



CITY OF VANCOUVER

P6

POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: July 4, 2008
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VanRIMS No.: 08-2000-20
Meeting Date: July 22, 2008

TO: Vancouver City Council

FROM: Director of Planning in Consultation with The General Manager Business Planning and Service

SUBJECT: East Fraser Lands - CD-1 Rezoning

RECOMMENDATION

A. THAT the Director of Planning apply to rezone:

(a) certain lands described as:

- (i) 3450 to 3512 East Kent North,
- (ii) 3151 to 3680 Marine Way,
- (iii) 3505 to 3515 Preston Avenue, and
- (iv) 3699 Marine Way (see legal descriptions contained in Appendix C),

from their current industrial or comprehensive development zoning to a CD-1 comprehensive development zone that will permit multiple dwellings, public schools, and day care facilities, and

(b) certain lands described as PID: 007-051-883 Lot 119 District Lot 331 Plan 18928 and PID: 013-594-648 Lot 34 and PID 013-594-681 Lot 35, both of Blocks 9, 10 and 16 to 19, District Lots 330 & 331, Plan 2593 from its current industrial zoning to a CD-1 comprehensive development zone that will permit multiple dwellings and retail, service, manufacturing, institutional, and cultural and recreational uses.

AND THAT these applications be referred to Public Hearing, together with:

- (a) draft CD-1 By-laws, generally in accordance with Parts 1 and 2 of Appendix A; and
- (b) the recommendation of the Director of Planning to approve, subject to conditions contained in Appendix B.

FURTHER THAT the Director of Legal Services be instructed to prepare necessary CD-1 By-laws, generally in accordance with Parts 1 and 2 of Appendix A, for consideration at Public Hearing.

B. THAT Recommendation A 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.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS Approval.

COUNCIL POLICY

Relevant Council Policies for this site include:

- Victoria Fraserview Killarney Neighbourhood Vision.
- East Fraser Lands Policy Statement.
- East Fraser Lands Official Development Plan.

PURPOSE AND SUMMARY

This report recommends that the Director of Planning apply to replace M-2 and M-1B industrial and CD-1 zoning which is inconsistent with the East Fraser Lands Official Development Plan (the "ODP") with CD-1 (Comprehensive Development) Districts which reflect ODP uses and densities as a transitional step toward individual CD-1 rezonings on a phased basis as development of the site proceeds.

BACKGROUND

Much of East Fraser Lands is vacant, except for the rail corridor and industrial and storage uses which occupy various small parcels. The current zoning for most of the land is industrial.

The ODP enacted by Council in 2006 includes multiple dwellings and mixed use development including retail, office, institutional, and cultural and recreational uses with community amenities to support 13,000 people.

