



## REFERRAL REPORT

Report Date: June 7, 2022  
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VanRIMS No.: 08-2000-20  
Meeting Date: June 21, 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-laws, 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 (816) By-law No. 13352 for 110 West 4th Avenue to apply the floor space restriction currently placed on all service uses to restaurant use only, generally as presented in Appendix A;
- (ii) amend CD-1 (642) By-law No. 11658 for 2133 Nanton Avenue (formerly 4255 Arbutus Street) to clarify the floor area exclusion for the Neighbourhood House and Adult Day Care Facility, generally as presented in Appendix B;
- (iii) amend CD-1 (473) By-law No. 9733 for East Fraser Lands Non-High Street to amend Interim Uses and add Office Uses, limited to Temporary Sales Office, generally as presented in Appendix C; and
- (iv) amend CD-1 (276) By-law No. 6876 for 1041 Southwest Marine Drive to add Office Uses as a permitted use, generally as presented in Appendix D.

## **REPORT SUMMARY**

This report recommends miscellaneous amendments to CD-1 (816), CD-1 (642), CD-1 (473) and CD-1 (276). The amendments would correct inadvertent errors and omissions.

## **COUNCIL AUTHORITY/PREVIOUS DECISIONS**

- CD-1 (816) By-law No. 13352 for 110 West 4th Avenue, enacted on June 7, 2022
- CD-1 (642) By-law No. 11658 for 2133 Nanton Avenue (formerly 4255 Arbutus Street), enacted on November 1, 2016 and amended up to July 24, 2020
- CD-1 (473) By-law No. 9733 for East Fraser Lands Non-High Street, enacted on October 14, 2008
- CD-1 (276) By-law No. 6876 for 1041 Southwest Marine Drive, enacted on September 10, 1991 and amended up to July 22, 2014

## **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 (816) By-law No. 13352 for 110 West 4th Avenue**

CD-1 (816) By-law was approved in principle at Public Hearing on November 16, 2021 and enacted on June 7, 2022. The by-law permits the development of a nine-storey, industrial and office building. The development is currently at the development permit phase.

Section 5.2(b) of the by-law inadvertently limits Service uses to a maximum of 300 sq. m. The limitation on floor space was intended only to restrict that amount of space that could be used as restaurant space, as is consistent with the original I-1 (Industrial) district. The amendment to this floor space limitation does not change the form of development approved in-principle by Council.

#### **2. CD-1 (642) By-law No. 11658 for 2133 Nanton Avenue (formerly 4255 Arbutus Street)**

CD-1 (642) By-law No. 11658 for 2133 Nanton Avenue was approved in principle at Public Hearing on July 13, 2011, enacted on November 1, 2016, and was last amended on July 24, 2020. It permits a phased mixed-use development of four building blocks with a total maximum floor area of 75,081 sq. m, including a neighbourhood house, and an adult day care.

In the process of seeking a development permit, it was discovered that the CD-1 By-law inadvertently did not specify the floor space or exclusions necessary to deliver the Neighbourhood House and Adult Day Care Facility. The proposed amendments will allow these uses to be excluded from the maximum floor space, thereby allowing them to be delivered as part of the intended in-kind turn-key amenities for this site. This change will not affect the overall form of development.

Several amendments are also proposed to correct numbering errors and improve consistency. In addition, the approved by-law applies a range of limitations on uses of the commercial units. The proposed amendment would remove a number of these limitations to accommodate a wider range of business types and to support the viability of these commercial units, and adds Live-Work Use and Manufacturing Uses. Any uses that are considered to be incompatible with the site would not be approved through the development permit or business licensing processes. The removal of these limitations and addition of the new uses will make the CD-1 (642) By-law consistent with more recently approved rezonings, and does not affect the form of development approved in-principle by Council.

### **3. CD-1 (473) By-law No. 9733 for East Fraser Lands Non-High Street**

CD-1 (473) By-law was approved in principle at Public Hearing on September 16, 2008 and enacted on October 14, 2008. The by-law currently permits a mix of limited uses including multiple dwelling uses, child day care facility and school, interim parking use, and accessory uses customarily ancillary to the permitted uses.

This amendment would add temporary sales office use as a permitted interim use, subject to the Director of Planning or Development Permit Board approval. No amendments to maximum density and maximum building height are proposed. This amendment will permit a broader range of interim uses. The proposed changes are consistent with other by-laws in East Fraser Lands, and allows for temporary use of underutilized former industrial land while development proceeds.

### **4. CD-1 (276) By-law No. 6876 for 1041 Southwest Marine Drive**

An amended CD-1 (276) By-law was approved in principle at Public Hearing on October 30, 2012 and enacted on July 22, 2014. The by-law currently permits a mix of limited uses including service and retail uses.

The *Marpole Community Plan* encourages office uses above the first floor in this location. In addition, recently approved rezonings have included office uses as a permitted use for commercial units, to accommodate a wider range of business types and to support the viability of these commercial units. The approved CD-1 (276) By-law does not include office uses as a permitted use. This amendment would allow for office uses on the site as envisioned in the *Marpole Community Plan*. Any uses that are considered to be incompatible with the site would not be approved through the development permit or business licensing process. This amendment 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 (816), CD-1 (642), CD-1 (473) and CD-1 (276).

