



## POLICY REPORT DEVELOPMENT AND BUILDING

Report Date: June 24, 2011  
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Meeting Date: June 28, 2011

TO: Vancouver City Council  
FROM: Director of Planning  
SUBJECT: CD-1 Rezoning: 138 East 7th Avenue

### *RECOMMENDATION*

- A. THAT the application by Wolverton Foundation, to rezone 138 East 7th Avenue (Lots 3, 4, and 5, Block 44, DL 200A, Plan 197; PIDs: 015-551-229, 015-551-237, 015-551-253, respectively), from I-1 (Industrial) District to CD-1 (Comprehensive Development) District, to allow additional uses and alter restrictions on floor space, be referred to a public hearing together with:
- (i) plans received April 26, 2011;
  - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A; and
  - (iii) the recommendation of the Director of Planning to approve the application;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary CD-1 By-law generally in accordance with Appendix A for consideration at the Public Hearing.

- B. THAT if the application is referred to a Public Hearing, the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B to the Sign By-law [assigned Schedule "B" (I-1)], generally as set out in Appendix B, be referred to the same Public Hearing;

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

- C. THAT, subject to enactment of the CD-1 By-law, the Noise Control By-law be amended to include the CD-1 in Schedule A, generally as set out in Appendix B;
- FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law at the time of enactment of the CD-1 By-law.
- D. THAT Recommendations A through C be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
  - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

#### *GENERAL MANAGER'S COMMENTS*

#### *COUNCIL POLICY*

- Industrial Lands Policy (1995)
- Metro Core Jobs and Economy Land Use Plan: Issues and Directions Report (2007)
- 2008 Cultural Plan (2008)
- Mount Pleasant Community Plan (2010).

