



POLICY REPORT  
DEVELOPMENT AND BUILDING

Report Date: September 18, 2015  
Contact: Kent Munro  
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VanRIMS No.: 08-2000-20  
Meeting Date: September 29, 2015

TO: Vancouver City Council  
FROM: General Manager of Planning and Development Services  
SUBJECT: CD-1 Text Amendment: 1601 Main Street

**RECOMMENDATION**

A. THAT the application by Diamond Architectural Group Inc., on behalf of Onni Development (Main Street) Corp., to amend the text of CD-1 (Comprehensive Development) District (504) By-law No. 10264 for 1601 Main Street [*PID: 028-593-472; Lot 1, District Lots 200A and 2037, Group 1 New Westminster District Plan BCP48238, Except Part in Air Space Plan EPP37728*] to permit an increase of 65 m<sup>2</sup> (700 sq. ft.) in commercial floor space to allow for expansion of a restaurant mezzanine and to add “Neighbourhood Public House” as a permitted use, be referred to public hearing, together with:

- (i) draft by-law amendments generally as presented in Appendix A;
- (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 the 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;
- (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 Diamond Architectural Group Inc., on behalf of Onni Development (Main Street) Corp., to amend Section 2 (Uses) and Section 4 (Density) of CD-1 (Comprehensive Development) District (504) By-law No. 10264 for 1601 Main Street. The application proposes an increase of 65 m<sup>2</sup> (700 sq. ft.) in commercial floor space, bringing the total floor area for all uses to 33,306 m<sup>2</sup> (358,502 sq. ft.). The increase would allow for expansion of a mezzanine in the restaurant located within the development at the corner of Main Street and Central Street. The application also proposes to add “Neighbourhood Public House” as a permitted use. 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 (504) By-law No. 10264, enacted May 31, 2011, amended up to May 29, 2012.
- Southeast False Creek Official Development Plan, enacted July 19, 2005, amended up to July 20, 2010.