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 (816) BY-LAW NO. 13352  
FOR 110 WEST 4TH 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. 13352.
2. Council amends section 5.2(b) by striking out “Service Uses” and substituting “Restaurant use”.

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**PROPOSED AMENDMENT TO  
CD-1 (642) BY-LAW NO.11658 FOR 2133 NANTON AVENUE (PREVIOUSLY  
4255 ARBUTUS 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 11658.
2. Council strikes out section 3.2 and substitutes the following:

“3.2 Subject to approval by Council 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 and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

  - (a) Adult Day Care Facility;
  - (b) Cultural and Recreational Uses;
  - (c) Dwelling Uses, limited to Dwelling Units in conjunction with any of the uses listed in this section;
  - (d) Institutional Uses;
  - (e) Live-Work Use;
  - (f) Manufacturing Uses;
  - (g) Office Uses;
  - (h) Parking Uses;
  - (i) Retail Uses;
  - (j) Service Uses;
  - (k) Utility and Communication Uses; and
  - (l) Accessory Uses customarily ancillary to the uses permitted in this section.”.
3. In Section 4.1, Council strikes out “commercial uses” and substitutes “commercial uses and accessory uses”.
4. In Section 5.4, Council:
  - (a) in subsection (b), strikes out “m2.” and substitutes “m<sup>2</sup>,”; and
  - (b) adds the following new subsections:

- “(c) Adult Day Care Facility; and
- (d) Community Centre or Neighbourhood House.”.

5. In Section 5.6, Council:
  - (a) strikes out “gross”; and
  - (b) in the table, strikes out “Gross”.
6. In Section 5.7, Council:
  - (a) strikes out “commercial” and substitutes “non-dwelling use”; and
  - (b) in the table, strikes out “Gross”.
7. In Section 8.3, Council strikes out “6.2” and substitutes “8.2”.
8. In Section 8.5, Council strikes out “referenced to in section 6.2 does not include:” and substitutes “referred to in section 8.2 means:”.
9. In Section 8.6, Council strikes out “6.1” and substitutes “8.1”.

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**PROPOSED AMENDMENT TO CD-1 (473) BY-LAW NO. 9733  
FOR EAST FRASER LANDS NON-HIGH 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. 9733.
2. In Section 2.2, Council:
  - (a) strikes out “and” from subsection (c);
  - (b) strikes out subsection (d) and substitutes the following:

“(d) Interim Uses, and accessory uses customarily ancillary to them, if:

    - (i) the Director of Planning or Development Permit Board considers that the interim use will be compatible with and not adversely affect adjacent development that either exists or that this By-law allows,
    - (ii) the Director of Planning or Development Permit Board is satisfied that the interim use is easily removable and is of low intensity or low in capital investment,
    - (iii) the Director of Planning or Development Permit Board is satisfied that there is no risk to the public from contaminated soils either on or adjacent to CD-1 (473),
    - (iv) the Director of Planning or Development Permit Board approves the location of the interim use, and
    - (v) any development permit for an interim use has a time limit of five years, except that the Director of Planning or Development Permit Board may renew development permits for interim uses for subsequent terms of up to five years; and”.
  - (c) adds the following new subsection:

“(e) Office Uses, limited to Temporary Sales Office.”.

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**PROPOSED AMENDMENT TO CD-1 (276) BY-LAW NO. 6876  
FOR 1041 SOUTHWEST 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 6876.
2. In section 2.2, Council:
  - (a) in subsection (c), strikes out “and”; and
  - (b) strikes out subsection (d) and substitutes the following:  
“(d) Office Uses; and
  - (e) Accessory Uses customarily ancillary to the uses permitted in this section.”

## TRACKED CHANGES VERSIONS OF DRAFT BY-LAWS

1. 110 WEST 4TH AVENUE
2. 2133 NANTON AVENUE (PREVIOUSLY 4255 ARBUTUS STREET)
3. EAST FRASER LANDS NON-HIGH STREET
4. 1041 SOUTHWEST MARINE DRIVE

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. 15195 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 (816) BY-LAW NO. 13352 FOR 110 WEST 4TH AVENUE

- 5.2 The floor space ratio for all uses combined must not exceed 4.0 except that:
- (a) Office Uses must not exceed 7,900 m<sup>2</sup>; and
  - (b) ~~Service Uses~~ **Restaurant use** must not exceed 300 m<sup>2</sup>.

