

**Refers to Item No. 2
Public Hearing of September 5, 2018**

August 22, 2018

MEMORANDUM

TO: Mayor and Council

CC: Sadhu Johnston, City Manager
Paul Mochrie, Deputy City Manager
Katrina Leckovic, City Clerk
Lynda Graves, Manager, Administration Services, City Manager's Office
Rena Kendall-Craden Director, Communications
Kevin Quinlan, Chief of Staff, Mayor's Office
Gil Kelley, General Manager, Planning Urban Design and Sustainability

FROM: Karen Hoese
Assistant Director, Planning, Urban Design and Sustainability

SUBJECT: Text Amendment: 155 East 37th Avenue (Little Mountain) - RTS 12754

This memorandum is for information and it is in place of a policy report for Item No. 2. The item was referred to public hearing at the Regular Council Meeting of June 19, 2018 as part of the Policy Report dated June 5, 2018, entitled "Miscellaneous Amendments - Zoning and Development By-law, Various CD-1 By-laws, and Noise Control, Parking and Sign By-laws" (the "June 5 Policy Report").

It was anticipated at the time of referral that the CD-1 By-law for 155 East 37th Avenue would be enacted in time for consideration of its amendment at the same hearing as the other miscellaneous amendments proposed in the June 5 Policy Report. As the CD-1 By-law was not enacted in time for the July 17 hearing, the amendment for 155 East 37th Avenue was separated from the other amendments and not put forward to that hearing. The CD-1 By-law for 155 East 37th Avenue was subsequently enacted on July 24, allowing the proposed amendment to be scheduled for the current hearing.

To avoid confusion with the other miscellaneous items in the June 5 Policy Report, which were approved on July 17, a redaction of that report has been created for this item and is attached to this memorandum. This redacted version includes only those portions of the June 5 Policy Report relevant to 155 East 37th Avenue. The redacted report has been further revised to

include the CD-1 by-law and reference numbers and the enactment date, and it includes several corrections as outlined below.

1. Recommendation A (i) in the June 5 Policy Report referenced “sub-areas A and B”, whereas the correct reference is “sub-areas 2 and 3”. The recommendation in the redacted report and in the Summary and Recommendation for this item include the correct reference.
2. Appendix A in the June 5 Policy Report was prepared with incorrect numbering of the sub-areas in Table B of section 6 of the CD-1 By-law, as it was based on an earlier version of the draft by-law, not on the version that was approved at the public hearing of July 19, 2016. The revised Appendix A in this memorandum and the draft by-law posted for this item include the corrected sub-area numbering in Table B.
3. The draft CD-1 By-law approved at the public hearing of July 19, 2016 included a provision in section 5.2 requiring a minimum amount of non-residential floor area in sub-area A, the southeast quadrant of the site adjacent Main Street. The June 5 Policy Report proposed adding a further provision to section 5.2 to set a maximum for residential floor area in sub-area A, with the intent that this limit on residential would indirectly limit non-residential uses. Accordingly, Appendix A of the June 5 Policy Report indicated striking the minimum provision for non-residential floor area in the existing CD-1 By-law and replacing it with a maximum provision for residential floor area. It was subsequently determined that the intent would be better met by imposing a maximum on the non-residential floor area instead of the residential, and that the minimum for non-residential should be retained, not replaced. The redacted report and the revised Appendix A in this memorandum, as well as the draft by-law posted for this item, all include amended wording that adds a maximum floor area amount for non-residential and retains the existing minimum floor area provision.

As both the Summary and Recommendation and draft by-law for this item contain the corrections listed above, no further action by Council is required.



Karen Hoese
Assistant Director, Planning, Urban Design and Sustainability



(redacted)
**POLICY REPORT
DEVELOPMENT AND BUILDING**

Report Date: June 5, 2018
Contact: Karen Hoese
Contact No.: 604.871.6403
RTS No.: 12625
VanRIMS 08-2000-25
No.:
Meeting Date: City Clerks Use Only

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 (704) By-law No. 12195 for 155 East 37th Avenue (Little Mountain) for a minor text amendment to add a maximum permitted floor area for non-residential uses in Sub-area A, to exclude below-grade residential storage from FSR calculations, to correct an inadvertent error on the heights of mixed-use sub-areas 2 and 3, and to correct the numbering of sub-areas in Table B, 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-law generally in accordance with Appendix A for consideration at Public Hearing.

REPORT SUMMARY

This report recommends minor text amendments to CD-1 (704) By-law for 155 East 37th Avenue (Little Mountain). ...The amendments would achieve the intent of the initial rezoning approvals and correct inadvertent errors. ...

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- CD-1 (704) By-law No. 12195 for 155 East 37th Avenue (Little Mountain), enacted July 24, 2018.

...

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 (704) By-law No. 12195 for 155 East 37th Avenue (Little Mountain)

CD-1 (704) By-law No. 12195 approved in principle at Public Hearing on July 19, 2016 and enacted on July 24, 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 non-residential use. This would enable the mixed-use buildings to achieve the intent of the original rezoning. [See *point no. 3 in the memorandum.*]
- 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.
- To correct the numbering of sub-areas in Table B of section 6 to correspond to the numbering of sub-areas shown in Figure 2 of section 2.2. [See *point no. 2 in the memorandum.*]

...

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 text amendments that, if approved, will achieve the intent of the initial rezonings and correct inadvertent errors. ...

It is recommended that the General Manager of Planning, Urban Design and Sustainability be instructed to make application to amend CD-1 (704) By-law No. 12195 for 155 East 37th Avenue (Little Mountain) ...and that this application be referred to Public Hearing and, subject to the Public Hearing, be approved.

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**PROPOSED TEXT AMENDMENT TO
CD-1 (704) BY-LAW NO. 12195 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 12195.
2. In Section 5.2, Council adds “, and the maximum permitted floor area for non-residential uses in Sub-area A of Figure 1 is 4,936 m²” after “minimum permitted floor area for non-residential uses in Sub-area A of Figure 1 is 4,916 m²”.
3. In Section 5.4 (c), Council inserts “residential storage,” after “bicycle storage,”.
4. In Section 6, Council strikes out Table B: Maximum Permitted Building Storeys and Building Height and substitutes:

“Table B: Maximum Permitted Building Storeys and Building Height

Sub-Area of Figure 2	Maximum Permitted Storeys	Maximum Permitted Height
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
<u>11</u>	12	37 m
<u>12</u>	10	32 m
<u>13</u>	6	20 m
<u>14</u>	6	20 m
<u>15</u>	6	20 m

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