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POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: November 3, 2010
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Meeting Date: November 16, 2010

TO: Vancouver City Council

FROM: Director of Planning

SUBJECT: Miscellaneous Text Amendments: CD-1 By-laws #415, #489, #491 and #492 and Protection of Trees By-law

RECOMMENDATION

- A. THAT the Director of Planning be instructed to make application to amend the following CD-1 (Comprehensive Development) Districts:
- (i) CD-1 #415 (By-law No. 8587) for 651 Expo Boulevard,
 - (ii) CD-1 #489 (By-law No. 10101) for 1201-1215 Bidwell Street and 1702-1726 Davie Street,
 - (iii) CD-1 #491 (By-law No. 10127) for 1142 Granville Street, and
 - (iv) CD-1 #492 (By-law No. 10129) for 5912-5970 Oak Street,
- for miscellaneous text amendments generally as presented in Appendix A, 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 Appendix A, for consideration at the Public Hearing.
- B. THAT a miscellaneous text amendment to the Protection of Trees By-law 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 CD-1 #415 for 651 Expo Boulevard, CD-1 #489 for 1201-1215 Bidwell Street and 1702-1726 Davie Street, CD-1 #491 for 1142 Granville Street and CD-1 #492 for 5912-5970 Oak Street, as well as an amendment to the Protection of Trees By-law. The amendments achieve the intent of earlier zoning approvals 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 on October 19, 2010.

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

CD-1 #415 (By-law No. 8587) for 651 Expo Boulevard

- To amend this CD-1 By-law to remove the definition of Live-Work Use. At the time this CD-1 By-law was created, there was no definition for live-work use in the Zoning and Development By-law, so one was added to the CD-1. Since then, a definition has been added to Section 2 of the Zoning and Development By-law. That newer definition has a broader range of work uses. Rather than have two definitions, staff recommend that the older definition in the CD-1 By-law be removed. This will allow the broader definition in the Zoning and Development By-law to apply to live-work spaces in CD-1 #415.

CD-1 #489 (By-law No. 10101) for 1201-1215 Bidwell Street and 1702-1726 Davie Street

- To amend the parking section of this CD-1 By-law to correct the ratio of required shared vehicle spaces. The ratio in the by-law has an incorrect decimal space.

CD-1 #491 (By-law No. 10127) for 1142 Granville Street

- To amend Section 3.1 of this CD-1 By-law to correct the site area, as it is incorrectly noted in the by-law. The site area had been correctly cited in the body of the rezoning report, but an error occurred when converting to metric for the by-law provision.

CD-1 #492 (By-law No. 10129) for 5912-5970 Oak Street

- During the review of a development application for 5912-5970 Oak Street, staff determined that a floor area exclusion for covered porches was inadvertently omitted and does not allow for the intended form of development to be achieved. Sheltered entry ways are a desirable design feature in a temperate rain forest climate. Staff therefore propose amending this CD-1 By-law to realize the intent of the original rezoning.
- Also during the review of a development application, staff determined that an amendment to Section 5 of this CD-1 will provide more clarity with regard to the rear yard setback and achieve the intent of the previous rezoning.

Recommendation B amendment – The following is an explanation and description of the proposed amendment that can be approved without a Public Hearing, as per Recommendation B. The draft by-law wording is contained in Appendix B.

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 two references to “the Director of Planning” in the new by-law should also include reference to “the Director of Licenses and Inspections and the City Building Inspector”. The amendment contained in Appendix B corrects this omission.

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 CD-1 #415 (By-law No. 8587) for 651 Expo Boulevard, CD-1 #489 (By-law No. 10101) for 1201-1215 Bidwell Street and 1702-1726 Davie Street, CD-1 #491 (By-law No. 10127) for 1142 Granville Street and CD-1 #492 (By-law No. 10129) for 5912-5970 Oak Street and the Protection of Trees By-law, and that these applications be referred to a Public Hearing and be approved.

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PROPOSED TEXT AMENDMENTS
CD-1 BY-LAWS #415, #489, #491 AND #492

[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.

CD-1 #415 (By-law No. 8587) for 651 Expo Boulevard

1. Section 2 – Definitions

In Section 2, repeal the definition of “Live/Work Use”.

CD-1 #489 (By-law No. 10101) for 1201-1215 Bidwell Street and 1702-1726 Davie Street

2. Section 5 – Parking, loading, and bicycle spaces

Amend 5(b)(iv) as follows:

5(b)(iv) ~~0.2~~ *0.02* shared vehicle parking spaces for each dwelling unit, and, for parking calculation purposes, any number larger than or equal to 0.5 is to equal one,

CD-1 #491 (By-law No. 10127) for 1142 Granville Street

3. Section 3 – Density

Amend Section 3.1 as follows:

3.1 The floor space ratio must not exceed 5.72. For the purpose of computing floor space ratio, the site is deemed to be ~~2,741 m²~~ *835.5 m²* being the site size at time of application for rezoning prior to any dedications.

CD-1 #492 (By-law No. 10129) for 5912-5970 Oak Street

4. Section 3.5 – Floor Area and Density

Insert the following after 3.5(h):

3.5(i) Covered verandas or porches if:

- open or protected by partial walls or guard rails, the height of which must not exceed the minimum specified in the Building By-law, and
- the total area of such exclusions, when combined with the balcony and deck exclusions under subsection (a), does not exceed 13% of the permitted floor area;

5. Section 5 – Setbacks

Amend Section 5 as follows:

"5. The setbacks must be at least:

- (a) 3.66 m from the north and west property lines; ~~and~~
- (b) 4.57 m from the south ~~and east property lines.~~ *property line;*
and
- (c) *3.96 m from the east property line."*

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

[All additions are shown in *bold italics*.]

1. Amend Section 11.2 “Unlawful damage to or removal of a tree” and 11.3 “Replacement of unlawfully damaged or removed tree” generally as follows:

Unlawful damage to or removal of a tree

11.2 In addition to a fine under Section 11, a person who, in contravention of this By-law or a tree permit:

- (a) cuts or damages a tree on a site to the extent that, in the opinion of, of the Director of Planning, it is or will become a hazardous tree, it has lost its characteristic appearance, it is or will become diseased, or it is dead or will die prematurely; or
- (b) removes a tree from a site;

promptly upon receipt of an order, from the Director of Planning *or the Director of Licenses and Inspections or the City Building Inspector*, must comply with section 11.3.

Replacement of unlawfully damaged or removed tree

11.3 A person referred to in section 11.2 must:

- (a) within 14 days after receipt of an order from the Director of Planning *or the Director of Licenses and Inspections or the City Building Inspector*, under section 11.2, apply for a tree permit to replace any tree referred to in such order, and take all action necessary to obtain issuance of such tree permit; and
- (b) upon issuance of such tree permit, replace such tree.

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