



REFERRAL REPORT

Report Date: November 26, 2024
Contact: Leifka Vissers
Contact No.: 604.829.9610
RTS No.: 17653
VanRIMS No.: 08-2000-20
Meeting Date: December 10, 2024

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: Miscellaneous Amendments Concerning Various CD-1 By-laws and Schedule E of the Zoning and Development By-law

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 (369) By-law No. 7673 for 901-967 and 940-990 Seymour Street, to permit a wider range of commercial uses, generally as presented in Appendix A;
 - (ii) amend CD-1 (696) By-law No. 12105 for 500-650 West 57th Avenue, to permit a wider range of commercial uses, generally as presented in Appendix B;
 - (iii) amend CD-1 (876) By-law No. 14147 for 1961-1995 East Broadway and 2465 Semlin Drive to increase building height and permit an additional residential use, generally as presented in Appendix C;
 - (iv) amend CD-1 (305) By-law No. 7174 for 1899 West 1st Avenue to permit a wider range of commercial uses, generally as presented in Appendix D; and

- (v) amend Schedule E of the Zoning and Development By-law to remove the current building line for 2096 West Broadway and 2560-2576 Arbutus Street, generally as presented in Appendix E.
- 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 (369), CD-1 (696), CD-1 (876) and CD-1 (305) by-laws, as well as Schedule E of the Zoning and Development By-law. The amendments would amend by-laws to align with current policy, and to correct inadvertent errors and omissions.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- CD-1 (369) By-law No. 7673 for 901-967 and 940-990 Seymour Street, enacted on November 26, 1996 and amended on December 9, 2003.
- CD-1 (696) By-law No. 12105 for 500-650 West 57th Avenue (Pearson Dogwood) enacted on May 15, 2018 and amended on July 24, 2018 and April 2, 2019.
- CD-1 (876) By-law No. 14147 for 1961-1995 East Broadway and 2465 Semlin Drive, enacted on October 22, 2024.
- CD-1 (305) By-law No. 7174 for 1899 West 1st Avenue, enacted on September 14, 1993.
- Schedule E (Building Lines) of the Zoning and Development By-law.

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 four CD-1 by-laws and Schedule E of the Zoning and Development By-law as summarized below. The proposed by-law amendments are included in Appendices A, B, C, D and E.

1. CD-1 (369) By-law No. 7673 for 901-967 and 940-990 Seymour Street

CD-1 (369) By-law was approved in principle at Public Hearing on June 27, 1996 and enacted on November 26, 1996. It was amended on December 9, 2003. The by-law permits a mixed-use development with residential uses and commercial uses.

The approved by-law includes limitations on permitted uses for the commercial space. This amendment would remove limitations to accommodate a wider range of business types and to support the viability of the 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 (369) By-law more consistent with recently approved rezonings and does not affect the form of development approved by Council.

2. CD-1 (696) By-law No. 12105 for 500-650 West 57th Avenue (Pearson Dogwood)

CD-1 (696) By-law was approved in principle at Public Hearing on July 20, 2017 and enacted on May 15, 2018. It was amended on July 24, 2018 and April 2, 2019. The by-law permits a mixed-use development with residential uses, commercial uses, institutional uses and a childcare centre.

The approved by-law includes limitations on permitted uses for the commercial units. On June 23, 2022 Council approved further amendments to CD-1 (696) By-law however, the 2022 approval has yet to be enacted.

This amendment would remove several limitations to accommodate a wider range of business types and to support the viability of the commercial units. An amendment to the existing By-law would ensure 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 (696) By-law more consistent with recently approved rezonings and does not affect the form of development approved by Council.

3. CD-1 (876) By-law No. 14147 for 1961-1995 East Broadway and 2465 Semlin Drive

CD-1 (876) By-law was approved in principle at Public Hearing on July 13, 2023 and enacted on October 22, 2024. The By-law permits a six-storey mixed-use building with commercial uses and 76 strata-titled residential units.

The approved By-law limits the permitted residential uses. Due to an inadvertent error, lock off units were not included as a permitted residential use, despite being proposed by the applicant at the rezoning stage, with Staff support. The amendment to include lock-off units as a permitted residential use is in accordance with the *Family Room Housing Mix Policy for Rezoning Projects* and the form of development drawings approved by Council.

The approved By-law currently limits the building height to 21.6 m. An amendment to permit an increased building height to 23 m is proposed, to account for minor changes through the development permit process and to account for inadvertent errors. The proposed building height for CD-1 (876) aligns with the *Public View Guidelines*, has no impact to the Trout Lake View Cone, and does not affect floor area or building form.

4. CD-1 (305) By-law No. 7174 for 1899 West 1st Avenue

CD-1 (305) By-law was approved in principle at Public Hearing on March 26, 1992 and enacted on September 14, 1993. It was amended on October 30, 2012. The By-law permits a mixed-use development with residential uses and commercial uses.

The approved By-law includes limitations on permitted uses for the commercial space. This amendment would remove limitations to accommodate a wider range of business types and to support the viability of the 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 (305) By-law more consistent with recently approved rezonings and does not affect the form of development approved by Council.

