



## REFERRAL REPORT

Report Date: March 29, 2022  
Contact: Yardley McNeill  
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VanRIMS No.: 08-2000-20  
Meeting Date: April 12, 2022

TO: Vancouver City Council  
FROM: General Manager of Planning, Urban Design and Sustainability  
SUBJECT: Miscellaneous Amendments Concerning Various CD-1 By-laws

### ***RECOMMENDATION TO REFER***

THAT the General Manager of Planning, Urban Design and Sustainability be instructed to make application to bring forward the zoning by-law amendments as described below and that the application be referred to Public Hearing together with the recommendations set out below;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law(s), in accordance with the recommendations set out below, for consideration at the Public Hearing.

### ***RECOMMENDATION FOR PUBLIC HEARING***

THAT Council approves the application to:

- (i) amend CD-1 (801) By-law No. 13221 for 1636 Clark Drive and 1321-1395 East 1st Avenue to correct floor area exemptions, generally as presented in Appendix A;
- (ii) amend CD-1 (792) By-law No. 13144 for 445 Kingsway and 2935 St. George Street to correct a reference to floor area exclusions, generally as presented in Appendix B;
- (iii) amend CD-1 (804) By-law No. 13260 for 6825 West Boulevard to correct floor area exemptions, generally as presented in Appendix C; and
- (iv) amend CD-1 (386) By-law No. 7971 for 1001 Hornby Street, 1050 and 1088 Burrard Street to permit a wider range of commercial uses, generally as presented in Appendix D.

## **REPORT SUMMARY**

This report recommends miscellaneous amendments to CD-1 (801), CD-1 (792), CD-1 (804) and CD-1 (386). The amendments would correct inadvertent errors and omissions.

## **COUNCIL AUTHORITY/PREVIOUS DECISIONS**

- CD-1 (801) By-law No. 13221 for 1636 Clark Drive and 1321-1395 East 1st Avenue, enacted December 8, 2021
- CD-1 (792) By-law No. 13144 for 445 Kingsway and 2935 St. George Street, enacted October 19, 2021
- CD-1 (804) By-law No. 13260 for 6825 West Boulevard, enacted February 8, 2022
- CD-1 (386) By-law No. 7971 for 1001 Hornby Street, 1050 and 1088 Burrard Street, enacted January 26, 1999

## **REPORT**

### **Background/Context**

From time to time, Council considers minor staff-initiated amendments to provide greater clarity in zoning 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 amendments to four CD-1 by-laws summarized below. The proposed by-law amendments are included in Appendices A to E.

#### **1. CD-1 (801) By-law No. 13221 for 1636 Clark Drive and 1321-1395 East 1st Avenue**

CD-1 (801) By-law was approved in principle at Public Hearing on February 21, 2019 and enacted on December 8, 2021. The by-law permits the development of a 10-storey mixed-use building containing 90 social housing units, a social enterprise space and a withdrawal management centre with up to 20 short-term transitional beds. The development is currently at the development permit and building permit phase.

Amenity areas, recreational facilities and meeting rooms that are accessory to residential use were inadvertently excluded from floor area exemptions. These uses are typically exempted from computations of floor area. This proposed amendment, generally as presented in Appendix A, would achieve the intent of the original rezoning.

#### **2. CD-1 (792) By-law No. 13144 for 445 Kingsway and 2935 St. George Street**

CD-1 (792) By-law was approved in principle at Public Hearing on June 23, 2020 and enacted on October 19, 2021. The by-law permits the development of a 14-storey mixed-use building with commercial uses at grade and 215 secured rental housing units, with 20 per cent of the residential floor area being secured as moderate income units. The development is currently at the development permit phase.

Section 3 (a) of the By-law incorrectly references Section 6.4, instead of section 6.5, for floor area exclusions. This proposed amendment, generally as presented in Appendix B, would correct this error.

### **3. CD-1 (804) By-law No. 13260 for 6825 West Boulevard**

CD-1 (804) By-law was approved in principle at Public Hearing on June 25, 2020 and enacted on February 8, 2022. The by-law permits the protection, rehabilitation and conversion of the existing building and the development of infill residential buildings containing a total of nine dwelling units. The development is currently at the development permit phase.

The approved by-law applies limitations on permitted uses and horizontal angle of daylight that restrict the intent of the original rezoning. In addition, the by-law inadvertently includes computation of floor area exclusions and inclusions that impede the form of development approved by Council.

