

Refers Item No. 2
Public Hearing of April 21, 2011

MEMORANDUM

April 13, 2011

TO: Mayor Robertson and Councillors

COPY TO: P. Ballem, City Manager
S.A. Johnston, Deputy City Manager
M. Coulson, City Clerk
M. Welman, Director of Corporate Communications
W Stewart, Assistant Director, Corporate Communications
D. McLellan, General Manager of Community Services
B. Prosken, Deputy General Manager of Community Services
B. Toderian, Director of Planning
F. Connell, Director of Legal Services
P. Judd, General Manager of Engineering Services
M. Flanigan, Director of Real Estate Services

FROM: K. Munro, Assistant Director of Planning - Current Planning Division

SUBJECT: CD-1 Rezoning - 1030 Denman Street (Coast Plaza Hotel) - By-laws

This memorandum informs Council of a minor change which was incorporated into the draft CD-1 By-law for the above application concerning the grandfathering of hotel use on the site. It also clarifies for Council amendments to the Sign By-law and to the Noise Control By-law. The Policy Report for this item, dated February 4, 2011 and entitled "CD-1 Rezoning - 1030 Denman Street (Coast Plaza Hotel)", had incorrect or missing references for the Sign By-law and the Noise Control By-law amendments.

No action is required by Council, as the by-laws posted for this item contain the corrections and changes explained in this memorandum.

DISCUSSION

1. CD-1 By-law - limitation on the grandfathering of hotel use

A concern was raised by staff in Legal Services after the Policy Report had been finalized. "Hotel use" is included as a service use in the draft CD-1 By-law, so as to allow the existing hotel to be a conforming use under the new By-law between enactment and its anticipated conversion to rental residential use in 2017. At the advice of Legal Services,

staff recommend that the CD-1 By-law include the following provision which precludes the opportunity for residential use, once existing, to revert back to hotel use.

- *Hotel uses are permitted within CD-1 (), except that the Director of Planning or Development Permit Board must not issue a permit to change any existing use to hotel use.*

The draft CD-1 By-law, posted for this item, includes the above as a sub-section to "Uses".

2. Sign By-law amendment

Regarding the proposed amendment to the Sign By-law, Recommendation B of the Policy Report erroneously called for amendment to Schedule "C" of the Sign By-law. In fact, the amendment is to Schedule "E", as that is the schedule which regulates signage in CD-1 districts. The recommendation also referenced Appendix C to the Policy Report for the instruction to prepare the amending by-law, however Appendix C did not contain this instruction. Provided below is the correct instruction for the Sign By-law amendment.

Amend Schedule E (Comprehensive Development Areas) by adding the following:

"1030 Denman Street [CD-1 #] [By-law #] B(C-5)"

The draft By-law to amend the Sign By-law, posted for this item, has been prepared using the above instruction.

3. Noise Control By-law amendment

Regarding the proposed amendment to the Noise Control By-law, Recommendation C of the Policy Report also referenced Appendix C for the instruction to prepare the amending by-law. Likewise Appendix C did not contain this instruction. Provided below is the instruction for the Noise Control By-law amendment.

Amend Schedule B (Intermediate Zone) by adding the following:

"[CD-1 #] [By-law #] 1030 Denman Street"

Consistent with Recommendation C of the Policy Report, subject to approval of the rezoning, the Director of Legal Services will bring forward, at the time of enactment of the CD-1 By-law, an amendment to the Noise Control By-law, now as set out in the above instruction.

Kent Munro
Assistant Director of Planning
Current Planning Division

KM/ws