



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: January 16, 2018
Contact: Karen Hoes
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Meeting Date: January 30, 2018

TO: Vancouver City Council
FROM: General Manager of Planning, Urban Design and Sustainability
SUBJECT: CD-1 Text Amendment: 1529 West Pender Street

RECOMMENDATION

A. THAT the application by Franci Architecture, on behalf of BCIMC Realty Corporation (Quadreal Property Group), to amend the text of CD-1 (Comprehensive Development) District (312) By-law No. 7200, to allow conversion to office use of 684 sq. m of vacant retail store space in an existing building located at 1529 West Pender Street [*PID:024-333-387; Lot 1 Block 42 District Lot 185 and of the Public Harbour of Burrard Inlet Group 1 New Westminster District Plan LMP39928*], 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;
- (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 Floor Area and Density section of CD-1 (Comprehensive Development) District (312) By-law No. 7200 to allow conversion to office use of 684 sq. m of vacant retail store space in the existing building at 1529 West Pender Street. Specifically, the application proposes to remove separate limits on office use and retail-service use contained in the by-law. This would allow for flexibility in tenancing the existing commercial space in the building, essentially allowing for choice among office, retail or service uses. 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

- Coal Harbour Official Development Plan, adopted by By-law 6754 (November 1990)
- Marina Neighbourhood CD-1 Guidelines for Land Development (300 Cardero Street) (By-law No. 7200) (CD-1 No. 312) (adopted 1993 and amended July 2016)
- CD-1 (312) By-law No. 7200 (enacted October 1993 and amended July 2016)

REPORT

Background/Context

1. Site and Context

The subject site at 1529 West Pender Street is located between West Hastings and West Pender streets at Nicola Street (see Figure 1). It is within the area that was master planned under the Coal Harbour Official Development Plan and subsequently rezoned to various CD-1 districts. The site is sub-area 1 of CD-1 (312), the Marina Neighbourhood, and is within Precinct 1 of the Marina Neighbourhood CD-1 Guidelines (see Figure 2).

This area of Coal Harbour is primarily residential with some office, retail and service uses. The Marina Neighbourhood includes four building sites and a marina, all of which have been built and occupied for about 15 years. The residential component includes a market rental tower at 1529 West Pender Street as well as two large tower-podium strata developments and a mid-rise family social housing co-op. Commercial uses within CD-1 (312) are located in the marina, in the ground floor of the waterfront development, and in the Pender and Nicola frontages of 1529 West Pender Street.

