



REFERRAL REPORT

Report Date: September 1, 2020
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VanRIMS No.: 08-2000-20
Meeting Date: September 15, 2020

TO: Vancouver City Council
FROM: General Manager of Planning, Urban Design and Sustainability
SUBJECT: CD-1 Text Amendment: 380-390 West 8th Avenue

RECOMMENDATION

- A. THAT the application by JTA Development Consultants, on behalf of Y-8 Properties Ltd., to amend CD-1 (Comprehensive Development) District (330) By-law No. 7371 for 380-390 West 8th Avenue [*PID 019-000-626, Lot H Block 22 District Lot 302 Plan LMP19447*] to increase the total maximum permitted floor space ratio (FSR) from 1.10 to 1.17 to allow for mezzanines within existing double-height spaces, and to increase the limit for Restaurant – Class 1 use from 65 sq. m to 150 sq. m to allow an existing restaurant/catering business to have a larger seating area, be referred to public hearing, together with:
- (i) draft CD-1 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 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 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 the CD-1 (330) By-law for 380-390 West 8th Avenue. This CD-1 text amendment proposes an increase to the total maximum floor area by 118 sq. m (1,271 sq. ft.) from 1.10 to 1.17 FSR to allow for mezzanines in double-height spaces within the existing building on the site. The application also proposes to increase the floor area limit for Restaurant – Class 1 use from 65 sq. m to 150 sq. m to allow an existing restaurant/catering business to have a larger seating area. All changes resulting from the amendments would be contained inside the existing 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 (330) By-law No. 7371, (enacted January 10, 1995)
- I-1 District Schedule (2013 amendments)
- Metro Core Jobs and Economy Land Use Plan (2007)
- Community Amenity Contributions – Through Rezoning (1999, last amended 2020)
- Development Cost Levy By-laws

REPORT

Background/Context

This application concerns an existing building located at the southeast corner of West 8th Avenue and Yukon Street, in the Mt. Pleasant Industrial Area (see Figure 1, page 3). The commercial/industrial building was built in 1987 under the I-1 (Industrial) District Schedule. In 1995, the site was rezoned to the CD-1 (330) By-law to allow for relaxation of a floor space limit for one of the commercial uses in the building. The CD-1 By-law mirrored the provisions of the I-1 District Schedule at the time, except for the floor space limit relaxation and for the floor space ratio (FSR), which was set at the total floor area of the building following the usual practice when an existing building is rezoned to CD-1.

The current FSR in the CD-1 By-law is 1.10, whereas the I-1 District Schedule allows a maximum of 3.00. “Restaurant - Class 1” use is limited to 65 sq. m, which was the limit in the I-1

District Schedule at the time of the CD-1 rezoning. In 2013, the limit in the I-1 District Schedule was increased to 150 sq. m. This increase did not apply to CD-1 (330).

In 2019, a restaurant and catering business (La Taqueria Pinche) was established in the building's commercial unit at 2450 Yukon Street. Seeking to optimize seating for its patrons, the business sought through its development application to have a Restaurant - Class 1 space larger than the 65 sq. m limit in the CD-1 By-law. An amendment to the by-law is needed to increase this limit, before a larger floor area for the restaurant can be approved.

While the renovation work for the restaurant/catering space was underway, it became apparent to City staff that there were mezzanines existing within other units in the building for which no records of permits existed. As the FSR was set in the CD-1 By-law to match to the total floor area of the building as it was known in 1995, there is not sufficient density in the by-law to currently allow issuance of permits for these mezzanines.

Figure 1 – Site and surrounding area



Strategic Analysis

1. Proposal

This text amendment application proposes to amend the CD-1 (330) By-law to increase the maximum permitted floor area by 118 sq. m, from 1,856 sq. m to 1,974 sq. m, or the floor space ratio (FSR) from 1.10 to 1.17 to allow for mezzanines in double-height spaces within the existing building, and to increase the limit for Restaurant – Class 1 use from 65 sq. m to 150 sq. m to allow an existing restaurant/catering business to have a larger seating area.

The two mezzanines are on the second floor of the building and contain office space, as shown in blue in Figure 2. The text amendment would allow the applicant to obtain permits for these spaces and ensure that any building code deficiencies are addressed. The floor area increase is supportable as it aligns with the directions outlined in the *Broadway: Choice-of-Use Areas* section of the *Metro Core Jobs and Economy Land Use Plan*, which supports creating opportunities for office and commercial space along and in proximity to Broadway. Moreover, the amended density of 1.17 FSR would still be well below that of the maximum 3.00 permitted in the neighbouring I-1 zoned properties within the industrial district.

The increase to the limit on Restaurant - Class 1 use is equally supportable as it would bring the CD-1 By-law into alignment with the current provision in the I-1 District Schedule for that use. The 2013 changes to the schedule recognized the evolving character of the Mt. Pleasant Industrial Area, with increased opportunities for employment bringing the need for more restaurants and services for workers.

Figure 2 – Location of mezzanines (In blue) on the second floor of building



2. Transportation and Parking

Parking and loading for the increase in floor area are to be in accordance with the Parking By-law. The site is well-connected to bus services along Broadway Avenue and the nearby Broadway-City Hall Station is serviced by the Canada Line and the future expansion of the Broadway Subway.

3. Public Input

The information regarding this text amendment was made available online and a comment form was provided on the City of Vancouver's Rezoning Centre webpage (vancouver.ca/rezoning). Staff received no public comments.

PUBLIC BENEFITS

Development Cost Levies (DCL) – 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.

This site is subject to the City-wide DCL and the City-wide Utilities DCL. Based on the rates in effect as of September 30, 2020, the commercial floor area of the two mezzanines for which development permits would be sought — 175.9 sq. m (1,893 sq. ft.) — would be subject to approximately \$38,750 of DCLs.

