
405-1188 RICHARDS STREET (COMPLETE APPLICATION)
DE417709- ZONE DD

JMB/LH

APPLICANT:

Jorge Martinez
#405 - 1188 Richards Street
Vancouver, BC
V6B 3E6

PROPERTY OWNER:

Jorge Martinez
#405 - 1188 Richards Street
Vancouver, BC
V6B 3E6

EXECUTIVE SUMMARY

- **Proposal:** : Interior alterations to enlarge Unit No. 405 by converting the existing 56.0 sq. ft. enclosed balcony to floor space in the existing mixed-use commercial/residential building on this site, thereby granting an increase in the Floor Space Ratio using a Heritage Density Transfer, in accordance with the decision of the Development Permit Board.

See Appendix A - Standard Condition

Appendix B - Standard Notes and Conditions of Development Permit

Appendix C - Plans

Appendix D - Letter "A" from the receiver and donor regarding the purchase of heritage density

- **Issues:** None

STAFF RECOMMENDATION: APPROVE

THAT the Board APPROVE the Heritage Density Transfer request contained in Development Application No. DE417709 submitted, the plans and information forming a part thereof, thereby permitting the interior alterations to enlarge unit 405 by converting the existing 56.0 square feet of enclosed balcony to floor space in this existing mixed-use commercial/residential building on this site, thereby requesting an increase in the Floor Space Ratio using a Heritage Density Transfer from donor sites at 435 Helmcken Street (providing 56 square feet), subject to the following conditions:

- 1.0 That the condition set out in Appendix A be met prior to the issuance of the Development Permit.
 - 2.0 That the Notes to Applicant and Conditions of the Development Permit set out in Appendix B be approved by the Board.
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• **Technical Analysis:**

	PERMITTED (MAXIMUM)	EXISTING	PROPOSED
Site Size		225.0 ft. x 120.0 ft.	
Site Area		27,000 sq. ft.	
Floor Area ¹	135,000 sq. ft. (total)	135,188.0 sq. ft. (total)	135,244.0 sq. ft. (total)
FSR ²	5.0 (total)	5.0 (total)	5.01 (total)
Parking	139 (minimum) 240 (maximum)	217	217

¹ **Floor Area:** Under Section 3.14 of the DODP, an additional 10 percent heritage density transfer (maximum 5.5 FSR or 148,500.0 sq. ft.) may be considered by the DP Board.

² **FSR:** The existing building has previously obtained additional FSR through heritage density transfers. See further discussion under **Background**, page 4.

