



POLICY REPORT  
DEVELOPMENT AND BUILDING

Report Date: November 1, 2016  
Contact: Karen Hoese  
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RTS No.: 11723  
VanRIMS No.: 08-2000-20  
Meeting Date: November 15, 2016

TO: Vancouver City Council  
FROM: General Manager of Planning, Urban Design and Sustainability  
SUBJECT: CD-1 Text Amendment: 1001-1015 Denman Street

**RECOMMENDATION**

- A. THAT the application by Bell Group, 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 remove conditions of use regarding street-level uses to be consistent with the surrounding C-5 (Commercial) District along Denman Street, 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, Urban Design and Sustainability 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 and 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 delete Section 3, Conditions of Use, in CD-1 (Comprehensive Development) District (427) By-law No. 8978 for 1001-1015 Denman Street. The application proposes to remove conditions of use regarding street-level uses, which are not present in the surrounding C-5 (Commercial) District along Denman Street. Approval of this amendment would not change 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, Urban Design and Sustainability to approve it, subject to the Public Hearing.

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

- CD-1 (427) By-law No. 8978, enacted February 1, 2005, and last amended July 21, 2015
- C-5, C-5A and C-6 Districts Schedule (West End Commercial Districts) (February 2014)
- West End Community Plan (November 2013)
- Rezoning Policy for the West End (November 2013)

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

The subject site is located on the southwest corner of Denman Street and Nelson Street, in the Denman Village area of the West End (see Figure 1). Adjacent properties along Denman Street are zoned C-5 (Commercial), except the Denman Place Mall site which is CD-1 (537).

The site was rezoned in 2005 from C-5 and RM-5B to CD-1 (427) to permit a five-storey mixed-use development with dwelling, retail, and service uses. Development did not occur on the site until February 2013 when a development permit was issued to construct a two-storey building containing only retail use. The property owner elected to not include dwelling use in the development or to build any more than two storeys, even though residential use up to five storeys is permitted by the CD-1 By-law. Construction of the two-storey commercial building began in 2014.

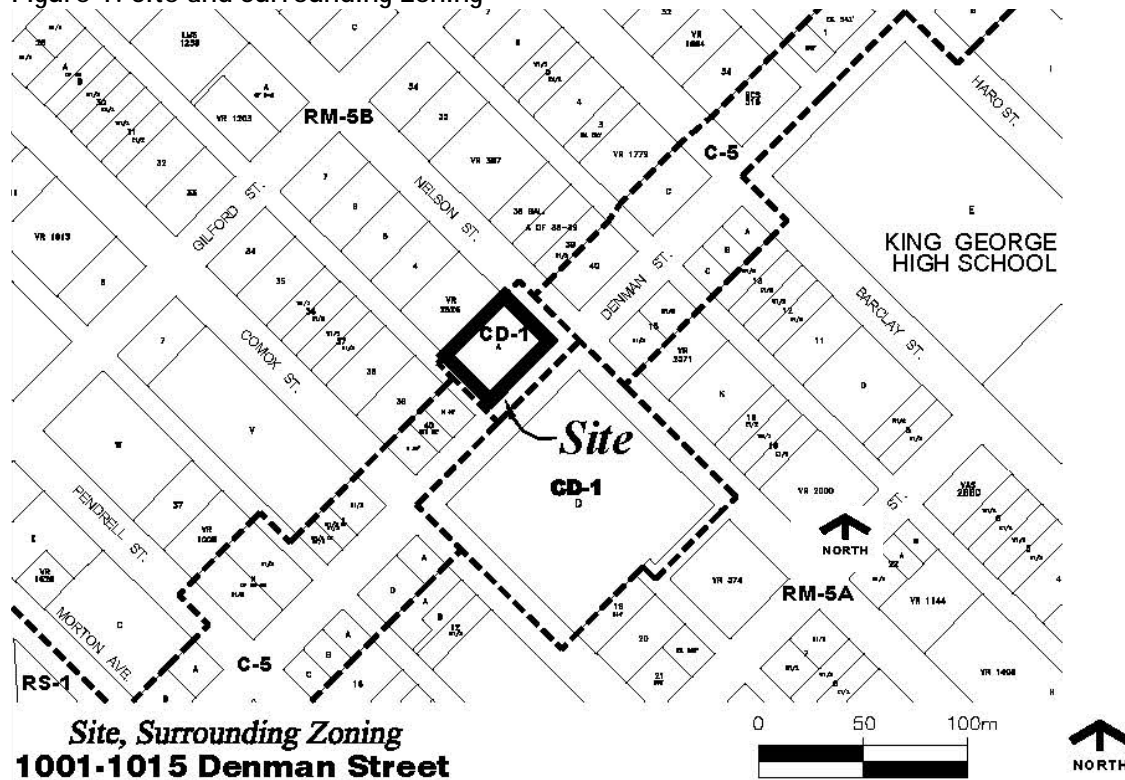
In November 2013, the *West End Community Plan* (the "*West End Plan*") was approved. This plan included policy directions for the Denman Village which called for no new residential development along Denman Street and for a broader range of commercial uses. The policy also called for strengthening the street with "continuous active commercial frontages". In February 2014, the C-5 District Schedule for Denman Village was amended to remove dwelling uses and to broaden the range of commercial uses permitted. There were no restrictions put into the schedule as to which commercial uses could locate at street level.

In February 2015, the owner of 1001-1015 Denman Street sought to increase the leasing opportunities for the now-finished building by applying to amend the CD-1 (427) to include

some additional commercial uses that are permitted in the adjacent C-5 District. In particular, the owner wished to accommodate a Fitness Centre tenant on the second level of the building, in which case "Recreational Uses" needed to be added to the by-law.

