



**POLICY REPORT  
DEVELOPMENT AND BUILDING**

Report Date: June 5, 2018  
Contact: Karen Hoesé  
Contact No.: 604.871.6403  
RTS No.: 12625  
VanRIMS No.: 08-2000-20  
Meeting Date: June 19, 2018

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: Miscellaneous Amendments - Zoning and Development By-law, Various CD-1 By-laws, and Noise Control, Parking and Sign By-laws

**RECOMMENDATION**

- A. THAT the General Manager of Planning, Urban Design and Sustainability be instructed to make an application to:
- (i) amend CD-1 ( ) By-law No. \_\_\_\_\_ for 155 East 37th Avenue (Little Mountain) for a minor text amendment to clarify the maximum permitted floor area for residential uses in Sub-area A, exclude below-grade residential storage from FSR calculations, and correct an inadvertent error on the heights of mixed-use sub-areas A and B, generally as presented in Appendix A;
  - (ii) amend CD-1 (696) By-law No. 12105 for 500-650 West 57th Avenue (Pearson Dogwood) for a minor text amendment to clarify health care office as a permitted use and simplify the table listing maximum permitted heights, generally as presented in Appendix B;
  - (iii) amend CD-1 (693) By-law No. 12034 for 809 West 23rd Avenue for a minor text amendment to include Multiple Conversion and Infill Dwelling uses, generally as presented in Appendix C;
  - (iv) repeal superseded CD-1 (21) By-law No. 4035 for 725-747 Southeast Marine Drive, CD-1 (598) By-law No. 11192 for 508 Helmcken Street, and the Amending Sign By-law No. 11193 for 508 Helmcken Street;
  - (v) amend CD-1 (679) By-law No. 11930 for 725-747 Southeast Marine Drive for a minor text amendment to add Child Day Care Facility and

Community Centre or Neighbourhood House as uses excluded from FSR calculations, generally as presented in Appendix D;

- (vi) amend CD-1 (562) By-law No. 10870 for 508 Helmcken Street to correct the CD-1 area generally as presented in Appendix E;
- (vii) amend CD-1 (659), CD-1 (672), CD-1 (677), and CD-1 (682) to include “Grocery Store with Liquor Store” use as per recent updates to all CD-1 Districts with Grocery Store with Drug Store use, general as presented in Appendix F; and
- (viii) amend the Sign By-law, Noise Control By-law, Parking By-law, to correct inadvertent CD-1 numbering errors, generally as presented in Appendices G, H and I;

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 through I for consideration at Public Hearing.

### **REPORT SUMMARY**

This report recommends miscellaneous minor text amendments to CD-1 ( ) By-law for 155 East 37th Avenue (Little Mountain), CD-1 (696) By-law for 500-650 West 57th Avenue (Pearson Dogwood), CD-1 (693) By-law for 809 West 23rd Avenue, CD-1 (679) By-law for 725-747 Southeast Marine Drive, and CD-1 (562) By-law for 508 Helmcken Street. The amendments would achieve the intent of the initial rezoning approvals and correct inadvertent errors. This report also recommends repealing superseded by-laws CD-1 (21) for 725-747 Southeast Marine Drive, CD-1 (598) for 508 Helmcken Street and the amending Sign By-law for 508 Helmcken Street.

In addition, the report recommends miscellaneous amendments to the Zoning and Development By-law, and amendments to the Noise Control By-law, Parking By-law, Sign By-law to correct CD-1 numbering errors related to CD-1 (679) for 725-747 Southeast Marine Drive and CD-1 (60) for 3595 Kingsway.

### **COUNCIL AUTHORITY/PREVIOUS DECISIONS**

- CD-1 ( ) By-law No. \_\_\_\_\_ for 155 East 37th Avenue (Little Mountain), enacted \_\_\_\_, 2018.
- CD-1 (696) By-law No. 12105 for 500-650 West 57th Avenue (Pearson Dogwood), enacted May 15, 2018.
- CD-1 (693) By-law No. 12034 for 809 West 23rd Avenue, enacted January 30, 2018.
- CD-1 (679) By-law No. 11930 for 725-747 Southeast Marine Drive, enacted October 17, 2017.
- CD-1 (598) By-law No. 11192 for 508 Helmcken Street, enacted April 16, 2015.
- CD-1 (562) By-law No. 10870 for 508 Helmcken Street, enacted March 11, 2014.
- CD-1 (60) By-law No. 11899 for 3595 Kingsway, enacted September 19, 2017.

