



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: May 28, 2013
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Meeting Date: June 11, 2013

TO: Vancouver City Council

FROM: General Manager of Planning and Development Services

SUBJECT: Miscellaneous Text Amendments to the Zoning and Development By-law and to the CD-1 By-laws for 800 Griffiths Way and 982 Howe Street

RECOMMENDATION

THAT the General Manager of Planning and Development Services be instructed to make application to:

- (i) amend the Zoning and Development By-law for a miscellaneous text amendment to the RT-11/RT-11N Districts Schedule, generally as presented in Appendix A,
- (ii) amend CD-1 (311) By-law No. 7201 for 800 Griffiths Way (Rogers Arena) for miscellaneous text amendments, generally as presented in Appendix B,
- (iii) amend CD-1 (546) By-law No. 10688 for 982 Howe Street for miscellaneous text amendments, generally as presented in Appendix C,

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 and C for consideration at the Public Hearing.

REPORT SUMMARY

This report recommends miscellaneous text amendments to the RT-11/RT-11N Districts Schedule of the Zoning and Development By-law, to the CD-1 By-law for 800 Griffiths Way and

to the CD-1 By-law for 982 Howe Street. The amendments would achieve the intent of the initial rezoning approvals, and correct inadvertent errors.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- RT-11/RT-11N Districts Schedule, enacted May 15, 2013.
- CD-1 (311) By-law No. 7201 for 800 Griffiths Way (Rogers Arena), enacted October 19, 1993 and amended up to May 15, 2013.
- CD-1 (546) By-law No. 10688 for 982 Howe Street, enacted April 23, 2013.

REPORT

Background/Context

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. Proposed amendments that are substantive in nature are not included in these packages, but are reported separately.

Strategic Analysis

Proposed amendments:

1. RT-11/RT-11N Districts Schedule of the Zoning and Development By-law

- To amend section 4.5.2 to insert the word “minimum” before “side yard”. This word was inadvertently omitted from the draft by-law prepared for the Public Hearing of April 9, 2013, at which these new zoning districts were approved in principle. The intent of this provision was that a side yard *of least* 2.4 m be provided, not *exactly* 2.4 m.

2. CD-1 (311) By-law No. 7201 for 800 Griffiths Way (Rogers Arena)

- To delete section 5.4 under the “Conditions of Use”. The CD-1 By-law currently requires that the floor area of each dwelling unit must be at least 37 m². This provision is typically used for market strata development to provide for a minimum unit size. Under the Zoning and Development By-law, the General Manager of Planning and Development Services may relax to 29.7 m² the minimum size for affordable housing units, including secured market rental units. All of the residential units proposed for 800 Griffiths Way are to be secured market rental and some of these units are planned to be less than 37 m². The minimum size provision was incorrectly inserted into the CD-1 By-law. Deletion of it from the by-law would allow for consideration of the smaller rental units proposed in the development permit application currently under review for this site.
- To amend section 6.5(e)(ii). The provision excludes unenclosed outdoor areas at grade level beneath building overhangs if the area of all exclusions does not exceed 1% of the residential floor area. With the detailed review at the development permit

stage, it was realized the form of development approved in the rezoning had up to 4% of area in building overhangs. Changing 1% to 4% would allow the project to realize the original intent.

- To include another floor space exclusion under section 6.5. In preparing the draft CD-1 By-law for the July 10, 2012 public hearing, an exclusion for portions of floor space used for heating and mechanical equipment was inadvertently omitted. As there is substantial above-grade mechanical equipment serving the existing arena, this exclusion is required in the by-law.

3. CD-1 (546) By-law No. 10688 for 982 Howe Street

- In the course of reviewing the development permit application for the office building at 982 Howe Street, it was determined that some standard clauses regarding exclusion of floor space were missing from the CD-1 By-law. This has implications for the proposed office development, as roof gardens form part of the building design. It was not intended that the project's floor space ratio would include the roof-deck areas. Staff therefore recommend that the CD-1 By-law be amended to add the missing floor area exclusion clauses. This would allow for exclusion of the roof garden floor space in calculating the project's overall floor area.

Financial Implications

There are no financial implications

CONCLUSION

This report proposes miscellaneous text amendments to achieve the intent of the initial rezonings, and to correct inadvertent errors. To this end, it is recommended that the General Manager of Planning and Development Services be instructed to make applications to amend the RT-11/RT-11N Districts Schedule of the Zoning and Development By-law and the CD-1 by-laws for 800 Griffiths Way and for 982 Howe Street, that these applications be referred to a Public Hearing, and that, subject to the Public Hearing, the applications be approved.

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PROPOSED TEXT AMENDMENT TO
THE ZONING AND DEVELOPMENT BY-LAW

RT-11 AND RT-11N DISTRICT SCHEDULE

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

- Amend Section 4.5.2 to add the word "minimum" before the words "side yard".

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PROPOSED TEXT AMENDMENT TO
CD-1 (311) BY-LAW NO. 7201
for 800 Griffiths Way (Rogers Arena)

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

- In Section 5 - Conditions of use - delete Section 5.4
- In Section 6 - Floor area and density - amend section 6.5 (e)(ii) as follows:
 - “(ii) the area of all overhang exclusions does not exceed ~~4%~~ 4% of the residential floor area.”
- Amend section 6.5 by adding the following:
 - “(h) floors or portions of floor used for heating and mechanical equipment;”

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PROPOSED TEXT AMENDMENT TO
CD-1 (546) BY-LAW NO. 10688
for 982 Howe Street

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

- Replace section 3.4 with the following:

“3.4 Computation of floor area must exclude:

- (a) patios and roof gardens only if the Director of Planning first approves the design of sunroofs and walls; and
- (b) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which are at or below base surface, except that the exclusion for a parking space must not exceed 7.3 m in length.”

- After new section 3.4 add the following two new sections:

“3.5 Computation of floor area may exclude amenity areas, at the discretion of the Director of Planning or the Development Permit Board, except that the total exclusion must not exceed the lesser of 20% of the permitted floor area or 929 m².

3.6 The use of floor area excluded under sections 3.4 or 3.5 must not include any purpose other than that which justified the exclusion.”

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