



POLICY REPORT

Report Date: July 9, 2019
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Meeting Date: July 23, 2019

TO: Vancouver City Council
FROM: General Manager of Planning, Urban Design and Sustainability
SUBJECT: Miscellaneous Amendments to CD-1 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 (255) By-law No. 6713 for 321 Princess Avenue to add Child Day Care Facility, generally as presented in Appendix A;
 - (ii) amend CD-1 (60) By-law No. 4491 for 3595 Kingsway to correct map numbering, generally as presented in Appendix B;
 - (iii) amend CD-1 (562) By-law No. 10870 for 508 Helmcken Street to correct map numbering and remove Adult Retail Store use, 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 the respective appendices, for consideration at Public Hearing.

REPORT SUMMARY

This report recommends miscellaneous text amendments to the CD-1 (255) By-law for 321 Princess Avenue, CD-1 (60) for 3595 Kingsway, and CD-1 (562) for 508 Helmcken Street. The amendments would clarify the uses of the initial rezoning approval and correct inadvertent errors.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- CD-1 (255) By-law No. 6713 for 321 Princess Avenue, enacted August 28, 1990 (last amended December 9, 2003)
- CD-1 (60) By-law No. 4491 for 3595 Kingsway, enacted April 28, 1970 (amended September 19, 2017)
- CD-1 (562) By-law No. 10870 for 508 Helmcken Street, enacted March 11, 2014 (amended June 19, 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 three CD-1 Districts, summarized below. The proposed by-law amendments are included in Appendices A, B, and C.

1. CD-1 (255) By-law No. 6713 for 321 Princess Avenue

CD-1 (255) By-law No. 6713 for 321 Princess Avenue was approved in principle at Public Hearing on March 6, 1990 and enacted on August 28, 1990. It permitted a mixed-use development with 60 social housing dwelling units and residential amenity and storage warehouse uses on the main floor. The amenity included provisions for day care facilities.

A non-profit childcare operated on the main floor in the area identified as residential amenity space until it closed in August 2018 due to funding shortages. This space is now vacant. A non-profit organization, Atira Women's Resource Society, has applied to renovate the space to operate a new 24-space childcare facility. To regularize the use, staff recommend adding Child Day Care Facility as an Institutional use to the CD-1 By-law. The proposed amendment would allow the continued provision of much-needed child day care to be delivered in the Downtown Eastside.

2. CD-1 (60) By-law No. 4491 for 3595 Kingsway

CD-1 (60) By-law No. 4491 for 3595 Kingsway was approved in principle at Public Hearing on March 26, 1970 and enacted April 28, 1970. It permitted the development of a two-storey senior's residence in conjunction with a non-profit social service centre.

CD-1 (60) was later amended to permit the development of a 6-storey mixed-used building. It was approved in principle at Public Hearing on October 18, 2016 and enacted on September 19, 2017. As a part of the amendment, a new Schedule A map was created, numbered "Z-710 (b)". However the reference to the map in Section 1 of the CD-1 By-law was not updated to this new number. This text amendment would correct this error by updating the text of Section 1 and replacing the old map number "Z-134-A" with the new one "Z-710 (b)".

3. CD-1 (562) By-law No. 10870 for 508 Helmcken Street

CD-1 (562) By-law No. 10870 for 508 Helmcken Street was approved in principle at Regular Council on July 23, 2013 after Public Hearing on July 16 and enacted March 11, 2014. It permitted the development of a mixed-use building with residential, retail, and childcare uses.

In January 2015, the B.C. Supreme Court quashed the by-law that rezoned 508 Helmcken Street. Taking into consideration the Court's decision, Council enacted a new by-law to rezone 508 Helmcken Street on April 16, 2015. The new By-law included a minor amendment to remove the use "Adult Retail Store" from Section 2.2 of the By-law.

In April 2015, the B.C. Court of Appeal overturned the B.C. Supreme Court's decision and upheld the original by-law. Consequentially, two By-laws existed for 508 Helmcken Street, necessitating the second be repealed.

On June 19, 2018, Council repealed the second by-law and made a correction to the original by-law. The amendment corrected the site boundaries of the Schedule A map and created a new Schedule A map numbered "Z-741 (a)". The reference to the map in Section 1 of the CD-1 By-law was not updated to this new number. In addition, Adult Retail Store use should have been removed in accordance with the amendment put forth in April 2015.

This text amendment would correct a map numbering error by replacing the old map number "Z-663 (a)" with the new one "Z-741 (a)". In addition, it will remove Adult Retail Store use which was overlooked in the last miscellaneous text amendment that reconciled the two By-laws.

Financial Implications

The amendments put forward above would clarify the uses of the initial rezoning approval and correct inadvertent errors. As such there are no additional Community Amenity Contributions, Development Cost Levies, or public art contributions associated with the amendments.

CONCLUSION

This report proposes miscellaneous text amendments that, if approved, would clarify the uses of the initial rezoning approval and correct an inadvertent error. It is recommended that the General Manager of Planning, Urban Design and Sustainability be instructed to make an application to amend CD-1 (255) By-law No. 6713 for 321 Princess Avenue, CD-1 (60) By-law No. 4491 for 3595 Kingsway and, and CD-1 (562) for 508 Helmcken Street 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 (255) BY-LAW NO. 6713 FOR 321 PRINCESS 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 6713.
2. In Section 2, Council:
 - (a) renumbers subsection (c) as subsection (d); and
 - (b) inserts a new subsection (c) as follows:

“(c) Institutional Use limited to Child Day Care Facility; and”.
3. In section 3.1, Council:
 - (a) strikes out “The floor space ratio shall not exceed 2.5.” and replaces “The floor space ratio shall not exceed 2.63.”;
 - (b) adds a new subsection 3.2 as follows:

“3.2 The FSR for Child Day Care use must not exceed 277.9 m² (2,991 sq. ft.).”;
 - (c) renumbers subsection 3.3 as 3.4; and
 - (c) remove “including day care facilities,” from subsection (e).

**PROPOSED TEXT AMENDMENT TO
CD-1 (60) BY-LAW NO. 4491 FOR 3595 KINGSWAY**

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 4491.
2. Council strikes out Section 1 and substitutes:

“This By-law amends the Zoning District Plan attached as Schedule D to By-law No. 3575, and amends or substitutes the boundaries and districts shown on it, according to the amendments, substitutions, explanatory legends, notations, and references shown on the plan marginally numbered Z-710 (b) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D, to By-law No. 3575.”

**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. In Section 1, Council strikes out “Z-663 (a)” and substitutes “Z-741 (a)”.
3. In Section 2.2 (c), Council strikes out “Adult Retail Store,”.