



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: June 2, 2014
Contact: Kent Munro
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VanRIMS No.: 08-2000-20
Meeting Date: June 10, 2014

TO: Vancouver City Council
FROM: General Manager of Planning and Development Services
SUBJECT: CD-1 Text Amendment: 2124-2130 Burrard Street and
1798 West 5th Avenue (Fifth Avenue Cinemas)

RECOMMENDATION

- A. THAT the application by Formwerks Architectural Incorporated, on behalf of Cineplex Entertainment, to amend CD-1 (Comprehensive Development) District (332) By-law No. 7389 for 2124-2130 Burrard Street and 1798 West 5th Avenue [*PID: 019-117-141; Lot G Block 268 District Lot 526 Plan LMP20900*] to increase the permitted floor space ratio for theatre uses from 0.66 to 1.00 to allow for expansion of the theatre into 324 m² (3,489 sq. ft.) of existing vacant ground floor retail space, be referred to Public Hearing, together with:
- (i) plans prepared by Formwerks Architectural Incorporated received March 3, 2014;
 - (ii) draft by-law provisions, generally as presented in Appendix A; and
 - (iii) the recommendation of the Director of Planning to approve the application, subject to conditions contained in Appendix B.

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, Recommendation A 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.

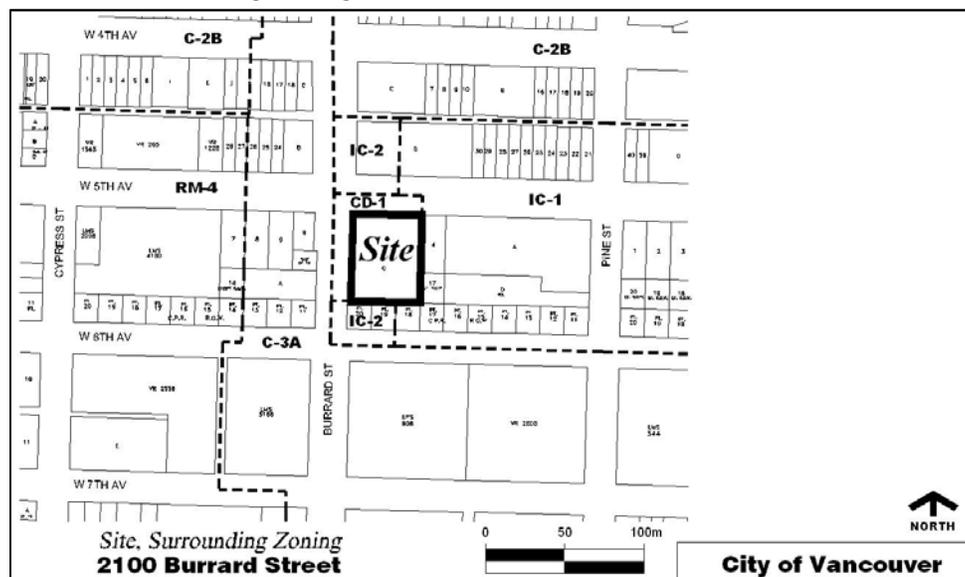
REPORT SUMMARY

This report assesses an application by Formwerks Architectural Incorporated on behalf of Cineplex Entertainment to amend CD-1 (332) By-law for 2124-2130 Burrard Street and 1798 West 5th Avenue to increase the permitted floor space ratio (FSR) for theatre uses from 0.66 to 1.00 which, if approved, would allow for a 324 m² (3,489 sq. ft.) expansion of the existing theatre lobby into existing vacant ground floor retail space. The total site FSR would remain 2.42 and the amendment would not result in any substantive change to the form of the development that had been originally approved on March 7, 1995. Staff support the increase in allowable FSR for theatre uses and recommend approval of the application, subject to the Public Hearing, along with the conditions of approval outlined in Appendix B.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- CD-1 (332) By-law No. 7389 for 2124-30 Burrard Street and 1798 West 5th Avenue (the "CD-1 By-law"), enacted March 7, 1995, amended up to March 14, 2000.
- Burrard Slopes IC Districts Interim Rezoning Policies and Guidelines (2007).
- Vancouver Economic Action Strategy: An Economic Development Plan for the City (2011).