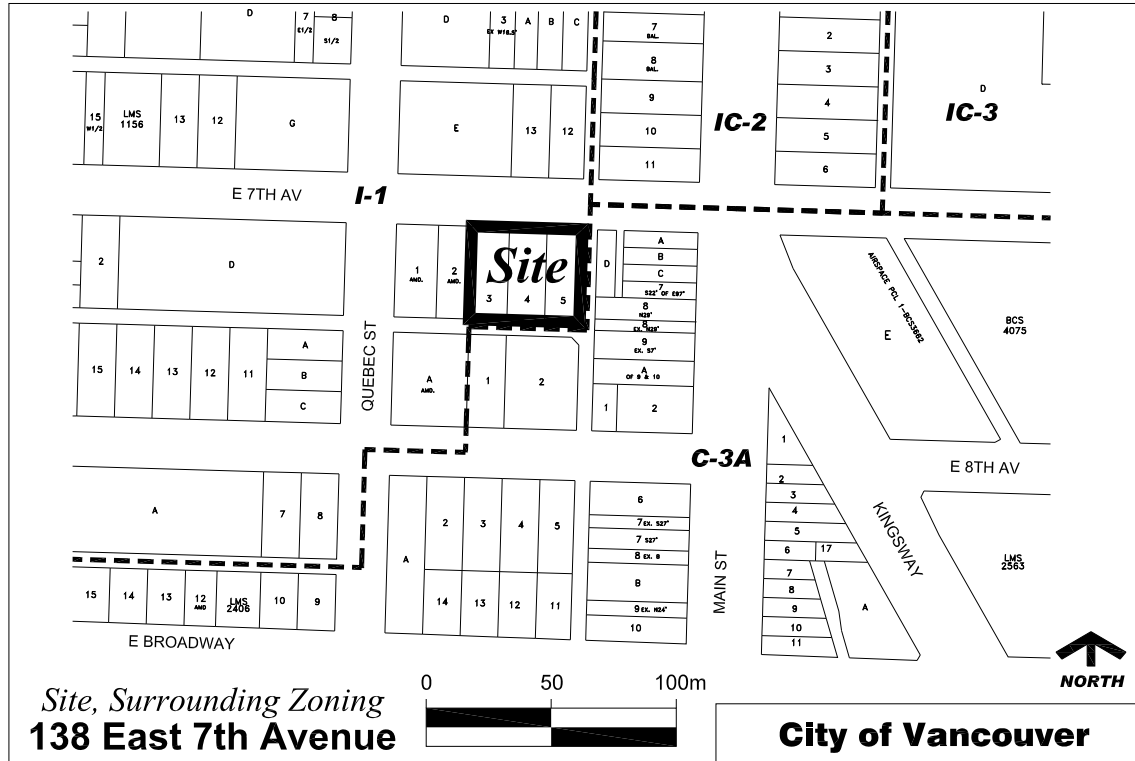
#### *PURPOSE AND SUMMARY*

This report assesses an application to rezone the site at 138 East 7th Avenue from I-1 (Industrial) to CD-1 (Comprehensive Development) district to accommodate additional uses within an existing building. The proposal, if approved, would accommodate increased office uses and a music school. The expected operator of the music school would be the Wolverton Foundation on behalf of the Sarah McLachlan Music Outreach program.

**DISCUSSION**

**1. Site and Context**

**Figure 1: Site and Surrounding Zoning**



The site is located on the south side of East 7th Avenue, one half-block west of Main Street, and is currently developed with a two-storey building with below-grade parking. The building was originally constructed as a bowling alley and most recently it was used for textile manufacturing. A development permit for interior and exterior renovations for the building was approved (with construction commencing) in 2011.

The site is located within the Mount Pleasant Industrial Area. To the north and west of the site is industrial development, with commercial development located to the south and east.

**2. Policy Context**

In 2010, Council adopted the Mount Pleasant Community Plan. The community plan identified the area north of Broadway as a ‘cultural district’. It called for “preserving and enhancing the heritage ‘heart’ (triangle north of Broadway between Main Street and Kingsway) and the surrounding area at current scale, with retention and creation of spaces accessible to a range of cultural groups for a range of purposes, including artists studios”.

The proposed music school is supported by the 2008 Cultural Plan as well as the 2008-2023 Cultural Facilities Priorities Plan, which support an enabling environment for sustainable creation and operation of cultural spaces. The City’s cultural policies call for multi-tenant workspaces that support cross fertilization, collaboration, and incubation, as well as multiple

function spaces for rehearsal, production, and administrative activities

The proposed rezoning will also meet the policies of the Metro Core Jobs and Economy Land Use Plan: Issues and Directions, which calls for development in the Mount Pleasant Industrial Area to “strengthen and enhance the Mount Pleasant Industrial Area’s role of providing centrally located, affordable production, distribution and repair space by providing opportunities to increase job intensity through modest amounts of office and service uses, without displacing light industrial functions”.

### **3. Land Use and Density**

The proposal would rezone the land from I-1 (Industrial) District to a new CD-1 (Comprehensive Development) District. The proposal would maintain the maximum floor space ratio (FSR) of 3.0 on the site, but it seeks to remove restrictions on the amount of floor area permitted for general office, as well as the cap on floor area attributed to other non-industrial uses.

The proposal is to convert the main floor of the existing building to a “School - Arts or Self Improvement” (a conditional approval use in the I-1 District Schedule) to be used by the Sarah McLachlan Music Outreach program which is a music school for disadvantaged youth in East Vancouver. This enterprise currently serves 240 students from nine high schools and four elementary schools. The second floor of the building would be converted to leaseable general office space or other “compatible uses” in order to support the non-profit school operation.

Staff support the proposal as it meets the intentions expressed in the Metro Core Jobs and Economy Land Use Plan, and because it will result in new cultural uses in the Mount Pleasant Community Plan area.

### **4. Form of Development**

As previously indicated, the site is currently developed with a two-storey building with a parkade located below the building.

The applicant has indicated that they may have future intentions to pursue construction of an additional floor on the building. Any future addition to the building would be subject to the development permit process, and would still have to meet the regulations for height and density contained in the CD-1 By-law. The floor area for the existing building is 1.8 FSR. The proposed bylaw would accommodate a future addition of one floor to the building.

