

1188 RICHARDS STREET (COMPLETE APPLICATION)  
DE415193 - ZONE DD

AM/MS/LH

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**APPLICANT:**  
Hdl Construction Ltd.  
Attention: Paul Bulat  
#1-9049 SHAUGHNESSY Street  
Vancouver, BC  
V6P 6R9

**PROPERTY OWNER:**  
Richard Rosner  
#705-1188 Richards  
Vancouver, BC  
V6B 3E6

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#### EXECUTIVE SUMMARY

- **Proposal:** Interior alterations to enlarge Unit No. 705 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 and Elevations

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. DE415193 submitted, the plans and information forming a part thereof, thereby permitting the interior alterations to enlarge unit 705 by converting the existing 56.0 sq. ft. of enclosed balcony to floor space in this existing mixed-use commercial / residential building on this site, using a Heritage Density Transfer, 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 <sup>1</sup>	135,000 sq. ft. (total)	135,132.0 sq. ft. (total)	135,188.0 sq. ft. (total)
FSR <sup>2</sup>	5.0 (total)	5.0 (total)	5.01 (total)
Parking	139 (minimum) 240 (maximum)	217	217

<sup>1</sup> **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.

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

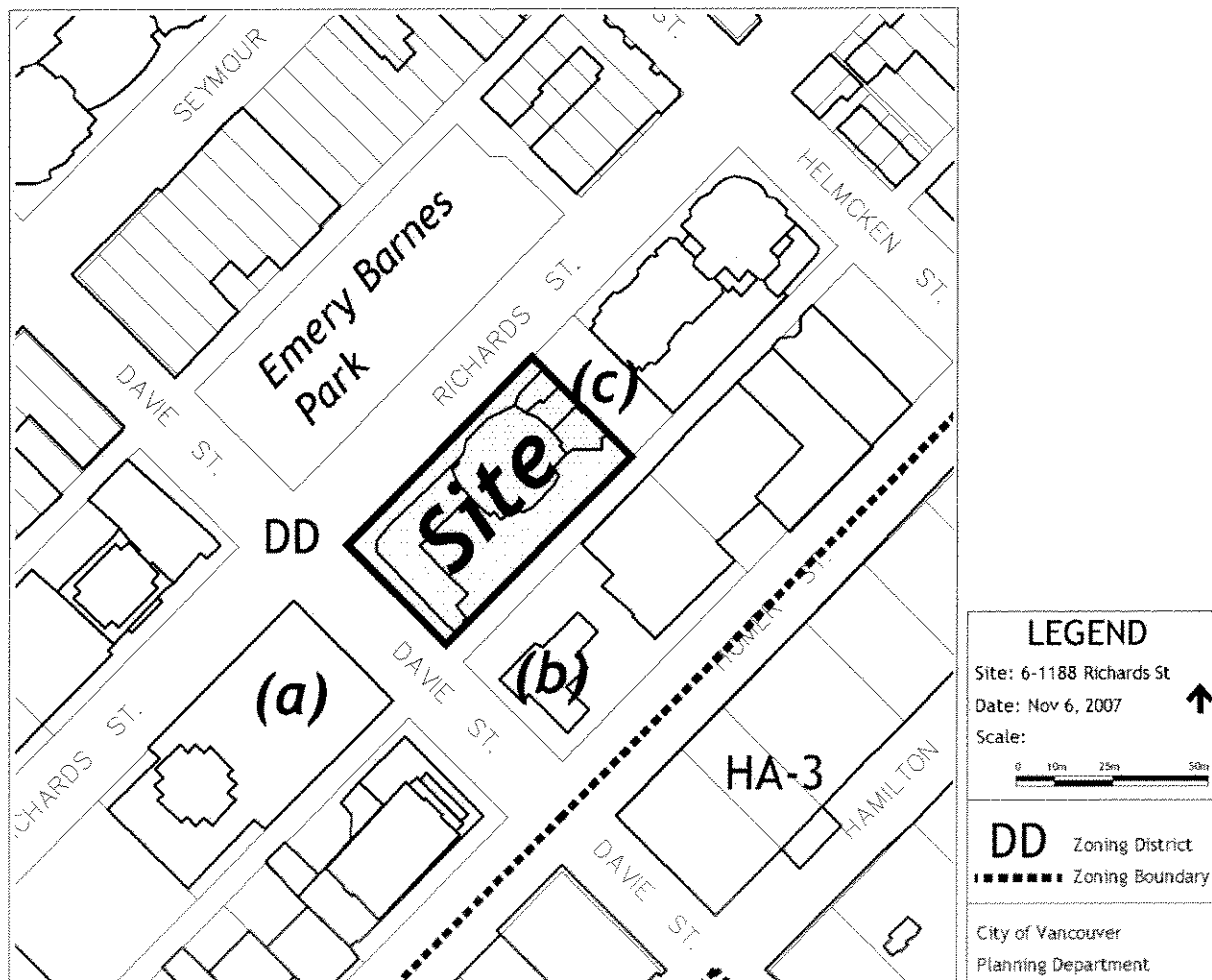
• **Legal Description**

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

• **History of Application:**

11 10 04 Complete DE submitted (DE415193)  
11 11 28 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.

The current Development Application seeks a total of 56.0 sq. ft. out of the total 13,368 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 640 West Pender 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

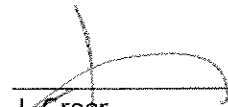
**FSR:** The By-law allows up to a maximum of 5.00 FSR for all permitted uses, plus up to 10 percent additional heritage density transfer allowed under Section 3.14.

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)

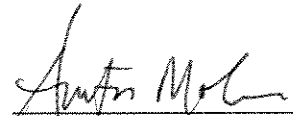
No exterior alterations to this existing development are proposed. The livability of the unit affected will be improved. The intent of the Guidelines is maintained.

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



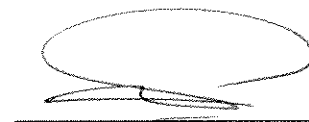
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J. Greer  
Chair, Development Permit Staff Committee



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A. Molaro  
Development Planner



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M. So  
Project Coordinator

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.