This proposed amendment, generally as presented in Appendix C, would achieve the intent of the original rezoning.

### **4. CD-1 (386) By-law No. 7971 for 1001 Hornby Street, 1050 and 1088 Burrard Street**

CD-1 (386) By-law was approved in principle at Public Hearing on September 15, 1998 and enacted on January 26, 1999. It provides mixed-use zoning including residential, commercial and hotel which was built out between 1994 and 2002, and is commonly known as the Wall Centre.

The approved by-law applies limitations on commercial uses. This amendment would remove a number of these limitations to accommodate a wider range of business types. Any uses that are considered to be incompatible with the site would not be approved through the development permit or business licensing processes. This amendment would make CD-1 (386) By-law consistent with more recently approved rezonings, and does not affect the form of development approved by Council.

### ***Financial Implications***

The amendments put forward above would correct inconsistencies and errors and do not affect proposed floor space. As such, they do not have an effect on the Development Cost Levies, Community Amenity Contributions, or public art contributions associated with the development of the sites.

### ***CONCLUSION***

This report proposes miscellaneous amendments that, if approved, would correct inadvertent errors and inconsistencies. It is recommended that the General Manager of Planning, Urban Design and Sustainability be instructed to make an application to amend CD-1 (801), CD-1 (792), CD-1 (804) and CD-1 (386).

It is recommended that this application be referred to Public Hearing and, subject to the Public Hearing, be approved.

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**PROPOSED AMENDMENT TO CD-1 (801) BY-LAW NO. 13221  
FOR 1636 CLARK DRIVE AND 1321-1395 EAST 1ST 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 No. 13221.
2. In section 5.4, Council:
  - (a) in subsection (c), strikes out “and” at the end of the subsection;
  - (b) in subsection (d), strikes out “.” and substitutes “; and”; and
  - (c) adds a new subsection (e) as follows:

“(e) amenity areas, recreational facilities and meeting rooms accessory to a residential use, to a maximum total area of 10% of the total permitted floor area.”.

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**PROPOSED AMENDMENT TO CD-1 (792) BY-LAW NO. 13144**  
**FOR 445 KINGSWAY AND 2935 ST. GEORGE 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 No. 13144.
2. In section 3 (a), Council strikes out "6.4" and substitutes "6.5".

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**PROPOSED AMENDMENT TO CD-1 (804) BY-LAW NO. 13260  
FOR 6825 WEST BOULEVARD**

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. 13260.
2. Council strikes out section 4 and substitutes the following:
  - “4. Subject to Council approval of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within CD-1 (804), and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
    - (a) Dwelling Uses, limited to Infill One-Family Dwelling, Infill Two-Family Dwelling, Infill Multiple Dwelling, Multiple Conversion Dwelling, and Principal Dwelling Unit with Lock-off Unit; and
    - (b) Accessory uses customarily ancillary to the uses permitted in this section.”.
3. Council strikes out section 6.3 and substitutes the following:
  - “6.3. The following shall be included in the computation of floor space ratio:
    - (a) computation of floor area must include all floors of all buildings, having a minimum ceiling height of 1.2 m, including earthen floors and accessory buildings, both above and below ground level, measured to the extreme outer limits of the buildings;
    - (b) stairways, fire escapes, elevator shafts and other features which the Director of Planning considers similar, to be measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located;
    - (c) 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; and
    - (d) the floor area of bay windows, regardless of seat height, location on building or relationship to yard setbacks, in excess of the product of the total floor area permitted above the basement times 0.01.”.
4. In section 6.4, Council:
  - (a) strikes out subsection (a)(i) and substitutes the following:

- “(i) the total floor area of all such exclusions must not exceed 8% of the residential floor area, and”;
  - (b) in subsection (c), strikes out “and” at the end of the subsection;
  - (c) in subsection (d), strikes out “.” and substitutes “,”;
  - (d) adds new subsections (e), (f) and (g) in the correct alphabetical order as follows:
    - “(e) areas of undeveloped floors which are located:
      - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch, or
      - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
    - (f) entries, porches and verandahs for all uses provided that:
      - (i) they are open or protected by guards that do not exceed the required minimum height, and
      - (ii) the ceiling height, excluding roof structure, of the total area being excluded does not exceed 3.1 m measured from the entry, porch or verandah floor; and
    - (g) areas of floors existing, proposed or as may be extended over open-to-below space located directly below space located directly below sloping roof rafters or a sloping ceiling where the ceiling is directly attached to the underside of sloping roof rafters, and where the roof joists have a minimum 7:12 pitch and the related ceiling maintains the same pitch as the roof joists, provided that:
      - (i) the distance from the floor to any part of the ceiling is no higher than 2.3 m and no lower than 1.2 m, both measured vertically, and
      - (ii) the excluded floor area does not exceed 10% of the permitted floor area above finished grade.”.
5. Council strikes out section 8.
6. Council renumbers sections 9 through 12 as sections 8 through 11, respectively.

