



REFERRAL REPORT

Report Date: June 9, 2020
Contact: Theresa O'Donnell
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VanRIMS No.: 08-2000-20
Meeting Date: June 23, 2020

TO: Vancouver City Council
FROM: General Manager of Planning, Urban Design and Sustainability
SUBJECT: CD-1 Text Amendment: 1335 Howe Street

RECOMMENDATION

A. THAT the application by Onni Howe Street (Nominee) Corp. to amend CD-1 (643) By-law No. 11661 for 1335 Howe Street [*PID 029-787-092; Lot E, Block 111, District Lot 541, New Westminster District Plan EPP59620*], to increase the permitted floor space ratio (FSR) from 12.12 to 12.29 be referred to a Public Hearing, together with:

- (i) draft by-law amendments generally as presented in Appendix A;
- (ii) revised building floor plans generally as presented in Appendix C; and
- (iii) 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 CD-1 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 (643) By-law for 1335 Howe Street. A rezoning application for the site was approved in 2015 for a mixed-use building that is currently under construction. The CD-1 (643) By-law, enacted on November 1, 2016, allows for a maximum floor space ratio of 12.12 FSR. The proposed amendment would increase the total floor space for all uses to 12.29 FSR. This change accounts for the conversion of in-suite storage floor area—previously excluded from FSR calculations—into regular residential floor area. This is due to reconfiguration of the residential units that would result in fewer residential units and therefore fewer storage rooms needed. The revised unit layouts are contained entirely within the previously approved form of development. It is recommended 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 (643) By-law No. 11661, enacted November 1, 2016*
- *Family Room: Housing Mix Policy for Rezoning Projects (July 2016)*

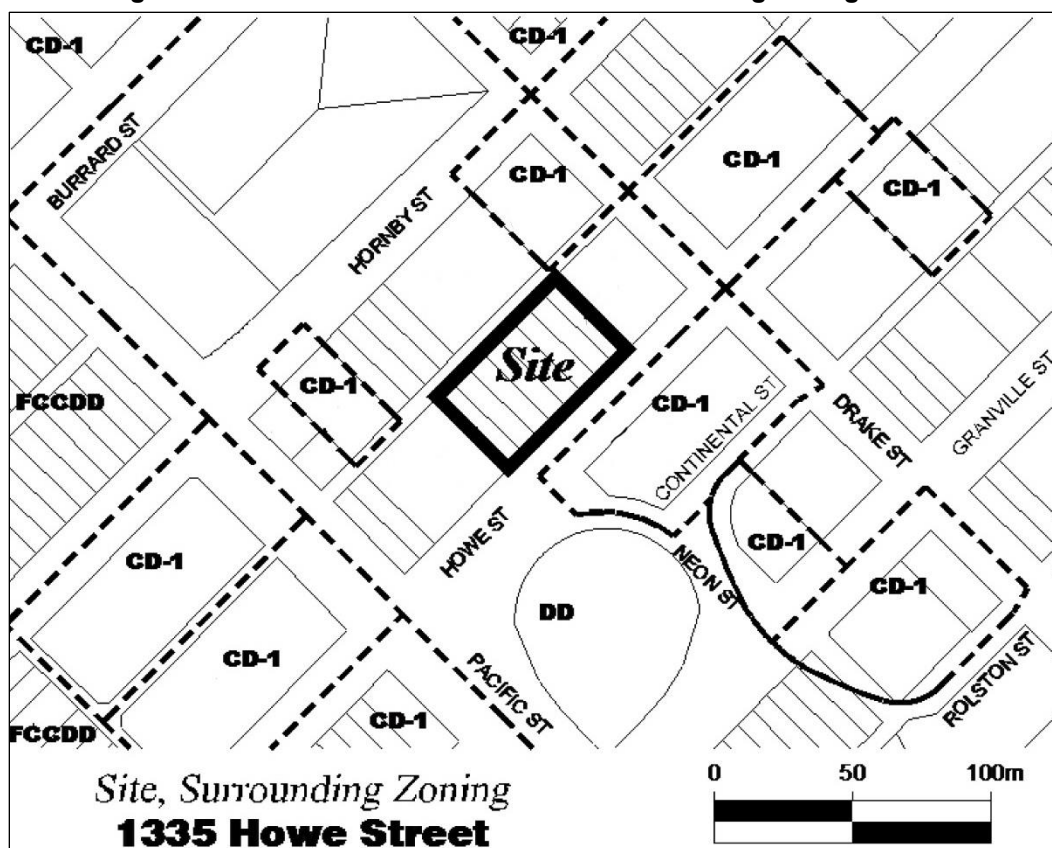
REPORT

Background/Context

The subject site is 2,230 sq. m (24,004 sq. ft.) in size and mid-block on the west side of Howe Street, between Drake and Pacific Streets (see Figure 1). It was previously occupied by the Quality Inn Hotel which was demolished in late 2017. On December 15, 2015, Council approved a rezoning of the site from Area N of the Downtown District to CD-1 to allow for the development of a 40-storey residential tower with a seven-storey podium containing 109 secured market rental units, and retail and service uses at ground level. The resulting CD-1 (643) By-law, enacted November 1, 2016, allows for a maximum floor space ratio (FSR) of 12.12.

