



## REFERRAL REPORT

Report Date: February 25, 2020  
Contact: Theresa O'Donnell  
Contact No.: 604.673.8434  
RTS No.: 13576  
VanRIMS No.: 08-2000-20  
Meeting Date: March 10, 2020

TO: Vancouver City Council  
FROM: General Manager of Planning, Urban Design and Sustainability  
SUBJECT: CD-1 Rezoning: 631-635 Commercial Drive

### **RECOMMENDATION**

- A. THAT the application by Brook Pooni Associates, on behalf of 631 Commercial Drive Holdings Ltd., the registered owner, to rezone 631-635 Commercial Drive [Lot 1 (*Reference Plan 1808*) of Lot C of Lot 12, and Lot D of Lot 12, both of Block D, District Lot 183, Plan 3137; PIDs: 013-108-557 and 013-108-565 respectively] from RM-4N (Multiple Dwelling) District to CD-1 (Comprehensive Development) District, to permit Retail and Service uses, including Restaurant – Class 1, at the ground level in an existing mixed residential-commercial building with grandfathered, legal non-conforming uses at grade, be referred to Public Hearing together with:
- (i) draft CD-1 By-law provisions, generally as presented in Appendix A; and
  - (ii) the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve the application in principle, including approval in principle of the form of development, subject to the Conditions of Approval contained in Appendix B;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary CD-1 By-law generally in accordance with Appendix A for consideration at the Public Hearing.

- B. THAT, if the application is referred to a Public Hearing, the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C, be referred to the same Public Hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law, generally as set out in Appendix C, for consideration at the Public Hearing.

- C. THAT, subject to enactment of the CD-1 By-law, the Noise Control By-law be amended to include this CD-1 in Schedule B, generally as set out in Appendix C;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law at the time of enactment of the CD-1 By-law.

- D. THAT Recommendations A to C 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 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 evaluates an application to rezone a site located at 631-635 Commercial Drive from RM-4N (Multiple Dwelling) District to CD-1 (Comprehensive Development) District to allow the existing mixed residential-commercial building on the site to conform to zoning and to allow an appropriate range of commercial uses to be established in the ground-level spaces. No change to the floor area, density, or form of development of the existing building is proposed, although Council approval of the form of development is still required by the Vancouver Charter when rezoning to CD-1. 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 in principle, subject to the public hearing and conditions contained in Appendix B.

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

- *Grandview-Woodland Community Plan (2016)*

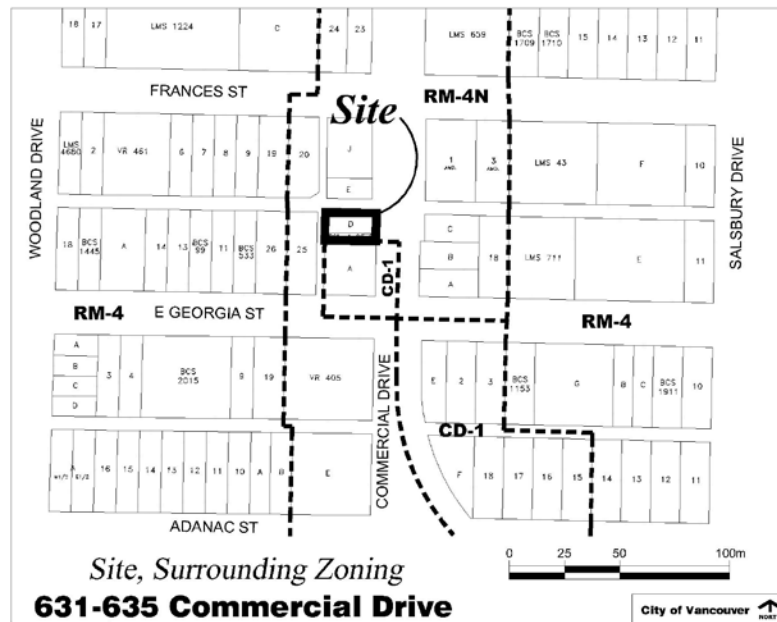
## REPORT

### Background/Context

#### 1. Site and Context

The site is located on the west side of Commercial Drive between Frances Street and East Georgia Street (see Figure 1). It is comprised of two legal parcels, with a total site size of 289 sq. m (3,120 sq. ft.), a total frontage of 12.4 m (41 ft.) on Commercial Drive and lot depth of 23.2 m (76 ft.).

**Figure 1: Surrounding Context and Zoning**



The site is currently zoned RM-4N and developed with a three-storey mixed-use building, consisting of six rental residential units and two ground-floor commercial units. The commercial units are currently occupied by Pepino's Spaghetti House (631 Commercial Drive) and Caffè La Tana (635 Commercial Drive). The commercial uses are currently lawful non-conforming uses under RM-4N.

Parking for the building is currently provided off-site on an adjacent property to the north, across the lane, at 621 Commercial Drive. This property is under the same ownership.

Adjacent to the site on the south is the York Theatre, a heritage-designated building zoned CD-1 (514). The remaining surrounding area, zoned RM-4 and RM-4N, primarily consists of low-rise residential buildings. The site directly across Commercial Drive, also zoned RM-4N, contains commercial uses at grade. Two and a half blocks north is East Hastings Street, a commercial corridor with residential, commercial and light industrial uses. Two and a half blocks south of the site is the primary retail, restaurant and residential uses of Commercial Drive.