## CD-1 (642) BY-LAW NO.11658 FOR 2133 NANTON AVENUE

- 3.2 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 (642) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
- (a) Adult Day Care Facility;
  - (b) Cultural and Recreational Uses, ~~limited to Artist Studio, Club, Community Centre or Neighbourhood House, Fitness Centre, Library, Swimming Pool, and Park or Playground;~~
  - (c) Dwelling Uses, **limited to Dwelling Units in conjunction with any of the uses listed in this section;**
  - (d) Institutional Uses, ~~limited to Child Day Care Facility, Church, Public Authority Use, School – Elementary or Secondary, School – University or College, Social Service Centre, and Community Care Facility – Class B or Group Residence;~~
  - (e) **Live-Work Use;**
  - (f) **Manufacturing Uses;**
  - (g) Office Uses;
  - (h) Parking Uses;

- (i) ~~Retail Uses, limited to Farmers Market, Grocery or Drug Store, Grocery Store with Liquor Store, Retail Store, Furniture or Appliance Store, Liquor Store, Secondhand Store, and Small-scale Pharmacy;~~
- (j) ~~Service Uses, limited to Animal Clinic, Barber Shop or Beauty Salon, Beauty and Wellness Centre, Catering Establishment, Laboratory, Laundromat or Dry Cleaning Establishment, Neighbourhood Public House, Photofinishing or Photography Studio, Print Shop, Production or Rehearsal Studio, Repair Shop - Class A, Repair Shop - Class B, Restaurant, School - Arts or Self Improvement, School - Business, School - Vocational or Trade;~~
- (k) ~~Utility and Communication Uses, limited to Public Utility or Radiocommunication Station; and~~
- (l) ~~Accessory Uses customarily ancillary to the uses listed in this section 3.2.~~

4.1 All ~~commercial uses~~ **commercial uses and accessory uses** must be carried on wholly within an enclosed building except for:

- (a) restaurant;
- (b) neighbourhood public house; and
- (c) display of flowers, plants, fruits, and vegetables, in conjunction with a permitted use.

5.4 Computation of floor area may exclude:

- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council, and approves the design of any balcony enclosure, except that:
  - (i) the total area of all open and enclosed balconies, must not exceed 8% of residential floor area, and
  - (ii) no more than 50% of excluded balcony floor area may be enclosed;
- (b) amenity areas, except the total exclusion must not exceed the lesser of 20% of permitted floor area or 1 400 ~~m<sup>2</sup>~~ **m<sup>2</sup>**;
- (c) **Adult Day Care Facility; and**
- (d) **Community Centre or Neighbourhood House.**

5.6 The ~~gross~~ floor area for each of sub-areas B, C and D must not exceed the maximum for that sub-area as set out in the table below.

Sub-area	Maximum <del>Gross</del> Floor Area
B	20,129 m <sup>2</sup>
C	5,963 m <sup>2</sup>
D	22,313 m <sup>2</sup>

5.7 The ~~commercial~~ **non-dwelling use** floor area for each sub-area must not be less than set out in the table below.

Sub-area	Minimum <b>non-dwelling use</b> <del>Gross</del> Floor Area
A	6,499 m <sup>2</sup>
B	2,647 m <sup>2</sup>

C	224 m <sup>2</sup>
D	695 m <sup>2</sup>

- 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 6.2 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 referenced to in section 6.2 8.2 does not include:
- (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 (642).
- 8.6 A habitable room referred to in section 6.4 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 (473) BY-LAW NO. 9733 FOR EAST FRASER LANDS NON-HIGH STREET

- 2.2 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 (473) 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;
  - (b) Institutional Uses, limited to Child Day Care Facility and School - Elementary or Secondary;
  - (c) Accessory Use customarily ancillary to any use permitted by this section 2.2; and
  - ~~(d) Interim Parking Use, limited to Parking Area, but only on PID: 025-551-361, Parcel 1, District Lots 330 and 331, Group 1 New Westminster District, Plan BCP3000, and PID 025-551-370 Parcel 2, PID 025-551-388 Parcel 3, PID 025-551-396 Parcel 4, and PID 025-551-400 Parcel 5, all of: District Lot 331, Group 1~~

~~New Westminster District, Plan BCP3000, and only subject to a development permit that has a time limit of six months.~~

- (d) Interim Uses, and accessory uses customarily ancillary to them, if:
  - (vi) the Director of Planning or Development Permit Board considers that the interim use will be compatible with and not adversely affect adjacent development that either exists or that this By-law allows,
  - (vii) the Director of Planning or Development Permit Board is satisfied that the interim use is easily removable and is of low intensity or low in capital investment,
  - (viii) the Director of Planning or Development Permit Board is satisfied that there is no risk to the public from contaminated soils either on or adjacent to CD-1 (473),
  - (ix) the Director of Planning or Development Permit Board approves the location of the interim use, and
  - (x) any development permit for an interim use has a time limit of five years, except that the Director of Planning or Development Permit Board may renew development permits for interim uses for subsequent terms of up to five years; and
- (e) Office Uses, limited to Temporary Sales Office.

## CD-1 (276) BY-LAW NO. 6876 FOR 1041 SOUTHWEST MARINE DRIVE

2.2 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 (276) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Dwelling Units in conjunction with any use listed in this section;
- (b) Service Uses;
- (c) Retail Uses; and
- ~~(d) Accessory uses customarily ancillary to the uses permitted by this section.~~
- (d) Office Uses; and
- (e) Accessory Uses customarily ancillary to the uses permitted in this section.

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