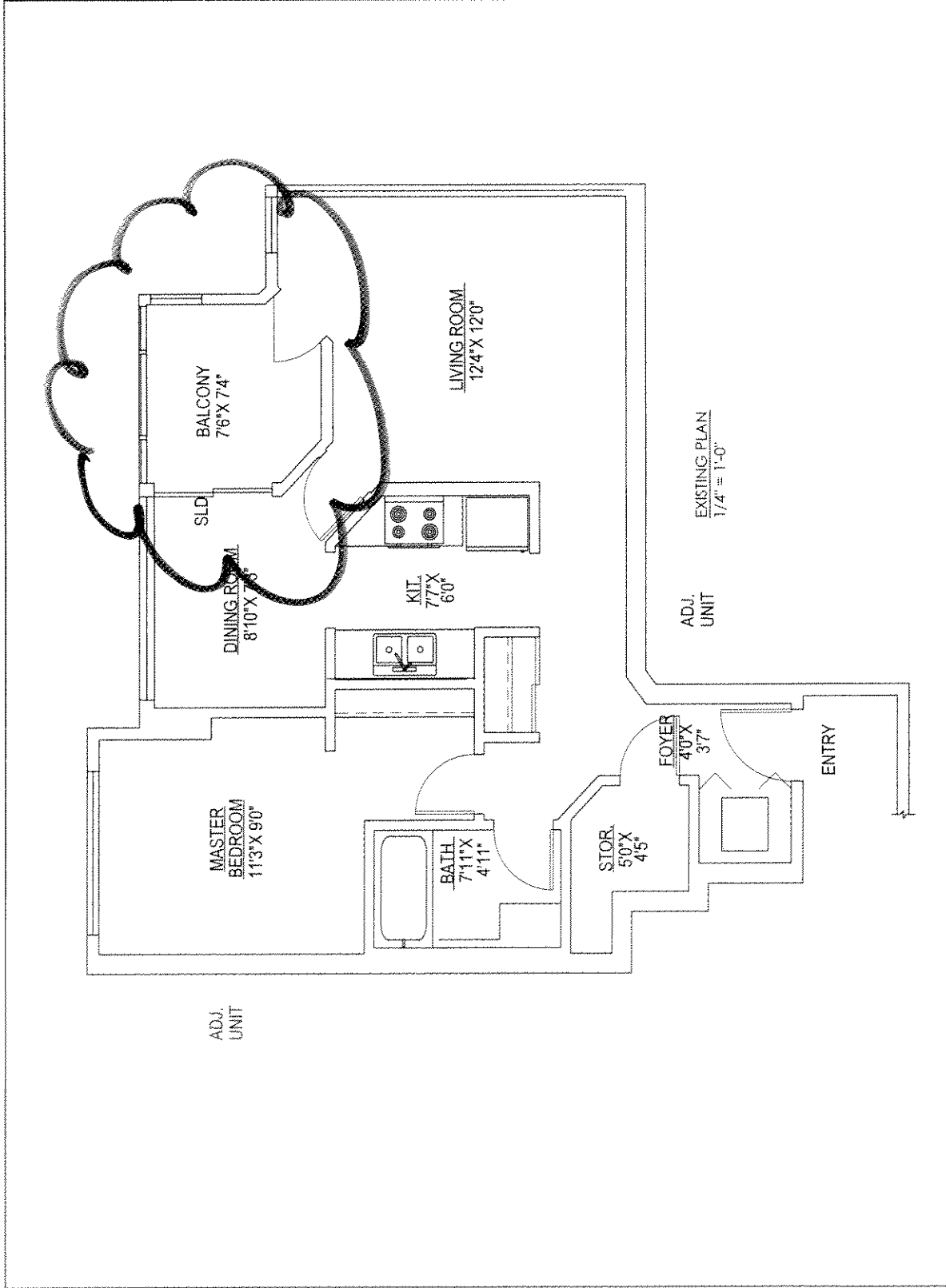
**B.1 Standard Notes to Applicant**

- B.1.1 It should be noted that if condition 1.0 has not been complied with on, or