• **Legal Description**

Strata Lot: 39
Strata Plan: LMS2174
District Lot: 541

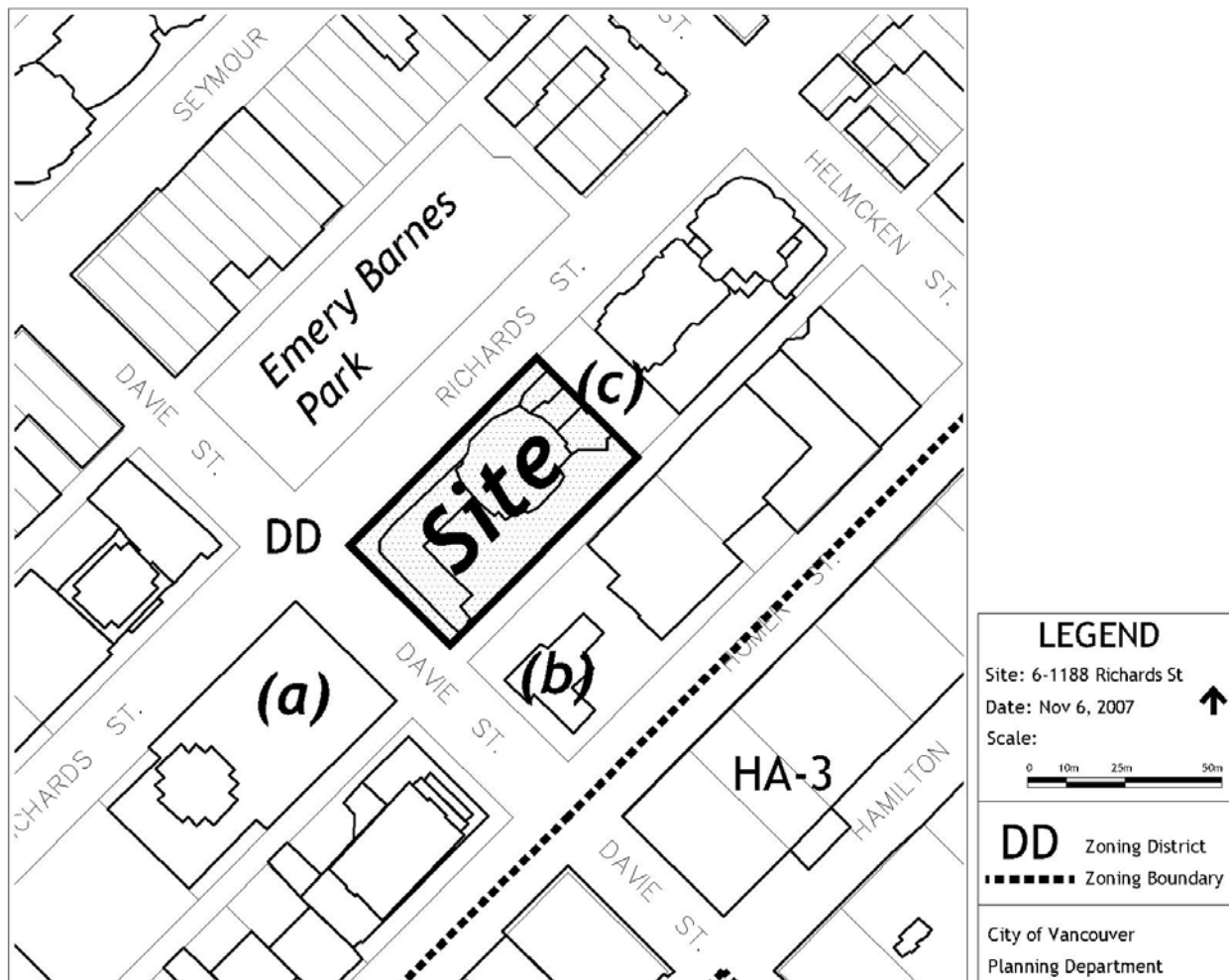
• **History of Application:**

14 02 26 Complete DE submitted (DE415193)
14 05 05 Development Permit Board Meeting

• **Site:** The site is located on the northeast corner of Davie and Richards Streets.

• **Context:** Significant adjacent development includes:

- a) 1238 Richards - 29 storey mixed-use commercial/residential tower (Canadian Linen)
- b) 1155 Homer - 29 storey mixed-use commercial/residential tower
- c) 1168 Richards - 6 storey residential development



• **Background:** DE212774, issued September 16, 1993, approved the construction of a 23-storey mixed-use building containing retail stores, 160 dwelling units and 3 levels of underground parking. Minor Amendment M.A. 01, issued November 26, 1993, permitted the increase of the number of dwelling units from 160 to 194, and the number of parking spaces from 173 to 217. The Floor Space Ratio (FSR) was maximized at 5.0 (135,000 sq. ft.). DE411443 was approved by the Development Permit Board on November 19, 2007, to enlarge Penthouse Unit #6 with a heritage density transfer of 76.0 sq. ft. DE411933 was approved by the Development Permit Board on April 21, 2008, to enlarge Unit 505 with a heritage density transfer of 56.0 sq. ft. DE415193 was approved by the Development Permit Board on November 28, 2011, to enlarge Unit 705 with a heritage density transfer of 56.0 sq. ft.

The current Development Application seeks a total of 56.0 sq. ft. out of the total 13,312 sq. ft. of heritage density eligible for this site. The applicant has indicated the purchase of the heritage density will be 56.0 sq. ft. from 435 Helmcken Street (See Appendix D). Standard Condition A-1.1 requires that the documentation necessary to confirm the purchase of qualify density be submitted.

