

Refers Item No. 4
Public Hearing of July 20, 2010

MEMORANDUM

July 13, 2010

TO: Mayor Robertson and Councillors

COPY TO: P. Ballem, City Manager
S. A. Johnston, Deputy City Manager
M. Coulson, City Clerk
C. Fenby, Assistant Director, Corporate Communications
B. Proskan, Acting General Manager of Community Services
F. Connell, Director of Legal Services
P. Judd, Acting General Manager of Engineering Services
Y. Liljefors, Assistant Director, Development and Real Estate, Legal Services
W. Stewart, Corporate Communications

FROM: B. Toderian, Director of Planning

SUBJECT: Southeast False Creek Height Review: Clarification

At a Public Hearing on July 20, 2010, Council will be considering a report dated June 15, 2010 entitled "Southeast False Creek Height Review". In regard to this report, this memo: a) clarifies proposed Recommendation B (i) relating to design guidelines; and b) recommends revised amendments to the Southeast False Creek (SEFC) Official Development Plan (ODP) based on legal advice obtained since the report was considered on June 22, 2010; and c) presents one additional public feedback item that was omitted from the Council report.

A) Clarification of Intent of ODP Amendments (Recommendation B (i))

Staff felt it important to clarify for Council that the City expects applications for additional height (i.e. beyond the current ODP height limit) to also seek an increase in floor area with corresponding discussions on public benefit contributions. The Planning Department will generally only support height increase applications that include additional floor area, rather than encouraging applications where greater height is sought with density remaining the same.

In a Memo dated June 22, 2010 this expectation was explained to Mayor and Council. This should also be made clear to the public, landowners and developers. Staff recommend that the proposed "Design Guidelines for Additional Penthouse Storeys in Southeast False Creek",

attached as Appendix B to the report, be amended by adding the following after the first paragraph:

Note: Applications for potential additional height shall include generally corresponding additional floor area.

This amendment will clarify that the City's expectation for additional height in Southeast False Creek is to achieve modest additional floor area that meets urban design objectives.

B) ODP Amendments

On subsequent reflection, Legal Services has identified the need to revise the SEFC ODP amendments proposed in Appendix A of the June 15, 2010 report pertaining to the ODP's Figure 10 in Section 6. The purpose of the revision is to ensure consistency across figures, and add an explanatory note. Staff recommend that Council replace Appendix A of the report with the attached "Proposed Amendments" (see Attachment 1).

C) Community Feedback

One feedback form was inadvertently omitted from the Council report and is attached (see Attachment 2).

Thank you,

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TK/tk

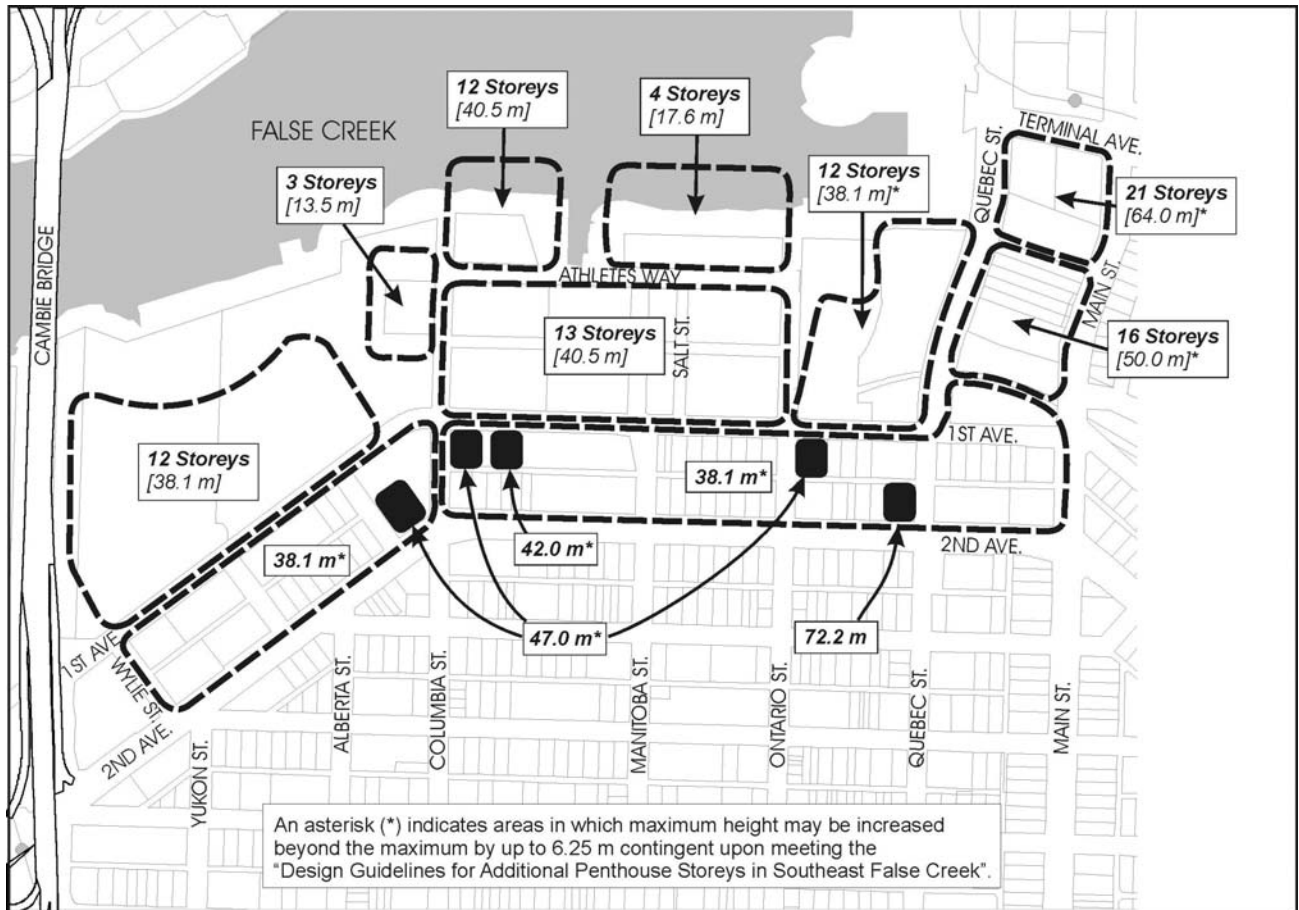
Attach. (2)

