



## CITY OF VANCOUVER

### POLICY REPORT DEVELOPMENT AND BUILDING

Report Date: January 5, 2010  
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Meeting Date: January 19, 2010

TO: Vancouver City Council

FROM: Director of Planning

SUBJECT: Miscellaneous Text Amendments: Zoning and Development By-law, CD-1 By-law #448, Burrard Slopes IC Districts Interim Rezoning Policies and Guidelines, Protection of Trees By-law, and Shaughnessy Hospital and Surrounding RS-1 Rezoning Policies

#### RECOMMENDATION

- A. THAT the Director of Planning be instructed to make applications to amend the Zoning and Development By-law and Comprehensive Development (CD-1) #448 By-law No. 9193 for Celtic Avenue, for miscellaneous text amendments generally as presented in Appendix A, and that the applications 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 Appendix A, for consideration at the Public Hearing.

- B. THAT miscellaneous text amendments to the Burrard Slopes IC Districts Interim Rezoning Policies and Guidelines, the Protection of Trees By-law, and the Shaughnessy Hospital and Surrounding RS-1 Rezoning Policies be approved, generally in accordance with Appendix B;

FURTHER THAT the Director of Legal Services be instructed to bring forward the necessary by-laws, generally in accordance with Appendix B, for enactment.

## **GENERAL MANAGER'S COMMENTS**

The General Manager of Community Services RECOMMENDS approval of the foregoing.

## **COUNCIL POLICY**

There is no applicable Council Policy.

## **PURPOSE AND SUMMARY**

This report recommends a number of miscellaneous text amendments to the Zoning and Development By-law, CD-1 #448 (By-law No. 9193) for 2950 Celtic Avenue, the Burrard Slopes IC Districts Interim Rezoning Policies and Guidelines, the Protection of Trees By-law, and the Shaughnessy Hospital and Surrounding RS-1 Rezoning Policies. The amendments achieve the intent of earlier rezonings and correct inadvertent errors.

## **DISCUSSION**

From time to time, Council has approved packages of miscellaneous text amendments intended to fix typographical or inadvertent errors, and to provide clarity for the public and staff in the interpretation of by-laws and guidelines. Proposed amendments that are substantive in nature are not included in these packages, but are reported separately. The last package of miscellaneous text amendments was enacted by Council in June 2009.

The following is an explanation and description of the proposed amendments that require a Public Hearing. The draft by-law wording for each is contained in Appendix A.

### **Zoning and Development By-law – Section 2 Definitions**

- On March 3, 2009, Council enacted a by-law to amend the definition of “Fitness Centre” and to make consequential changes to the Zoning and Development By-law. Staff has since determined that it would be necessary to remove references to “Personal Training Centre” in the definitions for “Beauty and Wellness Centre” and “Health Enhancement Centre” to reflect the amendments to the definition for “Fitness Centre” and to achieve consistency in the Zoning and Development By-law.

### **CD-1 #448 (By-law No. 9193) for 2950 Celtic Avenue**

- On June 16, 2009, Council enacted a by-law to amend the CD-1 By-law for this site. The floor space exclusion inadvertently omitted exclusions to areas of floor existing, proposed, or as may be extended over open-to-below space located directly below space located directly below sloping roof rafters or sloped ceilings. The proposed amendment would be consistent with the approved Celtic Avenue CD-1 (no. 448) Design Guidelines and achieve the intent of the earlier Council decision.

The following is an explanation and description of the proposed amendments that can be approved without a Public Hearing. The draft by-law wording for each is contained in Appendix B.

#### **Burrard Slopes IC Districts Interim Rezoning Policies and Guidelines**

- On March 3, 2009, Council enacted a by-law to amend the definition of “Fitness Centre” and to make consequential changes to the Zoning and Development By-law. Staff has since determined that it would be necessary to amend the reference to “Fitness Centre” use in the Burrard Slopes IC Districts Interim Rezoning Policies and Guidelines to reflect the recent change to the IC-1/2 District Schedule that conditionally allows “Fitness Centre” use. The proposed amendment would remove “Fitness Centre” use from “Compatible” in the “Not Permitted in IC-1/2” column and would insert “Compatible” in the “Conditional” column. This amendment would achieve the intent of the earlier Council decision.