Figure 1: Site and Surrounding Zoning

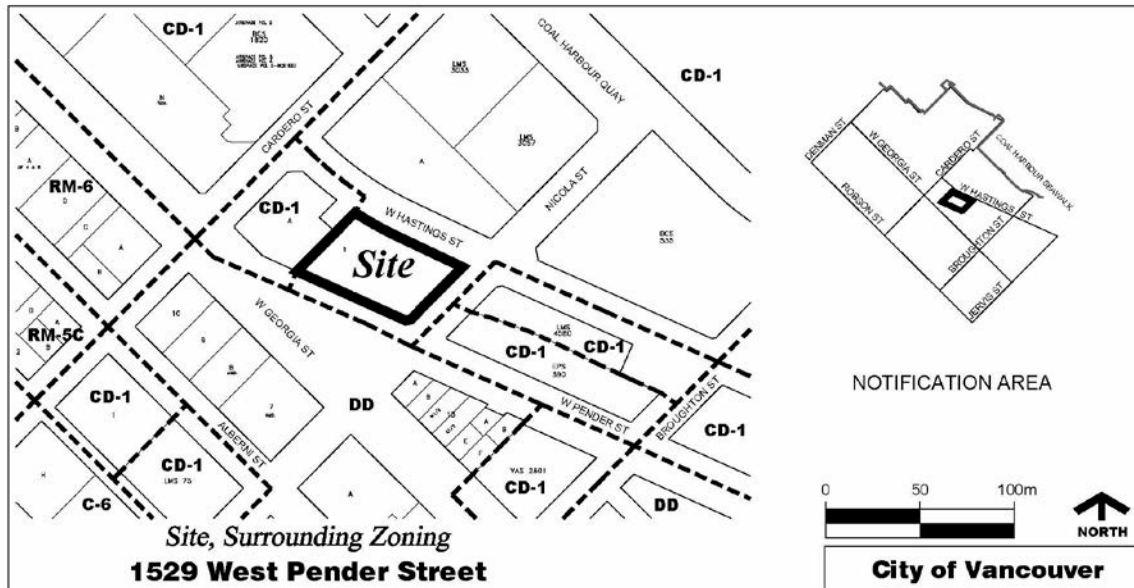
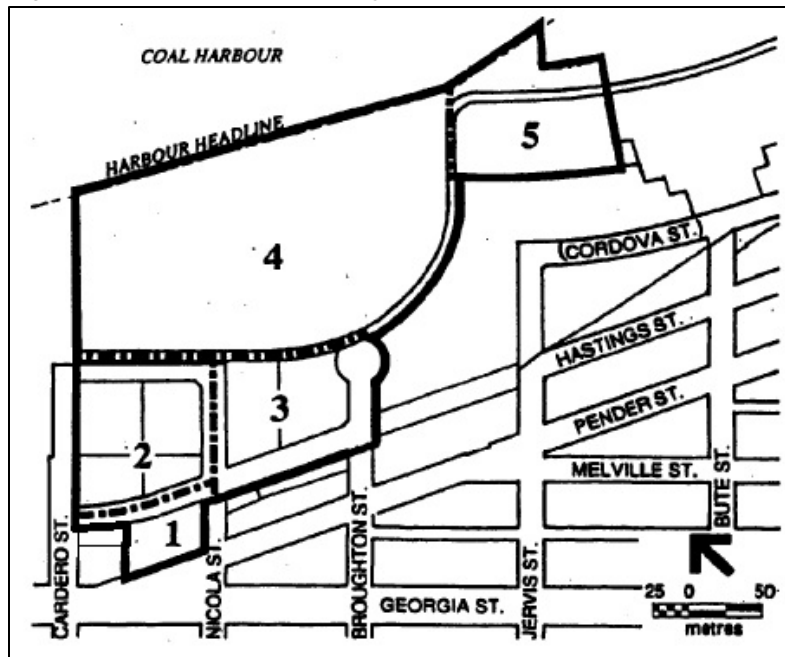


Figure 2: CD-1 (312) Boundary and Sub-areas



2. Commercial Uses

At the time of initial approval of the CD-1 By-law, retail and service uses were planned for along the waterfront, and office uses were planned for 1529 West Pender Street (sub-area 1 of the by-law). To reflect this, the initial by-law limited the commercial floor space in sub-area 1 to 2,951 sq. m of office use only.

In 1998, the plans for the building in sub-area 1 came forward. It was designed as a tower-podium building with ground-level commercial frontages on Pender and Nicola streets, and townhouses on the Hastings frontage. The Pender frontage features two double-height commercial spaces at grade with mezzanines, suitable for office, retail or service use, and a full third level suitable for offices. Given the suitability of the street-fronting units for retail-service use, the CD-1 By-law was subsequently amended to allow for a broader range of commercial uses in sub-area 1, including retail and service uses. However, at the time of this amendment, office use continued to be limited in sub-area 1 to 1,410 sq. m.

The development at 1529 West Pender Street was completed around 2002. Current uses include retail use in the small commercial unit fronting Nicola Street (a café) and in the east commercial retail unit on Pender Street (a furniture store). An office use was established in the west grade-level unit and in the 3rd floor commercial space.

Strategic Analysis

The tech firm that currently occupies the office space on the ground and mezzanine levels wishes to expand into the vacant commercial unit next door. Until recently, a furniture store occupied 684 sq. m in the commercial unit. A development permit to change the land use for this space from retail to office cannot be approved as it would exceed the maximum permitted office floor area specified in sub-area 1. Francl Architecture has therefore applied, on behalf of the property owner, to amend the CD-1 to allow for the change of use to proceed.

Figure 3 below summarizes the existing and proposed by-law provisions, and the existing and proposed floor area amounts for office, retail and service uses at 1529 West Pender Street. Under the existing CD-1 zoning, 1,410 sq. m is permitted for office use and for retail and service use, for a total of up to 2,820 sq. m of commercial uses. The proposed amendment, while still limiting commercial uses to 2,820 sq. m, would allow more flexibility in tenanting the existing commercial space in the building.