before **January 4, 2012**, 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.

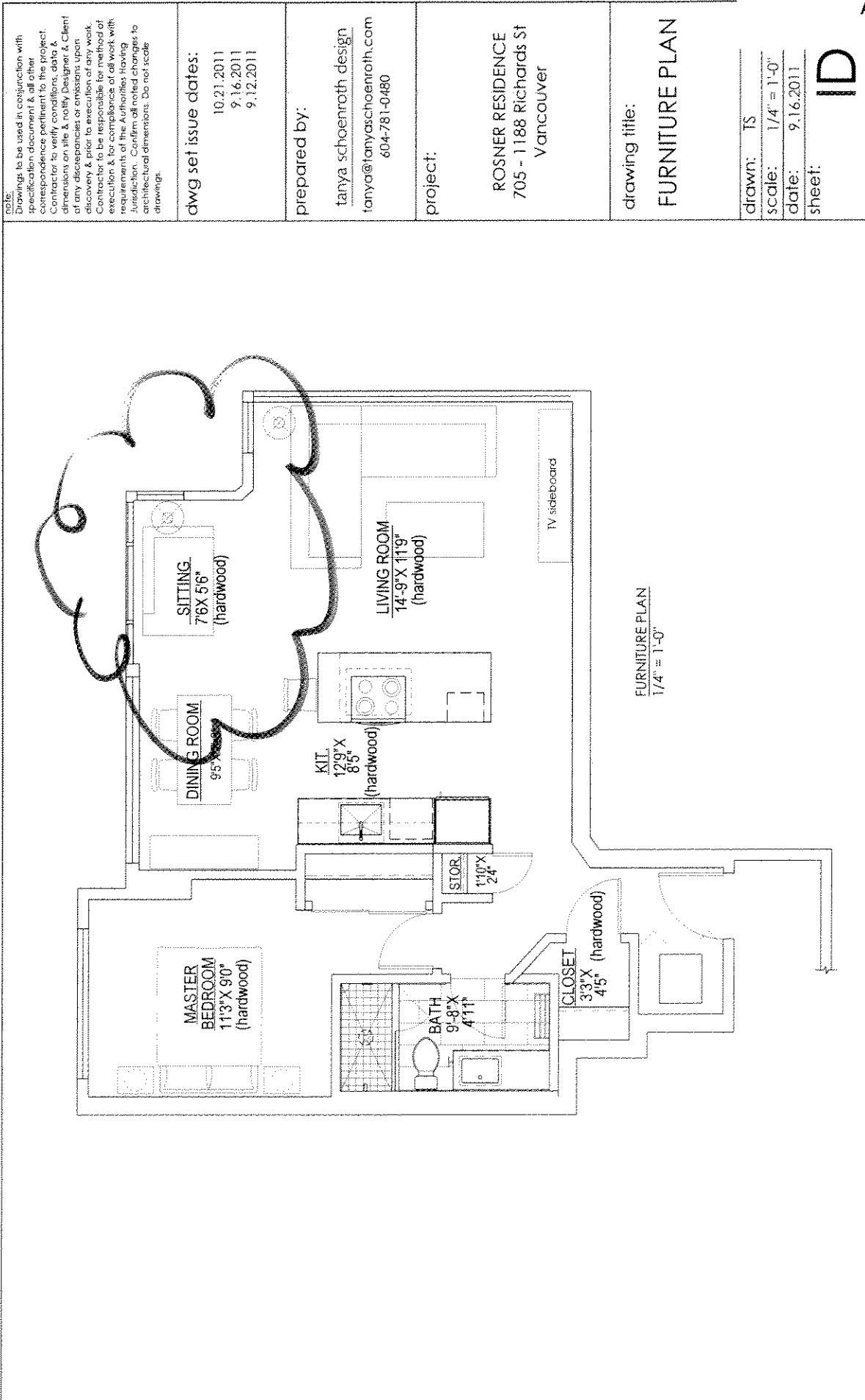
**B.2 Condition of Development Permit:**