#### **Protection of Trees By-law (By-law No. 9958)**

- On December 1, 2009, Council enacted the Protection of Trees By-law to provide for the retention, replacement and maintenance of trees on private property. It has since been determined that the new by-law is inconsistent with the Zoning and Development By-law. This amendment would bring the Protection of Trees By-law into conformity with the Zoning and Development By-law and would maintain the status of absolute liability offence.

#### **Shaughnessy Hospital and Surrounding RS-1 Rezoning Policies**

- On February 20, and May 15, 1979, Council adopted the Shaughnessy Hospital and Surrounding RS-1 Rezoning Policies. These Policies were reaffirmed by Council on March 9, 1982 and on April 17, 1984. In the Policies, Council approved recommendations dealing with rezoning pressures in the RS-1 single family housing area surrounding Shaughnessy Hospital. (The British Columbia Women’s Hospital and the British Columbia Children’s Hospital occupy the Shaughnessy Hospital site today). The intent of the Shaughnessy Hospital and Surrounding RS-1 Rezoning Policies was to protect the single family residential area surrounding the hospital from institutional expansion associated with the hospital and its uses. Subsequent to this policy being adopted, there have been two Community Visions in the vicinity of the hospital precinct prepared for Riley Park/South Cambie (RPSC) on the east side of Oak Street, and for Arbutus Ridge/Kerrisdale/Shaugnessy (ARKS) on the west side of Oak Street. These two Community Visions, adopted by Council on November 1, 2005, identify areas “on or near arterial roads” as future locations for new housing types, including Oak Street and 33rd Avenue. (These directions are referenced in RPSC Vision Direction 16.6, and in ARKS Vision Direction 16.4.). Public consultation would be undertaken prior to City Council consideration of rezoning for what is permitted in the surrounding single family neighbourhoods adjacent to the hospital precinct. As the two Community Visions directions supersede the Policies, it is recommended that the Shaughnessy Hospital and Surrounding RS-1 Rezoning Policies be rescinded.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications.

## CONCLUSION

This report proposes miscellaneous amendments to achieve the intent of earlier rezonings, and to correct inadvertent errors. To this end, it is recommended that the Director of Planning be instructed to make applications to amend to Section 2 of the Zoning and Development By-law and CD-1 #448 (By-law No. 9193) for 2950 Celtic Avenue and that these applications be referred to a Public Hearing and be approved. Staff also recommend the approval of amendments to the Burrard Slopes IC Districts Interim Rezoning Policies and Guidelines, the Protection of Trees By-law, and the Shaughnessy Hospital and Surrounding RS-1 Rezoning Policies

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PROPOSED MISCELLANEOUS TEXT AMENDMENTS  
ZONING AND DEVELOPMENT BY-LAW AND CD-1 BY-LAW #448 (BY-LAW NO. 9193)

[All additions are shown in *bold italics*. Deletions are shown in ~~strikeout~~.]

**Note:** A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

ZONING AND DEVELOPMENT BY-LAW (By-law No. 3575)

1. Section 2 Definitions

Amend the definition of "Beauty and Wellness Centre" and "Health Enhancement Centre" by removing the reference to "Personal Training Centre" as follows:

Service Uses

**Beauty and Wellness Centre**, which means the use of premises to improve beauty and wellness through styling, cutting, or chemical treatment of hair and through skin and body treatments, including pedicures, manicures, facials, microdermabrasion, electrolysis, waxing, laser, hydrotherapy, anti-aging, skin rejuvenation therapy, aromatherapy, stone therapy massage, and relaxation massage, but which excludes ~~Fitness Centre and Personal Training Centre~~;

