



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: May 27, 2015
Contact: Kevin McNaney
Contact No.: 604.871.6851
RTS No.: 10960
VanRIMS No.: 08-2000-20
Meeting Date: June 23, 2015

TO: Vancouver City Council
FROM: General Manager of Planning and Development Services
SUBJECT: CD-1 Text Amendment - 1001-1015 Denman Street

RECOMMENDATION

- A. THAT the application by DYS Architecture, on behalf of George Loh Ltd., to amend the text of CD-1 (Comprehensive Development) District (427) By-law No. 8978 for 1001-1015 Denman Street [*PID: 026-037-122, Lot A, Block 69, District Lot 185, Group 1, New Westminster District, PLAN BCP13164*] to add non-residential uses that are consistent with the surrounding C-5 (Commercial) District along Denman Street and to remove residential uses, to be consistent with the West End Community Plan, be referred to a public hearing, together with:
- (i) draft by-law amendments generally as presented in Appendix A; and
 - (ii) 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 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 DYS Architecture, on behalf of George Loh Ltd., to amend Section 2, Uses, in CD-1 (Comprehensive Development) District (427) By-law No. 8978 for 1001-1015 Denman Street. The CD-1 By-law was enacted on February 1, 2005 after approval of the rezoning by Council at Public Hearing on June 22, 2004. The application proposes to add uses that are permitted in the adjacent C-5 (Commercial) District along Denman Street. In addition, it is proposed to remove Residential Uses, currently included under CD-1 (427), in order to be consistent with the recently adopted West End Community Plan. Approval of these amendments would not have any implications for the approved floor area, density or form of development. Staff recommend that the application be referred to a Public Hearing, with the recommendation of the General Manager of Planning and Development Services to approve it, subject to the Public Hearing.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- CD-1 (427) By-law No. 8978, enacted February 1, 2005
- West End Community Plan (2013)

REPORT

Background/Context

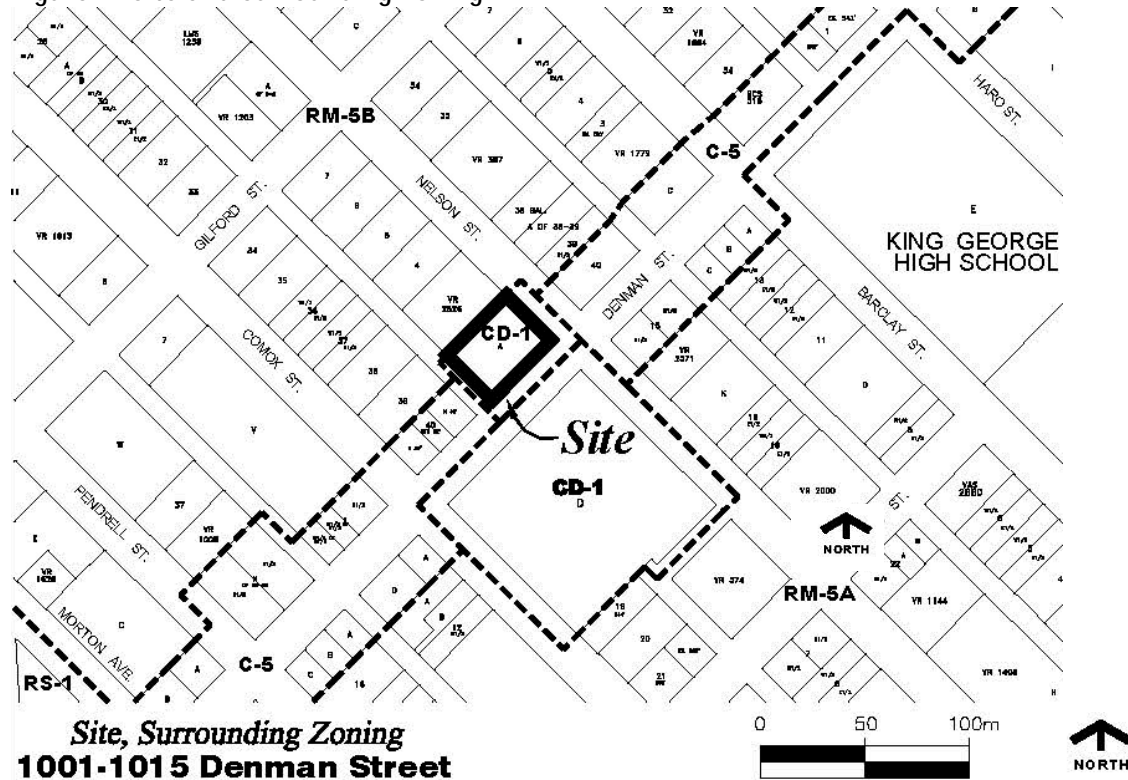
The subject site is located on the southwest side of Denman Street, between Davie and Robson Streets (see Figure 1) in the West End.

