



REFERRAL REPORT

Report Date: November 1, 2022
Contact: Yardley McNeill
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VanRIMS No.: 08-2000-20
Meeting Date: November 15, 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 (835) By-law No. 13487 for 443 Seymour Street to correct a floor area exclusion reference, generally as presented in Appendix A;
- (ii) amend CD-1 (823) By-law No. 13475 for 8460 Ash Street and 8495 Cambie Street to clarify the height descriptions for the proposed development, generally as presented in Appendix B;
- (iii) amend CD-1 (828) By-law No. 13480 for 1837-1863 East 11th Avenue and 2631-2685 Victoria Drive to correct permitted dwelling uses, generally as presented in Appendix C;
- (iv) amend CD-1 (643) By-law No. 11661 for 1335 Howe Street to permit a wider range of commercial uses, generally as presented in Appendix D;
and

- (v) amend CD-1 (809) By-law No. 13302 for 810 Kingsway to correct the site area, generally as presented in Appendix E.

REPORT SUMMARY

This report recommends miscellaneous amendments to CD-1 (835), CD-1 (823), CD-1 (828), CD-1 (643) and CD-1 (809). The amendments would correct inadvertent errors and omissions.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- CD-1 (835) By-law No. 13487 for 443 Seymour Street, enacted on July 20, 2022
- CD-1 (823) By-law No. 13475 for 8460 Ash Street and 8495 Cambie Street, enacted on July 20, 2022
- CD-1 (828) By-law No. 13480 for 1837-1863 East 11th Avenue and 2631-2685 Victoria Drive, enacted on July 20, 2022
- CD-1 (643) By-law No. 11661 for 1335 Howe Street, enacted on November 1, 2016
- CD-1 (809) By-law No. 13302 for 810 Kingsway, enacted on March 29, 2022

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 five CD-1 by-laws summarized below. The proposed by-law amendments are included in Appendices A to F.

1. CD-1 (835) By-law No. 13487 for 443 Seymour Street

CD-1 (835) By-law was approved in principle at Public Hearing on May 26, 2020 and enacted on July 20, 2022. The by-law permits the development of a 29-storey commercial office building. The development is currently at the development permit stage.

Section 4.6 of the by-law incorrectly references sections 5.4 and 5.5 instead of 4.4 and 4.5 for floor area exclusions. This proposed amendment, generally as presented in Appendix A, would correct this error.

2. CD-1 (823) By-law No. 13475 for 8460 Ash Street and 8495 Cambie Street

CD-1 (823) By-law was approved in principle at Public Hearing on November 18, 2021 and enacted on July 20, 2022. The by-law permits a mixed-use development with 16-storey, 27-storey and 31-storey buildings, ground-floor commercial space, 125 social housing units (comprised of 54 replacement and 71 additional co-op units for the Ashley Mar Housing

Cooperative) and 524 secured market rental units, under the *Marpole Community Plan and Issues Report – Addressing Housing Priorities for the Ashley Mar Housing Cooperative and Other Social Housing and Inclusionary Housing Sites in the Marine Drive Station Area*. The development is currently at the development permit stage.

Section 7.2 of the approved by-law permits the Director of Planning discretion to allow for additional height beyond the stated maximum building heights in each sub-area for common indoor rooftop amenity spaces. This proposed amendment provides clarification and adds functional building elements, including mechanical appurtenances and rooftop access, which may be considered for additional discretionary building height. No changes to the heights of each building are proposed. This proposed amendment, generally as presented in Appendix B, would achieve the intent of the original rezoning.

3. CD-1 (828) By-law No. 13480 for 1837-1863 East 11th Avenue and 2631-2685 Victoria Drive

CD-1 (828) By-law was approved in principle at Public Hearing on November 16, 2021 and enacted on July 20, 2022. The by-law permits a residential development with a 6-storey secured market rental residential building and the retention of a revitalized heritage house with 136 secured rental units under the *Grandview-Woodland Community Plan*. The development is currently at the development permit stage.

Section 3(a) of the by-law for permitted 'Uses' includes "Dwelling Uses, limited to Multiple Dwelling", but should also include "Multiple Conversion Dwelling" to allow for multiple dwellings in the retained heritage house. This proposed amendment, generally as presented in Appendix C, would achieve the intent of the original rezoning.

4. CD-1 (643) By-law No. 11661 for 1335 Howe Street

CD-1 (643) By-law was approved in principle at Public Hearing on December 15, 2016 and enacted on November 1, 2016. The by-law permits the development of a 40-storey mixed-use building that includes strata and secured market rental housing units. The development is built and occupied.

The approved by-law applies limitations on permitted uses for the ground-floor commercial units. This 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. Any uses that are considered to be incompatible with the site would not be approved through the development permit or business licensing processes. The proposed amendment, generally as presented in Appendix D would make CD-1 (643) By-law more consistent with more recently approved rezonings, and does not affect the form of development approved by Council.

5. CD-1 (809) By-law No. 13302 for 810 Kingsway

CD-1 (809) By-law was approved in principle at Public Hearing on January 19, 2021 and enacted on March 29, 2022. The by-law permits the development of a six-storey mixed-use building containing 108 secured market rental housing units and ground floor commercial spaces. The development is currently at the development permit phase.

