



POLICY REPORT  
DEVELOPMENT AND BUILDING

Report Date: May 31, 2013  
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VanRIMS No.: 08-2000-20  
Meeting Date: June 11, 2013

TO: Vancouver City Council  
FROM: General Manager of Planning and Development Services  
SUBJECT: CD-1 Text Amendment: 1650 West 1st Avenue

RECOMMENDATION

- A. THAT the application by Chercover Massie & Associates Ltd., on behalf of Constellation Capital Ltd. (Lululemon Athletica), to amend the text of CD-1 (315) By-law No. 7208 for 1650 West 1st Avenue [*Strata Lots 1 to 6, District Lot 526, Group 1, New Westminster District, Strata Plan LMS1875; PIDs: 019-196-083, 019-196-091, 019-196-105, 019-196-113, 019-196-121 and 019-196-130 respectively*] to increase the maximum total floor space ratio (FSR) for office and service uses to 1.51, and retail uses to 1.00, be referred to a Public Hearing, together with:
- (i) plans received by Chercover Massie & Associates Ltd., submitted January 2013;
  - (ii) draft CD-1 By-law amendments, generally as presented in Appendix A; and
  - (iii) the recommendation of the General Manager of Planning and Development Services to approve the application.

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

- B. THAT, subject to enactment of the amending by-law, the Parking By-law be amended to include the CD-1 By-law and to provide parking regulations generally as set out in Appendix B;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law at the time of enactment of the amending by-law.

- C. THAT Recommendation A and B 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 bylaw 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.

### ***REPORT SUMMARY***

This report assesses an application to amend the text of CD-1 By-law (315) for 1650 West 1st Avenue, to increase the combined maximum floor space ratio (FSR) for office and service uses from 1.05 to 1.51 and to permit up to 1,000 m<sup>2</sup> of retail uses, while maintaining the overall maximum density of 2.46 FSR. If approved, the amendment would allow all of the non-residential floor space in the existing building on the site to convert to office and service uses, while retaining the flexibility to convert part of this floor space back to retail or manufacturing uses if desired in the future.

### ***COUNCIL AUTHORITY/PREVIOUS DECISIONS***

- CD-1 (315) By-law No. 7208, enacted November 2, 1993 and amended up to December 9, 2003
- Burrard Slopes IC Districts Interim Policies, adopted June 1993 and superseded by the Burrard Slopes IC Districts Interim Rezoning Policies and Guidelines, adopted November 29, 2007 and amended January 19, 2010
- Metro Core Jobs and Economy Plan (2007)