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. An application 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.

Public Art Program – The Public Art Policy and Procedures for Rezoned Developments requires rezoning proposals having a floor area of 9,290.0 sq. m (100,000 sq. ft.) or greater to contribute public art as a condition of rezoning. As the proposed floor area is below the minimum threshold, no public art contribution will arise from this application.

Community Amenity Contribution (CAC) – Within the context of the City's *Financing Growth Policy*, an offer of a CAC 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 CD-1 text amendment the Metro Core commercial linkage contribution is applied at \$113.24 per sq. m. (\$10.52 per sq. ft.) to the new floor area being added of 118 sq. m (1,271 sq. ft.). This equates to a contribution in lieu of a negotiated Community Amenity Contribution of \$13,372. Staff recommend that the offering be accepted and that it be allocated toward funding of childcare facilities and/or affordable housing in and around the Metro Core area.

FINANCIAL IMPLICATIONS

The site is subject to both the City-wide DCL and City-wide Utilities DCL. Based on rates that are anticipated to be in effect as of September 30, 2020, it is anticipated that the project will generate approximately \$38,750 in DCLs from the additional commercial floor area.

As a commercial linkage contribution, the applicant has offered \$13,371 to be allocated towards childcare facilities and/or affordable housing in and around the Metro Core area.

CONCLUSION

The proposed increase to the floor area from 1.10 to 1.17 FSR and the increase to the floor area limit for Restaurant - Class 1 use from 65 sq. m. to 150 sq. ft. are supportable as it allows for an increase to job space within the city and because it brings the CD-1 By-law into closer alignment with the zoning of the Mt. Pleasant Industrial Area. 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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380-390 West 8th Avenue
PROPOSED BY-LAW PROVISIONS
to amend CD-1 (330) By-law No. 7371

Note: A By-law to amend CD-1 (330) By-law No. 7371 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 7371.
2. In section 2(f), Council strikes out “Restaurant – Class 1, provided that the total floor area does not exceed 65 m²” and substitutes “Restaurant – Class 1, provided that the total floor area does not exceed 150 m²”.
3. In section 4.1, Council strikes out “1.10” and substitutes “1.17”

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380-390 West 8th Avenue
CONDITIONS OF APPROVAL

Note: If the application is referred to a public hearing, these Conditions of Approval will be referenced in the Summary and Recommendations included in the hearing agenda package. Any changes to the conditions by staff prior to the hearing will be noted in the Summary and Recommendations. Any further changes to the conditions approved by Council will be contained in its decision. Please consult the hearing minutes.

CONDITIONS OF BY-LAW ENACTMENT

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

Commercial Linkage Contribution

1. Pay to the City a contribution of \$13,371 which the applicant has offered to the City. Payment is to be made prior to enactment of the CD-1 By-law, at no cost to the City, and in a form and on terms and conditions satisfactory to the Director of Legal Services.

The \$13,371 is to be allocated toward childcare facilities and/or affordable housing in and around the Metro Core area.

Permit Application Process

2. Prior to by-law enactment, the applicant is to make application to the City for the necessary permits for the mezzanines and the altered restaurant space, for which the by-law amendments are intended to allow approval.

Note to Applicant: Approval and enactment of the zoning changes does not represent approval of the mezzanines and larger restaurant space. The further step of obtaining permits is required. Development permits cannot be issued until the above linkage contribution is paid and the by-law is enacted; however, the permit applications should be received by the City prior to the enactment.

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**380-390 West 8th Avenue
PUBLIC BENEFITS SUMMARY**

Project Summary:

Text amendment to increase the total maximum floor space ratio from 1.10 to 1.17 FSR, and to increase the limit for Restaurant – Class 1 use from 65 sq. m to 150 sq. m.

Public Benefit Summary:

The project would add additional employment space in the Metro Core area and would generate a DCL payment and CAC offering towards affordable housing, childcare, transportation, parks and utilities.

	Current Zoning	Proposed Zoning
Zoning District	CD-1 (330)	CD-1 (330)
FSR (site area = 18,159 sq. ft.)	1.10	1.17
Buildable Floor Space (sq. ft.)	19,975 sq. ft.	21,246 sq. ft.
Land Use	Retail/office/service uses	Increase limit for Restaurant - Class 1 Use

Summary of Development Contributions Expected from project

City-wide DCL ¹	\$28,793
City-wide Utilities DCL ¹	\$9,957
Commercial Linkage Contribution	\$13,371
TOTAL	\$52,121

¹ Based on rates that are anticipated to be in effect as at September 30, 2020; 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; see the City's DCL Bulletin for details.

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380-390 West 8th Avenue
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

Street Address	380-390 West 8th Avenue
Legal Description	PID 019-000-626, Lot H Block 22 District Lot 302 Plan LMP19447
Applicant/Architect	JTA Development Consultants
Property Owner	Y-8 Properties Ltd.

DEVELOPMENT STATISTICS

	Permitted Under Existing Zoning	Proposed
Zoning	CD-1 (330)	Amended CD-1 (330)
Site Area	1,687 sq. m. (18,159 sq. ft.)	No change
Uses	Artist Studio Dwelling Uses Manufacturing General Office Retail Uses Service Uses Transportation and Storage Uses Utility and Communication Uses Wholesale Uses Accessory Uses	Limit for Restaurant – Class 1 increased from 65 sq. m. to 150 sq. m
Floor Space Ratio	1.10	1.17
Floor Area	1,856 sq. m (19,975 sq. ft.)	1,974 sq. m (21,246 sq. ft.)
Parking, Loading and Bicycle Spaces	As per Parking By-Law	No change

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