## CITY OF VANCOUVER COMMUNITY SERVICES GROUP

#### DEVELOPMENT PERMIT STAFF COMMITTEE REPORT DECEMBER 15, 2010

FOR THE DEVELOPMENT PERMIT BOARD JANUARY 10, 2011

#### 1128 ALBERNI STREET (COMPLETE APPLICATION) DE413849 - ZONE DD

#### DEVELOPMENT PERMIT STAFF COMMITTEE MEMBERS

## Present:

- B. Boons (Chair), Development Services
- P. Storer, Engineering Services
- L. Gayman, Real Estate Services
- D. Naundorf, Housing Centre

## Also Present:

- S. Black, Urban Design & Development Planning
- J. Bosnjak, Development Services
- S. Barker, Development Services
- J. Greer, Development Services

## APPLICANT:

Musson Cattell Mackey Suite 1600-555 Burrard Street Vancouver, BC V7X 1M9 PROPERTY OWNER: KBK No.51 Ventures Ltd. 1701-1166 Alberni Street Vancouver, BC V6E 3Z3

## EXECUTIVE SUMMARY

• **Proposal**: To change the use of a total of 98 units in the existing 34 storey building from Residential to Hotel use.

See Appendix A Standard Conditions

- Appendix B Standard Notes and Conditions of Development Permit Appendix C Processing Centre - Building comments Appendix D Plans and Elevations
- Appendix E Applicant's Design Rationale (Letter from Peterson Group dated September 14, 2010)
- Issues: Loss of rental accommodation

## DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATION: APPROVE

THAT the Board APPROVE Development Application No. DE413849 as submitted, the plans and information forming a part thereof, thereby permitting the change of use of a total of 98 units in the existing 34 storey building from Residential to Hotel use subject to the following conditions:

# 1.0 Prior to the issuance of the development permit, the following shall be completed to the satisfaction of the Director of Planning:

1.1 Arrangements shall be made to the satisfaction of the Managing Director of Social Development, and the Director of Legal Services to secure the remaining 145 units in this building as residential rental accommodation for 60 years or the life of the building whichever is longer.

SDB/JMB/SB/LH

- 2.0 That the conditions set out in Appendix A be met prior to the issuance of the Development Permit.
- 3.0 That the Notes to Applicant and Conditions of the Development Permit set out in Appendix B be approved by the Board.

|                                 | PERMITTED<br>(MAXIMUM)   | REQUIRED<br>(MINIMUM)     | EXISTING  | PROPOSED  |  |  |
|---------------------------------|--|---------------------------|---|---|--|--|
| Site Area                       | -  | -                         | 60 522 sq. ft.  | 60 522 sq. ft.  |  |  |
| Floor<br>Area <sup>1</sup>      | 423 654 sq. ft.<br>(overall)<br>436 248 sq. ft.<br>(incl. hotel bonus) |                           | 1128 Alberni     Residential:   186 925 sq. ft.     Retail:   9 251 sq. ft.     Office:   16 543 sq. ft.     Total:   212 719 sq. ft.     1166 Alberni   207 805 sq. ft | 1128 Alberni     Residential:   112 736 sq. ft.     Retail:   9 251 sq. ft.     Office:   16 543 sq. ft.     Hotel:   83 958 sq. ft.     Total:   222 488 sq. ft.     1166 Alberni   207 805 sq. ft |  |  |
| FSR <sup>1</sup>                | 7.00 (overall)<br>7.21 (incl. hotel<br>bonus)                          | -                         | Total:   420 524 sq. ft.     1128 Alberni:   3.51     1166 Alberni:   3.43     Total:   6.94  | Total:   430 293 sq. ft.     1128 Alberni:   3.68     1166 Alberni:   3.43     Total:   7.11  |  |  |
| Parking <sup>2</sup>            | 404 Spaces   | 276 Spaces                | 452 Spaces  | 410 Spaces  |  |  |
| Loading <sup>3</sup>            | -  | 4 Class A<br>9 Class B    | 1 Class A<br>7 Class B  | 4 Class A<br>9 Class B  |  |  |
| Bicycle<br>Parking <sup>4</sup> | -  | 230 Class A<br>24 Class B | 310 Class A<br>6 Class B  | 237 Class A<br>24 Class B   |  |  |
| Units <sup>5</sup>              | -  | -                         | 243 residential rental units  | 96 hotel units<br>2 hotel staff/office units<br>145 residential rental units  |  |  |