As the project proceeded to the development permit stage, the interior layout of the strata residential floors was revised in response to market demand for larger units. The current application seeks approval of minor amendments to the CD-1 By-law that are required to accommodate these changes.

Figure 1 – Site at 1335 Howe Street and surrounding zoning



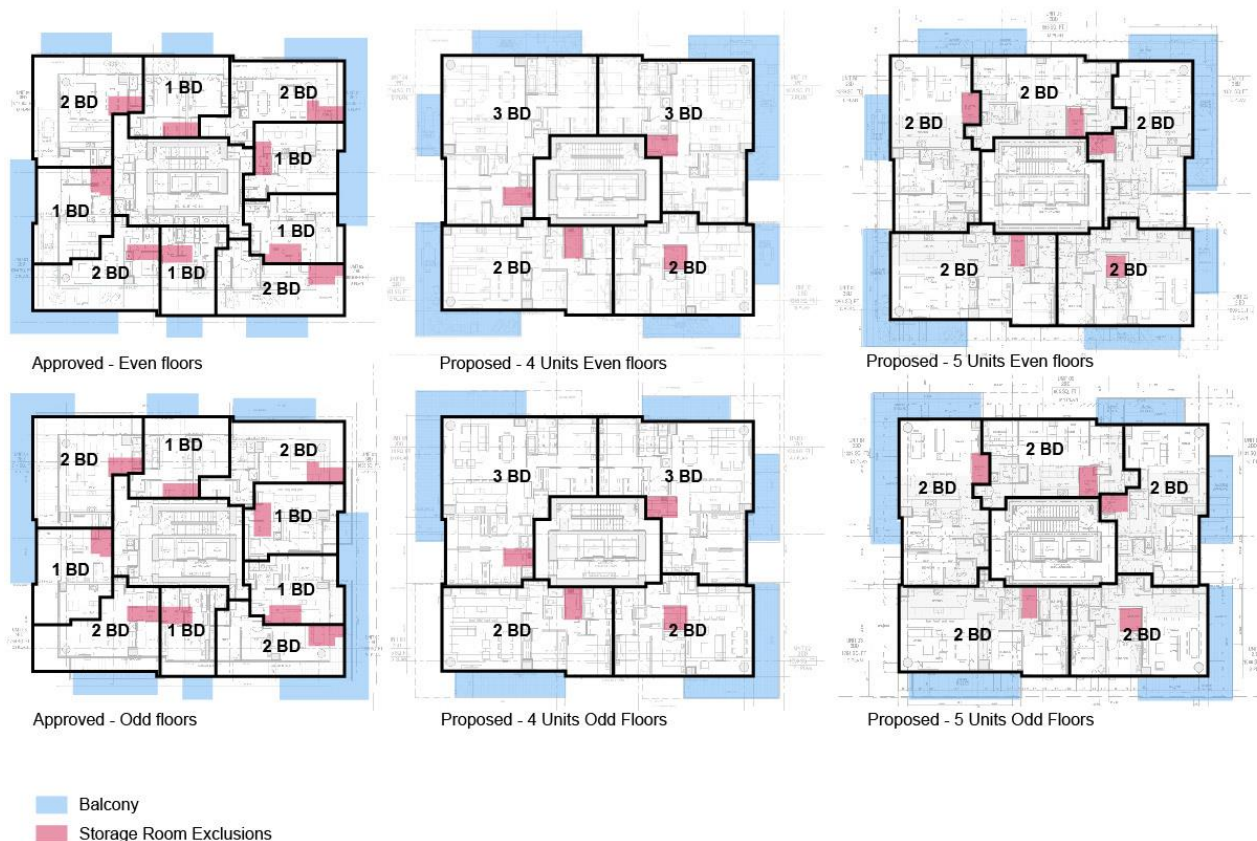
Strategic Analysis

This application seeks to increase the allowable FSR, for all uses combined, from 12.12 FSR to 12.29 FSR. For market strata units, the project initially consisted of 29 studio, 93 one-bedroom, 119 two-bedroom, and 12 three-bedroom units, with each unit having a 3.7 sq. m in-suite storage room exempted from the FSR calculation, as per standard City practice. During pre-sales, there was strong demand for larger family units with two and three bedrooms. The interior layouts of some strata residential levels are now proposed to be revised in response to this demand, resulting in the consolidation of smaller units (see Figure 2).

