



REFERRAL REPORT

Report Date: July 11, 2023
Contact: Yardley McNeill
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RTS No.: 15846
VanRIMS No.: 08-2000-20
Meeting Date: July 25, 2023

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: CD-1 Text Amendment: Vancouver Community College (1111 East 7th Avenue, 1155 East Broadway and 2350 Glen Drive)

RECOMMENDATION TO REFER

THAT the rezoning application and plans, described below, be referred to Public Hearing together with the recommendations set out below and with the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve the application, subject to the conditions set out below;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary zoning by-laws, in accordance with the recommendations set out below, for consideration at the Public Hearing.

RECOMMENDATION FOR PUBLIC HEARING

A. THAT the application by Vancouver Community College, the registered owner of the lands located at:

- 1111 East 7th Avenue [*PID 015-675-157; Block 95 District Lot 264A Plans 185 and 1771*]
- 1155 East Broadway and 2350 Glen Drive [*PID 007-187-611; Block 179 District Lot 264A Plan 18415*]

to amend CD-1 (141) By-law No. 5407 to accommodate the Vancouver Community College (King Edward Campus) programming needs by permitting minor adjustments to building setback dimensions, location criteria for ground floor uses and floor area exclusions for mechanical and heating equipment spaces, be approved in principle;

FURTHER THAT that the draft amending by-law, prepared for the Public Hearing in accordance with Appendix A, be approved in principle.

- B. THAT Council approves an amendment to Day Care condition (vi) in Appendix B, “Proposed Conditions of Approval” in the rezoning report titled “CD-1 Text Amendment Vancouver Community College (King Edward Campus) 1155 East Broadway” approved on February 15, 2005, by replacing the condition with the following:

“Provide a community amenity contribution of \$595,000, plus interest thereon at the Prime Rate calculated and compounded annually from the date of enactment of the 2005 rezoning of 1155 East Broadway, and payable prior to issuance of any building permit for Phase 1 (as defined in the 2005 rezoning report), to be allocated toward new or upgraded childcare spaces in the City.”

and instructs the Director of Legal Services to make the appropriate amendments to or replacements of legal agreements to give effect to this amendment.

- C. THAT Recommendation A to B 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; 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 (141) By-law to accommodate the Vancouver Community College (King Edward Campus) programming needs by permitting minor adjustments to building setback dimensions, location criteria for ground floor uses and floor area exclusions for mechanical and heating equipment spaces. Further, the report recommends an amendment to a CAC condition related to a Day Care endowment contribution from the 2005 Council approved rezoning, to bring it into alignment with current Provincial guidelines and the City’s *Community Amenity Contributions Policy for Rezoning*s (“CAC Policy”).

Staff did not consult with the public as the changes to the Bylaw are minor, and if the recommendations are approved, individual building designs will proceed through the development permit process where the form of development will be reviewed by staff and the local community at that time.

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.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

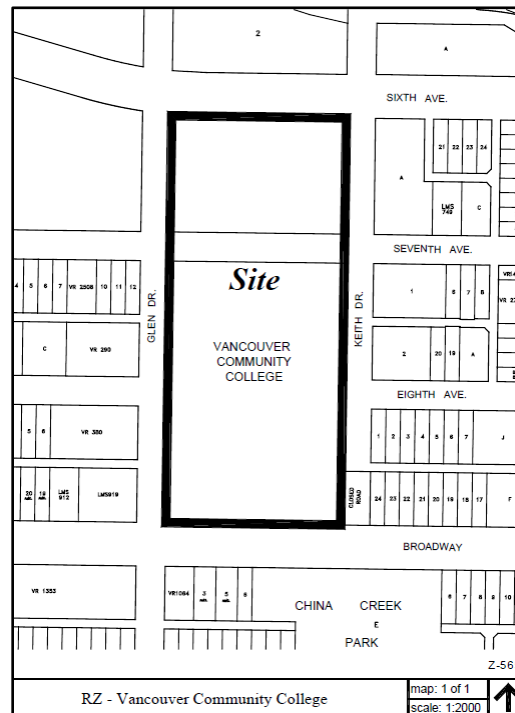
- CD-1 (141) By-Law (1980, amended 2005)
- Rezoning report titled “CD-1 Text Amendment Vancouver Community College (King Edward Campus) 1155 East Broadway” (approved on February 15, 2005)
- *Vancouver Community College King Edward Campus Policy Statement (2004)*
- *Vancouver Plan (2022)*
- *Broadway Plan (2022)*
- *Community Amenity Contributions Policy for Rezoning (1999, amended 2023)*

REPORT

Background/Context

1. Site and Context

Figure 1: Site and Surrounding Area



The subject site is a 3.1 hectare (7.8 acre) site, bounded by East Broadway to the south, Glen Drive to the west, Keith Drive to the east and East 7th Avenue to the north (see Figure 1). The surrounding blocks include residential uses to the east, west and south and industrial uses to the north of the subject site.