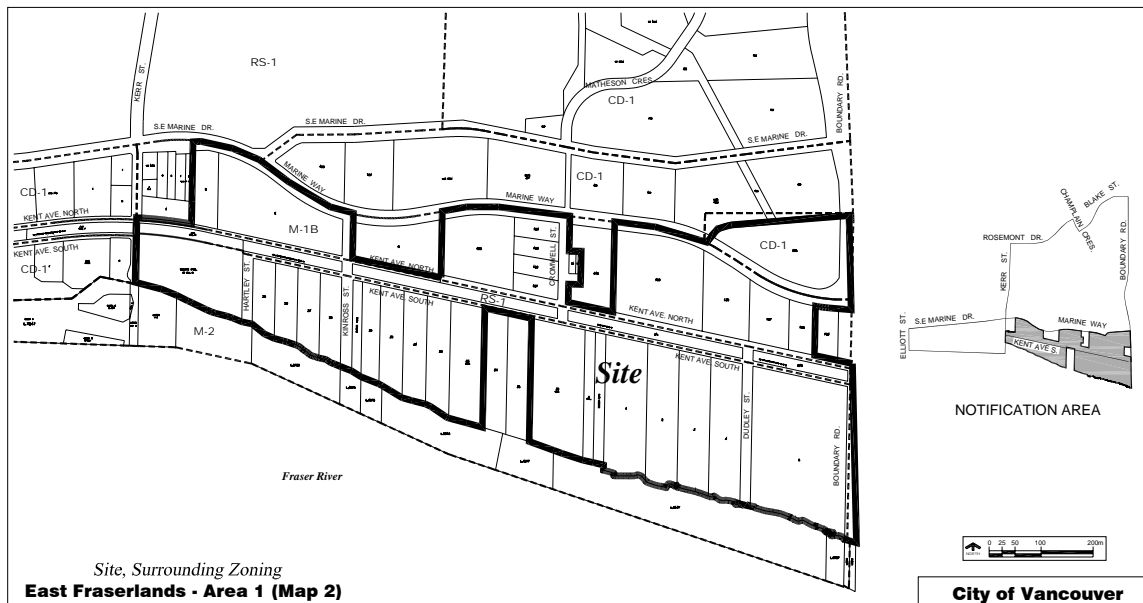
DISCUSSION

The ODP establishes long term zoning objectives for East Fraser Lands. Realization of those objectives is to occur by way of phased CD-1 rezonings of specific precincts over many years.

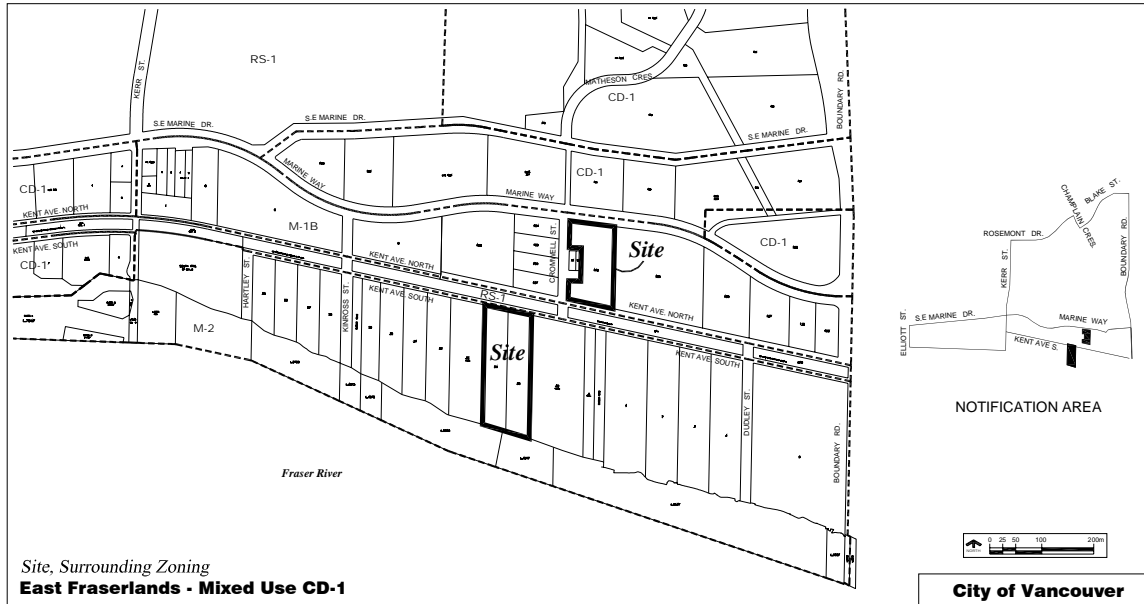
In order to achieve consistency with the ODP, staff proposes to replace the current industrial and other zoning with CD-1 by-laws containing basic uses and densities that reflect those approved in the ODP. These rezonings will be subject to the owner of the lands granting to the city a “no development” covenant until such time as Council enacts detailed rezonings.

The rezoning recommended at this step in the process would consolidate:

- (a) most of the site, except for the areas mentioned in (b) and a few active business areas, in a CD-1 containing only residential uses and limited institutional uses to reflect the ODP commitment to public schools and daycare services (Map 1); and
- (b) all mixed use development on two parcels within the geographic area destined under the ODP to become the high street commercial area in Phase I (Map 2).