The site was originally comprised of three parcels, of which two were zoned C-5 (Commercial) and one was zoned RM-5B (Multiple Residential). The site was rezoned to CD-1 to allow for a single integrated development with a more compatible form of development than if developed under the two original zonings on the site. The CD-1 By-law was enacted on February 1, 2005 after approval in principle of the rezoning by Council at Public Hearing on June 22, 2004.

The approved form of development for 1001-1015 Denman Street was for a five-storey mixed-use building with two levels of commercial uses and three levels of residential use above. The approved uses included Dwelling Uses (limited to 12 dwelling units), limited Retail and Service Uses and Accessory Uses. The floor space ratio (FSR) for all permitted uses was limited to 1.96 FSR, except that the FSR for retail and service was limited to a maximum of 1.20 FSR.

On February 1, 2013, the applicant applied for a development permit (DE 416548) for a two-storey commercial building with 12 retail units at an FSR of 1.2. The development permit did not include the residential component approved as part of the CD-1 zoning. The permit was issued on October 28, 2013, and the building has now been constructed.

Figure 1: Site and Surrounding Zoning



Strategic Analysis

The applicant is requesting to add additional non-residential uses consistent with the surrounding C-5 (Commercial) District along Denman Street, including Cultural and Recreational Uses, Institutional Uses and Office Uses and a broader range of Retail Uses and Service Uses. In addition, to be consistent with the West End Community Plan, it is proposed that Residential Uses be removed from the CD-1 By-law. Approval of these amendments would not have any implications for the existing floor area, density or form of development.

The subject site is located within the Denman Village area of the West End Community Plan. Approved by City Council in November 2013, Section 7.1.2 of the Plan includes policy for the Denman Village, with the objective of strengthening it as the West End's "main street" lined with local businesses and community facilities. There are several policies relevant to this proposal:

- Limit residential development to ensure vibrancy at all times of the day
- Increase allowable commercial uses (e.g. offices and boutique hotels)
- Allow commercial and community facilities/spaces above the first level
- Ensure buildings provide visual interest and a comfortable atmosphere with large transparent windows, narrow frontages and canopies or awnings

To ensure that the proposed text amendment is consistent with the West End Plan, staff support the removal of residential uses and the addition of active street level uses that provide visual interest to pedestrians, including Cultural and Recreational Uses and a broader range of Retail Uses and Service Uses, to the CD-1 By-law. To further support this objective, a

condition of approval limits Institutional Uses and Office Uses to the second floor. The proposed amendments to the CD-1 By-law are presented in Appendix A.

Staff have reviewed the parking, loading and bicycle space requirements for the proposed new uses, and have confirmed that the building will be able to meet the Parking By-law requirements.

Public Input

A rezoning information sign was installed on March 27, 2015. Information about the application, as well as an online comment form, was provided on the City of Vancouver Rezoning Centre webpage. Five responses were received by staff: four requesting additional information and clarification on the proposal and one supporting the proposed text amendment.

PUBLIC BENEFITS

Development Cost Levies (DCLs) – Development Cost Levies collected from development help pay for facilities made necessary by growth, including parks, childcare facilities, replacement housing (social/non-profit housing) and various engineering infrastructure. As this application proposes amendments to the permitted uses of an existing building, with no addition of floor area, there is no additional DCL payable.

Public Art Program – The *Public Art Policy for Rezoning Development* requires that rezonings involving a floor area of 9,290.0 m² (100,000 sq. ft.) or greater allocate a portion of their construction budgets to public art as a condition of rezoning. The site has a floor area of 1,449 m² (15,599 sq. ft.) and the application proposes no additional floor area. As such, no public art contribution is required.

