



ADMINISTRATIVE REPORT

Report Date: September 23, 2009
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RTS No.: 08102
VanRIMS No.: 08-2000-20
Meeting Date: October 6, 2009

TO: Vancouver City Council
FROM: Director of Planning
SUBJECT: Improvements to Clarity of Height Limits in Downtown Official Development Plan to Express Council's Original Intent

RECOMMENDATION

THAT the Director of Planning be instructed to make application to amend the Downtown Official Development Plan by clarifying the building height limits, generally as set out in Appendix A, and that the application be referred to Public Hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the amending by-law generally as set out in Appendix A for consideration at the Public Hearing.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

COUNCIL POLICY

- Downtown Official Development Plan (adopted November 4, 1975 and last amended February 3, 2009): limits building heights in the subject area, as per the View Protection Guidelines.
- Downtown South Guidelines (adopted July 30, 1991 and last amended June 10, 2004): provide guidance to staff and developers in the creation of a neighbourhood identity and the achievement of livability in Downtown South.
- View Protection Guidelines (adopted December 12, 1989 and last amended December 11, 1990): limits building heights in the Downtown area, including the area subject to the DODP, to protect selected public views.

PURPOSE

The purpose of this report is to recommend amendments to the building height regulations in the Downtown Official Development Plan so that they clearly convey Council's current policies. This report does not propose any change to the existing height limits. The only proposed change to the substance of the DODP is a consolidation of the criteria that the Development Permit Board must consider before it may allow a height increase.

On October 28, 2008, under a separate initiative, Council approved the Downtown Capacity and View Corridor Study to review Council-adopted heights limits and view corridors. The Study is currently underway and staff expect to report back to Council with an update by the end of this year. At the same time, Council also endorsed the consideration of site-specific rezoning proposals in the Downtown South (DOPD areas L1, L2, M, and N); however, Council did not need to amend the DODP height limits in relation to this resolution.

BACKGROUND

On July 30, 1991 Council amended the Downtown Official Development Plan (hereafter "the DODP") to establish maximum height limits in Downtown South of 300 feet, consistent with the Downtown South Guidelines. In their experience administering the DODP staff have found that the by-law's language concerning building heights is unclear and could appear to conflict with the Downtown South Guidelines.

DISCUSSION

Confusion about the DODP height limits arises from:

- a) the fact that the reader is required to refer to two different maps and rely on an unclear legend format; and,
- b) some ambiguity about where height relaxations will be considered.

To address these issues, staff recommend a simpler, clearer approach to the DODP's building height limits, generally as set out in Appendix A and summarised below.

1. The existing height map (see Figure 1 below) will be replaced. The new height map (see Figure 2) consolidates information so that the reader needs to refer only to this one map, rather than to two maps, to determine height limits:

Figure 1: Existing Height Map in DODP (to be replaced)