Map 1



Map 2

A few areas of the site contain active industrial uses, including a card-lock station and storage facility, which staff expect to continue for the foreseeable future. These areas do not conflict with the initial phases of the proposed development of the site, and, accordingly, staff does not think it necessary to rezone those sites.

FINANCIAL IMPLICATIONS

It is expected that the proposed rezonings will result in property tax reclassifications for most or all of the properties within the rezoned areas, and that these reclassifications will result in property owners paying lower property taxes than they would without the rezonings. Staff views these reductions as reasonable, as the reclassifications will be consistent with allowable uses under the ODP (e.g., industrial uses are no longer permissible).

CONCLUSION

Staff conclude that rezoning the majority of the site, on a transitional basis, to CD-1 zones that are consistent with the ODP in terms of uses and densities, and coupling such rezonings with a “no development” covenant pending individual CD-1 rezonings for specific precincts is a logical step in the planning process for East Fraser Lands.

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PART 1

DRAFT CD-1 BY-LAW PROVISIONS
Draft Non-High Street CD-1
(Legal Descriptions As Listed in Appendix C)

East Fraser Lands
Non-High Street

Draft for public hearing

BY-LAW NO. _____

A By-law to amend
Zoning and Development By-law No. 3575
and CD-1 By-law No. _____ to rezone an area to CD-1

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

Zoning District Plan amendment

1. This By-law amends the Zoning District Plan attached as Schedule D to By-law No. 3575, and Schedule A to By-law No. _____, and amends or substitutes the boundaries and districts shown on them, 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.

Uses

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

2.2 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) Dwelling Uses, limited to Multiple Dwelling;
- (b) Institutional Uses, limited to Child Day Care Facility and School - Elementary or Secondary;
- (c) Accessory Use customarily ancillary to any use permitted by this section 2.2; and

- (d) Interim Parking Use, limited to Parking Area, but only on PID: 025-551-361, Parcel 1, District Lots 330 and 331, Group 1 New Westminster District, Plan BCP3000, and PID 025-551-370 Parcel 2, PID 025-551-388 Parcel 3, PID 025-551-396 Parcel 4, and PID 025-551-400 Parcel 5, all of: District Lot 331, Group 1 New Westminster District, Plan BCP3000, and only subject to a development permit that has a time limit of six months.

Density

3. The floor space for multiple dwelling use must not exceed 396 200 m².

Force and Effect

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

ENACTED by Council this _____ day of _____, 2008

Mayor

City Clerk

PART 2

DRAFT CD-1 BY-LAW PROVISIONS
EFL High Street
Lot 119 District Lot 331 Plan 18928
Lots 34 and 35 Blocks 9, 10 & 16 to 19 DL 330 & 331, Plan 2593

East Fraser Lands
High Street

Draft for public hearing

BY-LAW NO. _____

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to rezone an area to CD-1

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Uses

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

2.2 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;
- (b) Dwelling Uses, limited to Multiple Dwelling;
- (c) Institutional Uses;
- (d) Retail Uses;
- (e) Service Uses; and

(f) Accessory Use customarily ancillary to any use permitted by this section 2.2.

Density

- 3.1 The floor area for multiple dwelling use must not exceed 233 800 m².
- 3.2 The floor area for retail use must not exceed 23 350 m².
- 3.3 The floor area for all service uses, institutional uses, and cultural and recreational uses, combined must not exceed 24 900 m².

Force and Effect

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

ENACTED by Council this day of , 2008

Mayor

City Clerk

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EAST FRASER LANDS
PROPOSED CONDITION OF APPROVAL

Note: This draft condition is subject to change and refinement by staff prior to the finalization of the agenda for the Public Hearing to the satisfaction of the Director of Legal Services.

AGREEMENT

THAT, prior to enactment of the CD-1 By-laws, the registered owner shall, at no cost to the City, and on terms and conditions satisfactory to the Director of Legal Services and Director of Planning:

- (a) grant to the City a personal covenant and a covenant under section 219 of the Land Title Act of British Columbia prohibiting any development on either site except to the extent that the City subsequently rezones any portion of a site by way of a further CD-1 rezoning; and
- (b) register the covenant in the Vancouver/New Westminister Land Title Office, with priority over such other liens, charges, and encumbrances affecting the subject sites as the Director of Legal Services considers advisable.