Figure 3 - Summary of commercial floor area in CD-1 By-law (sub-area 1) and in existing building at 1529 West Pender Street

Sub-area 1	Current maximum in Table 2 of CD-1 By-law	Existing in building	Proposed for building	Proposed amended CD-1
Office	1,410 m ²	1,935 m ^{2**}	2,619 m ²	up to 2,820 m ² office, retail and service uses combined
Retail and Service	1,410 m ²	east CRU* 684 m ² café 52 m ² 736 m ²	52 m ² (café to remain)	

* Until recently, a furniture store occupied the east commercial retail unit (CRU)

** The existing office in the building complies with section 6.5(a) of the CD-1 By-law, but not with Table 2.

While it is generally preferable from an urban design and public realm perspective for grade-level commercial frontages to be occupied by active retail and services uses, staff are in this instance supportive of allowing the existing office use on the site to expand into the vacant commercial unit. Doing so would honour the intent of the 1998 by-law amendment which sought to allow flexibility in tenanting the commercial space in the building. Staff further

note that the original 1993 rezoning had contemplated that all of the commercial floor area in sub-area 1 be office use.

In the planning for this neighbourhood, the 1500 blocks of Pender and Georgia streets are not mandated to provide shopping services. Those needs are served to the north on Cardero Street and along the waterfront, and to the south along Robson Street. Additional office space at 1529 West Pender Street is compatible with the building approved and now under construction on the site to the west at 620 Cardero Street, which will have three floors of office use in its podium. It is also compatible with the existing Crown Life Plaza office building to the south, which is to be retained in the redevelopment of 1500 West Georgia Street.

To address urban design concerns that a street-level office use does not enliven the pedestrian experience along the sidewalk, staff propose a design development condition, shown in Appendix B, that requires the design of the interior spaces fronting Pender Street to provide visual interest for pedestrians through transparency of the window treatments.

Should retail and services uses become more viable at this location in the future, the CD-1 By-law would provide flexibility to approve development permits for those uses.

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 total existing floor area, the density or the form of development at 1529 West Pender Street. This amendment concerns only the commercial floor space in the building and has no implications for its residential component.

The commercial floor plans are included in Appendix C and the development statistics are included in Appendix D.

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 for this existing building were paid at the time of building permit issuance. 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 sq. m (100,000 sq. ft.) or greater allocate a portion of their construction budgets to public art as a condition of rezoning. As the application proposes a change to the floor area mix for existing permitted uses, 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. A CAC is not anticipated as there is no increase in total floor space as per exemptions outlined in the policy document *Community Amenity Contributions - Through Rezoning* (amended November 2017).

Financial Implication

As noted in the public benefits section above, this application proposes no increase in total floor space. 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 CD-1 (312) to allow flexibility for the commercial uses at 1529 West Pender Street and have concluded that the change is supportable, as it clarifies an earlier intent in the zoning and because at-grade retail use is not required at this location. Approval of the amendments would allow an existing tech office tenant to expand into a former retail space. 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.

* * * * *

1529 West Pender Street
DRAFT AMENDMENTS TO CD-1 (312) BY-LAW NO. 7200

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. In Section 6.1, replace Table 1 with the following:

Table 1

Use	Maximum Floor Area
Residential Uses	85 699 m ²
Retail and Service Uses	8 088 m ²
Office Uses	2 920 m ²

2. In Section 6.5 replace Table 2 with the following:

Table 2 – Maximum Floor Area (in square metres)

Use	Sub-Area (from Diagram 1)				
	1	2	3	4	5
Residential Uses	15 131	37 568	33 000	---	N/A
Retail and Service Uses	combined total of 2 820	1 998	1 570	1 700	
Office Uses		---	---	100	

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1529 West Pender 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

