

REFERRAL REPORT

Report Date: February 23, 2021
Contact: Yardley McNeill
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RTS No.: 14303
VanRIMS No.: 08-2000-20
Meeting Date: March 9, 2021

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: CD-1 Text Amendment: 1280 Burrard Street (Formerly 1262-1290 Burrard Street)

RECOMMENDATION

- A. THAT the application by Reliance Properties Ltd., on behalf of 0785687 B.C. Ltd., Reliance Properties Ltd., and Reliance Properties (Burrard) Ltd., the registered owners of the lands located at 1280 Burrard Street (formerly 1262-1290 Burrard Street) [*PID 029-416-124; Lot F, Block 100, District Lot 541, Group 1, New Westminster District Plan EPP44004*] to amend the text of CD-1 (Comprehensive Development) District (587) By-law No. 11106 to alter the land use provisions under Section 2.2, 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, 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 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 (587) By-law for 1280 Burrard Street. In 2013, a rezoning application was approved for a 13-storey building to allow for office and various types of cultural and recreational, institutional, retail, service, and accessory uses.

In 2020, an application was submitted to allow for school use on the 4th to 13th floors of the building. The only institutional use permitted by the enacted By-law is Child Day Care Facility, therefore an amendment to the By-law is required. Staff recommend removing the limitations on Institutional along with Cultural and Recreational, Retail, and Service uses to permit a broader range of uses including schools.

There are no changes proposed to the form of development of the building. If the zoning amendment is approved, establishment of any of the new uses on the site would require further conditional approval through a development permit process and be subject to conditions and guidelines applicable to the use. 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

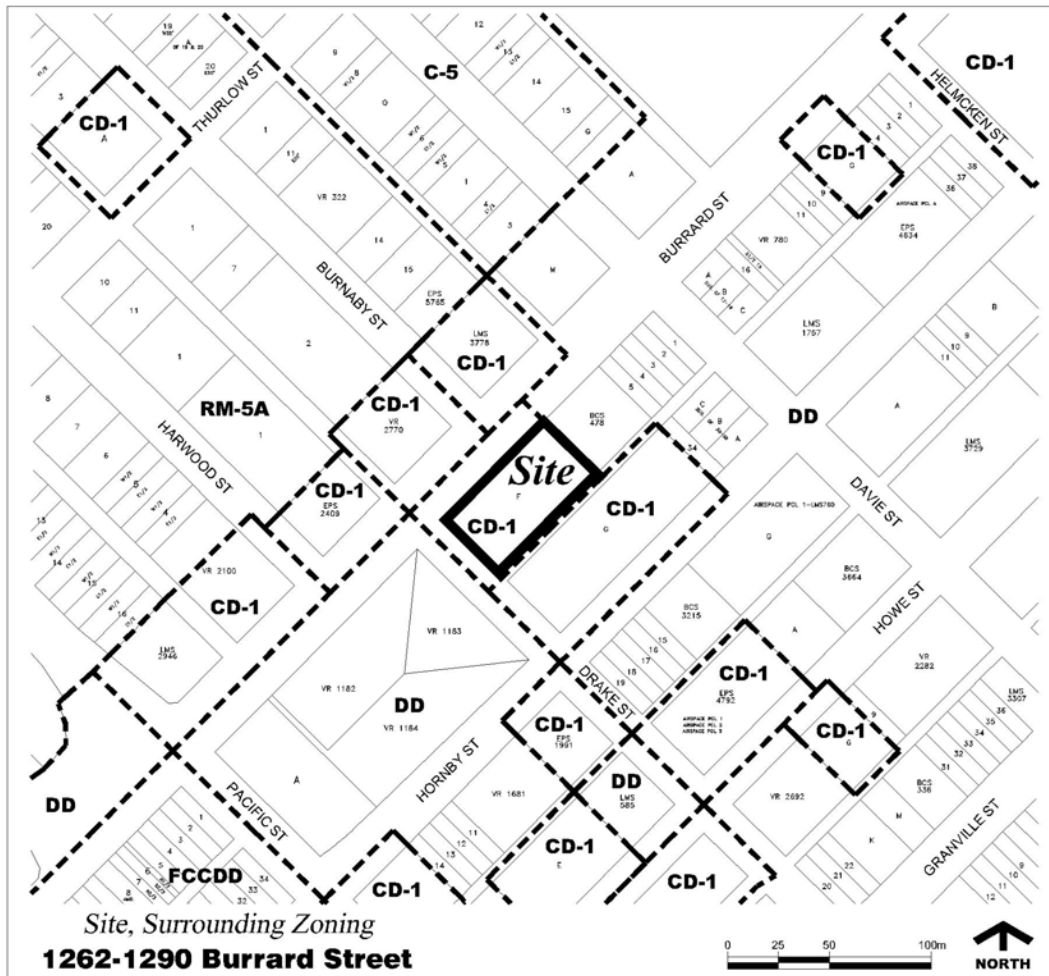
- CD-1 (587) By-law No. 11106, (enacted October 28, 2014, amended up to and including By-law No. 12142, dated June 19, 2018)
- Metro Core Jobs and Economy Land Use Plan (2007)