Figure 1: Site and Surrounding Zoning

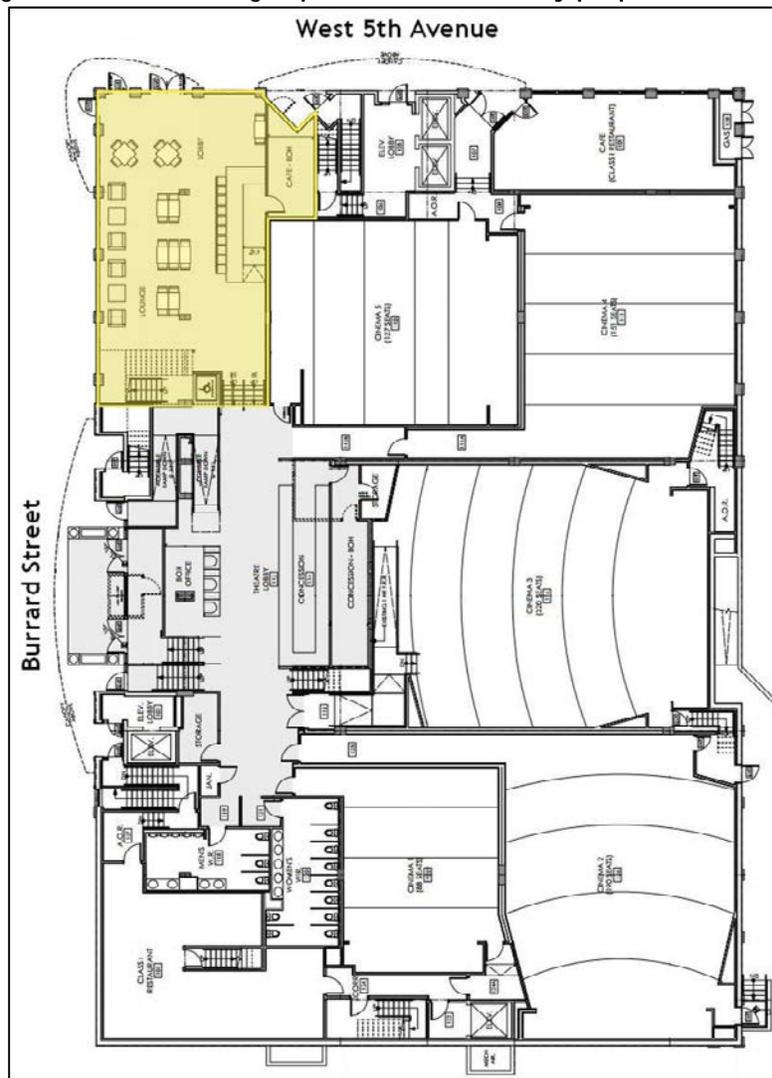


REPORT

Background/Context

The subject site contains the Fifth Avenue Cinemas and is located on the southeast corner of West 5th Avenue and Burrard Street (see Figure 1). Existing on the site is a four-storey building constructed in 1996 containing theatre, office, retail, service, and manufacturing uses. The current entrance to the Fifth Avenue Cinemas is on Burrard Street and the northwest corner of the building was formerly occupied by a retail business. This space is now vacant. The applicant now seeks to expand the lobby space of Fifth Avenue Cinemas within the existing building and move the primary theatre entrance to West 5th Avenue by converting the vacant retail space into a theatre lobby in the building's northwest corner.

Figure 2: Plan of ground level showing expanded theatre lobby proposed for the northwest corner



Strategic Analysis

The application seeks to increase the allowable FSR for theatre use from 0.66 to 1.00 to allow for a 324 m² (3,489 sq. ft.) expansion of the theatre lobby at the ground level. No increase in the 2.42 maximum overall FSR is proposed. The proposed location of the expansion is at the vacant northwest corner of the existing building. The expanded theatre lobby would facilitate an improved theatre experience by allowing the provision of an enhanced concession outlet. The expanded theatre lobby would also permit indoor ticket sales, allowing patrons to queue inside thereby reducing congestion on the sidewalks.

Staff have reviewed the proposal and conclude that the expansion of theatre use within the existing building and relocation of the lobby entry to West 5th Avenue is supportable under the Burrard Slopes IC Districts Interim Rezoning Policies and Guidelines which the subject site lies within. Allowing the expanded theatre lobby space would reduce the need for patrons of Fifth Avenue Cinemas to wait outside to purchase tickets and it would allow for enhanced concession options in the lobby. Both factors would contribute to the continuing viability of the cinema, thereby increasing the opportunity for continued and enhanced business success which is a key target of Vancouver's Economic Action Strategy.