• **Applicable By-laws and Guidelines:**

1. Downtown Official Development Plan (DODP)

The site is within area L1 of the Downtown District. Section 3.1 of the DODP states, in part:

In the areas denoted by the letter 'L1', 'L2', the maximum density for all uses shall be floor space ratio 3.00, except that:

- *The maximum density for all uses on a corner site with a minimum frontage of 175 feet and a minimum site area of 21,000 square feet shall be floor space ratio 5.00.*

Section 3.14 of the DODP states, in part, the following:

Notwithstanding subsections 1, 3 and 4, the Development Permit Board may permit an increase in floor space ratio for any use where the increase results from a transfer of heritage floor space to a maximum of 10 percent over the total permitted floor space ratio, except that this increase shall not apply to hotels where the floor space has already been increased pursuant to subsection 2.

2. Downtown South Guidelines (excluding Granville Street)

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

1. Downtown Official Development Plan

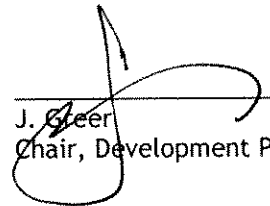
FSR: The By-law allows up to a maximum of 5.00 FSR for all permitted uses, plus up to 10 percent additional heritage density transfer allowed under Section 3.14.

The proposed floor space addition under this application is 56.0 sq. ft., which equates to less than 0.1 percent of the maximum 10 percent heritage density transfer eligible for this site. The proposal meets the density and FSR provisions of the DODP.

2. Downtown South Guidelines (excluding Granville Street)

No exterior alterations to this existing development are proposed. The livability of the unit affected will be improved. The intent of the Guidelines is maintained.

- **Conclusion:** Staff support this proposal for a small heritage density transfer with the conditions attached.



J. Greer
Chair, Development Permit Staff Committee

A.1 Standard Condition

- A.1.1 Provision of Letter "B" (sample copy attached) which includes confirmation from the owner of the "donor" site that the agreement has been finalized, and confirming the new "balance" of transferable density remaining on the donor site.