The site is well served by transit. Frequent bus service is available on Commercial Drive and East Hastings Street (two blocks north) with direct links to downtown and the Commercial- Broadway SkyTrain station.

## 2. Policy Context

**Grandview-Woodland Community Plan** – Future land use on the subject site is guided by the *Grandview-Woodland Community Plan*. The site is located in the Commercial Drive North sub-area (see Figure 2), which is envisioned to accommodate modest increases in height and density to support secured rental housing with an opportunity for at-grade commercial uses to create an improved connection along Commercial Drive to East Hastings Street. Rezoning from RM-4N to CD-1 would be required to achieve the plan objectives.

At this location, the plan anticipates development up to 3.0 FSR with building heights up to six storeys for projects providing 100% secured market rental housing. Commercial uses at grade are encouraged to improve the connection along Commercial Drive north to East Hastings Street.

The site is also identified as a “local-serving retail site” and the intent for this location is to support the community and business interests to encourage small-scaled and/or locally-based enterprises in the community’s primary shopping areas, as well as to encourage the retention of existing small-scale retail uses. For existing non-conforming sites (small-scale retail operating within sites zoned RM), the Grandview-Woodland Plan intends to ensure continued retail/commercial ground floor use by requiring the inclusion of ground-floor commercial (retail and service uses) as part of any future rezoning.

**Figure 2: Commercial Drive North Sub-area Land Use Map**



## Strategic Analysis

### 1. Proposal

The application proposes retention of an existing non-conforming building with commercial retail uses at ground level. As such, it fulfills the Grandview-Woodland Plan’s objective to retain existing non-conforming small-scale retail uses. Rezoning of the site to CD-1 is needed to obtain this objective and to allow the commercial uses to be conforming to zoning. While the

plan would allow redevelopment of the site to a new six-storey, mixed-use form through CD-1 rezoning, the applicant is not seeking to do that at this time. The current objective is to create more flexibility for the existing retail units, so that a wider array of commercial businesses can be accommodated.

Specifically, it is proposed that one of retail units be converted from Neighbourhood Grocery Store use to either Retail Store use or Restaurant – Class 1 use. This would enable a liquor license for the venue, which cannot be issued for a Neighbourhood Grocery Store. No changes to the existing building are proposed, apart from interior alterations that may be associated with conversion of the use.

## **2. Land Use**

The subject site is currently zoned RM-4N (Multiple Dwelling) District. The existing building was constructed in 1910 and predates the RM-4N zoning of the site. While initially zoned for commercial uses, the building was rezoned from C-2 to RM-3 (the prevailing apartment zone in Grandview-Woodland) in the 1960s. The site was later rezoned to its current RM-4N zoning in the late 1980s, rendering the established commercial uses non-conforming.

### *History*

The two commercial spaces on the subject site are currently occupied by Pepino's Spaghetti House and Caffè La Tana. Pepino's Spaghetti House opened in June 2018 with the intent of continuing the legacy of Nick's Spaghetti House, which was in operation on site for 62 years. As restaurant uses at the Pepino's location predate the existing zoning of the site, this is a legally non-conforming use under Section 568 of the Vancouver Charter.

Caffè La Tana is currently operating on site as a Neighbourhood Grocery Store, which allows for limited food service (café) uses, but does not allow the business to obtain a liquor license.

The proposal supports the Grandview-Woodland Plan in the provision of continued retail-commercial use on the ground floor. The services proposed are complementary to the surrounding context, as the site is adjacent to the York Theatre and is in close proximity to a mix of businesses and multi-unit buildings. The site is located between two commercial areas on Commercial Drive and on East Hastings Street. The proposed rezoning complies with the plan's "Commercial Drive North" policies and further strengthens the connection between these two existing commercial areas by encouraging pedestrian activities in the area and a stronger neighbourhood connection. Most importantly, by introducing Retail and Service uses to the ground-floor units, the proposed rezoning would allow for Caffè La Tana to apply for a liquor license, which would assist the economic viability of this small, primarily local-serving business.

## **3. Density, Height and Form of Development (see application drawings in Appendix D)**

As the application is only to expand permitted commercial uses at grade, there is no change to the existing building — density, height and form of development will remain the same. As such, the form of development is that which currently exists on the site — a three-storey form at 98% site coverage with commercial units at grade and six dwelling units on the second and third floors. Form of development approval is required by the Vancouver Charter when rezoning to CD-1 and so Council approval of the existing form of development will be sought following enactment of the rezoning by-law. No parking is provided on site, but it is provided off site on a lot across the lane at 621 Commercial Drive.

Density and height for any development provided in the draft CD-1 By-law, outlined in Appendix A, are 0.75 FSR and 10.70 m respectively, consistent with the maximum density and density in the RM-4N District Schedule. However, to allow the existing building to continue to exist on site, density of 2.9 FSR and height of 11.5 m are provided for the existing building only in the CD-1. This approach to density and height achieves the objective of bringing the existing building into legal conformance without conferring additional development rights on the property that could be used for its redevelopment. This approach is also neutral with regard to property value — the property will continue to be assessed based on its current redevelopment potential under RM-4N along with the existence of the present building. Should redevelopment of the site at a higher density and height be contemplated in the future, the CD-1 By-law would have to be amended following a public hearing. The public benefit associated with the upzoning would be considered at that time.