## • Technical Analysis: Area 0 - Downtown Official Development Plan (ODP)

<sup>1</sup> Note on Floor Area and FSR: The subject site is affected by a "single site covenant" which considers that the sites at 1128 Alberni Street and 1166 Alberni Street be considered as one for the purpose of computation of floor space ratio (FSR). Although no new "real" floor area is being proposed under this development application, the floor area is effectively increasing as a result of floor area exclusions that were previously permitted for Residential use, no longer being eligible for exclusion for Hotel use (such as balcony areas and storage). The result is an increase to the proposed floor area of 9 769 sq. ft. In accordance with Section 3 - Density of the Downtown Official Development Plan, the Development Permit Board may permit an increase in the floor space ratio for hotels in the area denoted by the letter 'O' to a maximum of 15%. Based on a total proposed hotel floor area of 83 958 sq. ft., the Development Permit Board may approve a hotel bonus of 12 594 sq. ft, or a total maximum FSR for this site of 7.21.

<sup>2</sup> Note on Parking: The parking figures noted are the combined totals for 1128 and 1166 Alberni Street.

<sup>3</sup> Note on Loading: The change of Residential use to Hotel use requires additional off-street loading pursuant to the Parking By-law. Although the total provided number of off-street loading spaces meets the requirements under the Parking By-law, Standard Condition A.1.2 seeks revisions to some spaces to allow for independent maneuvering, and Standard Condition A.1.3 seeks arrangements to be made to the satisfaction of the Director of Planning, the General Manager of Engineering Services and the Director of Legal Services for cross-boundary agreements for the loading which is provided on the site at 1166 Alberni Street.

<sup>4</sup> Note on Bicycle Parking: The number of Class A Bicycle spaces are proposed to decrease in the application, however the minimum required pursuant to the Parking By-law will be met. Standard Condition A.1.1 seeks improved location for the Class A Bicycle Parking, and compliance with Section 6 - (Bicycle Parking) with respect to the design and minimum number of bicycle lockers.

<sup>5</sup> Note on Units: A total of 98 residential units are proposed for conversion to hotel use. 96 of these shall be available as hotel units (8 units on each of 12 floors), and two shall be used for hotel staff rooms and offices.

## Legal Description

Parcel H, District Lot 185, Plan LMP25417 Lot F, Block 18, District Lot 185 Plan 23073

## • History of Application:

- 09 04 22 Complete DE submitted
- 09 12 15 Development Permit Staff Committee
- Site: The site is located on the block of Alberni Street between Bute Street and Thurlow Street.
- **Context**: Significant adjacent development includes:
  - (a) 1128 Alberni Street (Lot H) "Carmana Plaza Hotel" 34 storey hotel/restaurant/retail
  - (b) 1166 Alberni Street (Lot J) 16 storey office/restaurant/retail
  - (c) 1128 West Georgia Street "Shangri-La" 61 storey hotel/residential/retail
  - (d) 1160 West Georgia Street "Coastal Victory Church"
  - (e) 1188 West Georgia Street 19 storey office/commercial
  - (f) 1200 West Georgia Street "Residences on Georgia" 36 storey residential
  - (g) 1288 Alberni Street "The Palisades" 32 storey residential
  - (h) 1225 Robson Street "Blue Horizon Hotel" 29 storey hotel/retail/restaurant
  - (i) 1133 Robson Street "Robson Fashion Park" 2 storey retail/restaurant
  - (j) 1060 Alberni Street "The Carlyle" 21 storey residential/commercial
  - (k) 1111 West Georgia Street "Terasen Centre" 24 storey office/commercial
  - (I) 1151 West Georgia Street "The Ritz-Carlton Hotel and Residences" (under construction) approved 60 storey hotel/residential/retail

The site is on the southern edge of the central business area, dominated by office buildings, and immediately north of the Robson Street shopping district, with a predominantly commercial character. A number of prominent residential and hotel buildings are also nearby.



## • Background:

Approval to construct a 34 storey residential and commercial tower at 1128 Alberni Street was granted in July, 1996 and the tower was built in 1998. The approved uses are an office, restaurant and 243 residential dwelling units. The owners state that they are now operating 96 of the residential units as hotel suites (see Appendix E).