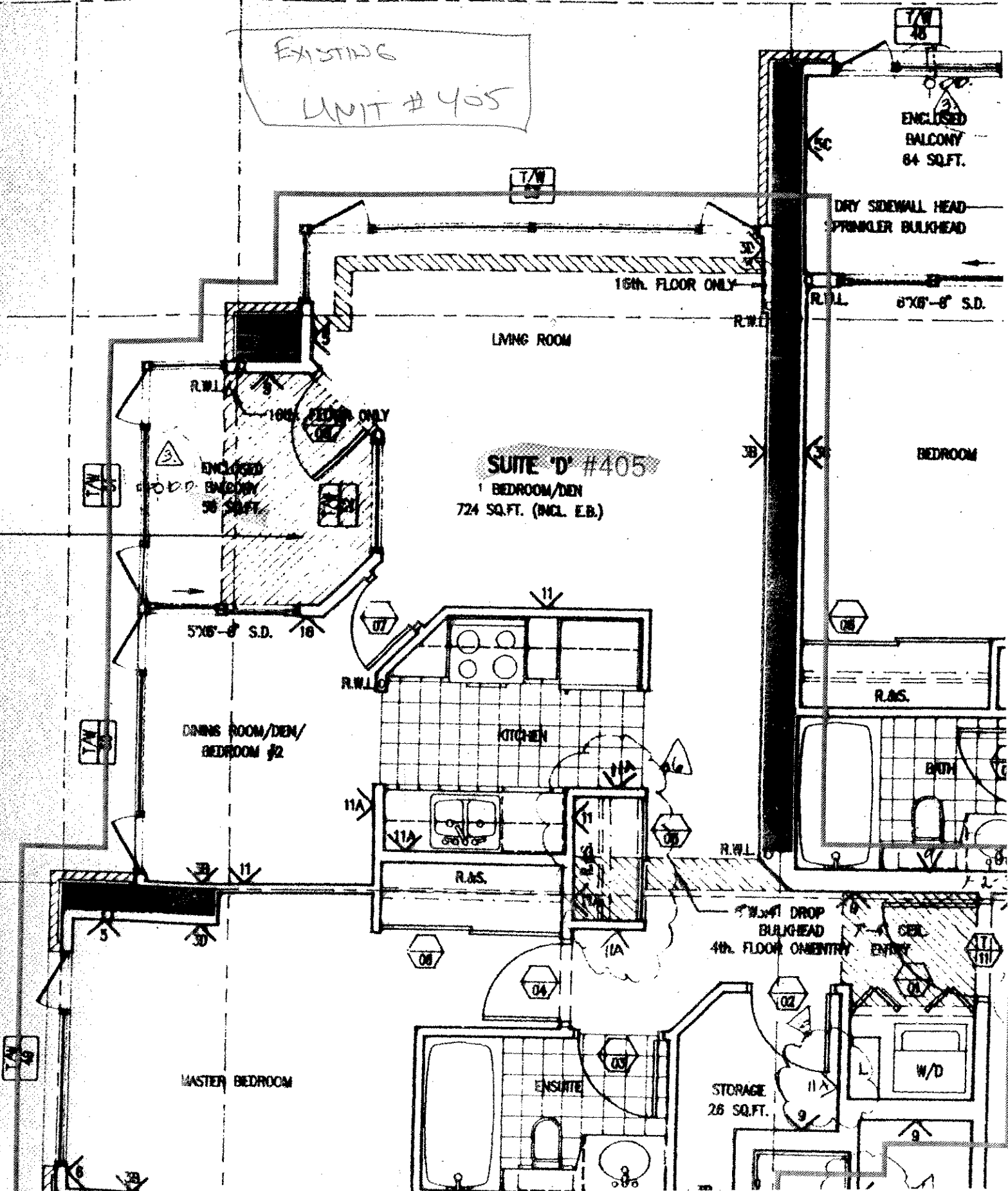
B.1 Standard Notes to Applicant

- B.1.1 It should be noted that if condition 1.0 has not been complied with on, or before October 31, 2014, this Development Application shall be deemed to be refused, unless the date for compliance is first extended by the Director of Planning.
- B.1.2 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.1.3 A new development application will be required for any significant changes other than those required by the above-noted conditions.

B.2 Condition of Development Permit:

- B.2.1 This site is affected by the Development Cost Levy By-law No. 6924. Levies will be required to be paid prior to issuance of Building Permits.
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EXISTING
UNIT # 405



PROPOSED UNIT #405

T/W 48

ENCLOSED BALCONY 84 SQ.FT.

DRY SIDEWALL HEAD PRINKLER BULKHEAD

16th. FLOOR ONLY

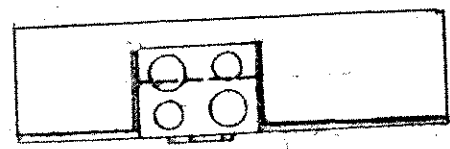
R.W.L. 8'x8'-8" S.D.

LIVING ROOM

BEDROOM

SUITE 'D' #405
1 BEDROOM/DEN
724 SQ.FT. (INCL. E.B.)

s shall
tructed
h the
Balcony



DINING ROOM/DEN/

KITCHEN

R.O.S.