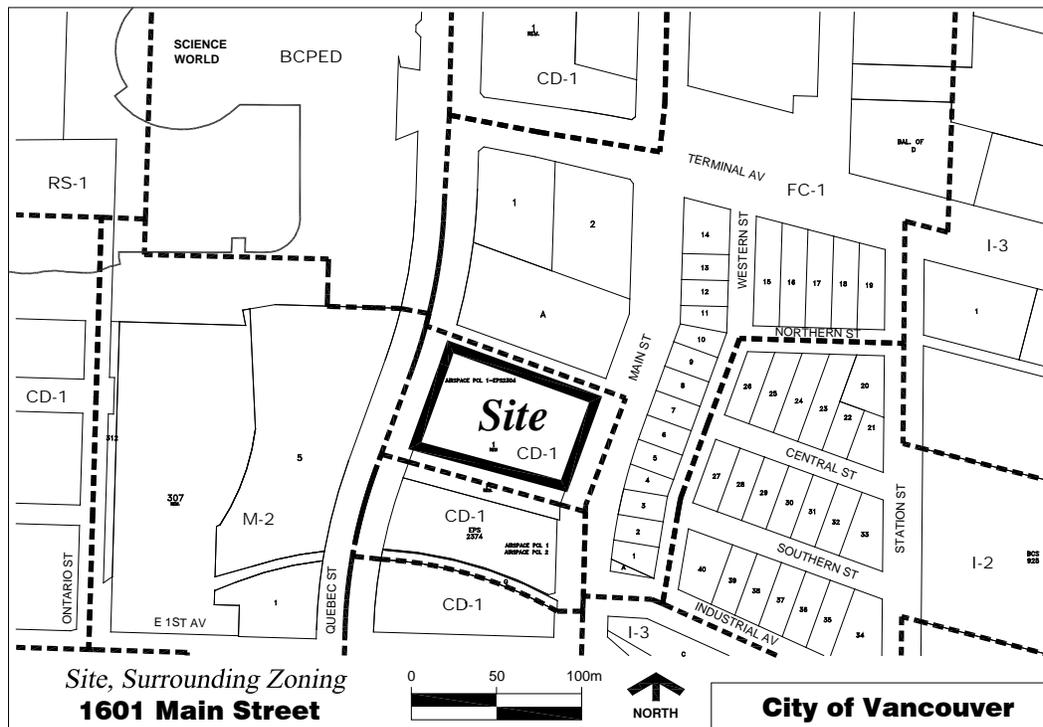
### *REPORT*

#### *Background/Context*

CD-1 zoning for a large mixed-use development on this site was approved in principle at a public hearing on November 16, 2010 and the corresponding CD-1 (504) By-law No. 10264 was enacted on May 31, 2011. The site is bounded by Main Street, Central Street, Quebec Street and Switchmen Street (see Figure 1) and is located within the Southeast False Creek Official Development Plan (ODP) area. In the Southeast False Creek ODP, residential uses are permitted along the Quebec Street frontage and commercial uses are required at grade along Main Street. Upper storeys along Main Street can be either residential or commercial.

Following the original rezoning of the site from FC-1 to CD-1, the approved form of development was for a seven-storey commercial office building on the Main Street frontage, a ten-storey residential building on the Quebec Street frontage and an eight-storey residential “skybridge” that spans the 40 m space between the two lower building elements. The building has now been constructed, as per approvals, and tenants are occupying the commercial floor space.

Figure 1: Site and Surrounding Zoning



### Strategic Analysis

The applicant is requesting additional commercial floor space of 65 m<sup>2</sup> (700 sq. ft.) to allow for the expansion of a mezzanine in the existing restaurant on the ground floor of the seven-storey commercial office building which fronts Main Street. This additional commercial floor space would increase the total permitted floor area in the development from 33,241 m<sup>2</sup> (357,806 sq. ft.) to 33,306 m<sup>2</sup> (358,502 sq. ft.). The amendment is supportable as it concerns the expansion of a mezzanine in a double-height space and has no impact on the originally proposed form of development, as it is contained entirely within the interior of the building.

The applicant is also requesting that “Neighbourhood Public House” be added to the CD-1 By-law. It was not anticipated at the time of the original rezoning that there would be a tenancy requiring this service use and, as such, it was not requested. Neighbourhood Public House is a conditional use in all commercial zones in Vancouver, including in the FC-1 (False Creek) District along Main Street. Approval of a permit for the use on a specific site is subject to the City’s liquor license policies and guidelines. The addition of this use to the CD-1 By-law for 1601 Main Street would make the site consistent with the adjacent FC-1 zoning. Approval of this amendment would not have any implications for the existing floor area, density or form of development, nor would any additional parking be required.

The restaurant, “Dubh Linn Gate”, has been approved for a food-primary licence from the Province and is currently applying to have one-third of the seats designated with a liquor-primary licence. The addition of “Neighbourhood Public House” to the CD-1 By-law is needed before a liquor-primary licence can be approved for the premises. Approval of the liquor-primary licence is a separate process from that of this rezoning application. Council’s

consideration of the licence will be brought forward in a separate staff report. The operator would have to qualify for the liquor-primary license before a permit for that use would be issued for the site.

Also under a separate permit application process, staff are reviewing the applicant's request for the installation of two patios – one on Main Street in the City right of way and the other facing the courtyard on the applicant's property. Notification of the courtyard patio application was mailed to 283 surrounding property owners. Thirteen responses were received and concerns were raised about noise and patio hours of operation. To mitigate some of these concerns, it is proposed that both patios have only food-primary seating and be required to close at 10 pm for the first six months of operation. An annual renewal process for the patios is required, which will assist in addressing any issues that arise during the year of operation. Approval of patio permits is by the Director of Planning and the General Manager of Engineering Services.

### *Public Input*

A rezoning information sign was installed on June 5, 2015. Information about the application, as well as an online comment form, were provided on the City of Vancouver Rezoning Centre webpage. Two responses have been received: one requesting additional information and clarification on the proposal, and one with concerns about noise and accessibility. Concerns about noise related to the outdoor patio and liquor-primary seating will be addressed through the separate approval processes for these items.