The property was rezoned in 1980 to CD-1 (141) By-law, to allow for construction of Vancouver Community College (King Edward Campus). In 2005 Council approved a rezoning application to

expand services and increase density to align with the Council-adopted "*Vancouver Community College King Edward Campus Policy Statement*, approved in 2004. The Policy Statement is a long range master plan to accommodate a phased expansion of the college.

2. Policy Context

Vancouver Plan (2022) – The *Vancouver Plan* was approved by Council on July 22, 2022 and is a land use strategy to guide long-term growth of the City over the next 30 years. The approved Plan will serve as a framework with further implementation planning work to follow over the next two to four years.

The site is located within the *Broadway Plan* which is generally in alignment with the *Vancouver Plan*.

Broadway Plan (2022) – The *Broadway Plan* (the "Plan"), approved by Council in June 2022, includes policy direction to consider amendments to the existing CD-1 zoning of the subject site, as well as the *Vancouver Community College King Edward Campus Policy Statement (2004)*, to help meet the college's long term institutional space needs.

The subject site is located within section 10.34 of the Plan, for "Large and Unique Site – VCC Campus (Creative District – Area G)". VCC is a vital post-secondary institution in the Plan area, offering a wide variety of academic and vocational programs. With over 15,000 students and 1,100 employees, VCC is a key contributor to Vancouver's current and future workforce. Section 10.34 of the Plan supports the long term expansion of VCC as a hub for learning and innovation including a broader range of uses to serve the student population and larger community.

Vancouver Community College King Edward Campus Policy Statement (2004) – In 2004 Council approved the "Vancouver Community College King Edward Campus Policy Statement" which acknowledged the development needs of VCC and provided policy to guide density, built form, urban design, traffic demand management, sustainability, community amenity strategy, and phasing of the development site. Goals and principles described in the Policy Statement provided the basis for review and consideration of the 2005 rezoning application and subsequent development permit applications.

Community Amenity Contributions Policy for Rezonings (1999, amended 2023) – This report amends the CAC allocation identified in the 2005 Council Report – "CD-1 Text Amendment Vancouver Community College (King Edward Campus) 1155 East Broadway" – in order to bring it into alignment with current Provincial CAC Guidelines and the City's *Community Amenity Contributions Policy for Rezonings* ("CAC Policy").

Strategic Analysis

1. Proposal

The application is seeking three minor amendments to the CD-1 (141) Bylaw and a revision to the Day Care rezoning condition (vi) within the rezoning report titled "CD-1 Text Amendment Vancouver Community College (King Edward Campus) 1155 East Broadway" (RTS 04728) approved on February 15, 2005; as follows:

Appendix A - Part 1: CD-1 Bylaw (141) - Proposed Changes:

Conditions of use (Section 3.2 and 3.3) – The application proposes to amend the location restrictions for uses on the first storey of buildings that front the north side of East 7th Avenue from 10.7 m (35 ft.) to 7.0 m (23 ft.). This reduction will enable VCC's automotive program to meet design requirements such as automobile drive aisles and turning radius into service bays. The amendment will facilitate delivery of the automotive education program and support overall education space needs.

Density (Section 4.4) – The application proposes amending floor area exclusions to include above grade space related to heating and mechanical equipment, in order to support an expansion of the automotive program and to achieve energy targets.

Setbacks (Section 6.4) – The application proposes amending the north building setback requirement to accommodate the college's design concept to support VCC programming and education space requirements.

Appendix B - Proposed Conditions of Approval: Day Care condition (vi):

The 2005 rezoning contained conditions related to the construction of a new 49 space Day Care facility to replace the existing 37 space facility that would be displaced by the redevelopment of the site. In addition, the rezoning conditions included an unallocated cash CAC contribution and a \$595,000 contribution (with interest) to a childcare endowment fund as an on-going operating subsidy for the infant/toddler spaces within the new facility. The subsidy was to ensure these spaces are affordable to VCC employees, students and residents in the surrounding area.

In 2005, the Community Amenity Contribution policy enabled contributions to operating costs. Since March 14, 2014, Provincial guidelines do not recommend cash CACs to be allocated for operating costs. The proposed amendment is to delete Day Care condition (vi), and replace it with a cash CAC requirement of \$595,000 (plus interest from the date of enactment of CD-1 (141) By-law), to be applied to capital construction costs of new or upgraded childcare spaces in the city. Staff support this change as it meets the intent of the original condition.