## • Applicable By-laws and Guidelines:

- Central Area Plan
- Downtown Official Development Plan
- Downtown (except Downtown South) Design Guidelines
- Rental Stock Official Development Plan

## • Response to Applicable By-laws and Guidelines:

The Central Area Plan identifies the site and the surrounding area as being located on the southern boundary of the Central Business District. It is anticipated that the area will continue to be developed with a mix of uses, including retail, office, service, hotel and residential. The recently completed Metro Core Jobs and Economy Land Use Study identified the tourist sector and hotels as an important generator of jobs in the downtown. The proposed use as Hotel may be permitted in this sub-area of the Downtown ODP, subject to such conditions as may be prescribed by the Development Permit Board. Staff therefore support the hotel use on this site.

The proposal does not have any significant effect in terms of the goals and intents of the Downtown guidelines, because there is no significant change to the exterior of the building.

Conversion of the existing residential units will create an increase in the amount of floor area as calculated in determining FSR. Floor area which was previously excluded from FSR as storage space or balcony is not excluded in a hotel. However, the permitted density may be increased by the Development Permit Board for a hotel in this sub-area, to a maximum of 15% of the floor area in the portion of building having a floor-to-floor dimension of less than 10 ft. The existing building meets these criteria, and there is no further impact of the proposed density because there is no change to the building form. If the hotel bonus is approved by the Board, the proposal will conform to the relevant regulations in the Downtown ODP. Staff support the use of the hotel bonus provision, in combination with the following considerations.

The Managing Director of Social Development notes that in assessing the application, the Development Permit Board shall have regard for Council's policies regarding rental housing across the city, which are contained in the Rental Stock ODP as follows:

## CityPlan policy about rental housing

2.1 On June 6, 1995, Council adopted "CityPlan: Directions for Vancouver" which, under the section "Addressing Housing Costs," includes a specific policy to "maintain a stock of rental housing."

## Concerns about rental housing

2.2 Council has concerns about the reserve of rental housing stock because, among other things, of the scarcity of federal or provincial incentives to develop rental housing; competition from the condominium industry; the lack of new development of purpose built rental housing; the number of rental housing units demolished or targeted for demolition; the fact that 56% more or less of households occupy rental housing units and that 31% more or less of those households are in core

need; the low vacancy rate for rental housing units; the limited remaining capacity of industrial areas "let go" by Council for residential development; the limited future capacity for the development of rental housing in other areas of the city; and the growing demand for rental housing.

Given the need to maintain rental housing, the Managing Director of Social Development considers the loss of 98 units of rental to be regrettable. However, there are 275 rental units either under construction or with approved development permits on the Downtown peninsula (106 of these are under the Short Term Incentives for Rental [STIR] program). Staff estimate that approximately 600 new rental units are in discussion with the City, including those that form part of pending rezoning applications and potential STIR projects. Furthermore, the applicant has indicated that the proposed units have not been used as residential rental, and that no tenants will be displaced. The applicants have also stated that they intend to operate the remaining 145 units as residential rentals (see Appendix E). Staff therefore recommend Condition 1.1 to preserve the remaining 145 units in this building as rental accommodation.

• **Conclusion**: Staff support the application, subject to the conditions in this report.

## ENGINEERING SERVICES

The recommendations of Engineering Services are contained in the prior-to conditions noted in Appendix A attached to this report.

## SOCIAL INFRASTRUCTURE

Staff considered whether the replacement housing requirements of the Rental Housing Stock Official Development Plan (ODP) apply to this site. However, this text is written to apply to CD-1 and other specified Comprehensive Development Districts, but not the Downtown District. Even if the provisions within the ODP did apply in this District, the proposal to convert to a hotel and not a new-build Multiple Dwelling over six units would mean that a requirement to replace units on a one-for-one basis would not have applied.

The Managing Director of Social Development considers the loss of 98 units of rental through conversion to hotel to be regrettable. However, the applicant has indicated that the proposed units are not currently used as residential rental and no tenants will be displaced. Condition 1.1 seeks that the remaining 145 units in this building be secured through a legal arrangement, as residential rental accommodation for the life of the building.

The Rental Housing Stock Official Development Plan is currently being reviewed with a report back anticipated in early 2011. As part of the report, the Managing Director of Social Development will consider recommending that Council amend the ODP to include all CDD zones, as well as to evaluate the impact of conversion of rental stock to Hotel and other uses currently not covered in the ODP.

## NOTIFICATION

On June 16, 2010, notification postcards were sent to neighbourhood property owners advising of this development application, and seeking public comments. As a result of clarifications made to the original application and processing schedule, a subsequent letter was sent to the public advising that the application would no longer be considered by the Development Permit Board on the original date.