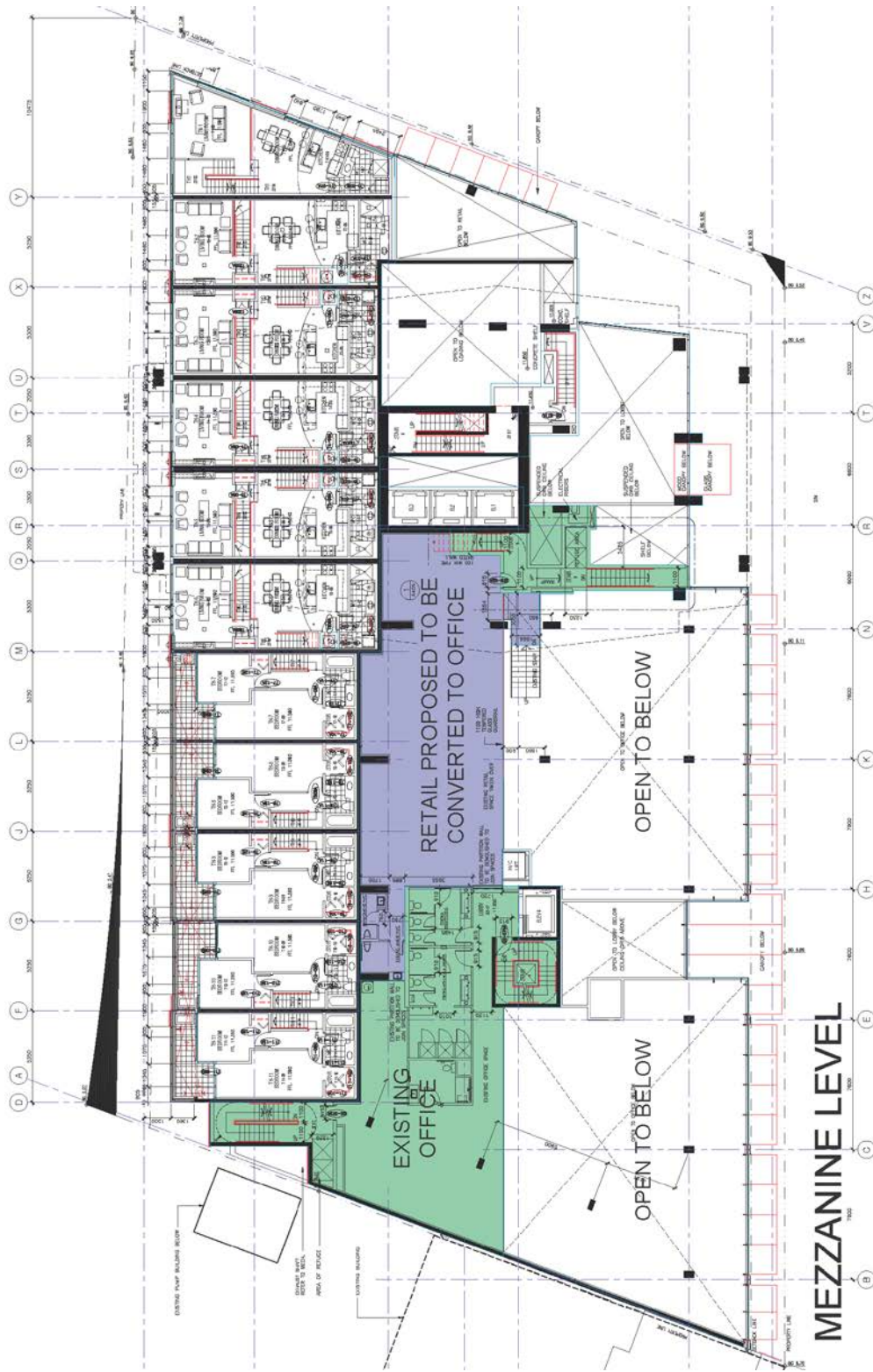
1. Design of the front interior space of street-level commercial units should provide visual interest for pedestrians on Pender Street and window treatments should maintain transparency.

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

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1529 West Pender Street
FORM OF DEVELOPMENT DRAWINGS





**1529 West Pender Street
APPLICANT, PROPERTY AND DEVELOPMENT PROPOSAL INFORMATION**

APPLICANT AND PROPERTY INFORMATION

Street Address	1529 West Pender Street
Legal Description	PID:024-333-387, Lot 1, Block 42 District Lot 185 and of the Public Harbour of Burrard Inlet, Group 1, New Westminster District, Plan LMP39928
Applicant	Francl Architecture on behalf of Quadreal Property Group
Property Owner	BCIMC Realty Corporation

SITE STATISTICS

DEVELOPMENT STATISTICS

	DEVELOPMENT PERMITTED UNDER EXISTING ZONING	PROPOSED DEVELOPMENT
ZONING	CD-1 (312) - sub-area 1	CD-1 (312) - sub-area 1
SITE AREA	2,492.5 m ²	No change
USES	Multiple Dwellings, Retail, Service, Office, Cultural and Recreational, Public Authority, Public Utility, Parking, and Accessory uses.	No change
FLOOR AREA	Residential: 15,131 m ² Office: 1,410 m ² Retail and Service: 1,410 m ²	Residential: No change Office, Retail and Service: 2,820 m ²
MAXIMUM FLOOR AREA	17,951 m ²	No change
HEIGHT	84.46 m (277 ft.)	No change

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