#### **4. Housing**

There are currently six rental residential units located on the second and third floors above the commercial space. The units are not impacted, as this rezoning application proposes no changes to the residential component of the building. The residential tenancies will not be disrupted. For any future redevelopment of this site, the units will be required to be replaced under the *Rental Housing Stock Official Development Plan*, which applies to CD-1 zoned sites with rental units.

#### **5. Transportation and Parking**

Currently, the subject site is served by surface parking spaces across the lane to the north on the vacant lot addressed as 621 Commercial Drive. 621 Commercial Drive is owned by the same owner as the subject site. Staff are supportive of the existing off-site parking, and will require the provision of legal agreements to secure this parking as part of the rezoning. No additional parking is required.

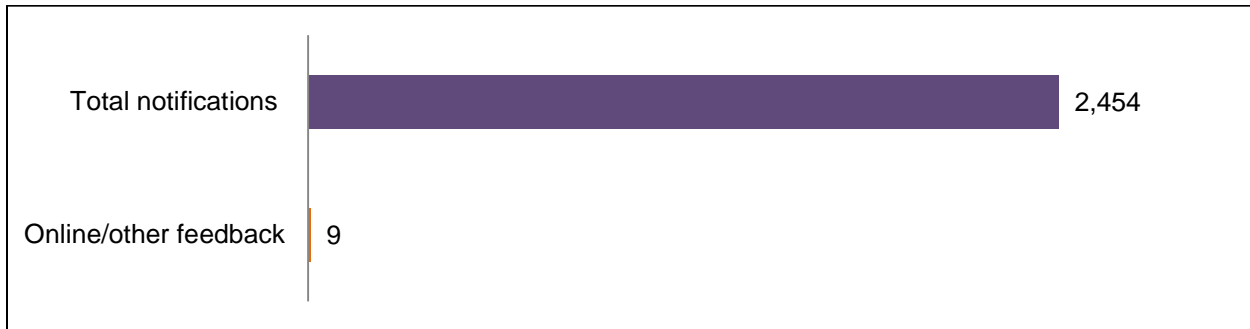
#### **6. Character Merit**

The existing building was constructed in 1910 and is not listed on the Vancouver Heritage Register. As no change to the form of development is proposed, a character merit assessment was not required as part of the rezoning application. While no character merit assessment was undertaken, the reintroduction of a broader array of commercial uses is consistent with the Grandview-Woodland Plan policies related to the historical fabric of neighbourhood-scale retail and services. Even without any heritage consideration, bringing the building into conformance by rezoning it to CD-1 will help to encourage its retention, as the CD-1 grants special consideration for density and height only to the existing building.

#### ***Public Input***

**Public Notification** – A rezoning information sign was installed on the site on October 17, 2019. A total of 2,454 notifications were distributed within the neighbouring area on or about November 5, 2019. Notification and application information, as well as an online comment form, was provided on the City of Vancouver Rezoning Centre webpage ([vancouver.ca/rezapps](http://vancouver.ca/rezapps)).

**Public Comments** – Staff received nine responses regarding the rezoning application (see Figure 3). In addition, staff also received a letter of support for the rezoning with 52 signatories.

**Figure 3: Notification and Public Response**

Responses to the application were generally in support of the rezoning application, including support for the restaurant and retail uses proposed. Respondents cited that Caffè La Tana is a well-liked establishment and the regularization of the uses are complimentary to, and will benefit the community.

A single response expressed non-support for the rezoning; however, no additional feedback was included.

The letter received by staff in support of the rezoning application cited support to change the zoning of the site to permit a restaurant use in order to apply for a liquor license.

### ***PUBLIC BENEFITS***

The proposed CD-1 rezoning does not confer any additional development rights than currently conferred by the RM-4N zoning, except for those with respect to retention of the existing building. As there is no new floor area proposed to be constructed, there are no Development Cost Levies (DCLs), Community Amenity Contributions (CACs) or Public Art contributions accruing to the rezoning.

### ***FINANCIAL IMPLICATIONS***

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

### ***CONCLUSION***

Staff have reviewed the application to rezone the site at 631-635 Commercial drive from RM-4N to CD-1 to allow the existing mixed residential-commercial building on the site to be conforming with regard to zoning and to allow an appropriate range of commercial uses to be established in the ground-level spaces. Proposed by-law provisions are generally as outlined in Appendix A. Staff conclude that the application is consistent with the *Grandview-Woodland Community Plan* policies and intention. The General Manager of Planning, Urban Design and Sustainability recommends that the rezoning application be referred to public hearing, together with a draft CD-1 By-law as generally shown in Appendix A. Further, it is recommended that, subject to the

public hearing, the application be approved in principle, subject to the applicant fulfilling the conditions of approval contained in Appendix B.

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**631-635 Commercial Drive  
DRAFT BY-LAW PROVISIONS**

*Note: A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.*

**Zoning District Plan Amendment**

1. This By-law amends the Zoning District Plan attached as Schedule D to By-law No. 3575, and amends or substitutes the boundaries and districts shown on it, according to the amendments, substitutions, explanatory legends, notations, and references shown on the plan marginally numbered Z-( ) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D, to By-law No. 3575.

