



## REFERRAL REPORT

Report Date: January 23, 2023  
Contact: Paul Storer  
Contact No.: 604.873.7693  
RTS No.: 15502  
VanRIMS No.: 08-2000-20  
Meeting Date: January 31, 2023

TO: Vancouver City Council

FROM: General Manager of Engineering Services

SUBJECT: Zoning and Development By-law Amendments to Schedule E Building Lines  
(Hastings Street, North Side, from Cassiar Street to Boundary Road)

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

THAT the General Manager of Planning, Urban Design and Sustainability be instructed to bring forward the application 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 Zoning and Development By-law amendments, generally in accordance with the recommendations set out below, for consideration at the Public Hearing.

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

- A. THAT Council approves, in principle, the application to amend Schedule E of the Zoning and Development By-law to amend the building line for Hastings Street, north side, from Cassiar Street to Boundary Road from 4.3 m to 1.2 m, and from 3.69 m to 0.59 m, as applicable;

FURTHER THAT the Director of Legal Services be instructed to bring forward for enactment amendments to the Zoning and Development By-law generally in accordance with Appendix A.

- B. THAT Recommendation A be adopted on the following conditions:
- (i) THAT passage of the above resolutions creates no legal rights for any person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;

- (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact any rezoning by-laws; and
- (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

### **REPORT SUMMARY**

This report recommends an amendment to Schedule E of the Zoning and Development By-law to amend the Hastings Street north side building line from Cassiar Street to Boundary Road from 4.3 m to 1.2 m and from 3.69 m to 0.59 m, as applicable. Building lines define an area on private property where development cannot occur for the purpose of preserving open space and to allow for wider street right-of-way. The building line addressed in this report was established in 1993 in anticipation of the Cassiar Connector project. Staff have reassessed the building line and have determined that the full 4.3 m setback is not required.

Amending the building line for all three blocks in aggregate will significantly improve efficiency for the development permitting process by ensuring individual mixed-use housing projects will not have to seek Council approval to amend the building line on a site-by-site basis.

### **COUNCIL AUTHORITY/PREVIOUS DECISIONS**

September 2014: Council approved a reduction in the building line from 4.3 m to 1.2 m for the site at 388 Skeena Street only.

November 1993: Council amended the Zoning and Development By-law by inserting a building line of 4.3 m on the north side of East Hastings Street from Cassiar Street to Boundary Road.

### **CITY MANAGER'S/GENERAL MANAGER'S COMMENTS**

The City Manager recommends approval of the foregoing.

### **REPORT**

#### **Background/Context**

Building lines were established with the adoption of the Zoning and Development By-law in 1956 and are described in Section 8 (previously Section 14) of the current Zoning and Development By-law. Building lines define an area on private property where development cannot occur for the purpose of preserving open space and to allow for wider street right-of-way. Typically this space may be used for transportation and surface utility purposes, such as for sidewalk widening, road widening, turn-bays, cycling facilities, transit facilities, tree planting, or landscaping and green infrastructure.

Lands defined as building line are generally dedicated as roads in three circumstances: major conditional approval development permits, subdivision, and rezoning. More information on building lines is included in **Appendix B**.

The building line on the north side of East Hastings Street from Cassiar Street to Boundary Road was first established in 1993 in anticipation of the potential closure of the Skeena Tunnel, which was a part of the Cassiar Connector project led by the Province. The additional 4.3 m building line area was intended to support future left turn bays on East Hastings Street to address residents' concern around maintaining vehicle access to the neighbourhood. A map of the existing building line along this section of East Hastings Street is included in **Appendix C**.

### ***Strategic Analysis***

East Hastings Street from Cassiar Street to Boundary Road is a major arterial street connecting the City of Burnaby with Highway 1. It functions as a six lane street with one lane in each direction serving as a bus lane during peak periods.

Due to development interest along this section of East Hastings Street, staff have reviewed the existing building line and determined the full setback dimension of 4.3 m is no longer needed on this section of East Hastings Street. The original intent of this building line was to provide space for additional turning bays for vehicle access to neighbourhoods north of East Hastings Street, in the event that the Skeena Tunnel was closed as part of the Cassiar Connector project. Given the Skeena Tunnel was not closed, additional turn bays are no longer warranted.

