



**POLICY REPORT
DEVELOPMENT AND BUILDING**

Report Date: October 31, 2017
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Meeting Date: November 14, 2017

TO: Vancouver City Council
FROM: General Manager of Planning, Urban Design and Sustainability
SUBJECT: Miscellaneous Amendments to the Zoning and Development By-law and Various CD-1 By-laws

RECOMMENDATION

THAT the General Manager of Planning, Urban Design and Sustainability be instructed to make application to:

- (i) amend CD-1 (674) By-law No. 11894 for 3205-3221 West 41st Avenue and 5590 Balaclava Street for a minor text amendment, generally as presented in Appendix A; and
- (ii) amend CD-1 (642) By-law No. 11658 for 2133 Nanton Street (formerly known as 4255 Arbutus Street) for a minor text amendment, generally as presented in Appendix B;
- (iii) amend CD-1 (158) By-law No. 5705 for 2657-2693 West 10th Avenue and 2676-2696 West Broadway for a minor text amendment, generally as presented in Appendix C;
- (iv) amend Section 4.7.8 of the C-3A District Schedule and the C-5, C-5A and C-6 District Schedule to correct minor section numbering errors in recent by-law amendments regarding heritage conservation amenity shares, generally as presented in Appendix D;

and that the application be referred to a public hearing.

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-laws generally in accordance with Appendices A, B, C and D for consideration at public hearing.

REPORT SUMMARY

This report recommends miscellaneous minor text amendments to CD-1 (674) By-law for 3205-3221 West 41st Avenue and 5590 Balaclava Street, to CD-1 (642) By-law for 2133 Nanton Street (formerly known as 4255 Arbutus Street) and to CD-1 (158) By-law for 2657-2693 West 10th Avenue and 2676-2696 West Broadway. The amendments would achieve the intent of the initial rezoning approvals, and correct inadvertent errors.

The report also recommends amending the C-3A and C-5, C-5A and C-6 District Schedules to correct minor section numbering errors in recent by-law amendments regarding heritage conservation amenity shares.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- CD-1 (674) By-law No. 11894 for 3205-3221 West 41st Avenue and 5590 Balaclava Street, enacted September 19, 2017.
- CD-1 (642) By-law No. 11658 for 2133 Nanton Street (formerly known as 4255 Arbutus Street), enacted November 1, 2016 and amended March 7, 2017.
- CD-1 (158) By-law No. 5705 for 2657-2693 West 10th Avenue and 2676-2696 West Broadway, enacted November September 20, 1983 and last amended July 9, 2013.

REPORT

Background/Context

From time to time, Council considers miscellaneous text amendments to provide greater clarity in by-laws, to correct typographical or inadvertent errors, and to provide clear direction for the public and staff in the interpretation of by-laws. Proposed amendments that are substantive in nature are not included in these packages, but are reported separately.

Strategic Analysis

This report presents miscellaneous text amendments to three CD-1 Districts. Detailed information on each change is included in the Appendices.

1. CD-1 (674) By-law for 3205-3221 West 41st Avenue and 5590 Balaclava Street

At the time of the rezoning application there was an error in the survey plans for the church site, which omitted some of the church's existing floor area on the second level, resulting in an incorrect maximum floor area in the CD-1 By-law for sub-area 1. A text amendment to the by-law is required. The correction will allow the church's existing floor area to comply with the by-law and will not result in more floor area than was approved at the public hearing on November 3, 2009.

Additionally, the by-law incorrectly states in Section 8 (d) that at least 0.20 shared vehicle parking spaces are to be provided per dwelling unit (for a total of 13 shared vehicle parking spaces for the 66 units). The Policy Report dated September 22, 2009, entitled "CD-1 rezoning/ Heritage Revitalization Agreement/Heritage Designation: 3205-3221 West 41st Avenue and 5590 Balaclava Street" referenced 0.02 in the draft by-law provisions and in the conditions of enactment. As per comments received from Engineering Services, dated August 26, 2009, 0.02 shared vehicle parking spaces were indeed requested. This change requires a text amendment to bring the shared vehicle parking space requirement into alignment with what was actually intended at the time of the 2009 public hearing.

2. *CD-1 (642) By-law for 2133 Nanton Street (formerly known as 4255 Arbutus Street)*

The proposed text amendment to CD-1 (642) is to amend Section 4.2 to add Financial Institution to the uses that can be permitted within the retail frontage of Block B of the CD-1 By-law. The use was inadvertently omitted from the by-law considered at public hearing on July 12, 2011. The inclusion of the use is consistent with the intention of the original application to permit mixed-use development.