*[Note: Schedule A, not attached to this appendix, is a map that amends the City of Vancouver zoning map. Should the rezoning application be referred to a public hearing, Schedule A will be included with the draft by-law that is prepared for posting.]*

**Designation of CD-1 District**

2. The area shown within the heavy black outline on Schedule A is hereby designated CD-1 ( ).

**Uses**

3. Subject to Council approval of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within CD-1 ( ), 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 Arts and Culture Indoor Event;
  - (b) Dwelling Uses, limited to Dwelling Units in conjunction with any of the uses listed in this By-law;
  - (c) Retail Uses, limited to Neighbourhood Grocery Store, Public Bike Share and Retail Store;
  - (d) Service Uses, limited to Barber Shop or Beauty Salon, Beauty and Wellness Centre, and Restaurant – Class 1; and
  - (e) Accessory Uses customarily ancillary to the uses listed in this section 3.

**Conditions of Use**

- 4.1 No portion of the first storey of a building shall be used for residential purposes except for entrances to the residential portion.

- 4.2 All commercial uses permitted in this By-law shall be carried on wholly within a completely enclosed building except for the following:
- (a) Public Bike Share;
  - (b) Restaurant – Class 1; and
  - (c) display of flowers, plants, fruits and vegetables in conjunction with a permitted use.

**Floor Area and Density**

- 5.1 Computation of floor space ratio must assume that the site area is 289 m<sup>2</sup> being the site area at the time of the application for the rezoning evidenced by this By-law, and before any dedications.
- 5.2 The floor space ratio for all uses combined must not exceed 0.75, except that for a building existing as of [date of enactment] the floor space ratio must not exceed 2.90.

**Building Height**

6. Building height, measured from base surface, must not exceed 10.70 m to the top of parapet, except that for a building existing as of [date of enactment] the building height must not exceed 11.5 m to the top of parapet.

**Zoning and Development By-law**

7. Sections 2 through 6 of the Zoning and Development By-law apply to this CD-1 ( ).

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**631-635 Commercial Drive  
CONDITIONS OF BY-LAW ENACTMENT**

*Note: If the application is referred to a public hearing, these Conditions of By-law Enactment will be referenced in the Summary and Recommendations included in the hearing agenda package. Any changes to the conditions approved by Council will be contained in its decision. Applicants are advised to consult the hearing minutes for any changes or additions to these conditions.*

THAT, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services and the General Manager of Engineering Services as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

**Engineering Services**

1. Consolidation of Lot 1 (Reference Plan 1808) of Lot C, and Lot D; all of Lot 12, Block D, District Lot 183, Plan 3137 to create a single parcel.
2. Provision of legal agreements including a Statutory Right of Way and Section 219 Covenant, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, to secure a minimum of five off-site parking spaces at the adjacent development site at 621 Commercial Drive. In the event that these parking spaces are no longer available, provision of five off-site parking spaces on an alternate site will be required, to the satisfaction of the General Manager of Engineering Services and Director of Planning. Subject to the provisions of the Parking By-law, any future relaxation of the parking requirement will be at the sole discretion of the Director of Planning.

Note: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as registerable charges pursuant to the Land Title Act.

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the By-law and at no cost to the City.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

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**631-635 Commercial Drive**  
**PROPOSED CONSEQUENTIAL AMENDMENTS**

*Note: By-laws will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.*

**DRAFT AMENDMENTS TO THE SIGN BY-LAW NO. 11879**

Amend Schedule A (CD-1 Zoning Districts Regulated by Part 9) by adding the following:

“631-635 Commercial Drive                      [CD-1 #]              [By-law #]                      C-2”

**DRAFT AMENDMENTS TO THE NOISE CONTROL BY-LAW NO. 6555**

Amend Schedule B (Intermediate Zone) by adding the following:

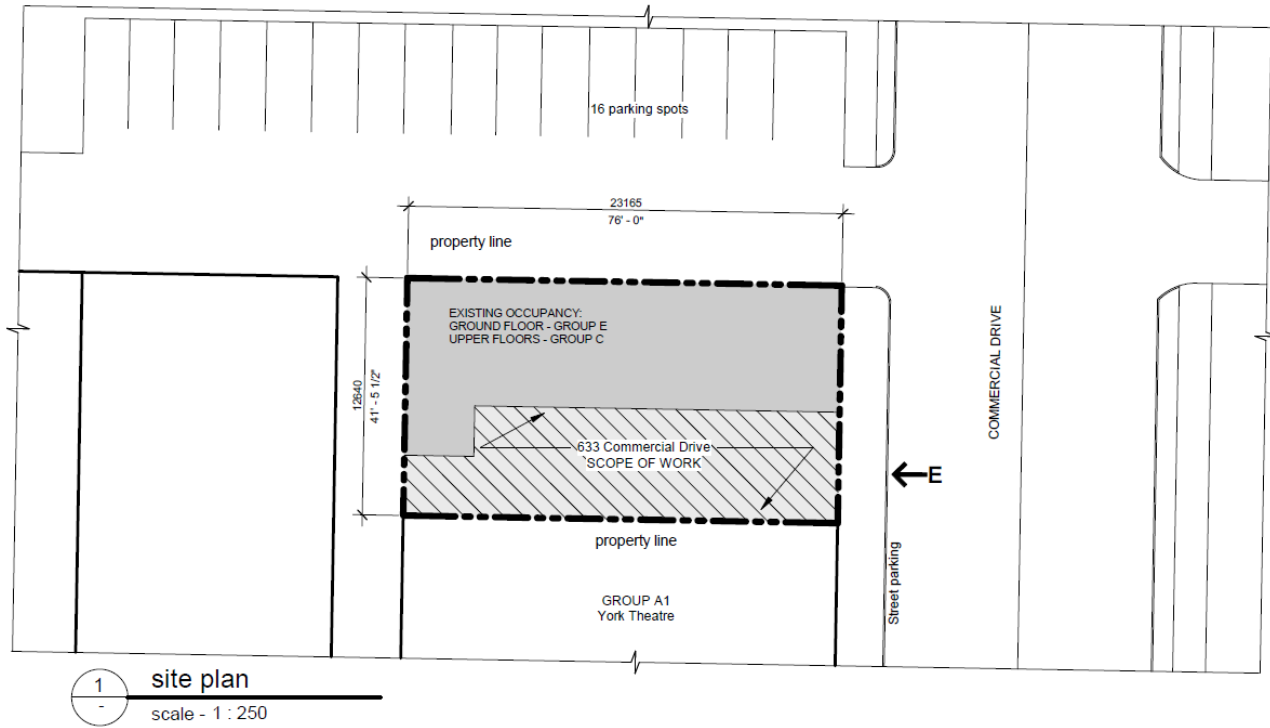
“[CD-1 #]                                      [By-law #]                                      631-635 Commercial Drive”

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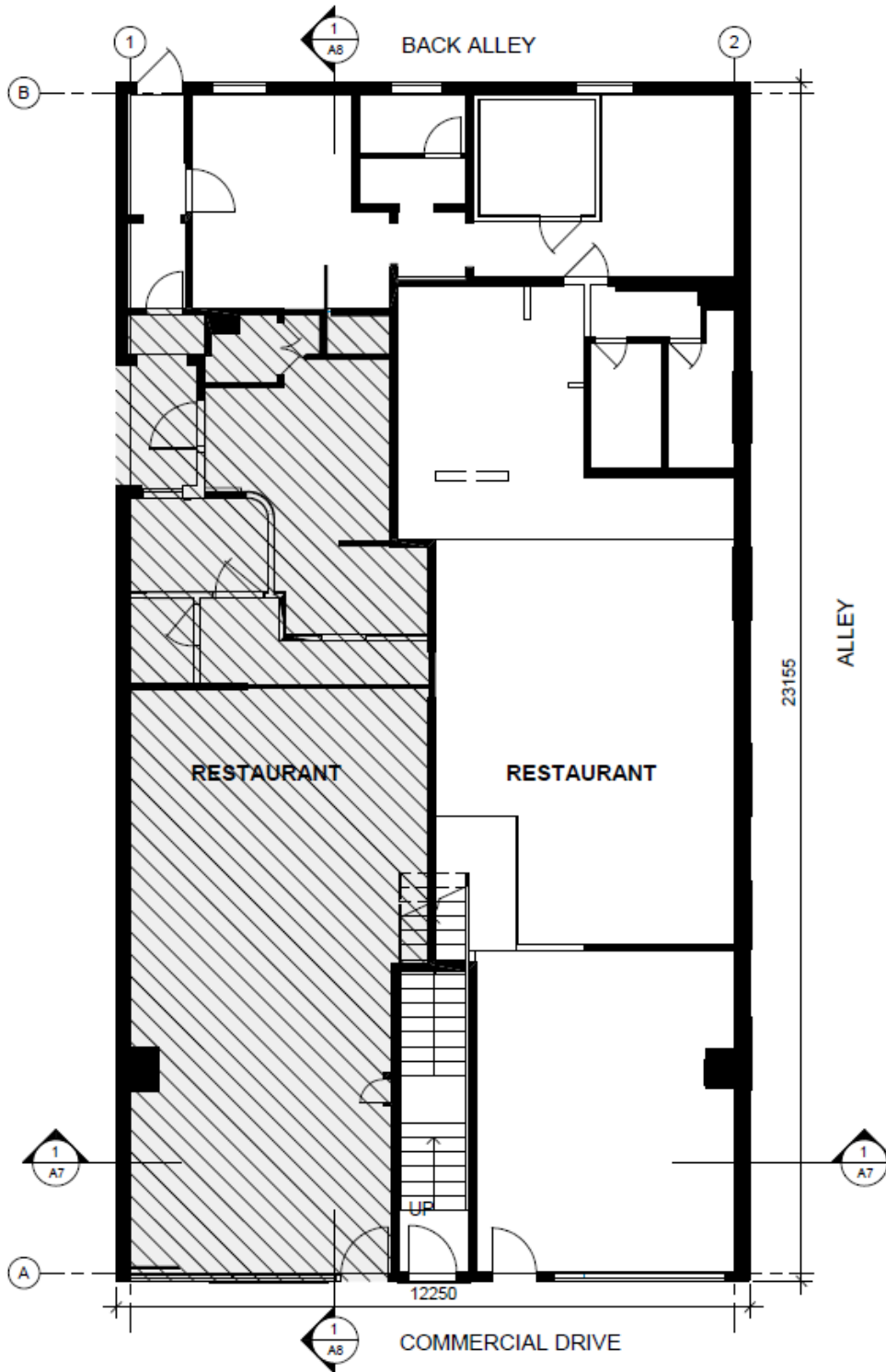
631-635 Commercial Drive  
EXISTING FORM OF DEVELOPMENT