On November 4, 2010, notification postcards were again sent to members of the public advising them of this application, and offering additional information on the city's website (a total of 458 mail outs).

This notification included tenants of the residential units in 1128 Alberni Street that currently do not operate as a hotel (those units not included in the scope of this application)

To date, no responses have been received from the public which express either support or objection to this proposal. Two members of the public raised questions as to why this building has operated as a hotel use without permit, as well as concern about the loss of residential rental units at a time when the city is providing incentives to developers to create new rental housing.

## DEVELOPMENT PERMIT STAFF COMMITTEE COMMENTS:

The Staff Committee has considered the approval sought by this application and concluded that with respect to Official Development Plan it requires a decision of the Development Permit Board. This includes a decision by the Development Permit Board to increase the maximum floor space ratio (FSR) for hotel use in accordance with Section 3 - Density of the Downtown Official Development Plan.

The Staff Committee realizes that the perceived loss of rental units (in this case the units have not been used as rental units since the building was first constructed, and no actual tenants are being displaced) is nevertheless a sensitive issue. However, the provision of additional Hotel rooms in the area of the Downtown core, that can support the tourist market and provide additional jobs, is also a supportable notion. Also, given there are no exterior physical changes proposed to the building, and provided that the remaining residential rental units can be secured in an acceptable manner, the Staff Committee supports this application, subject to the conditions contained within this report.

B. Boons Chair, Development Permit Staff Committee

S. Black, MAIBC Development Planner

J. Bosnjak Project Coordinator

Project Facilitator: S. Barker

## DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATIONS

The following is a list of conditions that must also be met prior to issuance of the Development Permit.

#### A.1 Standard Conditions

A.1.1 improved location for the Class A Bicycle Parking, and compliance with Section 6 - (Bicycle Parking) with respect to the design and minimum number of bicycle lockers;

**Note to Applicant**: The majority of bicycle spaces should be located no lower that the first complete parking level below grade. Bicycle lockers should be indicated on the plans in accordance with the specification in the Parking By-law, and references to "chain link fence" should be deleted as this is not a permitted enclosure in the Parking by-law.

A.1.2 provision of Off-Street Loading in accordance with Section 5 of the Parking By-law;

**Note to Applicant**: Some of the proposed loading spaces do not appear to allow for independent maneuvering. All loading spaces must be accessible if other spaces are occupied.

- A.1.3 arrangements shall be made to the satisfaction of the Director of Planning, the General Manager of Engineering Services, and the Director of Legal Services for appropriate cross boundary agreements for the off-street loading spaces;
- A.1.4 notation on the drawings of any sustainable design features in connection with interior renovations;

Note to Applicant: Reference may be made to the LEED® rating system for commercial interiors.

#### A.2 Standard Engineering Conditions

A.2.1 provision of a disability door opening device on each vestibule door leading into Elevator #5, and on all parking levels to enable bicycle access into Elevator #5, and provision of a note on the plans that signage will be installed within the bicycle room stating Elevator #5 should be used by cyclists.

## B.1 Standard Notes to Applicant

- B.1.1 The applicant is advised to note the comments of the Processing Centre-Building Department contained in the Staff Committee Report dated December 15, 2010. Further, confirmation that these comments have been acknowledged and understood, is required to be submitted in writing as part of the "prior-to" response.
- B.1.2 It should be noted that if conditions 1.0 and 2.0 have not been complied with on or before July 11, 2011, this Development Application shall be deemed to be refused, unless the date for compliance is first extended by the Director of Planning.
- B.1.3 This approval is subject to any change in the Official Development Plan and the Zoning and Development By-law or other regulations affecting the development that occurs before the permit is issuable. No permit that contravenes the bylaw or regulations can be issued.
- B.1.4 Revised drawings will not be accepted unless they fulfill all conditions noted above. Further, written explanation describing point-by-point how conditions have been met, must accompany revised drawings. An appointment should be made with the Project Facilitator when the revised drawings are ready for submission.
- B.1.5 A new development application will be required for any significant changes other than those required by the above-noted conditions.

