

Refers Item No.10  
Public Hearing of May 18, 2010

## MEMORANDUM

May 6, 2010

TO: Mayor Robertson and Councillors

CC: Dr. P. Ballem, City Manager  
S.A. Johnston, Deputy City Manager  
M. Coulson, City Clerk  
D. McLellan, General Manager, Community Services  
B. Toderian, Director of Planning  
M. Flanigan, Director of Real Estate Services  
F. Connell, Director of Legal Services  
P. Judd, Acting General Manager of Engineering Services

FROM: M. Naylor, Acting Assistant Director, Current Planning Division

SUBJECT: CD-1 Rezoning - 3333 Main Street

This memorandum reports to Council on the matter of a Community Amenity Contribution which had not been concluded when staff completed the policy report for this application. In addition, two minor changes to Appendix A (draft by-law) and a further addition to Appendix B are recommended.

### Part 1 - Revised Rezoning Conditions

#### *RECOMMENDATION*

THAT the conditions of zoning by-law enactment, as presented in Appendix B of the Policy Report "CD-1 Rezoning - 3333 Main Street" dated April 8, 2010, be amended to add the following conditions:

#### "Community Amenity Contribution

- (c)(v) make arrangements to the satisfaction of the Director of Planning and the Director of Legal Services, to secure the payment of \$450,000 as a Community Amenity Contribution (CAC) to be allocated toward the design and development of an enlarged open space at the corner of Main Street and 18th Avenue, except that:

1. given that the slip-lane makes up part of the open space, the actual cost of the street works incurred by the developer to remove the slip-lane are to be deducted from the CAC; and
2. the balance is to be allocated toward the design and development of the open space by the City."

#### **"Soils**

- (c)(vi) do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion; and
- (c)(vii) if a Certificate of Compliance is required by the Ministry of Environment as a result of a completed site profile, execute a Section 219 Covenant, as required by the Manager of Environmental Protection and the Director of Legal Services in their discretion, that there be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning, until a Certificate of Compliance has been provided to the City by the Ministry of Environment."

#### ***DISCUSSION***

With regard to the Community Amenity Contribution (CAC) and as noted in the Policy Report, staff recommend that the CAC derived from this project be directed to the upgrading of the small green space adjacent to the development site. The applicant has offered a CAC of \$450,000. Because the proposal entails expanding the size of the existing green space by eliminating the slip-lane adjacent to the site, and because the street works involved in closing and removing the slip-lane are works that can be undertaken by the developer, staff recommend that the actual cost of those works incurred by the developer be deducted from the overall CAC amount. The balance of the funds would be paid to the City to complete the open space.

Engineering Services staff have estimated the cost for removal of the slip-lane at \$241,500, although it is anticipated that the developer can do the works more economically. Based on the staff estimate, \$208,500 would be available for the upgrade of the open space.

With regard to the two Soils conditions, these were overlooked in preparation of the staff report.

#### **Part 2 - Revised By-law Provisions**

#### ***RECOMMENDATION***

THAT Appendix A of the Policy Report "CD-1 Rezoning - 3333 Main Street" be amended as follows:

- Under "Dwelling Uses", remove:

- “Principal Dwelling Unit combined with a Secondary Dwelling Unit in a Multiple Dwelling if the Development Permit Board is of the opinion that the site is suitable for residential use; and”
- Under “Density”, strike out “1.95” and substitute “1.97”.

### *DISCUSSION*

With regard to deletion of the clause under Dwelling Uses, a stand-alone “Multiple Dwelling” (with no commercial uses included) would not be permitted in the CD-1 by-law and therefore this clause relating to a Multiple Dwelling is unnecessary.

With regard to the floor area adjustment, compliance with the recommended building setbacks has resulted in a redistribution of approximately 800 sq. ft. of floor area in the building. Staff support the adjustments, on that the basis that it will have a negligible impact on the proposed form of development.

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