Attachment 1: Revised Appendix A to the Report

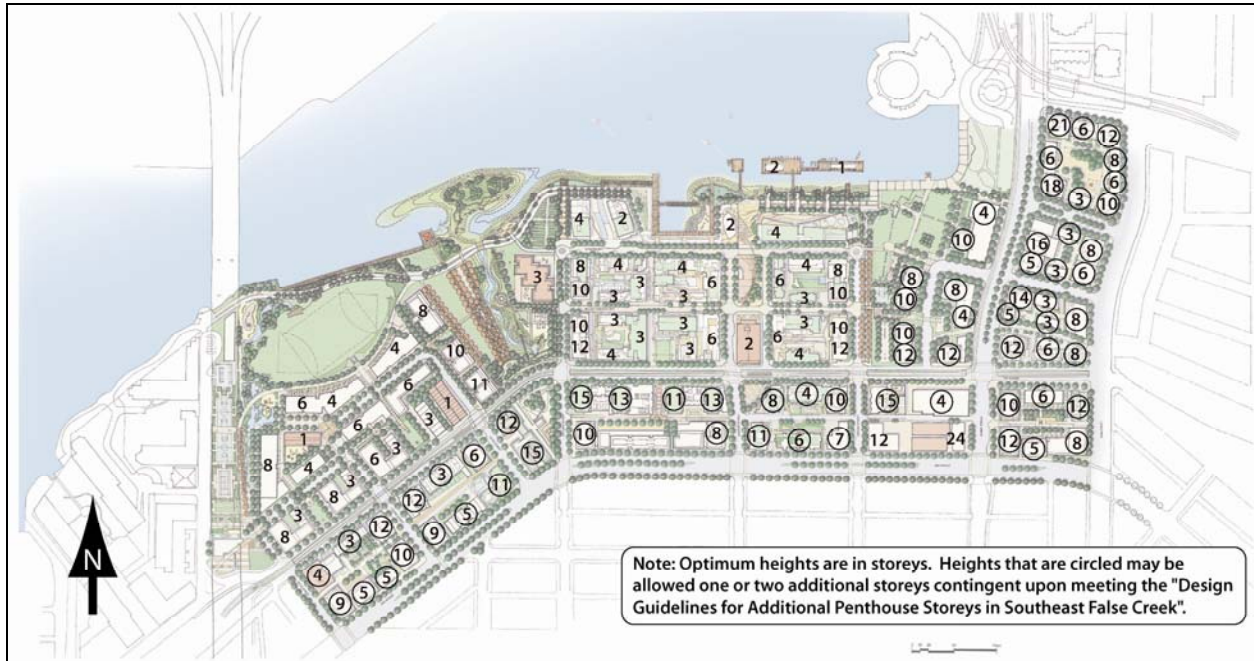
Southeast False Creek Official Development Plan (By-law No. 9073) PROPOSED AMENDMENTS

An amending by-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to by-law posting.

- Substitute Figure 9 in Section 6 with the following amended figure:



- Substitute Figure 10 in Section 6 with the following amended figure:



Attachment 2: Feedback Form Comments From Community Member (previously omitted from Council report)

I learned from Thor Kuhlmann at the Open House that developers will pay \$100 per square foot in density bonussing for the proposed extra two storeys. I understand that density bonussing is typically \$65–\$85 per square foot, depending on supply and demand. While \$100 per square foot is more than \$65–\$85 per square foot, the landing site for this bonussed density is very desirable: the proposed two storeys will be offering waterfront views in a very central location, and that condos on those storeys will be selling for a very large amount per square foot. While I imagine that the City put considerable thought into the \$100 per square foot number and I'm no expert, I can't help wonder if \$100 per square foot represents an undervaluation.