5. CD-1 Rezoning: 2096 West Broadway and 2560-2576 Arbutus Street

The rezoning application for 2096 West Broadway and 2560-2576 Arbutus Street was approved in principle at Public Hearing on July 25, 2024. The CD-1 By-law has not yet been enacted.

A consequential amendment was not included by staff at the time of approval of this By-law. A consequential amendment to Schedule E (Building Lines By-law) of the Zoning and Development By-law to remove the current building line for the site would correct this omission. This amendment does not affect the form of development approved by Council, nor the CD-1 By-law approved in principle.

Financial Implications

The amendments put forward above would correct inconsistencies and errors with minimal impact on floor area. As such, they do not have an effect on Community Amenity Contributions or Public Art. Any applicable Development Cost Levies would be collected as part of the Building Permit process.

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 (369), and CD-1 (696), CD-1 (876) and CD-1 (305) By-laws, as well as Schedule E of the Zoning and Development By-law.

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 (369) BY-LAW NO. 7673
901-967 AND 940-990 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. 7673.
2. Council strikes out section 2 subsections (a) through (i) and substitutes the following:
 - (a) Dwelling Uses, limited to Mixed-Use Residential Building;
 - (b) Cultural and Recreational Uses;
 - (c) Institutional Uses;
 - (d) Office Uses;
 - (e) Parking Uses;
 - (f) Retail Uses;
 - (g) Service Uses, except that Print Shop and Production or Rehearsal Studio are limited to the building existing as of November 26, 1996 located on the northeasterly 125 feet of Site 1 shown on the diagram forming part of section 4.1;
 - (h) Utility and Communication Uses; and
 - (i) Accessory Uses customarily ancillary to the uses permitted in this section."

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PROPOSED AMENDMENT TO CD-1 (696) BY-LAW NO. 12105
500-650 WEST 57TH 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. 12105.
2. Council strikes out section 3.2(g) and substitutes the following:
“(g) Retail Uses;”

PROPOSED AMENDMENT TO CD-1 (876) BY-LAW NO. 14147
1961-1995 EAST BROADWAY AND 2465 SEMLIN 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. 14147.
2. Council strikes out section 3 and substitutes the following:
 - “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 (876), 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, limited to Mixed-Use Residential Building and Lock-Off Unit;
 - (c) Institutional Uses;
 - (d) Office Uses;
 - (e) Retail Uses;
 - (f) Service Uses;
 - (g) Utility and Communication Uses; and
 - (h) Accessory uses customarily ancillary to the uses permitted in this section.”
3. Council strikes out sections 6.1 and 6.2 and substitutes the following:
 - “6.1 Building height must not exceed 23 m.
 - 6.2 Despite section 6.1 of this by-law and the building height regulations in section 10 of the Zoning and Development By-law, if the Director of Planning permits common rooftop amenity space or mechanical appurtenances including elevator overrun and rooftop access structures, the height of the portions of the building with the permitted common rooftop amenity space or mechanical appurtenances must not exceed 25.5 m.”

PROPOSED AMENDMENT TO CD-1 (305) BY-LAW NO. 7174
1899 WEST 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. 7174.
2. Council strikes out section 2 subsections (a) through (m) and substitutes the following:
 - (a) General Office;
 - (b) Retail Uses;
 - (c) Barber Shop or Beauty Salon;
 - (d) Laundromat or Dry Cleaning Establishment;
 - (e) Photofinishing or Photography Studio;
 - (f) Repair Shop - Class B;
 - (g) Restaurant - Class 1;
 - (h) Fitness Centre;
 - (i) Dwelling Units;
 - (j) Parking Uses; and
 - (k) Accessory Uses customarily ancillary to the above uses.”

**PROPOSED CONSEQUENTIAL AMENDMENT TO SCHEDULE E OF THE
ZONING AND DEVELOPMENT BY-LAW**

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. 3575
2. In Part II of Schedule E, Council strikes out the entire entry, including the heading, for “Arbutus Street, east side, from Broadway to 16th Avenue”, and substitutes:

“Arbutus Street, east side, from 10th Avenue to 16th Avenue (see also Part 1 of this schedule)

A building line on the easterly side of Arbutus Street which building line is more particularly described as follows:

Commencing at a point on the northerly limit of 16th Avenue, which point is distant 3.150 m measured easterly along the said northerly limit of 16th Avenue from the westerly limit of the West Half of Lot 19, Block 465, D.L. 526, Plan 3557; thence northwesterly in a straight line to a point on the northerly limit of the lane lying parallel to and immediately to the north of 16th Avenue, which point is distant 13.746 m measured easterly along the said northerly limit of the lane from the original easterly limit of Arbutus Street; commencing again at a point on the northerly limit of 13th Avenue, which point is perpendicularly distant 2.134 m easterly from the said original easterly limit of Arbutus Street; thence northerly following in a line parallel to and 2.134 m perpendicularly distant easterly from the said original easterly limit of Arbutus Street, to intersection with the southerly limit of 10th Avenue.”