* * * * *

Legal Descriptions

Address	PID	Lot	Plan	D.L.	Block	Zone
3151 E. Kent Ave North	011-301-155	LOT B, EXCEPT PART IN REFERENCE PLAN 10523, NOW ROAD	4846	330 & 331	8	M-1B
3250 Marine Way	007-236-417	C	17987	330		M-1B
3680 Marine Way	007-037-422	138	19319	331		M-1B
3650 Marine Way	007-037-414	137	19319	331		M-1B
3620 Marine Way	007-037-406	136	19319	331		M-1B
3520 Marine Way	007-051-891	120	18928	331		M-1B
3515 Preston Ave	016-047-338	23	4118	330 & 331	24 to 29	M-1B
3505 Preston Ave	016-047-346	24	4118	330 & 331	24 to 29	M-1B
3350 Marine Way	007-044-372	124	19091	331	16 to 19	M-1B
3350 Marine Way	007-044-381	125	19091	331	16 to 19	M-1B
3350 Marine Way	007-044-399	126	19091	331	16 to 19	M-1B
3350 Marine Way	007-044-402	127	19091	331	16 to 19	M-1B
3350 Marine Way	007-044-411	128	19091	330 & 331	16 to 19	M-1B
3699 Marine Way	007-068-352	135	19131	331	24 to 29	CD-1 (140)
3450 E. Kent Ave South	014-870-380	THAT PART OF BLOCK 8 LYING SOUTH OF RIGHT OF WAY SHOWN ON EXPLANATORY PLAN 5938	455	330		M-2
3450 E. Kent Ave South	013-594-168	25	2593	330 & 331	9,10 and 16 to 19	M-2
3450 E. Kent Ave South	013-594-184	26	2593	330 & 331	9,10 and 16 to 19	M-2
3450 E. Kent Ave South	013-594-192	27	2593	330 & 331	9,10 and 16 to 19	M-2

Address	PID	Lot	Plan	D.L.	Block	Zone
3450 E. Kent Ave South	013-594-214	28	2593	330 & 331	9,10 and 16 to 19	M-2
3450 E. Kent Ave South	013-594-770	The closed Portion of Kinross St. shown on explanatory plan 3111	2593	330 & 331	9,10 and 16 to 19	M-2
3450 E. Kent Ave South	013-594-265	Lot 29 except the west 66 ft. now road	2593	330 & 331	9,10 and 16 to 19	M-2
3450 E. Kent Ave South	013-594-303	30	2593	330 & 331	9,10 and 16 to 19	M-2
3450 E. Kent Ave South	013-594-338	31	2593	330 & 331	9,10 and 16 to 19	M-2
3450 E. Kent Ave South	013-594-346	32	2593	330 & 331	9,10 and 16 to 19	M-2
3450 E. Kent Ave South	013-594-419	Amended lot 33 (see 53754K)	2593	330 & 331	9,10 and 16 to 19	M-2
3450 E. Kent Ave South	013-594-711	Amended lot 36 (see 55949L)	2593	330 & 331	9,10 and 16 to 19	M-2
3450 E. Kent Ave South	014-602-971	Lot A (ref. plan 3234)	1477	330 & 331	24 to 29	M-2
3450 E. Kent Ave South	016-205-278	That part of lot 62 in Reference plan 2733, except part in reference plan 3234	1477	331	24 to 29	M-2
3450 E. Kent Ave South	025-551-361	Parcel 1	BCP3000	330 & 331		M-2
3512 E. Kent Ave South	025-551-370	Parcel 2	BCP3000	331		M-2
3512 E. Kent Ave South	025-551-388	Parcel 3	BCP3000	331		M-2
3512 E. Kent Ave South	025-551-396	Parcel 4	BCP3000	331		M-2
3650 E. Kent Ave South	025-551-400	Parcel 5	BCP3000	331		M-2

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