Downtown District Map 3 - Height of Buildings

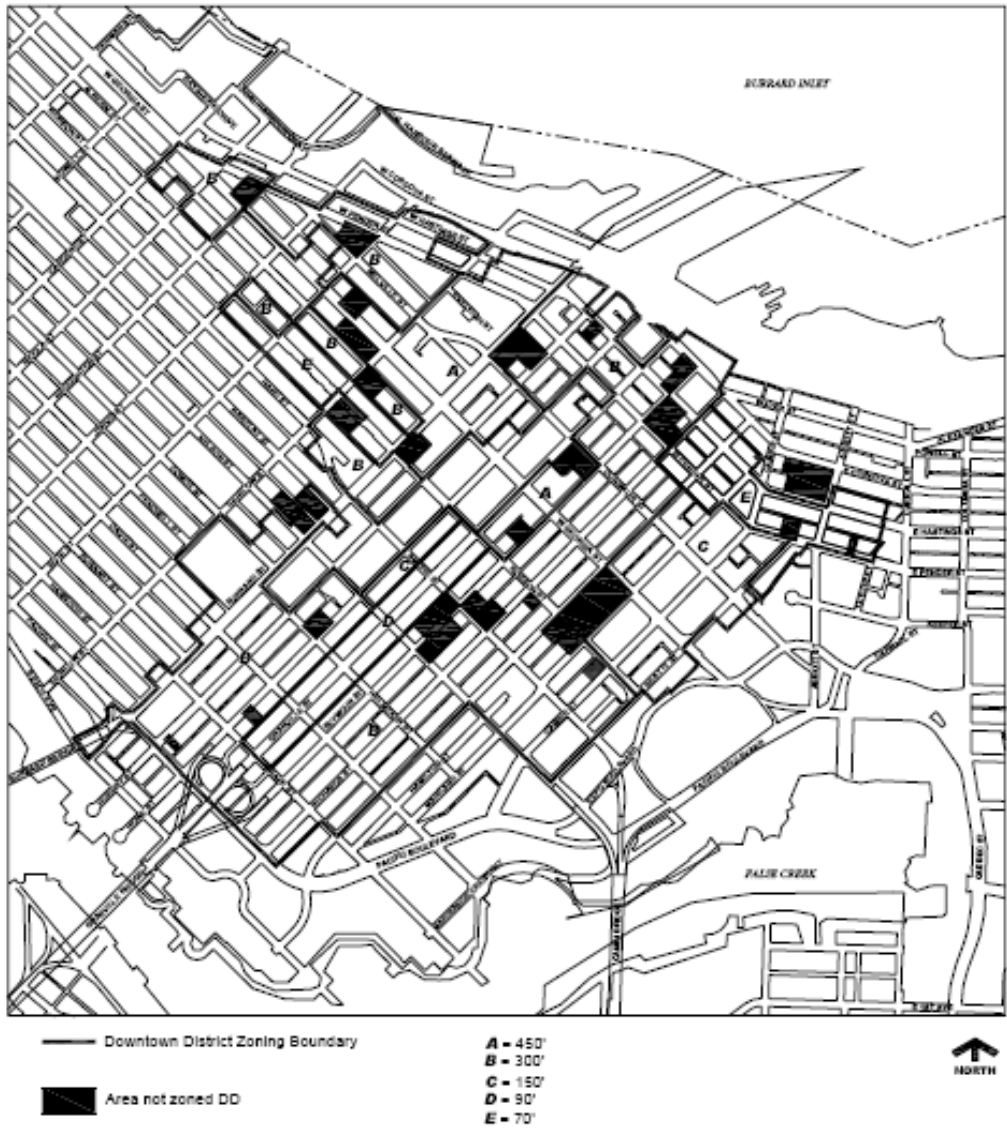
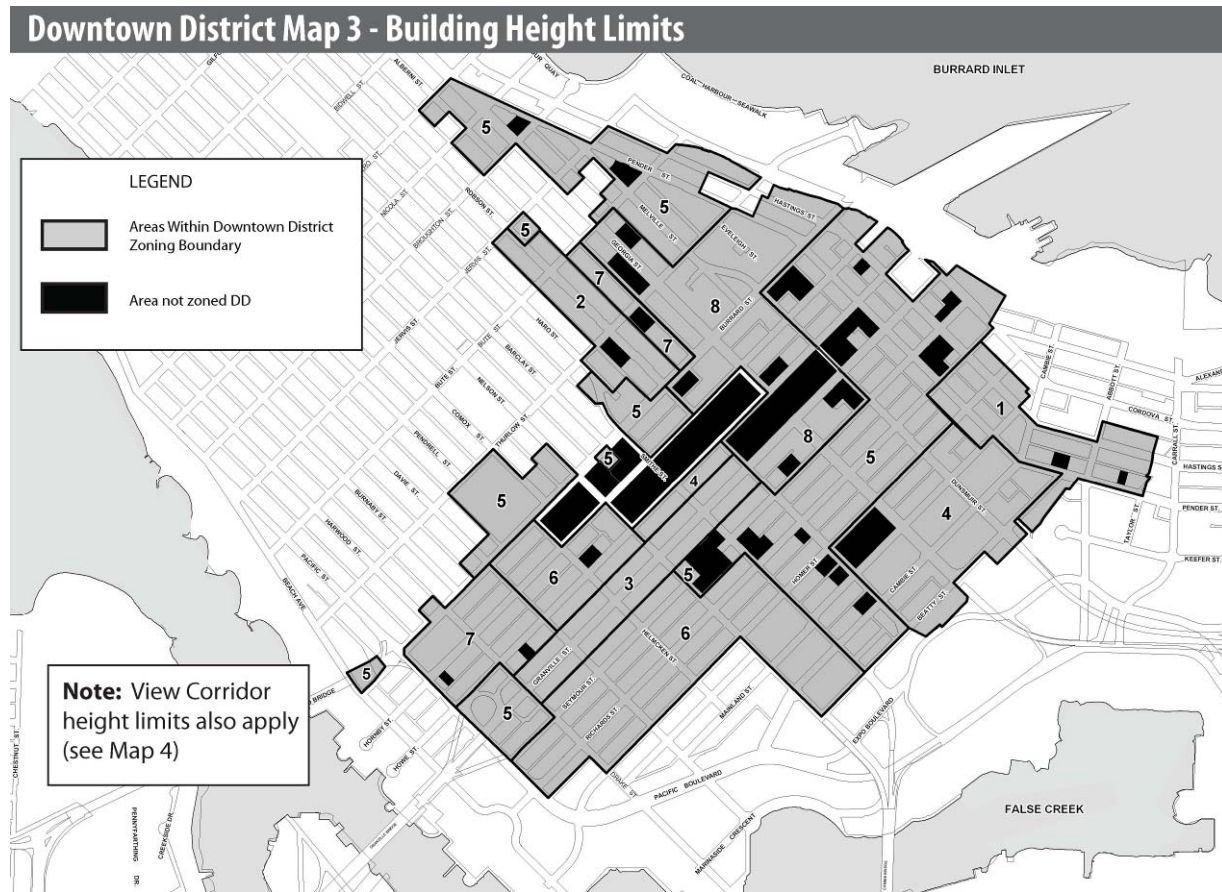