- CD-1 (21) By-law No. 4035 for 725-747 Southeast Marine Drive, enacted January 8, 1963.
- By-law No. 12084 to amend Zoning and Development By-law No. 3575 regarding a New Retail Use - Grocery Store with Liquor Store, enacted May 1, 2018.
- Noise Control By-law No. 11913 for 3595 Kingsway, enacted October 3, 2017.
- Parking By-law No. 11914 for 3595 Kingsway, enacted October 3, 2017.
- Sign By-law No. 11915 for 3595 Kingsway, enacted October 3, 2017.

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

### **Strategic Analysis**

This report presents miscellaneous text amendments to a number of CD-1 Districts, as well as minor amendments to existing by-laws summarized below. Detailed information on each change is included in the Appendices.

#### **1. CD-1 ( ) By-law No. \_\_\_\_\_ for 155 East 37th Avenue (Little Mountain)**

CD-1 ( ) By-law No. \_\_\_\_\_, approved in principle at Public Hearing on July 19, 2016 and enacted on \_\_\_\_\_, 2018, permits development of 14 residential buildings and three mixed-use buildings near 37th Avenue and Main Street. The proposed amendments described below and generally as presented in Appendix A would achieve the intent of the original rezoning.

- To correct the provision limiting the floor area for non-residential uses in Section 5.2. This provision included a minimum for non-residential uses. At the time of the rezoning application detailed floor plans for the mixed-use buildings were not fully developed and subsequent design development to include residential amenity space, lobby space, and internal circulation resulted in a small reduction in non-residential uses. The proposed correction to Section 5.2, generally as presented in Appendix B, would amend the limit to include a maximum for residential use. This would enable the mixed-use buildings to achieve the intent of the original rezoning.
- To exclude below grade bulk residential storage space from the computation of floor area, which was inadvertently omitted when the draft by-law was created. The proposed correction would add the residential storage area exclusion to Section 5.4 (c).
- To amend the maximum permitted heights indicated in Table B of section 6.1 to account for higher non-residential ceiling heights on the ground-floor levels of mixed-use Sub-areas 2 and 3.

## **2. CD-1 (696) By-law No. 12105 for 500-650 West 57th Avenue (Pearson Dogwood)**

CD-1 (696) By-law No. 12105, approved in principle at Public Hearing on July 20, 2017 and enacted on May 15, 2018, permits development of a master planned site at 57th Avenue and Cambie Street. The proposed amendments described on the next page and generally as presented in Appendix B would achieve the intent of the original rezoning.

- To remove the Maximum Permitted Storeys column from Table B: Maximum Permitted Building Storeys and Building Height in Section 6.2. At the time of submission of the development permit application for Parcel A, it was determined that the maximum number of storeys did not consider the implications of the double-height space at the base of the buildings in terms of the overall number of storeys. This has resulted in the buildings exceeding the number of storeys by one storey.

There is no change to the numerical building height permitted under the CD-1 By-law and no change to the form of development as approved in principle by Council at Public Hearing. The proposed amendments remove the Maximum Permitted Storeys column while retaining the existing Maximum Permitted Height column and values to avoid similar issues on future applications in this district. It is also noted that the height regulation will be more consistent with the Zoning and Development By-law for areas that permit tower forms. The number of storeys will continue to be indicated in the Pearson Dogwood Design Guidelines.

- To correct the minimum floor area for health-related facilities in Section 5.3. Following approval in principle of the draft by-law at Public Hearing, and through further coordination with Vancouver Coastal Health, it was found that there was an inadvertent error regarding the uses associated with the Community Health Centre and Primary Care Facility, noting these health-related facilities may include both institutional and health care office uses. The proposed amendments would include both uses within this Section 5.3 to achieve the intent of the original rezoning.

## **3. CD-1 (693) By-law No. 12034 for 809 West 23rd Avenue**

CD-1 (693) By-law No. 12034, approved in principle at Public Hearing on June 13, 2017 and enacted on January 30, 2018, permits adaptive reuse of an existing building located at 809 West 23rd Avenue, with a one and a half storey infill development at the rear of the property. Multiple Conversion and Infill Dwelling uses were inadvertently omitted from the by-law considered at Public Hearing. The inclusion of these uses is consistent with the intention of the original application to permit adaptive reuse of the existing building and development of a new infill residential building, and this proposed amendment generally as presented in Appendix C would achieve the intent of the original rezoning.