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**PROPOSED AMENDMENT TO CD-1 (386) BY-LAW NO. 7971  
FOR 1001 HORNBY STREET, 1050 AND 1088 BURRARD 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 No. 7971.
2. Council strikes out section 2(f) and substitutes "Retail Uses,".
3. Council strikes out section 2(g) and substitutes "Service Uses, and".
4. Council amends section 2(h) by striking out "above uses" and substituting "uses permitted in this section".

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## TRACKED CHANGES VERSIONS OF DRAFT BY-LAWS

1. 1636 CLARK DRIVE AND 1321-1395 EAST 1ST AVENUE
2. 445 KINGSWAY AND 2935 ST. GEORGE STREET
3. 6825 WEST BOULEVARD
4. 1001 HORNBY STREET, 1050 AND 1088 BURRARD STREET

THIS DOCUMENT IS BEING PROVIDED FOR INFORMATION ONLY AS A REFERENCE TOOL TO HIGHLIGHT THE PROPOSED AMENDMENTS. THE DRAFT AMENDING BY-LAWS ATTACHED TO THE COUNCIL REPORT RTS NO. 15090 ENTITLED MISCELLANEOUS AMENDMENTS TO VARIOUS CD-1 BY-LAWS REPRESENT THE AMENDMENTS BEING PROPOSED TO COUNCIL FOR APPROVAL. SHOULD THERE BE ANY DISCREPANCY BETWEEN THIS BLACKLINE VERSION AND THE DRAFT AMENDING BY-LAWS, THE DRAFT AMENDING BY-LAWS PREVAIL.

# CD-1 (801) BY-LAW NO. 13221 FOR 1636 CLARK DRIVE AND 1321-1395 EAST 1ST AVENUE

## 4.4 Computation of floor area must exclude:

- (a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that:
  - (i) the total area of all such exclusions must not exceed 12% of the permitted floor area for dwelling units, and
  - (ii) the balconies must not be enclosed for the life of the building;
- (b) patios and roof gardens only if the Director of Planning first approves the design of sunroofs and walls;
- (c) 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 the base surface, except that the exclusion for a parking space must not exceed 7.3 m in length; and
- (d) all residential storage area above or below base surface, except that if the residential storage area above base surface exceeds 3.7 m<sup>2</sup> for a dwelling unit there will be no exclusion for any of the residential storage area above base surface for that unit; and
- (e) amenity areas, recreational facilities and meeting rooms accessory to a residential use, to a maximum total area of 10% of the total permitted floor area.

## **CD-1 (792) BY-LAW NO. 13144 FOR 445 KINGSWAY AND 2935 ST. GEORGE STREET**

3. Words in this By-law have the meaning given to them in the Zoning and Development By-law, except that:
- (a) for the purposes of calculating the total dwelling unit area for section 5.1 of this By-law, “Dwelling Unit Area” is the floor area of each dwelling unit, measured to the inside of all perimeter walls excluding any floor area as required by section 6.4 6.5 of this By-law; and
  - (b) “Moderate Income Rental Housing Units” means dwelling units that meet the requirements of approved Council policies and guidelines for Moderate Income Rental Housing, as secured by a housing agreement registered on title to the property.

## **CD-1 (804) BY-LAW NO. 13260 FOR 6825 WEST BOULEVARD**

4. Subject to Council approval of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within CD-1 (804), and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
- (a) ~~Dwelling Uses, limited to Multiple Dwelling; and~~
  - (a) Dwelling Uses, limited to Infill One-Family Dwelling, Infill Two-Family Dwelling, Infill Multiple Dwelling, Multiple Conversion Dwelling, and Principal Dwelling Unit with Lock-off Unit; and
  - (b) Accessory uses customarily ancillary to the uses permitted in this section.”.
- 6.3 ~~Computation of floor area must include all floors of all buildings, having a minimum ceiling height of 1.2 m, including earthen floors and accessory buildings, both above and below ground level, measured to the extreme outer limits of the buildings.~~ The following shall be included in the computation of floor space ratio:
- (a) computation of floor area must include all floors of all buildings, having a minimum ceiling height of 1.2 m, including earthen floors and accessory buildings, both above and below ground level, measured to the extreme outer limits of the buildings;
  - (b) stairways, fire escapes, elevator shafts and other features which the Director of Planning considers similar, to be measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located;

- (c) 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; and
- (d) the floor area of bay windows, regardless of seat height, location on building or relationship to yard setbacks, in excess of the product of the total floor area permitted above the basement times 0.01.