REPORT

Background/Context

1280 Burrard Street is located in Downtown South at the corner of Burrard Street and Drake Street. The property was rezoned in 2013 along with the adjacent residential mixed-use property at 1229 Hornby Street (see Figure 1). CD-1 (587) for the subject site allows a 13-storey office building with retail at grade. Construction of the new building is nearing completion.

Figure 1 – Site and surrounding area



Strategic Analysis

The current application to amend the by-law to allow school use was submitted in 2020 to accommodate a prospective tenant in the new building. The land use section of the CD-1 By-law allows a variety of uses under the Office category, however all other land use categories are limited to those listed in the by-law. School uses fall under the Institutional Use category, where the by-law only permits Child Day Care Facilities. The categories of Cultural and Recreational, Retail, and Service are similarly limited to only the uses specified, as shown in Figure 2.

Figure 2: Land Uses as currently listed under Section 2.2 of CD-1 (587) By-law

- (a) **Cultural and Recreational Uses**, limited to Artist Studio, Billiard Hall, Bowling Alley, Club, Community Centre or Neighbourhood House, Fitness Centre, Library, and Theatre;
- (b) **Institutional Uses**, limited to Child Day Care Facility;
- (c) **Office Uses**;
- (d) **Retail Uses**, limited to Grocery or Drug Store, Public Bike Share, Retail Store, Small-scale Pharmacy and Vehicle Dealer;
- (e) **Service Uses**, limited to Barber Shop or Beauty Salon, Beauty and Wellness Centre, Laundromat or Dry Cleaning Establishment, Motor Vehicle Repair Shop, Photofinishing or Photography Studio, Repair Shop - Class B, Restaurant – Class 1; and
- (f) Accessory Use customarily ancillary to any use permitted by this section.

Staff recognize that some types of school uses are supportable at this location and agree with opening the by-law provisions to allow their consideration. Staff further recommend that the land use section of the by-law be made more flexible by removing the limitations, not only on Institutional, but on the other land use categories as well. This will give greater flexibility to the property owner when tenanting and leasing the building in the future, and allow more opportunities for a greater variety of employment uses.

It is common in buildings which have commercial and other non-residential floor area that the actual uses that go into those spaces can change from what was envisioned at the time of rezoning to CD-1, or they may change over time when vacancies come up. When a land use that is not listed in the by-law is requested, an amendment to the by-law is required before a development permit for the use can be considered. Most requests to amend the Use section of CD-1 by-laws are to add a land use that is suitable for the given site. Having to undertake a rezoning and then a development permit process adds considerable time and expense for applicants.

To make CD-1 by-laws more resilient to changing land uses, staff have begun preparing new by-laws for sites that have non-residential floor area without limiting the uses under the main land use categories. This allows all uses under the categories to be considered through a development permit process, and it allows any new uses which have been added to the category since the CD-1 by-law was created to also be considered.