*(The hatched area in the plans following indicates the CRU unit where the use is proposed to be changed from Neighbourhood Grocery Store to Retail Store/Restaurant – Class 1 to assist with the operation of Caffè La Tana.)*

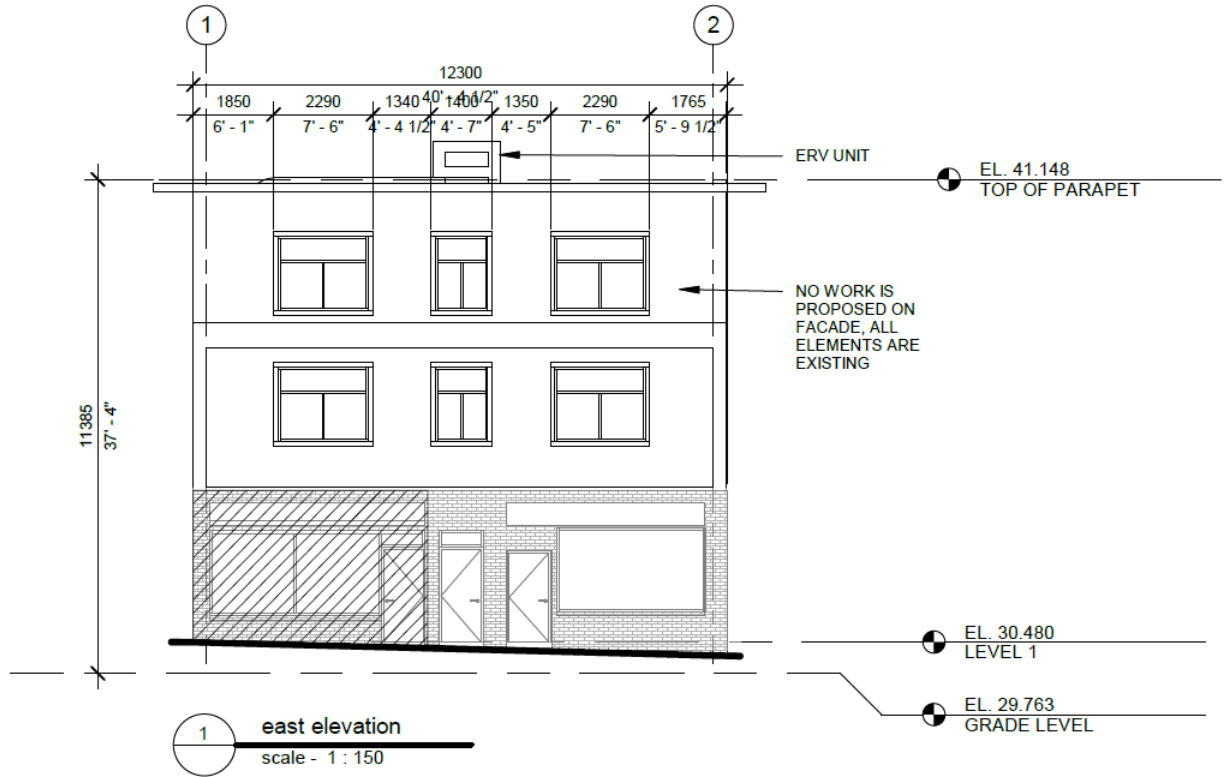
Site Plan



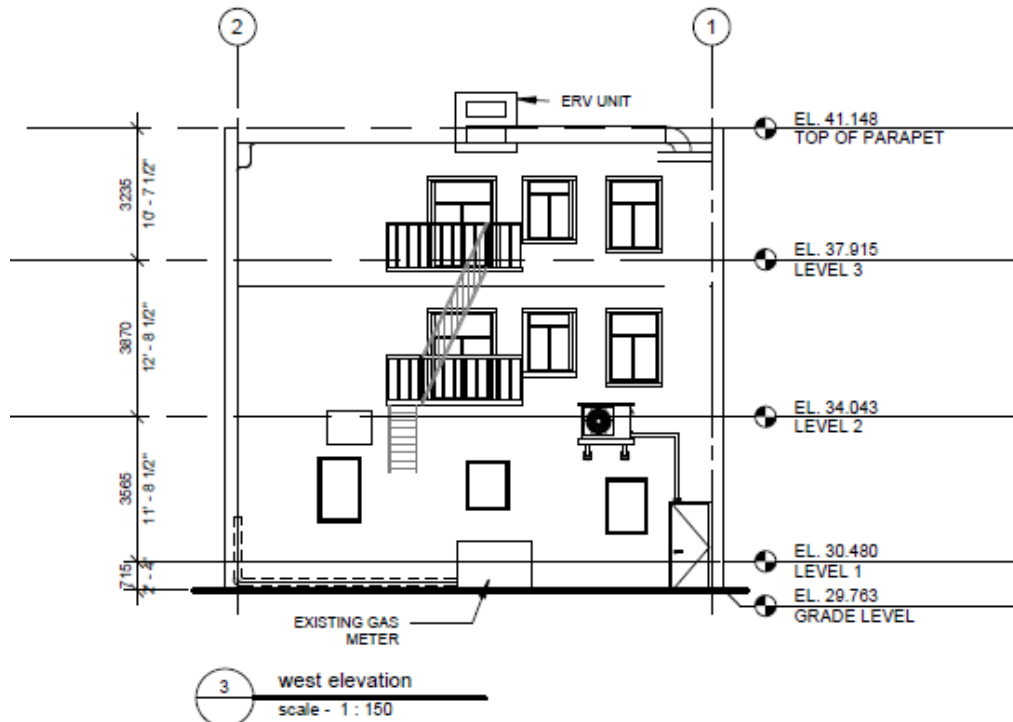
Ground Floor Plan



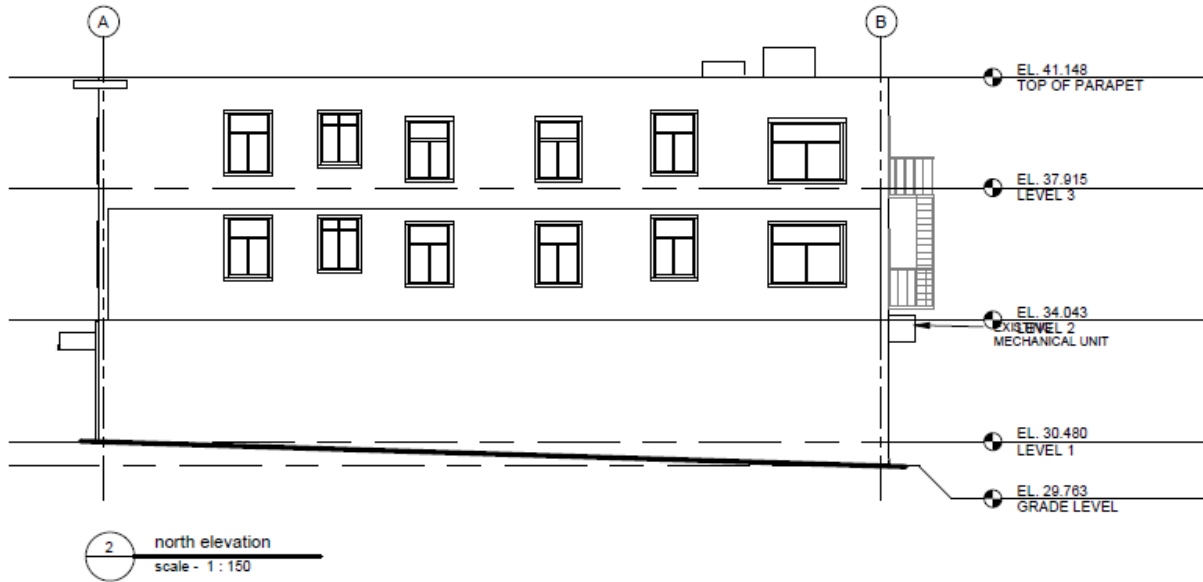
Commercial Drive Elevation



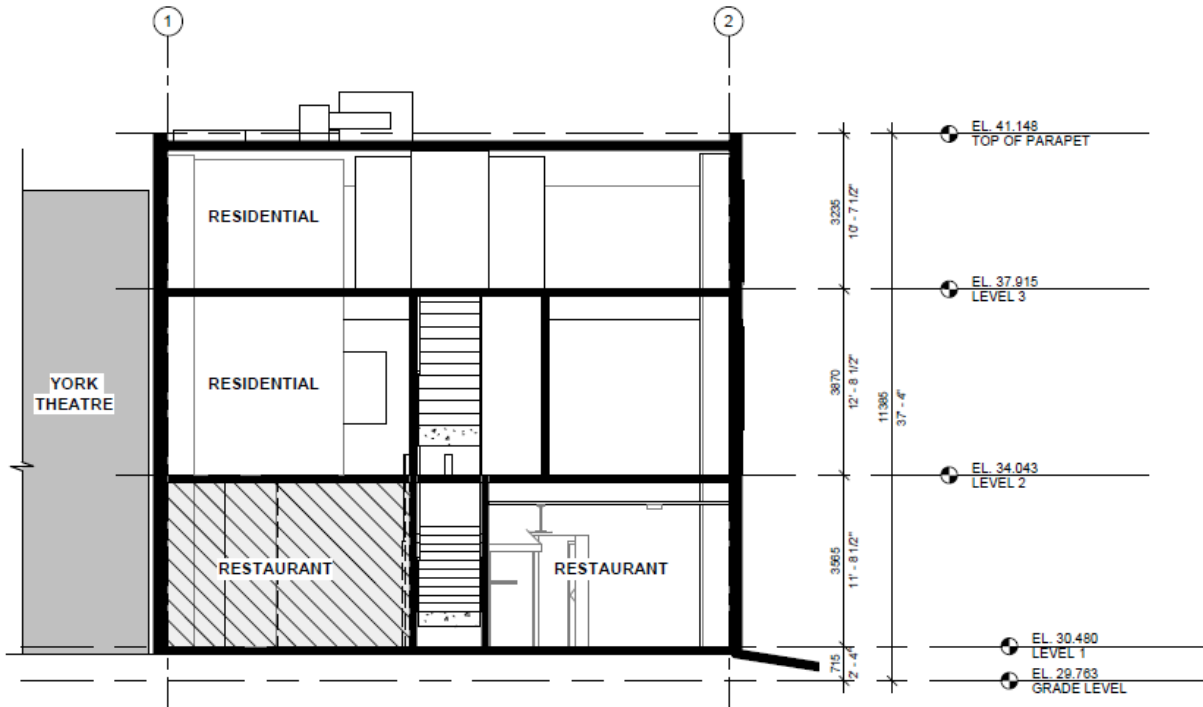
Lane Elevation



North Elevation

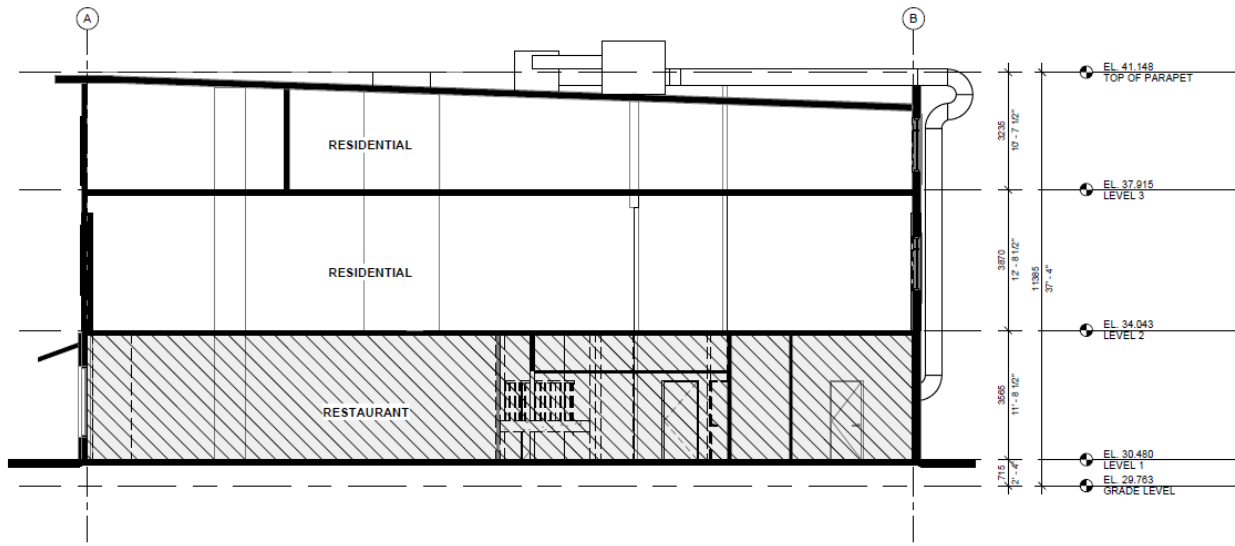


Building Section (North-South)





Building Section (East-West)



**631-635 Commercial Drive**  
**PROPERTY, APPLICANT AND DEVELOPMENT PROPOSAL INFORMATION**

**Property Information**

Address	Property Identifier (PID)	Legal Description