Staff therefore recommend the 4.3 m building line identified in Schedule E be reduced to 1.2 m, with the 1.2 m dedicated as road allowance to support a more comfortable pedestrian environment on East Hastings Street. This proposed amendment is consistent with a previous 2014 Council approval for a development at 388 Skeena Street (formerly 3503-3523 East Hastings Street and 394-398 Skeena Street) where the building line was reduced from 4.3 m to 1.2 m (see Appendix C) to enable the development of a mixed-use rental project.

To note, a previous Development Permit for 388 Kootenay Street secured a 0.61m dedication along the East Hastings Street frontage. In this location the proposed building line change is therefore from 3.69 m to 0.59 m to enable the continuation of a consistent building line along the entire street frontage.

Amending this entire building line for this portion of East Hastings Street will both allow development potential on the sites to be optimized and more efficient processing of development permits, without the need for Council to approve amendments to the building line for each individual site as they redevelop.

### ***Financial Implications***

The recommended amendment to the building line along the three blocks of East Hastings Street has no direct financial implications to the City. However, as discussed in the report, the amended building line will allow for development potential of the affected sites to be optimized without site-by-site amendments, significantly improving the efficiency for the development permitting process for those owners and the City.

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## **Background Information on Building Lines**

### ***History and Purpose of Building Lines***

Building lines are described in Section 8 of the Zoning and Development By-law. Typically they are used for transportation and surface utility purposes, such as for sidewalk widening, road widening, turn bays, cycling facilities, transit facilities, tree planting, or landscaping and green infrastructure.

The use of building lines was recommended in the 1929 "A Plan for the City of Vancouver, including Point Grey, and South Vancouver and a General Plan for the Region", prepared by Harland Bartholomew and Associates. A building line defines a proposed future property line on private property where the City may seek the long term widening of a street right-of-way for transportation or other public uses.

Building lines were established through Vancouver's Zoning and Development By-law through Council by-law enactments mainly between 1946 and 1956. As with any amendment to the Zoning and Development By-law, changes to building lines require a Public Hearing and decision of Council.

### ***How Building Lines are Used***

Initially adopted to provide for future widening of existing roads, the additional right of way created by building lines can be used for other related purposes. These include widening a sidewalk, adding a bike lane, adding a median, creating additional space for utilities, or creating a transit right-of-way. An example would be Robson St, where building lines have resulted in wider sidewalks and a more attractive pedestrian environment.

If an owner proposes to rezone or subdivide a property, the City may require that the area between the existing property line and the building line be dedicated to the City at no cost to the City. Development is not normally permitted in the area between the existing property line and the building line except for landscaping, fences, and temporary structures. The objective of setting back development from the building line is to lessen the impact on the site should the City need to acquire the area before redevelopment occurs.

Dedications of the building line area (the area between the property boundary and the building line), can be required in certain circumstances from land owners whose lots abut a City street. It is a slow and gradual process, which over time provides the City with a widened right-of-way at less cost to the City. In other circumstances, the City must purchase the required land at market value.

Dedication of land can be required in three circumstances: for certain major conditional approval development permits, upon subdivision, and as part of a rezoning.

### ***Building Lines Around the City of Vancouver***

A May 18, 1999, City of Vancouver report to The Standing Committee on Transportation and Traffic estimated, there were over 5,500 lots within the City with building lines running through them. Building lines exist along a great number of City streets and additional land has been

acquired over time through the presence of these building lines. Often this has enabled wider sidewalks along arterial streets with better pedestrian separation from traffic.

The 1999 report also notes that changes to building lines have been made, often as part of wider planning processes for an area. This has included reducing or removing building lines in some instances. The report also states that building lines can be reviewed to determine which ones are still needed, and that the width and location of the building line can be adjusted if necessary.

## Location of Building Line along E Hastings St from Cassiar St to Boundary Rd