Figure 2: Proposed Height Map (replaces existing map)



2. As well, the following table will more succinctly present the height regulations. The table condenses and clarifies regulations which are presently repetitive and unclear:

Area	Basic Maximum Height	Increased Maximum Height
1	21.3 m (70 ft.)	If at least 2/3 of the floor space ratio on the site is for low cost or social housing, and after considering the criteria, the Development Permit Board may increase the basic maximum height to no more than 30.5 m (100 ft.).
2	21.3 m (70 ft.)	After considering the criteria, the Development Permit Board may increase the basic maximum height to no more than 137.2 m (450 ft.).
3	The distance between the ground plane and the horizontal planes shown on Figure 1	After considering Council's policies and guidelines, the Development Permit Board may increase the basic maximum height to no more than 27.4 m (90 ft.).

Area	Basic Maximum Height	Increased Maximum Height
4	45.7 m (150 ft.)	After considering the criteria, the Development Permit Board may increase the basic maximum height to no more than 137.2 m (450 ft.).
5	91.4 m (300 ft.)	After considering the criteria, the Development Permit Board may increase the basic maximum height to no more than 137.2 m (450 ft.).
6	91.4 m (300 ft.) except that, on a corner site that has a frontage less than 53.3 m (175 ft.) or an interior site that has a frontage less than 61.0 m (200 ft.), the height must not exceed 21.3 m (70 ft.)	To accommodate extra density for low cost or social housing and after considering the criteria, the Development Permit Board may increase the basic maximum height of 21.3 m (70 ft.) to no more than 36.6 m (120 ft.).
7	91.4 m (300 ft.)	
8	137.2 m (450 ft.)	

The table above would **not** change the DODP height limits.

- One change in the substance of the DODP is proposed. Presently, the DODP enables the Development Permit Board (DPB) to allow buildings to exceed the height limits in certain sub-areas provided that the DPB first considers several criteria. The DODP specifies different consideration criteria for different sub-areas. There is no need to differentiate between sub-areas in this way. Staff recommend that the criteria be consolidated. This amendment would not alter the existing height limits.

The remaining graphics in the height section would remain the same (i.e., Figure 1 and Map 4 in the DODP). For ease of administration, the attached by-law deletes and replaces them with the same graphics.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

Clarity in regulations is paramount to effective public policy. The recommended amendments to the DODP height limits provisions will improve clarity for applicants, the public and staff.

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Appendix A: Proposed Height Limits in DODP
(Section 4 - Height of Buildings)

Maximum building heights

Draft for public hearing

BY-LAW NO. _____

**A By-law to amend
Downtown Official Development Plan By-law No. 4912**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. Council repeals Section 4 of the Downtown Official Development Plan By-law, and substitutes:

"Section 4 - Height of Buildings

1. The purpose of this Section 4 is to ensure that the height of new development is compatible with the height of existing development.
2. The height of a building in a numbered area shown on Map 3 must not exceed the basic maximum height in Column 2 of Table 1 opposite the corresponding numbered area in Column 1 unless:
 - (a) subsection 4 of this Section 4 applies; or
 - (b) the Development Permit Board allows an increase in height under Column 3 of Table 1 opposite the corresponding numbered area or view cone area.
3. The criteria referred to in Column 3 of Table 1 are the size and location of the site; the relationship of the development with nearby residential areas; the intent of this Plan; Council's policies and guidelines; the bulk, location, and overall design of the building; the building's effect on the site, surrounding buildings, streets, and existing views; the amount of open space; the effects of overall design on the general amenity of the area; the provision of pedestrian amenities and public realm requirements; the preservation of the character and general amenity desired for the area; overshadowing and view obstruction; environmental criteria set out in Council's design guidelines; and the submission of any advisory group, property owner, or tenant.