Office Uses

**Health Enhancement Centre**, which means the use of premises to enhance health through therapeutic touch techniques including shiatsu, reflexology, bio-kinesiology, hellework, polarity, reiki, rolfing, and trager but which excludes ~~Fitness Centre, Beauty and Wellness Centre, and Personal Training Centre~~;

CD-1 #448 (By-law No. 9193) for 2950 Celtic Avenue

2. Section 7 Density

Amend the 7.6(g) as follows:

7.6(g) areas of floor *existing, proposed or as may be extended* over open-to-below space located directly below space located directly below sloping roof rafters or a sloped ceiling where the ceiling is directly attached to the underside of sloping roof rafters, and where the roof joists have a minimum 7:12 pitch and the related ceiling maintains the same pitch as the roof joists, provided that the Director of Planning first approves the roof design, and that:

- (i) the distance from the floor to any part of the ceiling is no higher than 2.3 m and no lower than 1.2 m, both measured vertically;
- (ii) the excluded floor area does not exceed 10 percent of the permitted floor area; and
- (iii) The excluded floor area does not exceed 10% of the permitted floor area.

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PROPOSED MISCELLANEOUS TEXT AMENDMENTS  
BURRARD SLOPES IC DISTRICTS INTERIM REZONING POLICIES AND GUIDELINES, PROTECTION  
OF TREES BY-LAW, AND SHAUGHNESSY HOSPITAL AND SURROUNDING RS-1 REZONING  
POLICIES

[All additions are shown in *bold italics*. Deletions are shown in ~~strikeout~~.]

BURRARD SLOPES IC DISTRICTS INTERIM REZONING POLICIES AND GUIDELINES

1. Appendix A - Residential Compatibility Matrix

Amend the Residential Compatibility Matrix for Fitness Centre use by removing the term "Compatible" from the "Not Permitted in IC-1/2" column and inserting "Compatible" to the "Conditional" column as follows:

Uses	IC -1 and IC-2 Districts Schedule		
	Outright	Conditional	Not Permitted in IC-1/2 <sup>1</sup>
<b>CULTURE AND RECREATIONAL</b>			
Fitness Centre		<i>Compatible</i>	Compatible

PROTECTION OF TREES BY-LAW (By-law No. 9958)

2. Amend Section 6.6 "Timing for planting of relocation tree or replacement tree" and 11.6 "Offence under By-law" generally as follows:

Council repeals subsections (a) and (b) of section 6.6, and substitutes:

- "(a) in the case of development of an outright use under the Zoning and Development By-law, before:
- (i) issuance of the occupancy permit in the case of a development other than a one-family dwelling, one-family dwelling with secondary suite, or two-family dwelling, or
  - (ii) occupancy of a one-family dwelling, one-family dwelling with secondary suite, or two-family dwelling;
- (b) in the case of development of a conditional use under the Zoning and Development By-law, in accordance with the approved drawings:
- (i) before issuance of the occupancy permit,
  - (ii) before occupancy of a development that does not require an occupancy permit, or

- (iv) within such other period of time as the development permit or other condition of development may specify;”.

Council repeals section 11.6, and substitutes:

“11.6 Council deems guilty of an offence against this By-law, and liable to the penalties imposed under this Section 11A, any person who:

- (a) contravenes any provision of this By-law, or does any act or thing which contravenes any provision of this By-law, or suffers or allows any other person to do any act or thing which contravenes any provision of this By-law;
- (b) neglects to do or refrains from doing anything required to be done by any provision of this By-law; or
- (c) fails to comply with an order, direction, or notice given under any provision of this By-law, or suffers or allows any other person to fail to comply with an order, direction, or notice given under any provision of this By-law.”

From Part 3 of Schedule D, under the heading “ORNAMENTAL PLUM”, Council strikes out “JAPONESE”, and substitutes “JAPANESE”.

### SHAUGHNESSY HOSPITAL AND SURROUNDING RS-1 REZONING POLICIES

- 3. Repeal Shaughnessy Hospital and Surrounding RS-1 Rezoning Policies adopted by City Council February 20, and May 15, 1979, Reaffirmed March 9, 1982 and April 17, 1984.

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