- 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.

<p><b>Notes:</b> Drawings to be used in conjunction with specification document &amp; all other correspondence pertinent to this project. Contractor to verify conditions, data &amp; dimensions on site &amp; notify Designer &amp; Client of any discrepancies or omissions upon discovery &amp; prior to execution of any work. Contractor to be responsible for method of execution &amp; for compliance of all work with requirements of the Authorities having jurisdiction. Confirm all noted changes to architectural dimensions. Do not scale drawings.</p>	<p><b>dwg set issue dates:</b> 10.21.2011 9.16.2011 9.12.2011</p>
	<p><b>prepared by:</b> tanya.schaenroth.design tanya@tanyaschaenroth.com 604-781-0480</p>
<p><b>project:</b> ROSNER RESIDENCE 705 - 1188 Richards St Vancouver</p>	
<p><b>drawing title:</b> EXISTING PLAN</p>	
<p><b>drawn:</b> TS</p>	<p><b>scale:</b> 1/4" = 1'-0"</p>
<p><b>date:</b> 9.12.2011</p>	<p><b>sheet:</b> ID</p>







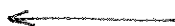
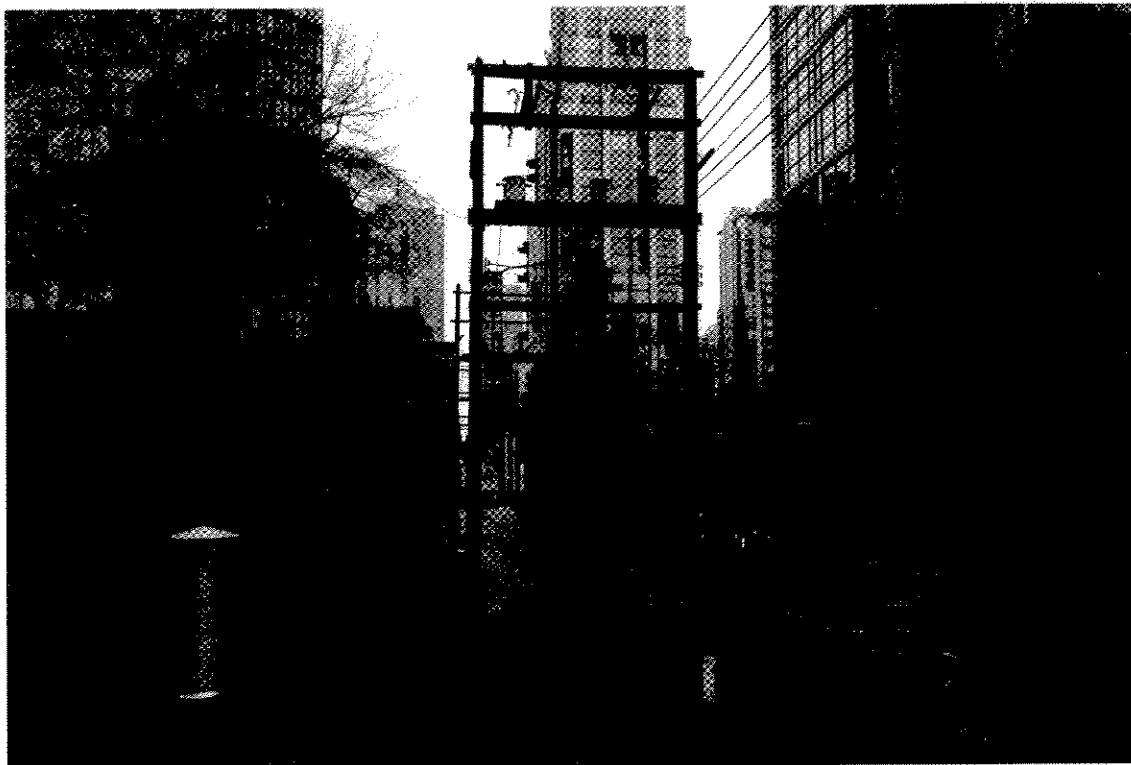
705 - 1188 RICHARDS ST.

