



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: December 3, 2013
Contact: Kent Munro
Contact No.: 604.873.7135
RTS No.: 10324
VanRIMS No.: 08-2000-20
Meeting Date: December 17, 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 1388 Continental Street and 4320 Slocan 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 miscellaneous text amendments to Section 11.24 (Laneway House), generally as presented in Appendix A,
- (ii) amend CD-1 (549) By-law No. 10756 for 1388 Continental Street for miscellaneous text amendments, generally as presented in Appendix B, and
- (iii) amend CD-1 (557) By-law No. 10829 for 4320 Slocan 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 Section 11.24 (Laneway House) of the Zoning and Development By-law and to the CD-1 By-laws for 1388 Continental Street and 4320 Slocan Street. The amendments would achieve the intent of the initial rezoning approvals and correct inadvertent errors.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- A By-law to amend Zoning and Development By-law No. 3575 Re: Laneway Houses, enacted July 9, 2013.
- CD-1 (549) By-law No. 10756 for 1388 Continental Street, enacted July 24, 2013.
- CD-1 (557) By-law No. 10829 for 4320 Slocan Street, enacted December 3, 2013.

REPORT

Background/Context

From time to time, Council considers miscellaneous text amendments to provide greater clarity in by-laws, to correct typographical or inadvertent errors, and to provide clear direction for the public and staff in the interpretation of by-laws. By-law amendments that are substantive in nature are not included in these packages, but are reported separately.

Analysis

This report presents three minor amendments to existing by-laws and each is summarized below.

1. Section 11.24.27 (Laneway House) of the Zoning and Development By-law

Section 11.24 of the Zoning and Development By-law provides general provisions for laneway houses. Amendments to this section were enacted July 9, 2013, however two cross-references were inadvertently omitted in section 11.24.27.

- It is proposed that section 11.24.27 be amended to add cross-references to sections 11.24.9 (a), (c) and (d) and 11.24.14 (a), (c) and (d), as shown in Appendix A. Section 11.24.27 provides the Director of Planning with the ability to relax various provisions that pertain to laneway houses. It is intended that these include the minimum distances that a laneway house can be located to property lines, as set forth in sections 11.24.9 and 11.24.14 to provide flexibility for irregular lot sizes. These sections were correctly cross-referenced in earlier versions of the by-law, but were not incorporated when amendments were brought forward in July 2013.

2. CD-1 (549) By-law No. 10756 for 1388 Continental Street

CD-1 (549) By-law was enacted July 24, 2013 to allow construction of a 10-storey mixed residential-commercial building on a site near Granville and Drake Streets.

- This proposed by-law amendment would delete section 3 (Condition of Use) from CD-1 (549) By-law. This section allows for two of the 89 dwelling units in the building to be less than 37 m² (398 sq. ft.) in floor area, provided that they are no less than 33.4 m² (360 sq. ft.). This by-law provision was based on incorrect measurements of the size of the proposed dwelling units that were provided by the applicant at the time of the rezoning application. For the sake of determining floor area for minimum dwelling unit size, the City requires that measurements be taken from the inside of the outer walls. Instead the applicant measured to the outer limits of the building. As a result, many of the proposed units are actually smaller than allowed by

section 3 of the CD-1 By-law. These small units nonetheless conform to section 10.21.2 of the Zoning and Development By-law which allows the Director of Planning to approve units as small as 29.7 m² (320 sq. ft.). Staff recommend striking section 3 from the CD-1 By-law, which would allow dwelling units in the development to be approved under section 10.21.2 of the Zoning and Development By-law at less than 33.4 m², but not less than 29.7 m². If this proposed text amendment is approved, the intent of the original rezoning would be achieved.

3. CD-1 (557) By-law No. 10829 for 4320 Slocan Street

CD-1 (557) By-law was enacted December 3, 2013 to allow construction of a four-storey mixed residential-commercial building on this site near the 29th Avenue Skytrain Station.