## **4. Repeal Superseded By-laws**

- CD-1 (679) By-law No. 11930 for 725-747 Southeast Marine Drive, approved in principle at Public Hearing on October 20, 2016 and enacted on October 17, 2017, permits a mixed-use multi-building development at Southeast Marine Drive and Fraser Street. Following approval of the application in principle at Public Hearing, staff noted that the by-law to amend existing CD-1 (21) By-law No. 4035 for 725-747 Southeast Marine Drive was written as a new CD-1 by-law, which was the by-law approved by Council at Public Hearing. It was therefore enacted as new CD-1 (679) By-law No. 11930 on

October 17, 2017. In order to ensure only one CD-1 by-law is in force on the site, the superseded CD-1 (21) By-law would be repealed to achieve the intent of the original rezoning. Additional amendments described later in this Report to the Noise Control By-law and Sign By-law are required to ensure the current CD-1 (679) is indicated as the in force CD-1 by-law at this site.

- CD-1 (598) By-law No. 11192 and Sign By-law No. 11193 for 508 Helmcken Street, approved in principle at Public Hearing on April 15, 2015 and enacted on April 16, 2015, permits a mixed-use development at Helmcken Street and Richards Street. This rezoning application was submitted in response to the previously-approved CD-1 (562) By-law No. 10870 being quashed by a decision of the B.C. Supreme Court on January 27, 2015. That decision was subsequently overturned by the B.C. Court of Appeal on April 16, 2015, which resulted in two CD-1 by-laws in-force at this site. In order to ensure only one CD-1 by-law is in force on this site, the second of the two CD-1 By-laws, CD-1 (598) By-law No. 11192, would be repealed as well as the associated amending Sign By-law No. 11193. This would achieve the intent of the original rezoning.

#### **5. CD-1 (679) By-law No. 11930 for 725-747 Southeast Marine Drive**

CD-1 (679) By-law No. 11930, approved in principle at Public Hearing on October 20, 2016 and enacted on October 17, 2017, permits a mixed-use development at Knight Street and Southeast Marine Drive. The draft by-law inadvertently omitted from the Floor Space Ratio (FSR) an exclusion for Child Day Care Facility and Neighbourhood House uses. The proposed amendment generally as presented in Appendix D would correct this omission to achieve the intent of the original rezoning.

#### **6. CD-1 (562) By-law No. 10870 for 508 Helmcken Street**

CD-1 (562) By-law No. 10870, approved in principle at Public Hearing on June 27, 2013 and enacted on March 11, 2014, permits a mixed-use development at Helmcken Street and Richards Street. The site boundaries indicated in the Schedule A map of the by-law considered by Council inadvertently omitted a portion of the site. The proposed amendment generally as presented in Appendix E would correct the Schedule A map and achieve the intent of the original rezoning.

#### **7. Amendments to the Zoning and Development By-law**

Council, at Public Hearing on April 17, 2018, approved a new use under the Zoning and Development By-law to allow liquor retail in grocery stores under the Provincial store-in-store model. This new "Grocery Store with Liquor Store" use was rolled out to all CD-1 By-laws including a Grocery with Drug Store use. Four recently enacted CD-1 districts which include Grocery with Drug Store use were inadvertently omitted from this list of CD-1 districts due to the timing of the report, and consolidation of the CD-1 By-laws. The proposed amendment generally as presented in Appendix F would add Grocery Store with Liquor Use to the appropriate section of CD-1 (659) By-law No. 11770 for 6505-6541 Main Street, CD-1 (672) No. 11888 for 2106-2138 Main Street, CD-1 (677) By-law No. 11900 for 3068 Kingsway, and CD-1 (682) By-law No. 11933 for 1495 West 8th Avenue to achieve the intent of the aforementioned amendments to the Zoning and Development By-law.

## **8. Amendments to the Noise Control By-law, Parking By-law, and Sign By-law**

In recent amendments to the Sign, Parking, and Noise Control by-laws regarding CD-1 districts, several CD-1 By-laws were incorrectly referenced. The proposed amendments described below and generally as presented in Appendices G, H, and I would achieve the intent of the original rezoning.

- A text amendment to CD-1 (60) By-law No. 4491 for 3595 Kingsway was approved in principle at Public Hearing on October 18, 2016, and enacted on September 19, 2017. The amendment permits construction of a six-storey mixed-use building at the corner of Kingsway and Lincoln Street. Due to inadvertent errors, an incorrect CD-1 number was included in the associated amendments to the Noise Control By-law, Parking By-law, and Sign By-law at the time of enactment. This application would correct those errors.
- CD-1 (679) By-law No. 11930 for 725-747 Southeast Marine Drive, described earlier in this Report, was approved and enacted as a new CD-1 By-law in place of the existing CD-1 (21) By-law No. 4035. Amendments to the Noise Control By-law and Sign By-law were not made at the time, and therefore those by-laws reference the site at 725-747 Southeast Marine Drive as CD-1 (21). This application proposes to amend the Noise Control By-law and Sign By-law to correctly reference CD-1 (679) By-law No. 11930. This application would achieve the intent of the rezoning.