3. *CD-1 (158) By-law for 2657-2693 West 10th Avenue and 2676-2696 West Broadway*

In the previous version of CD-1 (158) (the version amended up to March 14, 2000), Section 3.1.(d) permitted "any other use which the Director of Planning considers similar to the foregoing with regard to uses which may be permitted in adjacent commercial uses". Using that clause, a Fitness Centre was approved in January 2013 under Development Permit No. DE416291. When the latest amendment to the CD-1 By-law was approved on July 9, 2013, this clause was removed, thereby creating an existing, non-conforming use on the site. Since a Fitness Centre was a legally established use in the building at the time of the 2013 amendment, it should have been included as a permitted use in that amendment.

4. *Section 4.7.8 in C-3A District Schedule and C-5, C-5A and C-6 District Schedule*

It has come to the attention of staff that, in the recent amendments to the Zoning & Development By-law regarding heritage conservation amenity shares, there were several incorrect references to section "4.7.9", which should have been to section "4.7.8". Although there is no substantive change to the content of the by-law, a housekeeping amendment is required to correct these numbering errors.

Implications/Related Issues/Risk

Financial

The amendments put forward above did not result in any increase in density and floor space, as such there are no additional Community Amenity Contributions, Development Cost Levies or public art contributions associated with the proposed text amendments.

CONCLUSION

This report proposes miscellaneous text amendments that, if approved, will achieve the intent of the initial rezonings and correct inadvertent errors. The report also proposes a housekeeping amendment to correct minor section numbering errors in recent by-law amendments regarding heritage conservation amenity shares. To this end, it is recommended that the General Manager of Planning, Urban Design and Sustainability be instructed to make application to amend CD-1 (674) By-law No. 11894 for 3205-3221 West 41st Avenue and 5590 Balaclava Street, CD-1 (642) By-law No. 11658 for 2133 Nanton Street (formerly known as 4255 Arbutus Street)), CD-1 (158) By-law No. 5705 for 2657-2693 West 10th Avenue and 2676-2696 West Broadway and Section 4.7.8 of the C-3A and C-5, C-5A and C-6 District Schedules, and that this application be referred to a public hearing and, subject to the public hearing, it be approved.

PROPOSED AMENDMENT TO
CD-1 (674) BY-LAW NO. 11894
3205-3221 WEST 41ST AVENUE AND 5590 BALACLAVA STREET

Note: A 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 11894.
2. In Section 4.2, Council strikes out "1 087.0 m²" and substitutes "1,226.0 m²".
3. In Section 8 (e), Council strikes out "0.2 shared vehicle parking space" and substitutes "0.02 shared vehicle parking space".
4. 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.
5. This By-law is to come into force and take effect on the date of its enactment.

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PROPOSED AMENDMENT TO
CD-1 (642) BY-LAW NO. 11658
2133 NANTON STREET (FORMERLY KNOWN AS 4255 ARBUTUS STREET)

Note: A 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 11658.
2. In Section 4.2, Council strikes out "an insurance office," and substitutes "a financial institution, insurance office,".
3. 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.
4. This By-law is to come into force and take effect on the date of its enactment.

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PROPOSED AMENDMENT TO
CD-1 (158) BY-LAW NO. 5705
2657-2693 WEST 10TH AVENUE AND 2676-2696 WEST BROADWAY

Note: A 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 5705.
2. In Section 3.2, Council includes "Cultural and Recreational Uses, limited to Fitness Centre," as a permitted use.
3. Council strikes out section 4.1 and substitutes:
 - "4.1 All cultural and recreational, institutional, office, retail and service uses must only be carried on in the Northerly Portion of CD-1(158)."
4. 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.
5. This By-law is to come into force and take effect on the date of its enactment.

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**Proposed By-law to amend the
C3-A and C-5, C-5A and C-6 Districts Schedules
Regarding Heritage Conservation Amenity Shares and Housekeeping**

Note: A 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 the Zoning and Development By-law No. 3575.
2. In the C-3A District Schedule, in subsection 4.7.8, at the end of the first paragraph, Council strikes out "." and adds ", except that this provision shall not apply to a development where there has been an increase in floor space ratio pursuant to section 4.7.1(b)."
3. In the C-5, C-5A and C-6 Districts Schedule, in subsection 4.7.8, at the end of the first paragraph, Council strikes out "." and adds "or a development where there has been an increase in floor space ratio pursuant to section 4.7.1.1(b)."
4. 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.
5. This By-law is to come into force and take effect on the date of its enactment.

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