicant/Architect</b>	Henriquez Partners Architects
<b>Property Owner</b>	7503059 Canada Inc. (Westbank Projects)

**DEVELOPMENT STATISTICS**

	<b>Permitted Under Existing Zoning</b>	<b>Proposed</b>																																																																				
<b>Zoning</b>	CD-1 (1)	amended CD-1 (1)																																																																				
<b>Uses</b>	Cultural and Recreational Uses, Dwelling Uses, Institutional Uses, Manufacturing Uses, Office Uses, Parking Uses, Retail Uses, Services Uses	No change																																																																				
<b>Max. Density</b>	3.71	No change																																																																				
<b>Floor Area</b>	<u>Maximum permitted</u> Dwelling use: 256,541 m <sup>2</sup> Non-residential use: 256,541 m <sup>2</sup>  <u>Minimum required</u> Grocery or drug store: 3,716 m <sup>2</sup> Office use: 39,000 m <sup>2</sup>	Add exclusion for interior public space serving as access to the Oakridge-41st Canada Line Station and exterior overhangs																																																																				
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<b>Parking, Loading and Bicycle Spaces</b>	As per Parking By-law.	No change																																																																				