For rental units the project initially consisted of 109 units. The proposed amendment is not associated with the rental units for the site, but staff note that the unit count has increased from 109 units to 110 units.

With the redeviased unit layout, the total number of market strata units decreases from 253 to 136 (see Figure 3). In-suite storage for each of the 253 units were provided, however as per the CD-1 by-law, up to the 3.7 sq. m of storage space is excluded from floor area per dwelling unit. Storage space previously excluded for these units must now be included in the residential floor area calculation. This corresponds to 378.5 sq. m (4,074 sq. ft.) that will now be included as residential floor space. Switching this floor space from excluded to be included in FSR would have no impact on the proposed form of development, as it was already accounted for in the approved floor plate size for the tower.

Figure 2 – Comparison of typical market condo floor plans and balcony configurations approved at rezoning versus proposed



Staff support the amendment as there would be no change to the approved form of development, and also because the inclusion of units with two and three bedrooms supports Council objectives to provide additional family housing, particularly in high-density environments. The revised layout of residential units and the associated reduction of storage FSR exclusions account for the proposed increase in FSR area by 378.5 sq. m (4,074 sq. ft.).

Figure 3 – Market Strata Units initially approved and currently proposed

	Approved	Proposed
Studio	29 units (11%)	none
One-bedroom	93 units (37%)	2 units (1.3%)
Two-bedroom	119 units (47%)	98 units (72%)
Three bedrooms	12 units (5%)	35 units (26%)
Four bedrooms	none	1 unit (0.7%)
Total Units	253 units	136 units
Proportion of family units	52%	98.5%

Note: The mix of the 110 market rental units is largely unchanged at 57 studio, 24 one-bedroom, 27 two-bedroom, and 2 three-bedroom units.

Also affected in the revised floor layouts will be the balcony configuration. Figure 2 illustrates the balcony re-configuration of the even and odd floors. The CD-1 By-law specifies the amount of floor space that must be limited to open balconies and as such, this number has been decreased to correspond with the reconfiguration. This revised balcony arrangement is not expected to present any overlook concerns. These revisions do not significantly change the previously approved massing, form of development, or land use.

The application proposes a total of 354 vehicle parking spaces for the 246 dwelling units and 16 retail/visitor spaces. 309 Class A bicycle spaces and six Class B bicycle spaces are proposed. This represents an overall reduction in the provision of parking spaces while still meeting the requirements of the Parking By-law.

Public Input

A rezoning information sign was installed on the site on March 5, 2018. Application information and an online comment form were provided on the City of Vancouver Rezoning Centre webpage (vancouver.ca/rezapps). Staff received no enquiries or comments about 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 (social/non-profit) housing and various engineering infrastructure.

This site is subject to City-wide DCLs and City-wide Utilities DCLs on the proposed net increase in floor area of 378.5 sq. m (4,074 sq. ft.), a DCL of approximately \$115,132 is anticipated.

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.

Public Art Program – The *Public Art Policy and Procedures for Rezoned Developments* requires rezoning proposals having a floor area of 9,290 sq. m (100,000 sq. ft.) or greater to contribute public art or provide 80% cash in lieu as a condition of rezoning. Public art budgets are based on a formula of \$21.31 per sq. m (\$1.98 per sq. ft.) for all areas contributing to the total FSR calculation.

With 378.5 sq. m (4,074 sq. ft.) of increased floor area proposed for the site, the public art contribution is expected to increase approximately \$8,067. As the existing Public Art Agreement for this site sets the art budget in accordance with the floor area approved at Development Permit, the increase will be automatically factored in at that time. The Public Art rate is finalized at the development permit stage and is subject to periodic adjustments to address inflation.

Community Amenity Contribution (CAC) – In 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. Such a CAC is typically made through the provision of either 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.

A CAC package valued at \$18,600,000 was achieved as part of the original rezoning which consisted of transfer to the City of a nearby site for social housing, purchase of heritage density, and a cash contribution towards offsite childcare facilities in and around the Downtown South area.

As part of this proposed text amendment, the applicant has offered a cash CAC of \$175,000. Staff recommend that the offering be accepted and that the amount be allocated toward childcare in and around the Downtown South area, consistent with the cash component of the original CAC. See Appendix D for a summary of all of the public benefits for this application.

FINANCIAL IMPLICATIONS

As noted in the section on Public Benefits, the applicant has offered a cash CAC of \$175,000 to be allocated towards childcare in and around the Downtown South area.

If the rezoning application is approved, the applicant will be required to provide additional public art on-site, or make a cash contribution to the City for off-site public art, at an estimated value of \$8,067.

The site is within the Citywide Development Cost Levies (DCL) District and it is anticipated that the applicant will pay \$115,132 in DCLs on the additional floor area.