The amendments, which were approved in July 2015, included adding Cultural, Recreational, Institutional and Office uses to CD-1 (427), and removing dwelling use. A further condition of use was added to the by-law to limit street-level uses to Cultural, Recreational, Retail and Service uses. This condition was intended to support of an objective in the *West End Plan* to provide active street-level uses. At the time, it was felt that Institutional and Office uses would not activate the street level and should not be located there.

Figure 1: Site and Surrounding Zoning



### Strategic Analysis

The current application is to further amend CD-1 (427) to remove the condition that prevents Institutional and Office uses from locating at street level. This request is prompted by a potential tenancy by H&R Block in one of the ground-level commercial units. This business would require approval as a General Office use. Section 4.1 of the Rezoning Policy for the West End allows for minor amendments to the use provisions within zoning by-laws, provided that the amendments do not relate to height or density.

Staff review of the request concludes that the condition of use should be removed. No such condition exists in the adjacent C-5 District or in the neighbouring CD-1 (537) District (Denman Place Mall) across from the subject site. Removing the condition would bring the CD-1 By-law for 1001-1015 Denman Street into alignment with the regulations governing the

other commercial properties in the Denman Village. It would also enable greater flexibility in the leasing of vacant storefronts in the new building.

To ensure that the West End Plan policy objective of having continuous active commercial frontages along Denman Street is met, a design development condition is proposed for this CD-1 District that would apply in the review of development permits to establish new uses in the street-level units. The condition of development permit, shown in Appendix B, calls for the design of front interior spaces of the commercial units to provide visual interest for pedestrians on Denman Street and that window treatments maintain transparency. This condition should address situations where an institutional or office use risks presenting a blank, non-active façade to Denman Street. The condition would apply equally to retail, service and recreational uses – these uses are also known to sometimes have blank, non-active frontages. It is consistent with Section 7.1.2 of the West End Plan which calls for buildings in Denman Village to “provide visual interest and a comfortable atmosphere with large transparent windows”.

The West End Business Improvement Association has provided support for the CD-1 amendment, as it advances their objective of providing a diverse selection of personal, financial and professional services along Denman Street.

The proposed amendment to the CD-1 By-law is presented in Appendix A and the proposed condition of development permit is in Appendix B. Approval of this CD-1 text amendment would not have any implications for the existing floor area, density or form of development at 1001-1015 Denman Street.

### ***PUBLIC BENEFITS***

***Development Cost Levies (DCLs)*** – Development Cost Levies (DCLs) are a growth-related charge on new development which help pay for facilities made necessary by growth, including parks, childcare facilities, replacement housing (social/non-profit housing) and various engineering infrastructure.

DCLs were paid on the development at building permit issuance, following enactment of the initial rezoning to a new CD-1 (Comprehensive Development) District. 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 m<sup>2</sup> (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 m<sup>2</sup> (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*, an offer of a Community Amenity Contribution to address the impacts of rezoning can be anticipated from the owner of a rezoning site. CACs 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, no CAC was 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 for this site, a CAC would not be anticipated.

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

*Financial*

As noted in the public benefits section above, this application proposes a change in use, with no change to height, density or form of development. As such, there are no Community Amenity Contributions, Development Cost Levies or public art contributions associated with this rezoning.

**CONCLUSION**

Staff have reviewed the application to amend the text of CD-1 (427) for 1001-1015 Denman Street and support removing the conditions of use to be consistent with the surrounding C-5 District. Approval of these amendments would not have any implications for the approved floor area, density or form of development. The General Manager of Planning, Urban Design and Sustainability 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 together with the condition of development permit contained in Appendix B.

\* \* \* \* \*

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 removes section 3, titled Conditions of Use.
2. Council renumbers sections 4 through 10 as 3 through 9 respectively.

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1001-1015 Denman Street  
DRAFT CONDITIONS OF APPROVAL

Note: Recommended approval 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.

**Condition of Development Permit**

1. Design of the front interior space of street-level commercial units should provide visual interest for pedestrians on Denman Street and window treatments should maintain transparency.

Note to Applicant: To maintain transparency, windows should not be blocked out with opaque or translucent film.

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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, Group 1 New Westminster District BCP13164
Applicant	Bell Group, on behalf of George Loh Ltd.
Property Owner	George Loh Ltd.

SITE STATISTICS

DEVELOPMENT STATISTICS

	DEVELOPMENT PERMITTED UNDER EXISTING ZONING	PROPOSED DEVELOPMENT
ZONING	CD-1 (427)	CD-1 (427)
SITE AREA	1,204.5 m <sup>2</sup>	No change
USES	Cultural and Recreational, Institutional, Office, Retail, Service, and Accessory uses.	No change
CONDITIONS OF USE  (Proposed to be amended)	Except for entrances to other uses, only Retail, Service and Cultural and Recreational uses are permitted at street level.	Remove conditions of use.
FLOOR AREA (including parking)	Level 1: 837.5 m <sup>2</sup> Level 2: 605.7 m <sup>2</sup> Subtotal: 1,443.2 m <sup>2</sup> Level P1: 1,012 m <sup>2</sup> Total: 2,455.2 m <sup>2</sup>	No change
Floor Space Ratio (FSR)	1.96 FSR 1.20 FSR for retail and service uses	No change
MAXIMUM HEIGHT	18.3 m (60.0 ft), or five storeys	No change

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