Table 1

Area	Basic maximum height	Increased maximum height
1	21.3 m	If at least 2/3 of the floor space ratio on the site is for low cost or social housing, and after considering the criteria, the Development Permit Board may increase the basic maximum height to no more than 30.5 m.
2	21.3 m	After considering the criteria, the Development Permit Board may increase the basic maximum height to no more than 137.2 m.
3	The distance between the ground plane and the horizontal planes shown on Figure 1	After considering Council's policies and guidelines, the Development Permit Board may increase the basic maximum height to no more than 27.4 m.
4	45.7 m	After considering the criteria, the Development Permit Board may increase the basic maximum height to no more than 137.2 m.
5	91.4 m	After considering the criteria, the Development Permit Board may increase the basic maximum height to no more than 137.2 m.
6	91.4 m except that, on a corner site that has a frontage less than 53.3 m or an interior site that has a frontage less than 61 m, the height must not exceed 21.3 m	To accommodate extra density for low cost or social housing and after considering the criteria, the Development Permit Board may increase the basic maximum height of 21.3 m to no more than 36.6 m.
7	91.4 m	
8	137.2 m	

Map 3

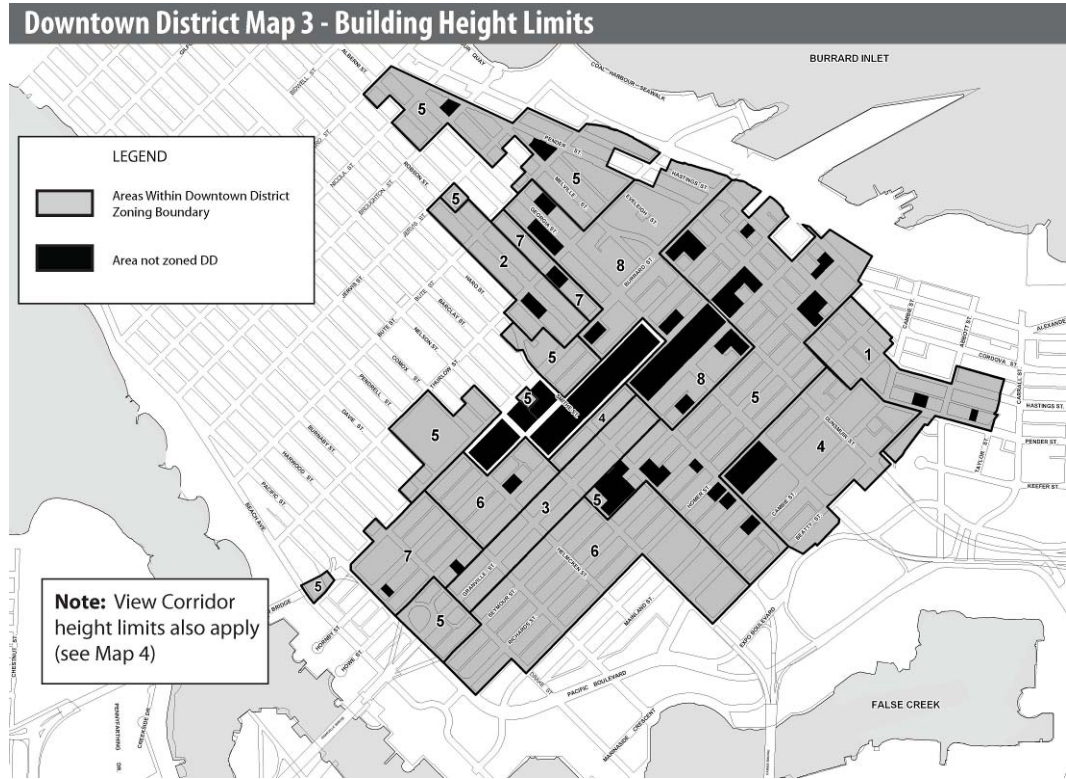
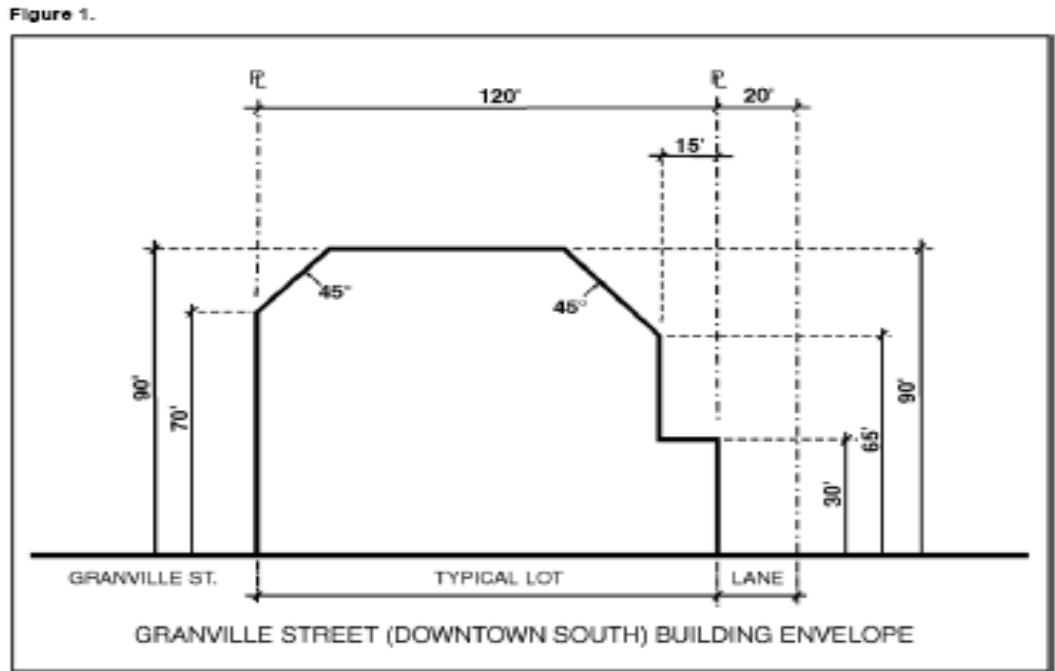
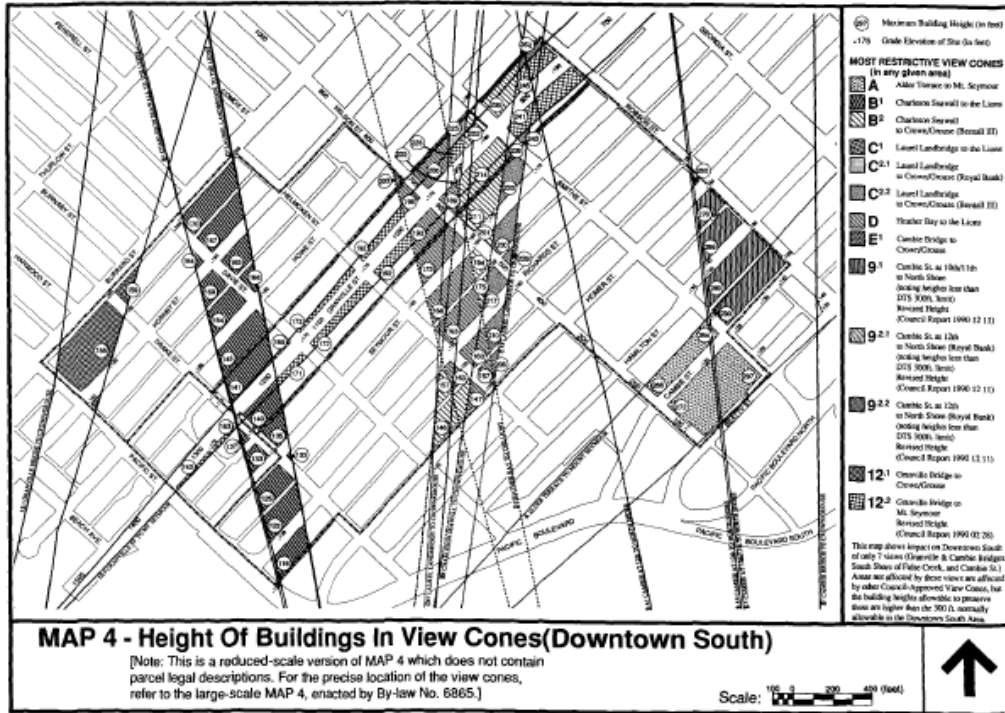


Figure 1



- The height of a building in a view cone area shown on Map 4 must not exceed the applicable basic maximum height shown on Map 4 unless, after considering Council's policies and guidelines, the Development Permit Board increases any basic maximum height set out in Map 4 by no more than 10%.

Map 4



- A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
- This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2009

 Mayor

 City Clerk