Section 5.1 of the by-law incorrectly lists the site area as 2,305 m². The correct site area is 2,311 m². This proposed amendment, generally as presented in Appendix E, would correct this error and would achieve the intent of the original rezoning.

Financial Implications

The amendments put forward above would correct inconsistencies and errors and do not materially affect the proposed floor space. As such, they do not have a material 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 (835), CD-1 (823), CD-1 (828), CD-1 (643) and CD-1 (809) By-laws.

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 (835) BY-LAW NO. 13487
FOR 443 SEYMOUR 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. 13487.
2. In section 4.6, Council strikes out "5.4 and 5.5" and substitutes "4.4 and 4.5".

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**PROPOSED AMENDMENT TO CD-1 (823) BY-LAW NO. 13475
FOR 8460 ASH STREET AND 8495 CAMBIE 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. 13475.
2. Council strikes out section 7.2 and substitutes the following:
“7.2 Despite section 7.1 of this By-law and section 10.18 of the Zoning and Development By-law, if the Director of Planning permits common rooftop amenity space, mechanical and architectural appurtenances, and access in a sub-area, the height of the portion of the building with the common amenity space, mechanical and architectural appurtenances, and access must not exceed the maximum permitted height for that sub-area, as set out in Figure 2.

Figure 2 – Maximum Permitted Building Height

Sub-area	Building height	Building height including common rooftop amenity spaces, mechanical and architectural appurtenances, and access
A	84 m	92 m
B	54 m	62 m
C	95 m	103 m

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**PROPOSED AMENDMENT TO CD-1 (828) BY-LAW NO. 13480
FOR 1837-1863 EAST 11TH AVENUE AND 2631-2685 VICTORIA 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 No. 13480.
2. In section 3(a) Council adds "Multiple Conversion Dwelling" after "limited to Multiple Dwelling".

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**PROPOSED AMENDMENT TO CD-1 (643) BY-LAW NO. 11661
FOR 1335 HOWE 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. 11661.
2. Council strikes out section 2.2 and substitutes the following:
 - “2.2 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 the 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) Cultural and Recreational Uses;
 - (b) Dwelling Uses;
 - (c) Institutional Uses;
 - (d) Retail Uses;
 - (e) Service Uses; and
 - (f) Accessory Uses customarily ancillary to the uses permitted in this section.”

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**PROPOSED AMENDMENT TO CD-1 (809) BY-LAW NO. 13302
FOR 810 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 No. 13302.
2. In section 5.1 Council strikes out "2,305 m²" and substitutes "2,311 m²".

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TRACKED CHANGES VERSIONS OF DRAFT BY-LAWS

1. 443 SEYMOUR STREET
2. 8460 ASH STREET AND 8495 CAMBIE STREET
3. 1837-1863 EAST 11TH AVENUE AND 2631-2685 VICTORIA DRIVE
4. 1335 HOWE STREET
5. 810 KINGSWAY

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. 15391 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 (835) BY-LAW NO. 13487 FOR 443 SEYMOUR STREET

- 4.6 The use of floor area excluded under sections 5.4 4.4 and 5.5 4.5 must not include any use other than what which justified the exclusion.

CD-1 (823) BY-LAW NO. 13475 FOR 8460 ASH STREET AND 8495 CAMBIE STREET

- 7.2 Despite section 7.1 of this By-law and section 10.18 of the Zoning and Development By-law, if the Director of Planning permits common ~~indoor~~ rooftop amenity space, **mechanical and architectural appurtenances, and access** in a sub-area, the height of the portion of the building with the common ~~indoor~~ amenity space, **mechanical and architectural appurtenances, and access** must not exceed the maximum permitted height for that sub-area, as set out in Figure 2.

Figure 2 – Maximum Permitted Building Height

Sub-area	Building height	Building height including common indoor rooftop amenity spaces, mechanical and architectural appurtenances, and access
A	84 m	92 m
B	54 m	62 m
C	95 m	103 m

CD-1 (828) BY-LAW NO. 13480 FOR 1837-1863 EAST 11TH AVENUE AND 2631-2685 VICTORIA DRIVE

3. 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 (828) 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 Multiple Conversion Dwelling**; and
 - (b) Accessory Uses customarily ancillary to the uses permitted in this section.

CD-1 (643) BY-LAW NO. 11661 FOR 1335 HOWE STREET

- 2.2 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 the 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) Cultural and Recreational Uses, ~~limited to Artist Studio~~;
 - (b) Dwelling Uses;
 - (c) Institutional Uses, ~~limited to Child Day Care Facility~~;
 - (d) Retail Uses, ~~limited to Retail Store~~;
 - (e) Service Uses, ~~limited to Barber Shop or Beauty Salon, Beauty and Wellness Centre, Laundromat or Dry Cleaning Establishment, Photofinishing or Photography Studio, Repair Shop Class B, Restaurant Class 1~~; and
 - (f) Accessory Uses **s** customarily ancillary to any **the** uses permitted **by in** this section.

CD-1 (809) BY-LAW NO. 13302 FOR 810 KINGSWAY

- 5.1 Computation of floor space ratio must assume that the site consists of ~~2,305 m²~~ **2,311 m²** being the site size at the time of the application for the rezoning evidenced by this By-law, prior to any dedications.

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