Public Benefits

Community Amenity Contribution (CAC) – The *CAC Policy* provides an exemption for rezonings for change of use where the proposed development includes no residential use and there is no increase in total floor area. This application is eligible for this CAC exemption.

The applicant has an outstanding 2005 rezoning obligation to pay a CAC in the form of \$595,000 (plus interest from the date of enactment of the CD-1 (141) By-law) towards a child care endowment fund. An amendment to the 2005 CAC enactment conditions will reallocate the same amount towards capital costs of new or upgraded childcare spaces citywide.

Development Cost Levies (DCLs) – The site is subject to the City-wide DCL and Utilities DCL. DCLs for the project will be payable at building permit issuance based on rates in effect at that time and the floor area proposed within each application at the development permit stage. As the proposed text amendment does not increase in the overall floor area, there would be no additional DCL associated with this rezoning.

Public Art Program – The proposed text amendment is not subject to the *Public Art Policy and Procedures for Rezoned Developments* as there is no additional floor area proposed.

FINANCIAL IMPLICATIONS

As noted in the Public Benefits section, there is no increase to the floor area for this proposal and the rezoning application will not generate any additional CACs, DCL or Public Art contributions.

Reallocation of the 2005 CAC obligation noted within the Day Care condition (vi) of \$595,000 (plus interest) towards the capital costs of new or upgraded childcare spaces citywide will meet the intent of the original condition while bringing it into alignment with current Provincial CAC Guidelines and the City's current *CAC policy*.

LEGAL IMPLICATIONS

The applicant is required to satisfy the remaining balance of the 2005 Council Report CACs. The existing legal agreements will be modified or replaced to give effect to this direction.

CONCLUSION

Staff support the proposed amendments to CD-1 (141) as they have no significant effect on the previously approved form of development while facilitating programming needs of Vancouver Community College (King Edward Campus). The amendments are subject to form of development reviews, including consideration of impacts to the public realm and rights-of-ways, at time of development permit applications.

Staff support the proposed amendment of the previous Conditions of Approval to reallocate the CAC to better align with Provincial guidelines and City of Vancouver *CAC policy*.

The General Manager of Planning, Urban Design and Sustainability recommends that the rezoning application be referred to a public hearing with a recommendation that, subject to the public hearing, the rezoning application be approved in principle.

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**Vancouver Community College (1111 East 7th Avenue, 1155 East Broadway
and 2350 Glen Drive)
Draft By-law to amend CD-1 (141) By-law No. 5407**

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. This by-law amends the indicated provisions of By-law 5407.
2. In section 3.2, Council strikes out “10.7 metres” and substitutes “7.0 m”.
3. In section 3.3, Council strikes out “10.7 metres” and substitutes “7.0 m”.
4. In section 4.4(c), Council strikes out “bicycle storage, heating and mechanical equipment, or uses which, in the opinion of the Director of Planning, are similar to the foregoing” and substitutes “or bicycle storage”.
5. In section 4.4(d), Council strikes out “neighbourhood; and” and substitutes “neighbourhood;”.
6. In section 4.4(e), Council strikes out “152 mm thickness.” and substitutes “152 mm thickness; and”.
7. Council adds a new section 4.4(f) as follows:

“(f) where floors are used for 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.”.
8. In section 6.4, Council strikes out “of any portion of a building”.

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**Vancouver Community College (1111 East 7th Avenue, 1155 East Broadway
 and 2350 Glen Drive)
 Amendments to CD-1 (141) By-law No. 5407**

Note: This document is provided for information only as a reference tool to highlight the proposed amendments to CD-1 (141) By-law No. 5407. Only affected by-law sections are included below. Should there be any discrepancy between this redline version and the draft amending by-law, the draft amending by-law prevails.

Amendments to the by-law will be prepared generally in accordance with the provisions listed below [~~bold strike out~~ – deletion, **red text** = addition].

