



POLICY REPORT

Report Date: January 29, 2019
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VanRIMS No.: 08-2000-20
Meeting Date: February 12, 2019

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: CD-1 (531) Text Amendment: 103-127 West 2nd Avenue and 1753-1791 Manitoba Street, and 165-195 West 2nd Avenue and 1778 Columbia Street

RECOMMENDATION

- A. THAT the application by DIALOG, on behalf of 0742012 B.C. Ltd. (Executive Group of Companies), to amend the text of CD-1 (Comprehensive Development) District (531) By-law No. 10482 for 103-127 West 2nd Avenue and 1753-1791 Manitoba Street [*PID 029-480-604, Air Space Parcel A, District Lot 200A, Group 1, New Westminster District Air Space Plan EPP44063*] and 165-195 West 2nd Avenue and 1778 Columbia Street [*PID 030-306-604, Air Space Parcel B, Block 10, District Lot 200A, Group 1, New Westminster District Air Space Plan EPP70730*] (formerly 105-167 West 2nd Avenue), to add 'Fitness Centre' and 'Animal Clinic' as allowable uses to enable a fitness centre at 121 West 2nd Avenue and a veterinary clinic at 189 West 2nd Avenue, be referred to a Public Hearing, together with:
- (i) plans prepared by DIALOG, received November 19, 2018;
 - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A; and
 - (iii) the recommendation of the General Manager of Planning, Urban Design and Sustainability 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 resolution 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 to amend Section 3 in CD-1 (Comprehensive Development) District (531) By-law No. 10482 for 103-127 West 2nd Avenue and 1753-1791 Manitoba Street, and 165-195 West 2nd Avenue and 1778 Columbia Street to add 'Fitness Centre' and 'Animal Clinic' as permitted uses. No change to floor area, density, or form of development of the existing building is proposed. 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

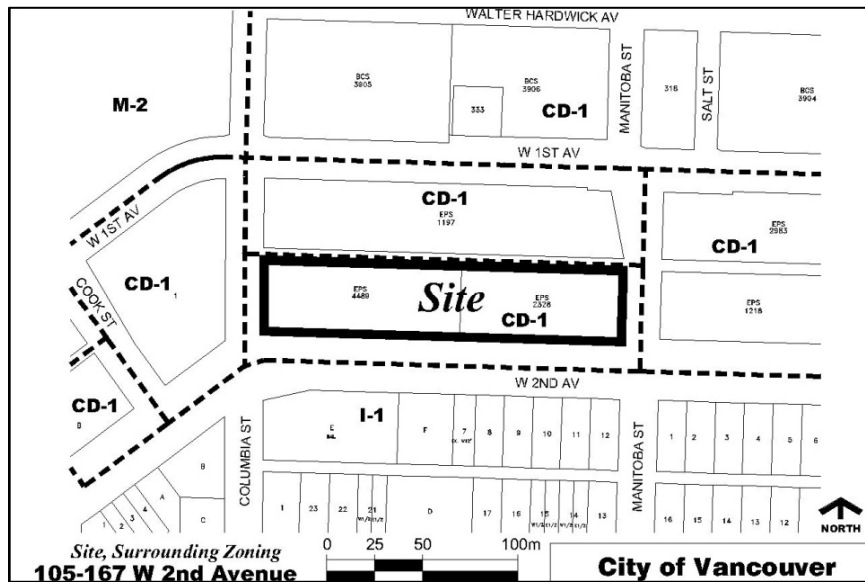
- CD-1 (531) By-law No. 10482, (enacted May 15, 2012, last amended May 1, 2018)
- Southeast False Creek Official Development Plan (2007)

REPORT

Background/Context

The subject site is located on the north side of West 2nd Avenue and comprises a full block-face from Manitoba Street to Columbia Street (see Figure 1). A CD-1 (531) By-law for the site was approved on July 26, 2011 and enacted on May 15, 2012. The CD-1 By-law regulates the development of a mixed-use development comprised of three residential towers over a podium with commercial uses at grade and a podium-level childcare centre, with a total floor area of 36,754 sq. m (395,625 sq. ft.). The residential component contains a total of 486 residential units. The street-fronting ground level is occupied with commercial uses supporting a variety of neighbourhood-servicing businesses.

Figure 1: CD-1 (531) District



Strategic Analysis

The current application is to amend CD-1 (531) By-law No. 10482 to add 'Fitness Centre' and 'Animal Clinic' as permitted uses to allow for these uses in the commercial units on the ground floor. The fitness centre would be accommodated in 367 sq. m (3,945 sq. ft.) at 121 West 2nd Avenue and the veterinary clinic would be accommodated in 195 sq. m (2,100 sq. ft.) at 189 West 2nd Avenue. These units are currently vacant. No increase to the existing floor area or changes to the building massing are proposed.

This site is located within area 2B of the Southeast False Creek Official Development Plan (SEFC ODP). The Plan identifies area 2B as an area for primarily residential uses, with retail, service, office and light industrial uses optional at grade level. Approving this amendment to allow 'Fitness Centre' and 'Animal Clinic' as permitted uses would be consistent with the intent for this area to provide local-serving commercial services. Staff review of the application concludes that the uses should be permitted on the site, which already allows a broad range of retail and service uses. Despite grade-level commercial being optional in the SEFC ODP, the presence of commercial in this block of 2nd Avenue adds vitality to the SEFC neighbourhood. Approving these additional uses expands the scope of possible business types that can locate there.