### **5. Parking**

Parking for the existing building is contained within the basement of the development, with an existing parkade access located along East 7th Avenue. The applicant has demonstrated that there is enough parking within the existing building to meet the requirements for parking under the Parking By-law (with parking requirements for any future expansion to be evaluated through the Development Permit process). There are two major bus routes within a 500-metre walking distance of the site.

## 6. Environmental Sustainability

Council's policies for green buildings and sustainability relate primarily to new building construction, requiring registration with the LEED® program and an equivalent of the LEED® Gold standard in the New Construction program. When dealing with existing buildings it is still important to incorporate sustainable features wherever possible. The City's policies in this regard were evaluated through the development permit process for the renovations now underway on the existing building.

## 7. Community Amenity Contributions (CACs)

The City's Financing Growth Policy anticipates community amenity contributions from rezonings to mitigate the impacts of rezoning. Such offers are generally made feasible by the increase in land value which results from rezoning approval of additional height and/or floor area. In this instance, there is no additional floor area being requested over what could be developed under the I-1 District and the economics of the proposed music school and office development and music school indicate that a CAC is not economically feasible.

### *FINANCIAL IMPLICATIONS*

Approval of the report recommendations will have no financial implications with respect to the City's operating expenditures, fees or staffing.

### *CONCLUSION*

The Director of Planning recommends that the application be referred to a Public Hearing together with a draft CD-1 By-law as generally shown in Appendix A, and with a recommendation by the Director of Planning that these be approved.

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138 East 7th Avenue  
PROPOSED CD-1 BY-LAW PROVISIONS

Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

**1 Land Uses**

- (a) Cultural and Recreational Uses, limited to Artist Studio, Club, Community Centre or Neighbourhood House, Museum or Archives
- (b) Institutional Uses, limited to Church, Public Authority Use, School - Elementary or Secondary, and School - University or College
- (c) Manufacturing Uses,
- (d) Office Uses, limited to General Office and Health Care Office;
- (e) Parking Uses
- (f) Service Uses, limited to Laboratory, Photofinishing or Photography Studio, Production or Rehearsal Studio, School - Arts or Self Improvement, School - Business, School - Vocational or Trade;
- (g) Transportation and Storage Uses, limited to Mini-Storage Warehouse
- (h) Wholesale Uses, limited to Wholesale Class A and Wholesale Class B; and
- (i) Accessory Use customarily ancillary to any use permitted by this section.

**2 Floor Area and Density**

2.1 The floor space ratio for all uses must not exceed 3.0, subject to the following:

- (a) The maximum floor space ratio shall be 3.0 for Transportation and Storage uses, Wholesale Uses, and the following service uses: Laboratory, and Production or Rehearsal Studio;
- (b) The maximum floor space ration shall be 2.0 for office uses;
- (c) The maximum floor space ratio shall be 1.5 for all other uses combined.

2.2 Computation of floor space ratio must include all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, measured to the extreme outer limits of the building.

2.3 Computation of floor space ratio must exclude:

- (a) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which are at or below the base surface, except that the exclusion for a parking space must not exceed 7.3 m in length;
- (b) storage space associated with an artist studio - class B where the space is provided below the base surface and subject to a maximum exclusion of 20 m<sup>2</sup> for each artist studio - class B.

2.4 The use of floor space excluded under section 2.3 must not include any purpose other than that which justified the exclusion.

**3 Height**

3.1 The building height, measured above the base surface, must not exceed 18.3 m.

**4 Parking, Loading and Bicycle Parking**

4.1 The Parking By-law governs the provision, development and maintenance of off-street parking, loading, and bicycle parking on the site.

\* \* \* \* \*

138 East 7th Avenue  
DRAFT CONSEQUENTIAL AMENDMENTS

DRAFT AMENDMENTS TO THE SIGN BY-LAW No. 6510

Amend Schedule E (Comprehensive Development Areas) by adding the following:

“138 East 7 Avenue [CD-1#]                      [By-law #]                      B (I-1)”

DRAFT AMENDMENTS TO THE NOISE BY-LAW NO. 6555

Amend Schedule A (Activity Zone) by adding the following:

“[CD-1#]    [By-law #]    138 East 7 Avenue”

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