The proposed amendment to the CD-1 By-law is set out in Appendix A.

Public Input

Information about the application was provided on the City of Vancouver Rezoning Centre webpage and on a sign installed on the site April 1, 2014. No comments were received.

PUBLIC BENEFITS

Required Public Benefits

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

Offered Public Benefits

Community Amenity Contribution – In the context of Financing Growth Policy, the City anticipates the offer of a community amenity contribution (CAC) from the owner of a rezoning site to address the impacts of rezoning. Contributions are negotiated and evaluated by staff in light of the increase in land value expected to result from rezoning approval. In 1995, during the initial rezoning of this site from IC-1, IC-2 and RS-1 to CD-1, a CAC of \$251,932 was provided and it was directed to amenities in the Burrard Slopes neighbourhood. As this application does not result in any increase in the commercial floor space already permitted on the site, there is no CAC associated with this amendment.

Implications/Related Issues/Risk (if applicable)

Cultural Planning

The proposed amendment to the CD-1 By-law would allow the tenant, Cineplex Entertainment, greater flexibility in their theatre operations - keeping the venue modern and vibrant, and continuing to serve the cultural life of Vancouver's communities.

Financial

As noted in the Public Benefits Section above, there are no CACs or DCL's associated with this rezoning amendment.

CONCLUSION

Staff have reviewed the application to amend the FSR for theatre uses within the CD-1 By-law and have concluded that an increase in FSR for theatre use from 0.66 to 1.00 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 and the conditions set out in Appendix B, that the application be approved.

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2124-2130 Burrard Street and 1798 West 5th Avenue
PROPOSED AMENDMENTS TO CD-1 (332) BY-LAW NO.7389

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

- In Section 3.1 (a), strike "0.66" and substitute "1.00".

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2124-2130 Burrard Street and 1798 West 5th Avenue
PROPOSED CONDITIONS OF APPROVAL

Note: Recommended conditions will be prepared generally in accordance with the draft conditions listed below, subject to change and refinement prior to finalization of the agenda for the Public Hearing.

CONDITIONS OF BY-LAW ENACTMENT

- (a) Prior to enactment of the CD-1 By-law amendment, the applicant shall on terms and conditions satisfactory to the Director of Legal Services, the General Manager of Planning and Development Services, the General Manager of Engineering Services, and the Approving Officer as necessary, and at the sole cost and expense of the applicant, make arrangements for the following:

Engineering:

1. Release of Easement & Indemnity Agreements 94498H (extended by BH454655) and 540606M (extended by BH454656), both for commercial crossings.

Note to applicant: The applicant is to supply a written request to the City to discharge the documents, a recent title search and a copy of the documents along with executable discharge documents to effect the releases.

2. Confirmation from the applicant's solicitor that Covenant G89307 as registered in favour of the District of Saanich does not apply to the City of Vancouver and this application, updating of the charge summary to reflect an accurate description of the applicable charge is required.

Note to applicant: There are two documents filed in the Land Title Office under number G89307 and one has a different date than that shown on title and is a covenant in favour of the District of Saanich.

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2124-2130 Burrard Street and 1798 West 5th Avenue
APPLICANT, PROPERTY AND DEVELOPMENT PROPOSAL INFORMATION

Applicant and Property Information

Street Address	2102-2118 Burrard Street and 1778-1788 West 5th Avenue
Legal Description	PID: 019-117-141; Lot G Block 268 District Lot 526 Plan LMP20900
Developer (Tenant)	Cineplex Entertainment
Architect	Formwerks Architectural Incorporated
Property Owner	Arthur Bell Holdings Ltd.

Development Statistics

	Development Permitted Under Existing Zoning	Proposed Change
Zoning	CD-1	-
Site Area	2,417.8 m ² (26,025 sq. ft.)	-
Uses	Theatre, Office, Retail, Service, Manufacturing	-
Floor Area	5,786 m ² (62,282.5 sq. ft.)	-
maximum Floor Space Ratio (FSR) - for all uses combined	2.42 FSR	2.42 FSR
FSR limits for individual uses (within the overall maximum FSR of 2.42)	Theatre - 0.66 Office - 1.00 Retail - 0.15 Service - 0.19 Manufacturing - 0.42	Theatre - 1.00 Office - 1.00 Retail - 0.15 Service - 0.19 Manufacturing - 0.42

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