As such, for the subject site staff recommend the CD-1 (587) By-law be amended as follows.

Figure 3: Proposed amended Land Uses under Section 2.2 of CD-1 (587) By-law

- (a) **Cultural and Recreational Uses**;
- (b) **Institutional Uses**;
- (c) **Office Uses**;
- (d) **Retail Uses**;
- (e) **Service Uses**; and
- (f) Accessory Use customarily ancillary to any use permitted by this section.

The by-law would then reflect the current practice for CD-1s. Establishment of any of the new uses on the site would still require a development permit process in which the proposed land use would be considered under a conditional approval and be subject to conditions and guidelines applicable to the use. For example, an application for a school use would look at the type of school, its size and enrolment, its compatibility with the other uses in the building and in

the vicinity, its ability to meet licensing criteria, and whether there would be transportation impacts, such as those resulting from drop-off and pick-up activity.

Staff support the proposal to remove the limitations to the land use categories, as it would give the opportunity for a variety of land uses and support the opportunity for job space diversity within the downtown. It would also bring the CD-1 By-law into alignment with current practice.

Public Input

Application information, as well as an online comment form was provided on the City of Vancouver Rezoning Centre webpage (vancouver.ca/rezapps).

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.

The project was subject to DCLs in 2017 in advance of building permit issuance. Since this proposal for 1280 Burrard Street does not increase the floor area, there would be no further DCLs.

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. Since there is no increase to the floor area for this proposal and because the change to land use does not entail a shift from commercial to residential, no Community Amenity Contribution is applied.

FINANCIAL IMPLICATIONS

There is no increase to the floor area for this proposal, so the site is not subject to a Community Amenity Contribution, nor additional DCLs.

CONCLUSION

Staff have reviewed the amendment to the CD-1 (587) By-law and have determined that the proposal is supportable, as removing the limitations to the general land use categories will allow greater flexibility for the types of commercial tenancies on the site. 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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1280 Burrard Street
PROPOSED BY-LAW PROVISIONS
to amend CD-1 (587) By-law No. 11106

Note: A By-law to amend CD-1 (587) By-law No. 11106 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 11106.
2. In subsection 2.2(a), Council strikes out “, limited to Artist Studio, Billiard Hall, Bowling Alley, Club, Community Centre or Neighbourhood House, Fitness Centre, Library, and Theatre”.
3. In subsection 2.2(b), Council strikes out “, limited to Child Day Care Facility”.
4. In subsection 2.2(d), Council strikes out “, limited to Grocery or Drug Store, Public Bike Share, Retail Store, Small-scale Pharmacy and Vehicle Dealer; [12142; 18 06 19]” and substitutes “;”.
5. In subsection 2.2(e), Council strikes out “, limited to Barber Shop or Beauty Salon, Beauty and Wellness Centre, Laundromat or Dry Cleaning Establishment, Motor Vehicle Repair Shop, Photofinishing or Photography Studio, Repair Shop – Class B, Restaurant – Class 1”.

* * * * *

Redline version showing proposed by-law amendments

This document is being provided for information only as a reference tool to highlight the proposed amendments. The draft amending by-laws attached to the Council report RTS No. 14303 entitled CD-1 Text Amendment: 1280 Burrard Street (formerly 1262-1290 Burrard Street) represent the amendments being proposed to Council for approval. Should there be any discrepancy between this redline version and the draft amending by-laws, the draft amending by-laws prevail.

CD-1 (587)

1262-1290 Burrard Street By-law No. 11106
(Being a By-law to Amend By-law 3575, being the Zoning and Development By-law)

1 Zoning District Plan Amendment

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-668 (c) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D, to By-law No. 3575.