Community Amenity Contribution (CAC) – Within the context of the City's *Financing Growth Policy* and the West End Community Plan, an offer of a Community Amenity Contribution to address the impacts of rezoning can be anticipated from the owner of a rezoning site. CAC offers typically include either the provision of on-site amenities or a cash contribution toward other public benefits and they take into consideration community needs, area deficiencies and the impact of the proposed development on City services. For this site, a CAC was not offered as part of the original rezoning (from C-5 and RM-5B to CD-1) because no increase in FSR was proposed beyond what was permitted under the C-5 and RM-5B zoning. With no changes proposed to the approved height, density or form of development as part of this rezoning, a further CAC would not be anticipated.

Implications/Related Issues/Risk (if applicable)

Financial

As noted in the public benefits section above, there are no Development Cost Levies, Public Art Contributions or Community Amenity Contributions associated with the proposed CD-1 text amendment.

CONCLUSION

Staff have reviewed the application to amend the CD-1 (427) for 1001-1015 Denman Street and support adding additional non-residential uses consistent with the surrounding C-5 (Commercial) District including Cultural and Recreational Uses, Institutional Uses and Office Uses and a broader range of Retail Uses and Service Uses and removing residential uses to be consistent with the West End Community Plan. Approval of these amendments would not have any implications for the approved floor area, density or form of development. The General Manager of Planning and Development Services recommends that the application be referred to 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.

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1001-1015 Denman Street
DRAFT AMENDMENTS TO CD-1 (427) BY-LAW NO.8978

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

Uses

1. Council strikes out section 2.2 and substitutes:

"2.2 Subject to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law, the only uses permitted within CD-1 (427) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Cultural and Recreational Uses, limited to Artist Studio - Class A, Arts and Culture Indoor Events, Billiard Hall, Club, Community Centre or Neighbourhood House, Fitness Centre, Library, Museum or Archives, and Theatre;
- (b) Institutional Uses, limited to Child Day Care Facility and Social Service Centre;
- (c) Office Uses, limited to Financial Institution, General Office, Health Care Office and Health Enhancement Centre;
- (d) Retail Uses, limited to Furniture or Appliance Store, Grocery or Drug Store, Retail Store, Secondhand Store, and Small-scale Pharmacy;
- (e) Service Uses, limited to Animal Clinic, Barber Shop or Beauty Salon, Beauty and Wellness Centre, Catering Establishment, Laundromat or Dry Cleaning Establishment, Photofinishing or Photography Studio, Print Shop, Repair Shop - Class B, Restaurant, School - Arts or Self-Improvement, School - Business, and School - Vocational or Trade; and
- (f) Accessory Use customarily ancillary to any of the uses permitted by this section 2.2."

2. Council rennumbers sections 3 through 9 as sections 4 through 10 respectively.

3. After section 2, Council adds:

"3 Conditions of use

On floors located at street level, except for entrances to other uses, only the following uses are permitted:

- (a) Cultural and Recreational Uses;
- (b) Retail Uses; and
- (c) Service Uses."

1001-1015 Denman Street
APPLICANT, PROPERTY AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

Street Address	1001-1015 Denman Street
Legal Description	PID: 026-037-122, Lot A, Block 69, District Lot 185, New Westminster District BCP13164
Applicant/Architect	DYS Architecture
Property Owner/Developer	George Loh Ltd.

SITE STATISTICS

DEVELOPMENT STATISTICS

	DEVELOPMENT PERMITTED UNDER EXISTING ZONING	PROPOSED DEVELOPMENT
ZONING	CD-1 (427)	CD-1 (427)
SITE AREA	1,2045 m ²	No change
USES	Dwelling, Retail, Service, and Accessory uses.	Add: Cultural and Recreational, Institutional, Office, Retail, Service and Accessory uses. Remove: Dwelling
CONDITIONS OF USE (Proposed to be amended)	None	Except for entrances to other uses, only Retail, Service and Cultural and Recreational uses are permitted at street level.
FLOOR AREA (including parking)	Level P1: 1,012 m ² Level 1: 837.5 m ² Level 2: 605.7 m ² Total: 2,455.2 m ²	No change
Floor Space Ratio (FSR)	1.96 FSR 1.20 FSR for retail and service uses	No change
MAXIMUM HEIGHT	5	No change

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