



REFERRAL REPORT

Report Date: January 17, 2024
Contact: Leifka Vissers
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VanRIMS No.: 08-2000-20
Meeting Date: February 6, 2024

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

- A. THAT Council approves the application to:
- (i) amend CD-1 (531) By-law No. 10492 for 105-167 West 2nd Avenue to permit a wider range of commercial uses, generally as presented in Appendix A; and
 - (ii) amend CD-1 (522) By-law No. 10425 for 104-150 East 1st Avenue to permit a wider range of commercial uses, generally as presented in Appendix B.
- B. THAT Recommendation A be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; 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 a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; 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 miscellaneous amendments to CD-1 (531) and CD-1 (522) by-laws. The amendments would amend by-laws to align with current policy, and to correct inadvertent errors and omissions.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- CD-1 (531) By-law No. 10492 for 105-167 West 2nd Avenue, enacted on May 15, 2012
- CD-1 (522) By-law No. 10425 for 104-150 East 1st Avenue, enacted on February 14, 2012

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, as they are reported separately.

Strategic Analysis

This report presents miscellaneous amendments to two CD-1 by-laws as summarized below. The proposed by-law amendments are included in Appendices A, and B.

1. CD-1 (531) By-law No. 10492 for 105-167 West 2nd Avenue

CD-1 (531) By-law was approved in principle at Public Hearing on June 28, 2011 and enacted on May 15, 2012. It was amended on May 1, 2018 and April 2, 2019. The by-law permits three residential towers with commercial uses at grade and a childcare centre.

The approved by-law includes limitations on permitted uses for the commercial units. This amendment would remove several 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. This amendment would make CD-1 (531) By-law more consistent with recently approved rezonings and does not affect the form of development approved by Council.

2. CD-1 (522) By-law No. 10425 for 104-150 East 1st Avenue

CD-1 (522) By-law was approved in principle at Public Hearing on May 17, 2011 and enacted on February 14, 2012. It was amended on April 2, 2013. The by-law permits one mixed-use residential tower.

The approved by-law includes limitations on permitted uses for the ground-floor commercial unit, restricting retail use to vehicle dealer in conjunction with Custom-Built Motor Vehicle Manufacturing. Similar to the amendment described above, this amendment would allow a wider range of business types and support the viability of the commercial unit. 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 (522) By-law consistent with recently approved rezonings and does not affect the form of development approved by Council.

Financial Implications

The amendments put forward above will not alter floor area provisions and, as a result, not lead to a change in the Community Amenity Contributions, Public Art Levies and Development Cost Levies described in the original rezoning reports.

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 the CD-1 (531) and CD-1 (522) 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 (531) BY-LAW NO. 10482
105-167 West 2nd 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. 10482.
2. Council strikes out section 3 and substitutes the following:
 - “3.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (531).
 - 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 (531) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
 - (a) Dwelling Uses, limited to Mixed-Use Residential Building and Seniors Supportive or Assisted Housing;
 - (b) Cultural and Recreational Uses;
 - (c) Institutional Uses;
 - (d) Live-Work Use;
 - (e) Manufacturing Uses;
 - (f) Office Uses;
 - (g) Parking Uses;
 - (h) Retail Uses;
 - (i) Service Uses; and
 - (j) Accessory Uses customarily ancillary to the uses listed in this section 3.2.”

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**PROPOSED AMENDMENT TO CD-1 (522) BY-LAW NO. 10425
104-150 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. 10425.
2. Council strikes out section 3 and substitutes the following:
 - “3.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (522).
 - 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 (522) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
 - (a) Dwelling Uses, limited to Mixed-Use Residential Building and Seniors Supportive or Assisted Housing;
 - (b) Cultural and Recreational Uses;
 - (c) Institutional Uses;
 - (d) Live-Work Use;
 - (e) Manufacturing Uses;
 - (f) Office Uses;
 - (g) Parking Uses;
 - (h) Retail Uses;
 - (i) Service Uses; and
 - (j) Accessory Uses customarily ancillary to the uses listed in this section 3.2; and
 - (k) Interim Uses not listed in this section 3.2, 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 (522), and
 - (iv) any development permit for an interim use has a time limit of three years.”

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