I would like to draw attention to two sets of concerns about the Southeast False Creek (SEFC) Height Review process. The first set of concerns is about the lack of information provided ahead of the Tuesday 6 April Open House. The second set of concerns is about the lack of information provided at the Open House on its display boards and other available materials.

(1) Lack of information provided ahead of the Tuesday 6 April 2010 Open House.

I learned about the Open House from an advertisement in the *Courier*. The advertisement referred readers to the URL <http://vancouver.ca/southeast>.

Problem: I checked that URL several times after the ad appeared, ahead of the Open House, and the web page had no mention of the Open House or even that planning processes for Southeast False Creek (SEFC) had resumed in 2010. This despite the aforementioned web page stating (on 6 April):

We would like your input to help develop Southeast False Creek. Please read about the some of the issues related to SEFC and email us at sefc@vancouver.ca with any questions or comments. *This website will be updated to keep you informed on all SEFC workshops, open houses and project developments.* (Italics mine)

To repeat, the SEFC webpage states “This website will be updated to keep you informed on all SEFC workshops, open houses and project developments” and *this is not being done*.

(Incidentally, the only description of the event that I found on 6 April was at <http://vancouver.ca/yoursay.htm> which had a to <http://vancouver.ca/southeast> web page. The description was there on 6 April, and was gone on the 7th.)

Solution: Please keep the SEFC web page updated, especially if you say you are going to keep it up to date. Incidentally, it would have been useful if the Open House display boards had been made available ahead of time on the SEFC web page, plus the Council motion that initiated the height review process — see (2) below. Even though the Open House has now passed, it would still be useful to update the SEFC web page and add to the web page the future dates from display (4) at the Open House.

Problem: Moreover, when I called the City at 604.873.7344 on 6 April to confirm that the Open House was taking place that day, the staff person who answered the phone had no idea the Open House was taking place. That's understandable, but when the staff person went looking for the Open House, she was unable to find anything about it, even though it was being held in the Strathcona Room, one of the main rooms used for public events at City Hall.

Solution: It would help if there was better communication between City staff holding events in the Strathcona Room and the staff who answer the phones at City Hall, so that the latter have access to up-to-date information about events taking place in the Strathcona Room.

(2) Lack of information provided at the Open House on its display boards and other available materials.

There were four display boards at the Open House with the following titles: (1) Southeast False Creek Review. (2) What are the proposed changes? (3) What are public benefits? (4) What do you think? These display boards were lacking various kinds of information that would have been useful to understanding the height review process.

Problem: The display boards failed to explain the origin of the SEFC Height Review process.

I learned from talking with Thor Kuhlmann at the Open House that the height review process was initiated by a resolution passed at a Regular Council Meeting on November 2nd or 3rd 2009. I subsequently discovered that the resolution “South East False Creek (SEFC) Private Lands” was passed at the 3 November meeting. (The actual text of the motion, which contained some minor changes to the original Motion on Notice, can be found in the minutes of the 17 November Regular Council Meeting.)

Solution: The problem would have been solved by including on display board (1) at the Open House a section with perhaps the name “Origin of this planning initiative.” That section would have had, at minimum, the date and name of the 3 November 2009 resolution and its whereas clauses. A few copies of the text of the resolution should have been available for the public to view if they had wanted to. (Perhaps explaining the “Origin of this planning initiative” could be made standard practice on City of Vancouver web pages and display boards at Open Houses.)

Problem: The display boards failed to explain how the proposed height increases would provide public benefits. Display board (3) was titled “What are public benefits?” but failed to explain what I subsequently learned from Thor Kuhlmann, which was that developers will pay \$100 per square foot in density bonussing for the proposed extra two storeys, with the funds raised going to Community Amenity Contributions (CACs). I also learned from Thor that those CACs won’t be specified in advance.

Solution: Display board (3) should have explained about the density bonussing and CACs. It should have explained how the City arrived at the amount of \$100 per square foot.

Problem: The display boards failed to explain how Council and City Hall would implement the height increases (if they were to go ahead). If I understood Thor Kuhlmann correctly, Council would pass a by-law, but that by-law wouldn’t refer to the density bonussing. Instead, the density bonussing and the \$100 per square foot would be written into subsequent private contracts with developers. This part of the process was unclear to me, and could have benefitted from more explanation.

Solution: The problem would have been solved by including an extra display board between boards (3) and (4) at the Open House, perhaps with the name “How would the proposed changes be implemented?” That display board would explain that Council would pass a by-law, how the funds from density bonussing would be obtained by the City. (Perhaps explaining “How would the proposed changes be implemented?” could be made be standard practice on City of Vancouver web pages and display boards at Open Houses.)