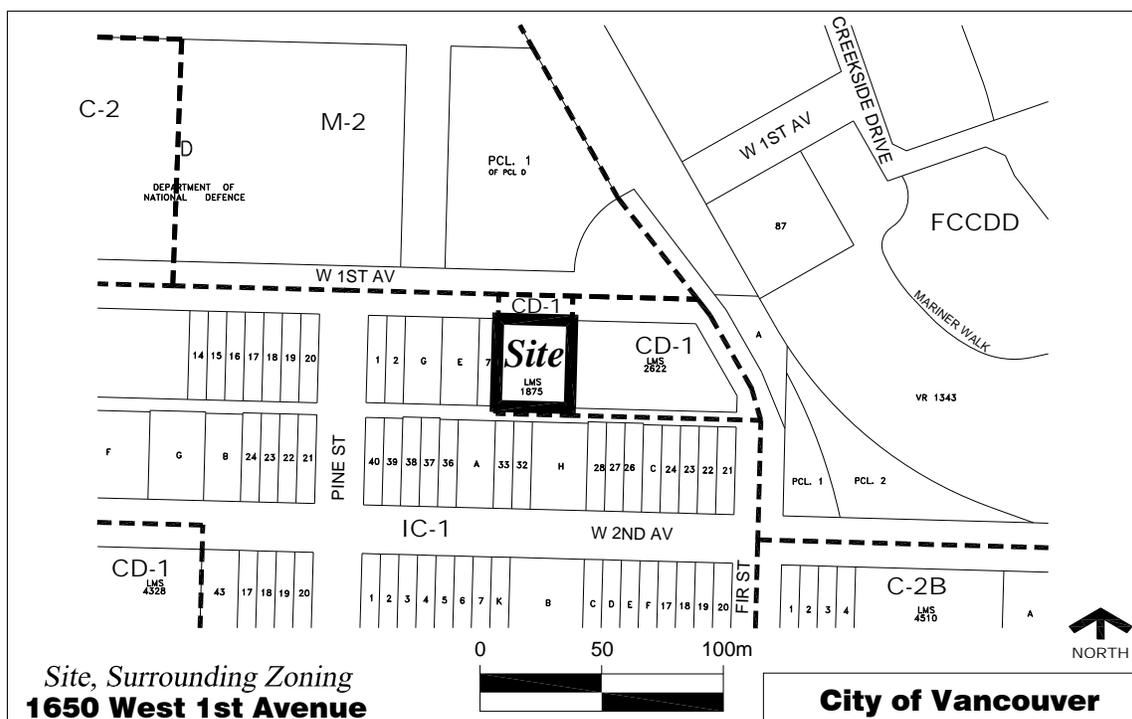
### ***REPORT***

#### ***Background/Context***

The site was originally developed in 1991 with a two-storey (plus mezzanine) commercial development, containing office, retail and manufacturing uses. The structure and parking were designed to accommodate the addition of a future residential component, which was permitted in 1993 when the site was rezoned to CD-1 under the Burrard Slopes IC Districts Interim Policies (adopted in June 1993). The 1993 Interim Policies allowed for site-specific CD-1 rezoning applications for mixed-use developments, including those containing residential

uses, with the goal of retaining city-supporting service uses and preserving the mixed industrial character of the area. Rezoning of the subject site permitted the construction of a two-storey addition above the commercial, containing 11 dwelling units at an overall floor space ratio (FSR) for the building of 2.46.

Figure 1: Site and Context



## Strategic Analysis

The existing CD-1 By-law sets out maximum floor space ratios for the site generally in accordance with the 1993 Burrard Slopes IC Districts Interim Policies. At the time, non-industrial uses were limited by the policies to a maximum of 2.00 FSR, hence office, service and retail have a limit in the by-law of 1.05 FSR, and residential of 0.95 FSR. The balance of the floor space in the building (0.46 FSR) is in manufacturing use.

In 2007, the 1993 Interim Policies were superseded by a new set of policies and guidelines, which emphasize job-producing space in Burrard Slopes by increasing the density limit for office and service uses to 2.50 FSR.

In 2012, Constellation Capital Ltd. (Lululemon Athletica) acquired ownership of all six commercial strata lots at 1650 West 1st Avenue, comprising the first two floors of the building or 1.51 FSR of the total floor area. Chercover Massie & Associates has now applied on Lululemon's behalf to amend the CD-1 By-law to allow for all 1.51 FSR of this floor space to be a combination of office and service uses, to suit the clothing provider's business needs. Staff support the proposed amendment as it is in accordance with the current policies for Burrard Slopes and it meets the intent to encourage job-producing space in the area.

Staff further propose that the CD-1 By-law permit up to 1,000 m<sup>2</sup> of retail use, consistent with the area policies, and that the 0.46 FSR of manufacturing use, currently in the by-law, be retained. While Lululemon does not intend to have retail or manufacturing at present, the by-law would provide flexibility, should an occupant choose to convert some of the 1.51 FSR of office/service space into retail or manufacturing space.

Table 1 below summarizes the existing and proposed uses and maximum densities for each. Note that the existing overall maximum is unchanged, as this application proposes no increase in floor space. Also, the application proposes no changes to the existing residential on the third and fourth floors of the building.

**Table 1: Uses and Densities**

|                      | Maximum FSR by Use   |         |        |               |             | Overall Maximum FSR |
|----------------------|--|---------|--------|---------------|-------------|---------------------|
|                      | Office   | Service | Retail | Manufacturing | Residential |                     |
| Existing CD-1 By-law | 1.05 (combined)  |         |        | 0.46          | 0.95        | 2.46                |
| Amended CD-1 By-law  | 1.51 (combined except that retail is limited to 1,000 m <sup>2</sup> ) |         |        | 0.46          | 0.95        | 2.46                |

The parking and loading requirements are proposed to remain the same. The building currently has a total of 43 vehicle parking spaces and two loading bays. A requirement to provide 17 Class A bicycle spaces would be added, consistent with current Parking By-law standards. A provision is also proposed to allow a one-space reduction in parking if five additional Class A bicycle spaces are provided. This will allow conversion of an existing vehicle space to bicycle parking.

### Public Benefits

**Development Cost Levies (DCLs)** – Development Cost Levies (DCLs) are a growth-related charge on new development. As this rezoning is for a change of use to an existing building with no addition of floor area, there are no DCLs payable.

**Community Amenity Contributions (CAC)** – Real Estate Services staff have reviewed the application and have determined that the proposed rezoning does not result in an increase in land value (land lift). As there is no land lift associated with this rezoning, staff recommend that, in this particular case, a Community Amenity Contribution (CAC) is not appropriate.