2 Uses

2.1 The description of the area shown within the heavy black outline on Schedule A is CD 1 (587).

2.2 Subject to approval by Council of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in the By-law or in a development permit, the only uses permitted 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 Artist Studio, Billiard Hall, Bowling Alley, Club, Community Centre or Neighbourhood House, Fitness Centre, Library, and Theatre;~~
- (b) Institutional Uses, ~~limited to Child Day Care Facility;~~
- (c) Office Uses;
- (d) Retail Uses, ~~limited to Grocery or Drug Store, Public Bike Share, Retail Store, Small-scale Pharmacy and Vehicle Dealer; [12142; 18-06-19];~~
- (e) Service Uses, ~~limited to Barber Shop or Beauty Salon, Beauty and Wellness Centre, Laundromat or Dry Cleaning Establishment, Motor Vehicle Repair Shop, Photofinishing or Photography Studio, Repair Shop – Class B, Restaurant – Class 1;~~ and
- (f) Accessory Use customarily ancillary to any use permitted by this section.

3 Conditions of use

3.1 On floors located at street level, only retail and service uses are permitted, except for entrances to other uses.

4 Floor area and density

4.1 The floor area for all uses must not exceed 19,715.4 m².

4.2 A minimum of 7,050.2 m² of vehicle dealer and motor vehicle repair shop must be provided, of which 4,446.0 m² must be located below grade.

4.3 Computation of floor area must include all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, measured to the extreme outer limits of the building.

4.4 Computation of floor area must exclude:

- (a) patios and roof gardens only if the Director of Planning first approves the design of sunroofs and walls; and

(b) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which are at or below the base surface, except that the exclusion for a parking space must not exceed 7.3 m in length.

4.5 Computation of floor area may exclude amenity areas, at the discretion of the Director of Planning or Development Permit Board, except that the exclusion must not exceed the lesser of 20 % of the permitted floor area or 929 m².

4.6 The use of floor area excluded under section 4.4 or 4.5 must not include any purpose other than that which justified the exclusion.

5 Building height

The building height, measured above base surface, must not exceed 55.5 m to the top of the roof, including architectural appurtenances and rooftop mechanical, except that the building may not protrude into the approved view corridors as set out in the City of Vancouver View Protection Guidelines.

6 Severability

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.

7 Force and effect

This By-law is to come into force and take effect on the date of its enactment.

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**1280 Burrard Street
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION**

APPLICANT AND PROPERTY INFORMATION

Street Address	1280 Burrard Street (formerly 1262-1290 Burrard Street)
Legal Description	PID 029-416-124, Lot F, Block 100, District Lot 541, Group 1, New Westminster District Plan EPP440044
Applicant/Architect	Reliance Properties Ltd.
Property Owners	Reliance Properties Ltd., Reliance Properties (Burrard) Ltd, and 0785687 BC Ltd.

DEVELOPMENT STATISTICS

	Permitted Under Existing Zoning	Proposed
Zoning	CD-1 (587)	Amended CD-1 (587)
Site Area	2,507 sq. m (26,984 sq. ft.)	2,507 sq. m (26,984 sq. ft.)
Uses	<ul style="list-style-type: none"> (a) Cultural and Recreational Uses, limited to Artist Studio, Billiard Hall, Bowling Alley, Club, Community Centre or Neighbourhood House, Fitness Centre, Library, and Theatre; (b) Institutional Uses, limited to Child Day Care Facility; (c) Office Uses; (d) Retail Uses, limited to Grocery or Drug Store, Public Bike Share, Retail Store, Small-scale Pharmacy and Vehicle Dealer; (e) Service Uses, limited to Barber Shop or Beauty Salon, Beauty and Wellness Centre, Laundromat or Dry Cleaning Establishment, Motor Vehicle Repair Shop, Photofinishing or Photography Studio, Repair Shop - Class B, Restaurant – Class 1; (f) Accessory Use customarily ancillary to any use permitted by this section. 	<ul style="list-style-type: none"> (a) Cultural and Recreational Uses; (b) Institutional Uses; (c) Office Uses; (d) Retail Uses; (e) Service Uses; (f) Accessory Use customarily ancillary to any use permitted by this section.
Floor Space Ratio Max	7.86	No change
Floor Area	12,712 sq. m (212,215 sq. ft.)	No change
Parking, Loading and Bicycle Spaces	As per Parking By-Law	As per Parking By-Law