SECTION	PROPOSED AMENDMENTS
Title of CD-1 (141) By-law	Vancouver Community College (1111-1120 East Broadway and 1155 East Broadway) By-law No. 5407
3.2	No social service centre, health care office, health enhancement centre, or school – university or college may exist within the first storey of any building that fronts the north side of 7th Avenue between Glen Drive and Keith Drive for a depth of 10.7 metres 7.0 m from the front wall of the building, except for entrances to such uses and for accessory uses to a school – university or college.
3.3	No social service centre, health care office, health enhancement centre, or school – university or college may exist within the first storey of any building that fronts the south side of 7th Avenue in Phase 1, shown in Figure 1, for a depth of 10.7 metres 7.0 m from the front wall of the building, except for entrances to such uses and for accessory uses to a school – university or college.
4.4	(c) where floors are used for off-street parking and loading, the taking on or discharging of passengers or bicycle storage, 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 maximum exclusion for a parking space must not exceed 7.3 m in length;
4.4	(d) no more than 10% of the maximum permitted floor area of child day care facilities only if, in the opinion of the Director of Planning on the advice of the Director of Social Planning, is satisfied that there is a need for a day care facility in the immediate neighbourhood; and

4.4	(e) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness; and
4.4	(f) where floors are used for 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.
6.4	In Sub-area B, the setback of any portion of a building must be: (a) no more than three m from the property boundary adjoining the west side of Keith Drive; and (b) at least four m from the property boundary adjoining the south side of Great Northern Way.

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**Vancouver Community College (1111 East 7th Avenue, 1155 East Broadway
 and 2350 Glen Drive)**
APPLICANT, PROPERTY AND DEVELOPMENT PROPOSAL INFORMATION

Property Information:

Address	Property Identifier (PID)	Legal Description
1111 East 7th Avenue	PID 015-675-157	Block 95 District Lot 264A Plans 185 and 1771
1155 East Broadway and 2350 Glen Drive	PID 007-187-611	Block 179 District Lot 264A Plan 18415

Applicant Information:

Applicant/Architect	Vancouver Community College
Property Owner	Vancouver Community College

Development Statistics:

	Permitted Under Existing Zoning	Proposed
Zoning	CD-1 (141)	Amended CD-1 (141)
Site Area	31,531 sq. m (339,397 sq. ft.)	No change
Land Use	Cultural and Recreational, Institutional, Office, Retail, Service	No change
FSR	2.82	No change
Height	Phase 1 - 15.5 m Sub-area A – 15.5 m Sub-area B – 18.2 m	No change
Parking, Loading, and Bicycle Spaces	As per Parking By-law	As per Parking By-law

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SUMMARY AND RECOMMENDATION

1. CD-1 Text Amendment: Vancouver Community College (1111 East 7th Avenue, 1155 East Broadway and 2350 Glen Drive)

Summary: To amend CD-1 (141) By-law No. 5407 to accommodate programming needs for the Vancouver Community College (King Edward Campus) by permitting minor adjustments to building setback dimensions, location criteria for ground floor uses and floor area exclusions for mechanical and heating equipment spaces.

Applicant: Vancouver Community College

Referral: This relates to the report entitled “CD-1 Text Amendment: Vancouver Community College (1111 East 7th Avenue, 1155 East Broadway and 2350 Glen Drive)”, dated July 11, 2023 (“Report”), referred to Public Hearing at the Council Meeting of July 25, 2023.

Recommended Approval: By the General Manager of Planning, Urban Design and Sustainability, subject to the following conditions as proposed for adoption by resolution of Council:

A. THAT the application by Vancouver Community College, the registered owner of the lands located at:

- 1111 East 7th Avenue [*PID 015-675-157; Block 95 District Lot 264A Plans 185 and 1771*]
- 1155 East Broadway and 2350 Glen Drive [*PID 007-187-611; Block 179 District Lot 264A Plan 18415*]

to amend CD-1 (141) By-law No. 5407 to accommodate the Vancouver Community College (King Edward Campus) programming needs by permitting minor adjustments to building setback dimensions, location criteria for ground floor uses and floor area exclusions for mechanical and heating equipment spaces, generally as presented in the Report be approved in principle;

FURTHER THAT that the draft amending by-law, prepared for the Public Hearing in accordance with Appendix A of the Report, be approved in principle.

B. THAT Council approves an amendment to Day Care condition (vi) in Appendix B of the Report, “Proposed Conditions of Approval” in the rezoning report titled “CD-1 Text Amendment Vancouver Community College (King Edward Campus) 1155 East Broadway” approved on February 15, 2005, by replacing the condition with the following:

“Provide a community amenity contribution of \$595,000, plus interest thereon at the Prime Rate calculated and compounded annually from the date of enactment of the 2005 rezoning of 1155 East Broadway, and payable prior to issuance of

any building permit for Phase 1 (as defined in the 2005 rezoning report), to be allocated toward new or upgraded childcare spaces in the City.”

and instructs the Director of Legal Services to make the appropriate amendments to or replacements of legal agreements to give effect to this amendment.

- C. THAT Recommendation A to B 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; 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.

[CD-1 Text Amendment: Vancouver Community College (1111 East 7th Avenue, 1155 East Broadway and 2350 Glen Drive)]