BATH

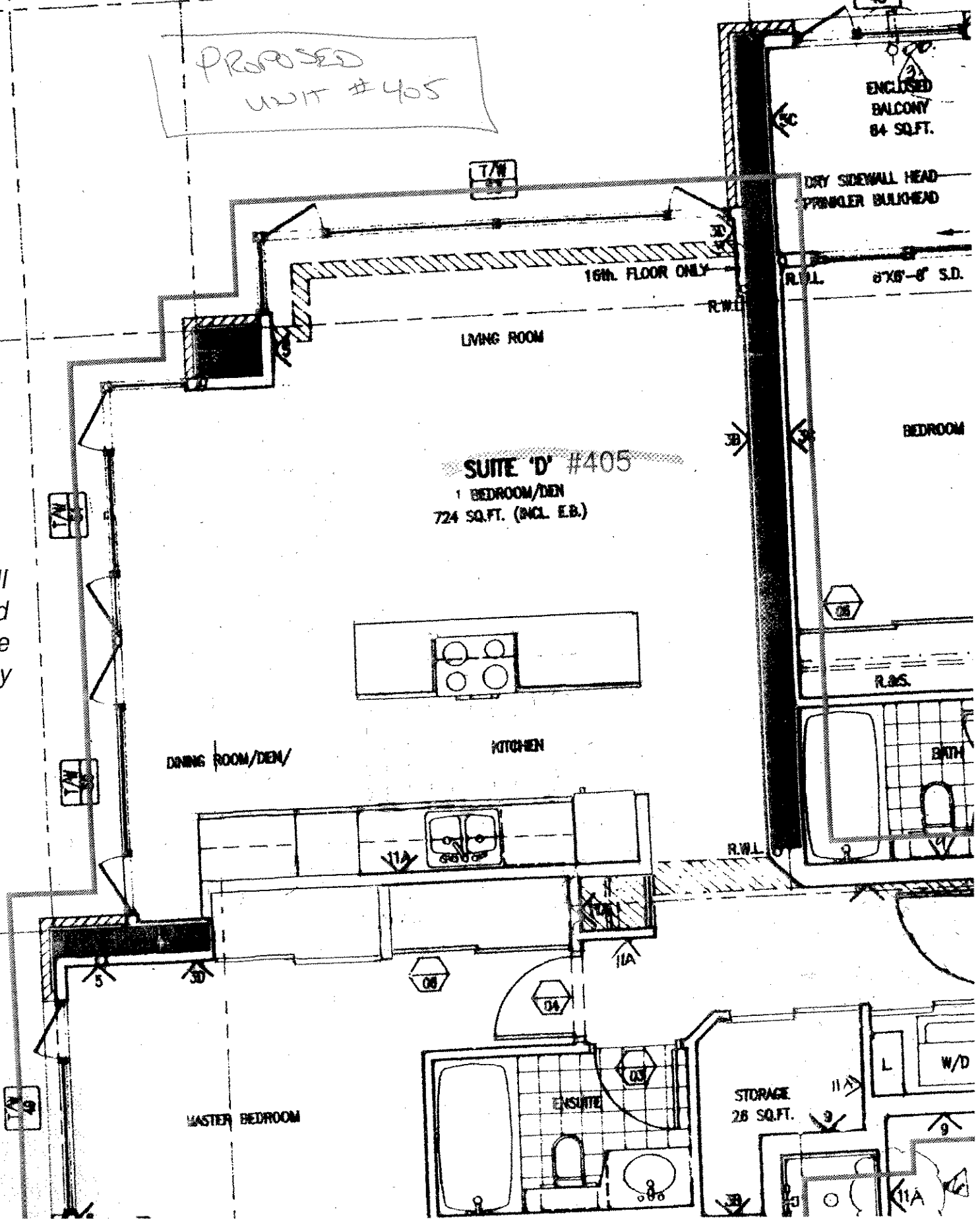
R.W.L.

MASTER BEDROOM

ENSUITE

STORAGE 28 SQ.FT.

L W/D



**Letter "A" - Transfer of Heritage Density
(to accompany development application)**

FEB 21, 2014 (date)

City of Vancouver
Development Services
453 West 12th Avenue
Vancouver, BC V5Y 1V4

Attention: Project Facilitator

Dear Sir or Madam:

Re: Transfer of Heritage Density

405-1188 RICHARDS ST. (receiver site)
receiver site address

435 HELMCKEN ST. (donor site)
donor site address

This is to confirm that a conditional agreement has been reached between DAN CIVIERO, the registered owner of a heritage donor site at 435 HELMCKEN ST. (address), to sell 56 (amount) sq. ft. of heritage density to JORGE MARTINEZ, the registered owner of the above receiver site at 405-1188 RICHARDS ST. (address), at a price of \$ 40.00 per sq. ft. and total value of \$ ~~2,240~~ \$2,240. This agreement is subject to the City's approval of the Development Application for the receiver site.

The Donor Site Owner and the Receiver Site Owner both agree that the City has no responsibility to ensure payment or the fulfilment of any condition of our agreement. We also agree that the City has no obligation to effect the transfer. The decision to transfer is within the City's discretion to refuse or approve, as it will, without recourse by any party.

Both the Donor Site Owner and the Receiver Site Owner are aware that the City cannot, and will not, effect a density transfer until all conditions for release of the density from the donor site have been fulfilled including:

- the donor site is possessed of the density which is the subject of this agreement (that is, that the rezoning by-law is enacted, or the Heritage Agreement is enacted and registered on title and the related Development and Building Permits are issued); and
- the density from the donor site is available for sale to the Receiver Site Owner; and
- the Donor Site Owner has completed the rehabilitation of the heritage building, or given the City a letter of credit therefore, or completed sufficient donor site rehabilitation to warrant a partial release of density, and fulfilled any other requirement as set out in the legal agreements with City; and
- submission of a fully executed Letter B in the form acceptable to the City.