Tenant improvements proposed for the two units include dropped ceilings in specific areas to allow for better acoustic insulation between the commercial spaces and the residential units above.

Staff also propose to update the CD-1 By-law by removing interim uses as a permitted use. Interim uses were included as a permitted use in CD-1 By-law in SEFC, however recently created CD-1s have removed this use for fully built buildings. This change would bring the CD-1 into alignment with recently approved CD-1 By-laws.

Public Input

Information about the application, as well as an online comment form, was provided onsite and on the City of Vancouver Rezoning Centre webpage www.vancouver.ca/rezapps. There has been no public feedback in response to the rezoning application.

Public Benefits

Development Cost Levies (DCLs) – Development Cost Levies (DCLs) collected from development help pay for facilities made necessary by growth, including parks, childcare facilities, replacement housing (social/non-profit housing) and engineering infrastructure.

DCL rates are subject to future adjustment by Council including annual inflationary adjustments. DCLs are payable at building permit issuance based on rates in effect at that time. A development may qualify for 12 months of in-stream rate protection from DCL rate increases, provided that an application has been received prior to the rate adjustment. See the City's [DCL Bulletin](#) for details on DCL rate protection.

Both City-wide DCLs and SEFC layered 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 the proposed amendments relate to the permitted uses of an existing building with no increase in floor area, there is no additional DCL.

Public Art Program – The Public Art Policy for Rezoning Development requires that rezonings involving a floor area of 9,290.0 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 no additional floor area, 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 onsite 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 \$19.5 million CAC was achieved as part of the original rezoning from M-2 to CD-1, which was allocated to securing affordable housing in SEFC, a childcare centre onsite, a transfer for heritage density, and towards other local and city-wide needs. As this application proposes no change to the approved height, density or form of development for this site, no additional CAC contribution is anticipated.

Financial Implications

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

CONCLUSION

Staff have reviewed the application to amend the text of CD-1 (531) for 103-127 West 2nd Avenue and 1753-1791 Manitoba Street, and 165-195 West 2nd Avenue and 1778 Columbia Street and support adding 'Fitness Centre' and 'Animal Clinic' as permitted uses to allow for a fitness centre at 121 West 2nd Avenue and a veterinary clinic at 189 West 2nd Avenue. 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 that it be approved, subject to the Public Hearing.

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**103-127 West 2nd Avenue and 1753-1791 Manitoba Street, and 165-195 West 2nd Avenue
and 1778 Columbia Street
PROPOSED BY-LAW PROVISIONS
to amend CD-1 (531) By-law No. 10482**

Note: A By-law to amend CD-1 (531) By-law No. 10482 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 10482.
2. In section 3.2, Council:
 - (a) strikes out subsection (j);
 - (b) adds a new subsection (b) as follows:

“(b) Cultural and Recreational Uses, limited to Fitness Centre;”;
 - (c) renumbers the remaining subsections as (c) through (j);
 - (d) in renumbered subsection (i):
 - (i) adds the words “Animal Clinic,” after “Service Uses, limited to”, and
 - (ii) adds the word “and” after “;”;
 - (e) in renumbered subsection (j), strikes out “;” and substitutes “.”.
3. In section 5.1, Council adds “, except that floor area for cultural and recreation use, and institutional use must not exceed 3 893.2 m²” after “Floor area for all permitted uses must not exceed 36 754 m²”.
4. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
5. This By-law is to come into force and take effect on the date of its enactment.

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**103-127 West 2nd Avenue and 1753-1791 Manitoba Street, and 165-195 West 2nd Avenue and 1778 Columbia Street
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION**

APPLICANT AND PROPERTY INFORMATION

Street Address	1753-1791 Manitoba Street and 103-127 West 2nd Avenue and 165-195 West 2nd Avenue and 1778 Columbia Street (specifically 121 West 2nd Avenue & 189 West 2nd Avenue)
Legal Description	PID: 029-480-604; Air Space Parcel A, District Lot 200A, Group 1, New Westminster District Air Space Plan EPP44063 PID: 030-306-604; Air Space Parcel B, Block 10, District Lot 200A, Group 1, New Westminster District Air Space Plan EPP70730
Applicant/Architect	DIALOG
Property Owner	0742012 B.C. Ltd. (Executive Group of Companies)

DEVELOPMENT STATISTICS

	Permitted Under Existing Zoning	Proposed
Zoning	CD-1 (531)	amended CD-1 (531)
Uses	Dwelling Uses, Institutional Uses, Manufacturing Uses, Office Uses, Parking Uses, Retail Uses, Services Uses (not including Animal Clinic) , Retail Uses	No change, except adding Animal Clinic under Service Uses, and Cultural and Recreational Uses, limited to Fitness Centre
Max. Density	Not Specified	No change
Floor Area	36,754 sq. m	No change
Maximum Height	46.0 m	No change
Parking, Loading and Bicycle Spaces	As per Parking By-law.	No change

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