631 Commercial Drive 633 Commercial Drive 635 Commercial Drive	013-108-557	Lot 1 (Reference Plan 1808) of Lot C of Lot 12, Block D, District Lot 183, Plan 3137
	013-108-565	Lot D of Lot 12, Block D, District Lot 183, Plan 3137

**Applicant Information**

<b>Applicant/Architect</b>	Brook Pooni Associates
<b>Developer/Owner</b>	631 Commercial Drive Holdings Ltd.

**Development Proposal Information**

	RM-4N District Schedule	Existing Building	Proposed
<b>Zoning</b>	RM-4N	RM-4N	CD-1
<b>Site Area</b>	289 sq. m (3,120 sq. ft.)	289 sq. m (3,120 sq. ft.)	289 sq. m (3,120 sq. ft.)
<b>Uses</b>	Residential	Residential  Commercial: <ul style="list-style-type: none"> <li>• 631 Commercial Drive – Restaurant – Class 1 (Pepino’s – grandfathered)</li> <li>• 635 Commercial Drive – Neighbourhood Grocery Store (Caffè La Tana – grandfathered)</li> </ul>	Residential (no change)  Commercial: <ul style="list-style-type: none"> <li>• 631 Commercial Drive (no change)</li> <li>• 635 Commercial Drive (Caffè La Tana) – Retail Use, Service Use including Restaurant – Class 1, along with a few other uses</li> </ul>
<b>Floor Space Ratio</b>	0.75	2.90	2.90
<b>Floor Area</b>	216.8 sq. m (2,340 sq. ft.)	838.6 sq. m (9,048 sq. ft.)	838.6 sq. m (9,048 sq. ft.)
<b>Height</b>	10.7 m (35 ft.)	11.5 m (38 ft.)	11.5 m (38 ft.)
<b>Parking, Loading and Bicycle Spaces</b>	As per Parking By-law	Off-site parking stalls	Off-site parking stalls
<b>Natural Assets</b>	n/a	n/a	n/a