RIGHT - 1168 RICHARDS ST.  
(NEIGHBOURING SITE)

LEFT - 1188 RICHARDS ST.  
(PROJECT SITE)



705 - 1188 RICHARDS ST.



EAST FACING VIEW TO CONCRETE WALL

705 - 1188 RICHARDS ST



GREEN SPACE / GARDEN OF NEIGHBOURING  
TOWER ON SOUTH SIDE OF THE ALLEY

## Letter "A" - Transfer of Heritage Density

September 28th, 2011

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**

**705 – 1188 Richards Street, Vancouver, BC (receiver site)  
receiver site address**

**640 West Pender Street, Vancouver, BC (donor site)  
donor site address**

This is to confirm that a conditional agreement has been reached between Bontebok Holdings Ltd., the registered owner of a heritage donor site at 640 West Pender Street, Vancouver, to sell 57 square feet of heritage density to Richard Aaron Rosner, the registered owner of the above receiver site at Suite 705 – 1188 Richards Street, at a price of \$ 60 per sq. ft. and total value of \$ 3420 plus 12% HST. 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.

**Donor Site Table**

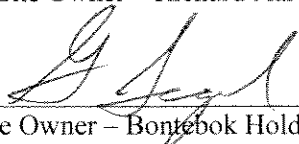
**(Note: Donor Site Owner is responsible for ensuring data in table is correct.)**

A.	Total transferable density awarded to the Donor Site by the Heritage Agreement or Rezoning	135,000	ft <sup>2</sup>
Transfers approved to date (that is, receiver site's Development Permit or Rezoning approved with conditions)			
	Address of receiver site(s)	DE# / RZ#	Amount transferred
	1200 West Hastings Street, Vancouver, BC		26,460 ft <sup>2</sup>
	520 – 550 West 8 <sup>th</sup> Avenue, Vancouver, BC	DE408752	26,497 ft <sup>2</sup>
	1104 – 1238 Seymour Street, Vancouver, BC	DE410075	77 ft <sup>2</sup>
	1012 – 138 Seymour Street, Vancouver, BC	DE411186	110 ft <sup>2</sup>
	833 Homer Street, Vancouver, BC	DE410566	13,075 ft <sup>2</sup>
	PH6 – 1188 Richards Street, Vancouver, BC	DE411443	76 ft <sup>2</sup>
	505 – 1188 Richards Street, Vancouver, BC	DE411933	56 ft <sup>2</sup>
	1206 – 822 Seymour Street, Vancouver, BC	DE411631	130 ft <sup>2</sup>
	175 Robson Street, Vancouver, BC	DE411173	6,504 ft <sup>2</sup>
	777 Thurlow Street, Vancouver, BC	DE411833	569 ft <sup>2</sup>
	806 – 1238 Seymour Street, Vancouver, BC	DE412352	135 ft <sup>2</sup>
	1006 – 1238 Seymour Street, Vancouver, BC		66 ft <sup>2</sup>
	1007 – 1238 Seymour Street, Vancouver, BC		62 ft <sup>2</sup>
	906 – 1238 Seymour Street, Vancouver, BC		159 ft <sup>2</sup>
	1201 – 1215 Bidwell Street & 1702 – 1726 Davie Street, Vancouver, BC		5,714 ft <sup>2</sup>
B	Total transfers approved to date		79,690 ft <sup>2</sup>
C	Total density available for transfer (A - B)		55,310 ft <sup>2</sup>
D	Other transfer agreements not yet approved by the City		21,561 ft <sup>2</sup>
E	Transfer amount proposed in this transaction		57 ft <sup>2</sup>
F	Total density available after proposed transfer (C - (D + E))		33,692 ft <sup>2</sup>

Yours truly,



Receiver Site Owner – Richard Aaron Rosner



Donor Site Owner – Bontebok Holdings Ltd.  
Gary Segal – Authorized Signatory

cc: Heritage Planning Analyst, Heritage Group  
Development Officer, Real Estate Services