### Financial Implications

As discussed above, the proposed text amendment does not entail any additional floor space and will not result in any land lift, hence DCLs and CACs are not applicable.

## CONCLUSION

Staff assessment of the application to amend the text of the CD-1 By-law for 1650 West 1st Avenue, to increase the combined maximum floor space ratio (FSR) for office and service uses to 1.51, and to allow up to 1,000 m<sup>2</sup> of retail uses, is supportable. The General Manager of Planning and Development Services recommends that the application be referred to a public hearing, together with the draft by-law provisions generally as set out in Appendix A and, subject to the public hearing, that it be approved.

\* \* \* \* \*

1650 West 1st Avenue  
DRAFT AMENDMENTS TO CD-1 (315) BY-LAW NO. 7208

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

- Change the title of section 3 from “Floor Space Ratio” to “Floor Area and Density”.
- In section 3, strike sub-section 3.1 and replace it with the following:
  - “3.1 For the purpose of computing floor space ratio, the site is deemed to be 1,096.2 m<sup>2</sup>, being the site size at the time of the rezoning application, prior to any dedications.
  - 3.2 The floor space ratio for all uses, combined, must not exceed 2.46, subject to the following:
    - (a) the floor space ratio for office, retail and service uses, combined, must not exceed 1.51;
    - (b) the floor space ratio for dwelling uses must not exceed 0.95;
    - (c) the floor space ratio for manufacturing uses must not exceed 0.46; and
    - (d) the maximum floor area in retail uses must not exceed 1,000 m<sup>2</sup>.”

*[The above amendment increases the permitted floor area for office, retail and service uses, while still allowing for manufacturing uses. It also sets a 1,000 m<sup>2</sup> limit on retail, consistent with the Burrard Slopes area policies.]*

- Renumber sections 3.2 and 3.3 as 3.3 and 3.4.
- Delete section 5 and renumber sections 6 and 7 as sections 5 and 6.

*[The above amendment removes the “Parking, loading, and bicycle spaces” section. Following current practice, the off-street parking, loading and bicycle spaces for this CD-1 will be governed by the Parking By-law. See Appendix B.]*

\* \* \* \* \*

1650 West 1st Avenue  
DRAFT CONSEQUENTIAL AMENDMENT

DRAFT AMENDMENTS TO THE PARKING BY-LAW NO. 6059

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

- Add the following to Schedule C - CD-1 Districts Parking Requirements:

| Address              | By-law No. | CD-1 No. | Parking Requirements  |
|----------------------|------------|----------|---|
| 1650 West 1st Avenue | 7208       | 315      | 43 parking spaces<br>2 loading spaces<br>17 Class 'A' bicycle parking spaces<br>except that, if at least five Class A bicycle spaces are provided in addition to the above, there is to be a reduction of 1 in the number of required parking spaces. |

\* \* \* \* \*

1650 West 1st Avenue  
**APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION**

**APPLICANT AND PROPERTY INFORMATION**

|                          |   |
|--------------------------|---|
| Street Address           | 1650 West 1st Avenue  |
| Legal Description        | Strata Lots 1 to 6, District Lot 526, Group 1, New Westminster District, Strata Plan LMS1875;<br>PIDs: 019-196-083, 019-196-091, 019-196-105, 019-196-113, 019-196-121 and 019-196-130 respectively |
| Applicant/Architect      | Chercover Massie & Associates Ltd.  |
| Property Owner/Developer | Constellation Capital Ltd. (Lululemon Athletica)  |

**DEVELOPMENT STATISTICS**

|                        | Permitted Under Existing Zoning  | Proposed  |
|------------------------|--|---|
| ZONING                 | CD-1   | CD-1 (Amended)  |
| USES                   | Office, Retail, Service, Residential, Manufacturing  | No change   |
| GROSS FLOOR AREA       | Residential: 1,038 m <sup>2</sup> (0.95 FSR)<br>Commercial: 1,146 m <sup>2</sup> (1.05 FSR)<br>Industrial: 502 m <sup>2</sup> (0.46 FSR) | Residential: No change<br>Commercial: 1,648 m <sup>2</sup> (1.51 FSR)   |
| MAX. FLOOR SPACE RATIO | 2.46   | No change   |
| PARKING SPACES         | 43 vehicle spaces<br>2 loading bays  | 43 vehicle spaces<br>2 loading bays<br>17 Class A bicycle spaces,<br>with a provision to convert one vehicle space into additional bicycle spaces |