Approval and timing of specific projects will be brought forward to Council as part of the Capital Plan and Budget processes.

CONCLUSION

Staff review of the application has concluded that the proposed increase in FSR is supported, as it has no significant effect on the previously approved form of development.

The General Manager of Planning, Urban Design and Sustainability recommends that the application be referred to Public Hearing together with draft CD-1 amendments as generally shown in Appendix A with a recommendation that these be approved, subject to the Public Hearing, including approval in principle of the form of development as shown in plans included as Appendix B.

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1335 Howe Street
PROPOSED BY-LAW PROVISIONS
to amend CD-1 (643) BY-LAW NO. 11661

Note: A By-law to amend CD-1 (643) By-law No. 11661 will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

1. In section 4.2, Council:
 - (a) strikes out “12.12” and substitutes “12.29”; and
 - (b) strikes out “1,931.7 m²” and substitutes “1,924.0 m²”.

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1335 Howe Street
CONDITIONS OF APPROVAL

Note: If the application is referred to a public hearing, these Conditions of Approval will be referenced in the Summary and Recommendations included in the hearing agenda package. Any changes to the conditions approved by Council will be contained in its decision. Applicants are advised to consult the hearing minutes for any changes or additions to these conditions.

CONDITIONS OF BY-LAW ENACTMENT

THAT, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services, the General Manager of Planning, Urban Design and Sustainability, the General Manager of Engineering Services and the General Manager of Arts, Culture and Community Services (or successors in function), as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Community Amenity Contribution (CAC) – Cash Payments

1. Pay to the City the cash CAC of \$175,000, to be allocated towards childcare facilities in and around the Downtown South. Such payment is to be made prior to enactment of the by-law to amend By-law CD-1 (643), at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services.

Note: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as Covenants pursuant to Section 219 of the Land Title Act.

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject sites as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-laws.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

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1335 Howe Street
FORM OF DEVELOPMENT

Figure 1: Reconfigured market condo units and balconies



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**1335 Howe Street
PUBLIC BENEFITS SUMMARY**

Project Summary:

Text amendment to increase the permitted floor space ratio (FSR) from 12.12 to 12.29

Public Benefit Summary:

Incremental DCLs and public art contributions and a cash CAC allocated to support childcare in and around the Downtown South Area.

	Current Zoning	Proposed Zoning
Zoning District	CD-1	Amend CD-1
FSR (site area = 2,230 sq. m / 24,004 sq. ft.)	12.12	12.29
Buildable Floor Space (sq. ft.)	27,027.6 sq. m (290,937 sq. ft.)	27,406.1 sq. m (294,997 sq. ft.)
Land Use	Mixed-Use	Mixed-Use

Summary of development contributions expected under proposed zoning

City-wide DCL ¹	\$74,025
City-wide Utilities DCL ¹	\$41,107
Public art contribution	\$8,067
Community Amenity Contribution	\$175,000
TOTAL	\$298,199

¹ Based on rates in effect as at September 30, 2019; 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, see the City's [DCL Bulletin](#) for details.

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**1335 HOWE STREET
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION**

Applicant and Property Information

Street Address	1335 Howe Street
Legal Description	PID 029-787-092; Lot E, Block 111, District Lot 541, New Westminster District Plan EPP59620
Applicant/Architect	IBI Group Architects Inc.
Developer/Property Owner	Onni Group / Onni Howe Street (Nominee) Corp.

Site Statistics

Site Area	2,230 sq. m (24,004 sq. ft.)
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Development Statistics

	Permitted Under Existing CD-1 (643) Zoning	Proposed CD-1 Amendment
Zoning	CD-1 (643)	Amended CD-1 (643)
Uses	Residential with ground-level retail	No Change
Max. Density	12.12 FSR	12.29 FSR
Floor Area	27,027.6 sq. m (290,923 sq. ft.)	27,406.1 sq. m (294,997 sq. ft.)
Maximum Height	378 ft. (40 storeys)	No Change
Market Condo Unit Mix/ Percentage of Total	Studio 29 (11%) One-bedroom 93 (37%) Two-bedroom 119 (47%) Three-bedroom 12 (5%) Total 253 Family Units 52%	Studio 0 One-bedroom 2 (1.3%) Two-bedroom 98 (72%) Three-bedroom 35 (26%) Four-bedroom 1 (0.7%) Total 136 Family Units 98.5%
Secured Market Rental Unit Mix	Total 109	Studio 57 (52%) One-bedroom 24 (22%) Two-bedroom 27 (25%) Three-bedroom 2 (2%) Total 110 Family Units 27%
Parking Spaces	Retail/visitor 46 Residential 391 Total 437	Retail/visitor 16 Residential 354 Total 370
Loading	Class B: 3	Class B: 2
Bicycle Spaces	Class A: 455 Class B: 6	Class A 309 Class B 6

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