### ***Implications/Related Issues/Risk (if applicable)***

#### ***Financial***

The amendments put forward above did not result in any increase in density and floor space, as such there are no additional Community Amenity Contributions, Development Cost Levies, or public art contributions associated with the proposed text amendments.

## **CONCLUSION**

This report proposes miscellaneous text amendments that, if approved, will achieve the intent of the initial rezonings and correct inadvertent errors. This report also proposes amendments to the Zoning and Development By-law, and proposes to correct minor CD-1 numbering errors in the Sign, Noise, and Parking By-laws.

It is recommended that the General Manager of Planning, Urban Design and Sustainability be instructed to make application to amend CD-1 ( ) By-law No. \_\_\_\_ for 155 East 37th Avenue (Little Mountain), CD-1 (696) By-law No. 12105 for 500-650 West 57th Avenue (Pearson Dogwood), CD-1 (693) By-law No. 12034 for 809 West 23rd Avenue, CD-1 (679) By-law No. 11930 for 725-747 Southeast Marine Drive, and CD-1 (562) By-law No. 10870 for 508 Helmcken Street; repeal superseded by-laws CD-1 (21) for 725-747 Southeast Marine Drive, CD-1 (598) for 508 Helmcken Street and the amending Sign By-law for 508 Helmcken Street; and amend the Zoning and Development By-law No. 3575, Sign By-law No. 11879, Noise By-law No. 6555 and Parking By-law No. 6059 and that this application be referred to Public Hearing and, subject to the Public Hearing, be approved.

\* \* \* \* \*

**PROPOSED TEXT AMENDMENT TO  
CD-1 ( ) BY-LAW NO. \_\_\_\_\_ FOR 155 EAST 37TH AVENUE**

**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 \_\_\_\_\_.
2. In Section 5.2, Council strikes out “minimum permitted floor area for non-residential uses in Sub-area A of Figure 1 is 4,916 m<sup>2</sup>” and substitutes “maximum permitted floor area for residential uses in Sub-area A of Figure 1 is 38,565 m<sup>2</sup>”.
3. In Section 5.4 (c), Council inserts “residential storage” after “bicycle storage,”.
4. In Section 6.1, Council strikes out Table B: Maximum Permitted Building Storeys and Building Height and substitutes:

**“Table B: Maximum Permitted Building Storeys and Building Height**

<b>Sub-Area of Figure 2</b>	<b>Maximum Permitted Storeys</b>	<b>Maximum Permitted Height</b>
1	6	20 m
2	8	27 m
3	8	27 m
4	5	18 m
5	6	20 m
6	10	32 m
7	8	26 m
8	6	20 m
9	12	37 m
10	9	29 m
12	12	37 m
13	10	32 m
14	6	20 m
15	6	20 m
16	6	20 m

”.

\* \* \* \* \*

**PROPOSED TEXT AMENDMENT TO  
CD-1 (696) BY-LAW NO. 12105 FOR 500-650 WEST 57TH AVENUE**

**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 12105.
2. In Section 5.3, Council strikes out “all institutional uses in all sub-areas combined”, and substitutes “institutional and health care office uses in Sub Area A”.
3. In Section 6.1, Council:
  - (a) strikes out “permitted number of storeys or the maximum”; and
  - (b) strikes out Table B: Maximum Permitted Building Storeys and Building Height and substitutes:

**“Table B: Maximum Permitted Building Height**

<b>Sub-Area</b>	<b>Maximum Permitted Height</b>
1	87 m
2	74 m
3	22 m
4	31 m
5	90 m
6	91 m
7	91 m
8	81 m
9	25 m
10	40 m
11	53 m
12	22 m
13	22 m
14	22 m
15	22 m
16	26 m
17	40 m
18	64 m
19	22 m
20	5 m

”.