6.4 Computation of floor area must exclude:

- (a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that:
  - (i) the total floor area of all such exclusions must not exceed 8% ~~42%~~ of the residential floor area; and
  - (ii) the balconies must not be enclosed for the life of the building;
- (b) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;
- (c) 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 maximum exclusion for a parking space must not exceed 7.3 m in length; ~~and~~
- (d) all residential storage area above or below base surface, except that if the residential storage area above base surface exceeds 3.7 m<sup>2</sup> per dwelling unit, there will be no exclusion for any of the residential storage area above base surface for that unit;
- (e) areas of undeveloped floors which are located
  - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch, or
  - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (f) entries, porches and verandahs for all uses provided that:
  - (i) they are open or protected by guards that do not exceed the required minimum height, and
  - (ii) the ceiling height, excluding roof structure, of the total area being excluded does not exceed 3.1 m measured from the entry, porch or verandah floor; and

- (g) areas of floors existing, proposed or as may be extended over open-to-below space located directly below space located directly below sloping roof rafters or a sloping ceiling where the ceiling is directly attached to the underside of sloping roof rafters, and where the roof joists have a minimum 7:12 pitch and the related ceiling maintains the same pitch as the roof joists, provided that:
  - (i) the distance from the floor to any part of the ceiling is no higher than 2.3 m and no lower than 1.2 m, both measured vertically, and
  - (ii) the excluded floor area does not exceed 10 percent of the permitted floor area above finished grade.

### **Horizontal angle of daylight**

~~8.1 — Each habitable room must have at least one window on an exterior wall of a building.~~

~~8.2 — The location of each such exterior window must allow a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.~~

~~8.3 — Measurement of the plane or planes referred to in section 8.2 must be horizontally from the centre of the bottom of each window.~~

~~8.4 — The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement, if:~~

- ~~(a) — the Director of Planning or Development Permit Board first considers all of the applicable policies and guidelines adopted by Council; and~~
- ~~(b) — the minimum distance of unobstructed view is not less than 3.7 m.~~

~~8.5 — An obstruction referred to in section 8.2 means:~~

- ~~(a) — any part of the same building including permitted projections; or~~
- ~~(b) — the largest building permitted under the zoning on any site adjoining CD-1 (-).~~

~~8.6 — A habitable room referred to in section 8.1 does not include:~~

- ~~(a) — a bathroom; or~~
- ~~(b) — a kitchen whose floor area is the lesser of:
  - ~~(i) — 10% or less of the total floor area of the dwelling unit, or~~
  - ~~(ii) — 9.3 m<sup>2</sup>.~~~~

## CD-1 (386) BY-LAW NO. 7971 FOR 1001 HORNBY STREET, 1050 AND 1088 BURRARD STREET

### 2. Uses

The area shown included within the heavy black outline on Schedule "A" shall be more particularly described as CD-1 (386), and the only uses permitted within the outlined area, subject to such conditions as Council may by resolution prescribe, and the only uses for which development permits will be issued are:

- (a) Cultural and Recreational Uses,
- (b) Dwelling Uses,
- (c) Institutional Uses,
- (d) Office Uses,
- (e) Parking Uses,
- (f) Retail Uses, ~~but not including Gasoline Station – Full Serve, Gasoline Station – Split-Island, and Vehicle Dealer,~~
- (g) Service Uses, ~~limited to Animal Clinic, Barber Shop or Beauty Salon, Bed and Breakfast Accommodation, Catering Establishment, Hotel, Laundromat or Dry Cleaning Establishment, Motor Vehicle Wash limited to the underground Parking Garage, Photo-finishing or Photography Studio, Repair Shop – Class B, Restaurant, School – Arts or Self-improvement, School – Business, School – Vocational or Trade, and~~
- (h) Accessory Uses customarily ancillary to the uses permitted in this section ~~above uses.~~

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