## B.2 Conditions of Development Permit:

- B.2.1 All approved off-street vehicle parking, loading and unloading spaces, and bicycle parking spaces shall be provided in accordance with the relevant requirements of the Parking By-law prior to the issuance of any required occupancy permit or any use or occupancy of the proposed development not requiring an occupancy permit and thereafter permanently maintained in good condition.
- B.2.2 The issuance of this permit does not warrant compliance with the relevant provisions of the Provincial Health and Community Care and Assisted Living Acts. The owner is responsible for obtaining any approvals required under the Health Acts. For more information on required approvals and how to obtain these, please contact Vancouver Coastal Health at 604.675.3800 or visit their offices located on the 12<sup>th</sup> floor of 601 West Broadway. Should compliance with the health Acts necessitate changes to this permit and/or approved plans, the owner is responsible for obtaining approval for the changes prior to commencement of any work under this permit. Additional fees may be required to change the plans.
- B.2.3 This site is affected by a Development Cost Levy By-law and levies will be required to be paid prior to issuance of Building Permits.

## Processing Centre - Building comments

The following comments are based on the preliminary drawings prepared by Musson Cattell Mackey Partnership dated April 21, 2010 for the proposed development permit. This is a preliminary review in order to identify significant issues that do not comply with the Vancouver Building Bylaw #9419 as amended (VBBL), and includes a review of Subsection 3.2.5. "Provisions for Fire Fighting".

- 1. Accessible hotel rooms to be provided in accordance with Division B, Article 3.8.2.31.
- 2. \*Doors to conform to Division B, Article 3.2.3.12. and specifically the accessible door clearances stipulated by Division B, Sentence 3.2.3.12(10)
- 3. Provide a public universal toilet room as specified by Division B, Sentence 3.8.2.31(3).
- 4. A power door operator is required by Division B, Clause 3.8.3.5(4)(a).
- 5. Laundry room to be provided with a fire separation per Division B, Article 3.3.1.22.; unless otherwise exempted.
- 6. Clarify the scope of alteration and the intended use for the Hotel Staff Room and Hotel Offices located on the third floor. Also, clarify whether the lounge and fitness areas are for the hotel or residential use, or both.
- 7. The category of work, based on the current drawings, is evaluated as a "Major Renovation" and a "Change in Use with in a Major Occupancy" (non small suite category) requiring upgrading in accordance with the Acceptable Solution #2 methodology (ie: upgrade triggers), as defined in Part 10.

(NOTE: It is presumed that some level of interior alterations will occur in each proposed hotel suite.)

- 8. Clarify the occupant load of the building due to the increase in the staff required to operate and maintain hotel services. This will better determine the upgrading level because it can also be a function of an occupant load increase and a hazard index change.
- 9. Confirm the life-safety and fire-protection level of the existing building and may entail a report providing a building code assessment with the current Vancouver Building By-law.

\*Items marked with an asterisk have been identified as serious non-conforming Building By-law issues.



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Appendix E; page /of/

September 14, 2010

City of Vancouver Community Services Group - Planning East Wing, 3<sup>rd</sup> Floor 2675 Yukon Street Vancouver BC V5Y 3P9

Attention: Mr. Scott Barker Development Facilitator

Dear Mr. Barker:

Re: THE CARMANA PLAZA – CHANGE OF USE OUR PROJECT #208049.1 – 1.6.1.1 OWNER'S COMMITMENT

As Owner of the building at 1128 Alberni Street, the Carmana Plaza, we are writing this letter with reference to the conversion of a portion of this building from residential to hotel use. With vacancy in the building and in anticipation of the arrival of the 2010 Olympic Games our long-term rental units were gradually rented as short-term stay which has now, in turn, become a hotel function within this building.

At this time we are currently operating 96 suites on 12 floors as hotel and it is our commitment that after the approval of the proposed Development Permit we will continue to operate 96 rooms on 12 floors, plus two suites which shall be used for staff rooms. The 12 floors of hotel use will be floors 7, 11, 12, 14, 16, 21 - 25, 30 and 31. The floors are not contiguous so as to provide a variety of rental rates, depending on height and available views from different suites. Staffing, storage and loading requirements have determined that 96 hotel suites are manageable and appropriate on this site. The two suites to be used by hotel staff are on the third floor; the third floor is also the floor with amenity facilities and laundry facilities, as well as three other residential units.

The balance of the residential portion of the building will continue to be operated on a month-to-month residential rental basis, consisting of 145 suites, all with standard form residential leases in conformity with the Landlord Tenant Act.

I trust this is the information you require.

Yours truly

KBK No. 28 Ventures Ltd.

Per: Ben Young, Director