Figure 2: Notification and Public Response



### ***PUBLIC BENEFITS***

Development Cost Levies (DCLs) – DCLs 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. This site is subject to layered DCL rates which, as of September 30, 2015, will be \$143.27/m<sup>2</sup> (\$13.31/sq. ft.) for the City-wide DCL and \$197.19/m<sup>2</sup> (\$18.32 per sq. ft.) for the SEFC DCL . On this basis, DCLs would be paid on the additional commercial floor space of 65 m<sup>2</sup> (700 sq. ft.) estimated at \$22,130 (\$30.58 per sq. ft. in total).

DCLs are payable at building permit issuance and are subject to an annual inflationary adjustment which takes place on September 30th of each year. When a DCL By-law with higher rates is introduced, a number of rezoning, development permit and building permit

applications may be at various stages of the approval process. An application may qualify as an in-stream application and therefore may be exempt from DCL rate increases for a period of 12-months from the date of DCL bylaw rate amendment provided that it has been submitted prior to the adoption of annual DCL By-law rate adjustments.

If a related building permit application is not issued within the 12-month period, the rate protection expires and the new DCL rate will apply.

**Community Amenity Contribution (CAC)** - Within the context of the City's Financing Growth Policy, 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 towards other public benefits and they take into consideration community needs, area deficiencies and the impact of the proposed development on City services.

Real Estate Services have reviewed the application and have determined that the cost of the proposed expansion of the mezzanine largely offsets the additional revenue potential to the owner. In addition, the mezzanine expansion constitutes a tenant improvement and does not result in an increase in land value. As such, staff recommend that in this particular case a Community Amenity Contribution (CAC) is not appropriate.

#### *Implications/Related Issues/Risk (if applicable)*

##### *Financial*

As noted in the Public Benefits Section above, the increase in permitted floor space will not result in additional CAC. The site is subject to the city-wide DCL in addition to the SEFC DCL, and it is anticipated that the applicant will pay an additional \$22,130 in DCLs for the increase in permitted floor space.

#### **CONCLUSION**

Staff have reviewed the application to amend the CD-1 (504) for 1601 Main Street and support both an increase of 65 m<sup>2</sup> (700 sq. ft.) in commercial floor space and the addition of "Neighbourhood Public House" as a permitted use. The additional floor space would facilitate the expansion of a mezzanine within the existing double-height restaurant space and the addition of "Neighbourhood Public House" would allow for approval of permit for that use, should the operator be successful in their application for a liquor-primary license. 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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1601 Main Street

PROPOSED AMENDMENTS TO CD-1 (504) BY-LAW NO.10264

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

1. This By-law amends the indicated provisions of By-law No. 10264.
2. In sub-section 2.2(g), after “Laundromat or Dry Cleaning Establishment,” add “Neighbourhood Public House,”.
3. In sub-section 4.1, delete “33 241 m<sup>2</sup>” and replace it with “33 306 m<sup>2</sup>”.

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1601 Main Street  
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

Street Address	1601 Main Street
Legal Description	PID: 028-593-472; Lot 1, District Lots 200A and 2037, Group 1 New Westminster District Plan BCP48238, Except Part in Air Space Plan EPP37728
Applicant	Diamond Architectural Group Inc.
Property Owner	Onni Development (Main Street) Corp.
Tenant	Dubh Linn Gate Irish Pub

SITE STATISTICS

SITE AREA	56,491 sq. ft. (5,248 m <sup>2</sup> )
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DEVELOPMENT STATISTICS

	Permitted Under Existing Zoning	Proposed
Zoning	CD-1	CD-1 (amended)
Floor Area	33,241 m <sup>2</sup>	33,306 m <sup>2</sup>
Uses	Cultural and Recreational; Dwelling; Institutional; Office; Parking; Retail; Service, and Accessory Uses	Cultural and Recreational; Dwelling; Institutional; Office; Parking; Retail; Service, and Accessory Uses Add: Neighbourhood Public House

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