\* \* \* \* \*



**PROPOSED TEXT AMENDMENT TO  
CD-1 (693) BY-LAW NO. 12034 FOR 809 WEST 23RD AVENUE**

**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 12034.
2. In Section 2.2, Council strikes out subsections (d) and (e) and substitutes:
  - “(d) Multiple Conversion Dwelling;
  - (e) Infill One-Family Dwelling;
  - (f) Lock-off units; and
  - (g) Accessory uses customarily ancillary to the uses permitted in this Section.”.

\* \* \* \* \*

**PROPOSED TEXT AMENDMENT TO  
CD-1 (679) BY-LAW NO. 11930 FOR 725-747 SOUTHEAST MARINE DRIVE**

**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 11930.
2. In Section 4.4, Council:
  - (a) Strikes out “and” at the end of subsection (c), and
  - (b) Inserts the following as a new subsection (d) and renumbers the remaining subsection accordingly:
    - “(d) Child Day Care Facility and Community Centre or Neighbourhood House; and”.

\* \* \* \* \*

**PROPOSED TEXT AMENDMENT TO  
CD-1 (562) BY-LAW NO. 10870 FOR 508 HELMCKEN 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 By-law 10870.
2. Council strikes out the map attached as Schedule A and substitutes the map attached hereto as Schedule A.

*[Note: Schedule A, not attached to this appendix, is a map that amends the City of Vancouver zoning map. Should the rezoning application be referred to public hearing, Schedule A will be included with the draft by-law that is prepared for posting.]*

\* \* \* \* \*

**PROPOSED TEXT AMENDMENT TO  
ZONING AND DEVELOPMENT BY-LAW NO. 3575  
REGARDING GROCERY STORE WITH LIQUOR STORE USE**

**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 the Zoning and Development By-law.
2. In section 2.2 (f) of CD-1 (659), Council deletes "Grocer or Drug Store," and substitutes "Grocery or Drug Store, Grocery Store with Liquor Store,".
3. In section 2.2 (e) of CD-1 (672) and CD-1 (682), Council adds the following immediately after "Grocery or Drug Store,":  
  
"Grocery Store with Liquor Store,".
4. In section 2.2 (f) of CD-1 (677), Council adds the following immediately after "Grocery or Drug Store,":  
  
"Grocery Store with Liquor Store,".

\* \* \* \* \*

**MISCELLANEOUS AMENDMENTS TO SIGN BY-LAW NO. 11879  
REGARDING CD-1 DISTRICTS**

**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 11879.
2. In Schedule A (CD-1 Zoning District regulated by Part 9), Council:
  - (a) strikes out:
    - (i) “725-747 Southeast Marine Drive [CD-1 (21)] [By-law 4035] C-2”,  
and
    - (ii) “3595 Kingsway [CD-1 (676)] [By-law 11899] B (C-2)”;
  - (b) adds in the appropriate numerical CD-1 order:
    - (i) “3595 Kingsway [CD-1 (60)] [By-law 11899] C-2”;  
and
    - (ii) “725-747 Southeast Marine Drive [CD-1 (679)] [By-law 11930] C-2”.

\* \* \* \* \*

**MISCELLANEOUS AMENDMENTS TO NOISE CONTROL BY-LAW NO. 6555  
REGARDING CD-1 DISTRICTS**

**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 Noise Control By-law 6555.
2. In Schedule B (Intermediate Zone), Council:
  - (a) strikes out:

<b>"CD #</b>	<b>By-law #</b>	<b>Approximate Location</b>
21	4035	725-47 S.E. Marine

and substitutes:

<b>CD #</b>	<b>By-law #</b>	<b>Approximate Location</b>
679	11930	725-747 Southeast Marine Drive

; and

- (b) strikes out:

<b>CD #</b>	<b>By-law #</b>	<b>Approximate Location</b>
676	11899	3595 Kingsway

and substitutes:

<b>CD #</b>	<b>By-law #</b>	<b>Approximate Location</b>
60	11899	3595 Kingsway

\* \* \* \* \*

**MISCELLANEOUS AMENDMENTS TO PARKING BY-LAW NO. 6059  
REGARDING CD-1 DISTRICTS**

**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 6059.
2. In Schedule C (CD-1 Districts Parking Requirements), Council strikes out:

“

3595 Kingsway	11899	(676)	Parking, loading and bicycle spaces to be in accordance with by-law requirements, except that there must be 2 Class A and 2 Class B loading spaces provided.
---------------	-------	-------	--

”

and substitutes:

“

3595 Kingsway	11899	(60)	Parking, loading and bicycle spaces to be in accordance with by-law requirements, except that there must be 2 Class A and 2 Class B loading spaces provided.
---------------	-------	------	--

\* \* \* \* \*