- This proposed by-law amendment would change section 3 (Floor Area and Density) to specify that section 3.3 (c) applies only to dwelling units. Section 3.3 (c) is a standard provision for the double-counting of residential floor area that exceeds 3.7 m (12.14 feet) in height. It is not intended to apply to the commercial spaces in the proposed development which do exceed 3.7 m in height. It was an inadvertent omission in drafting the by-law to not specify that the provision applied only to dwelling units.
- To add a provision to exclude residential amenity space from the computation of floor area. This standard provision was not included when the by-law was enacted.
- To amend the maximum building height from 13.50 m to 14.11 m (44.3 to 46.3 feet). The maximum height of the proposed four-storey building was incorrectly calculated in the rezoning application as 13.50 m. Following the Public Hearing, it was determined that the correct height is 14.11 m. The practice in determining height is to measure it to the highest building element. The proposed building is designed with two elements of equal height at each end, and the site is sloping. In this case, the height dimension should be from the lower elevation to the high point above it; instead, height was measured from the higher elevation. The difference in grade between these points of measure, and thus height, is 0.61 m (2.0 feet). There would be no change to the four-storey form of development as approved in principle by Council; the amendment simply corrects a technical matter.

Financial Implications

There are no financial implications.

CONCLUSION

This report proposes miscellaneous text amendments that, if approved, will achieve the intent of the initial rezonings. To this end, it is recommended that the General Manager of Planning and Development Services be instructed to make application to amend Section 11.24 (Laneway House) of the Zoning and Development By-law and to amend the CD-1 By-laws for 1388 Continental Street and 4320 Slocan Street, that the application be referred to a Public Hearing, and that, subject to the Public Hearing, the application be approved.

* * * * *

PROPOSED TEXT AMENDMENT TO
THE ZONING AND DEVELOPMENT BY-LAW

SECTION 11.24 LANEWAY HOUSE

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

1. This by-law amends the indicated provisions of By-law No. 3575.
2. In Section 11.24, Laneway House, strike "and 11.24.12," from section 11.24.27, and insert the following in its place:

"11.24.9 (a), (c) and (d), 11.24.12, and 11.24.14 (a), (c) and (d),".

* * * * *

PROPOSED TEXT AMENDMENT TO
CD-1 (549) BY-LAW NO. 10756
for 1388 Continental Street

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

1. This by-law amends the indicated provisions of CD-1 (549) By-law No. 10756.
2. Strike out section 3 and re-number sections 4 through 9 as sections 3 through 8 respectively.
3. Strike "4.5 or 4.6" from the re-numbered section 3.7 and insert "3.5 or 3.6" in its place.
4. Strike "6.2" from the re-numbered section 5.3 and insert "5.2" in its place.
5. Strike "6.2" from the re-numbered section 5.5 and insert "5.2" in its place.
6. Strike "6.1" from the re-numbered section 5.6 and insert "5.1" in its place.

* * * * *

PROPOSED TEXT AMENDMENT TO
CD-1 (557) BY-LAW NO. 10829
for 4320 Slocan Street

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

1. This By-law amends the indicated provisions of CD-1 (557) By-law No. 10829.
2. Strike Section 3.3 (c) and insert the following in its place:

“c) for dwelling units, where the distance from a floor to the floor above, or where there is no floor above to the top of the roof joists, exceeds 3.7 m, an amount equal to the area of the floor below the excess height.”;
3. Amend Section 3.4 by:
 - a) striking the word “and” at the end of 3.4(e);
 - b) striking the “.” at the end of 3.4(f), and inserting “; and” in its place; and
 - c) inserting after 3.4(f) the following:

“g) amenity areas, including recreation facilities and meeting rooms except that the total area excluded for amenity areas must not exceed 10% of the permitted floor space.”
4. In section 4, strike out “13.5” and insert “14.11” in its place.

* * * * *