

City of Vancouver *Zoning and Development By-law*

Community Services, 453 W. 12th Ave Vancouver, BC V5Y 1V4 ☎ 604.873.7344 fax 873.7060
planning@vancouver.ca

CD-1 (9)

3330-3360 East 4th Avenue

By-law No. 3893

(Being a By-law to Amend By-law 3575, being the Zoning and Development By-law)

Effective January 24, 1961

(Amended up to and including By-law No. 8989, dated February 15, 2005)

1 [Section 1 is not reprinted here. It contains a Standard clause amending Schedule D (Zoning District Plan) to reflect this rezoning to CD-1.]

2 Uses

2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (9).

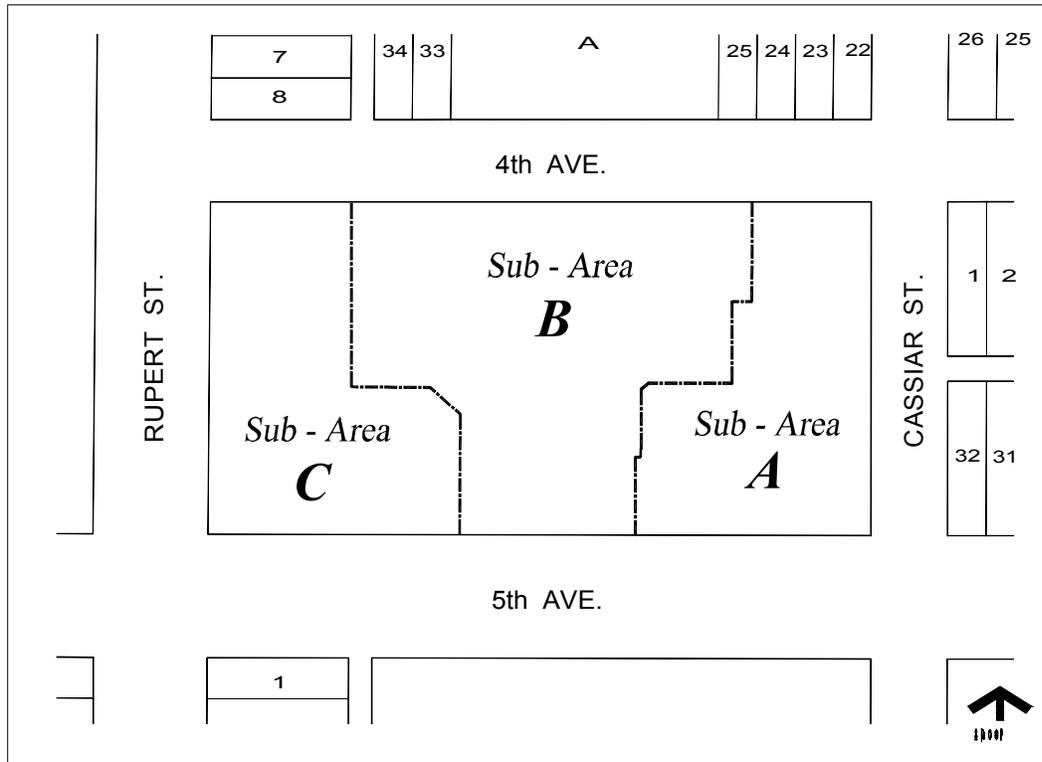
2.2 The only uses permitted within CD-1 (9), subject to such conditions as Council may by resolution prescribe, and to the conditions set out in this By-law, and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Dwelling Uses, limited to Multiple Dwelling and Seniors Supportive or Assisted Housing;
- (b) Institutional Uses, limited to Social Service Centre limited to adult day care providing drop-in or activity space; and
[8989; 05 02 15]
- (c) Accessory Use customarily ancillary to any of the uses permitted by this section.

3 Sub-areas

The site is to consist of sub-areas A, B, and C illustrated in Diagram 1:

Diagram 1 - Sub-areas



4 Density

4.1 The maximum floor area must not exceed:

- (a) 5 300 m² in sub-area A;
- (b) 6 750 m² in sub-area B;
- (c) 8 540 m² in sub-area C.

Note: Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 3893 or provides an explanatory note.

4.2 Computation of floor space ratio must include:

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, measured to the extreme outer limits of buildings; and
- (b) stairways, fire escapes, elevator shafts, and other features the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.

4.3 Computation of floor space ratio must exclude:

- (a) open residential balconies or sun decks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing;
- (b) patios and roof gardens if the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which, in the opinion of the Director of Planning, are similar to the foregoing, those floors or portions thereof so used which are:
 - (i) at or below the base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length, or
 - (ii) above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;
- (d) amenity areas, including adult day care facilities, recreational facilities, and meeting rooms accessory to a residential use, to a maximum total area of 10% of the total permitted floor area;
- (e) areas of undeveloped floors located:
 - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (f) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit; and
- (g) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause does not apply to walls in existence prior to March 14, 2000.

5 Height

5.1 In sub-area A, the building height, measured above the base surface, must not exceed four storeys having a maximum height of 10.7 m, except that the Director of Planning may relax that height to 13.7 m for a sloping roof.

5.2 In sub-area B, the building height, measured above the base surface, must not exceed four storeys having a maximum height of 12.2 m, except that the Director of Planning may relax that height to 15.5 m for a sloping roof.

5.3 In sub-area C, the building height, measured above:

- (a) the base surface, must not exceed eight storeys; and
- (b) the Rupert Street building grade elevation 51.98 m, must not exceed four storeys having a maximum height of 12.2 m, except that the Director of Planning may relax that height to 15.65 m for a sloping roof.

6 Horizontal angle of daylight

6.1 All habitable rooms in any building containing three or more dwelling units must have at least one window on an exterior wall that complies with the following:

- (a) the location of the window must be such that 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, are unobstructed over a distance of 24.0 m; and
- (b) measurement of the plane or planes referred to in subparagraph (a) must be horizontal from the centre of the bottom of the window.

6.2 For the purpose of section 6.1, obstructions include:

- (a) the theoretically equivalent buildings located on any adjoining sites in any R district in a corresponding position by rotating the plot plan of the proposed building 180 degrees about a horizontal axis located on the property boundaries of the proposed site;
- (b) part of the same building including permitted projections; and
- (c) accessory buildings located on the same site as the principal building.

6.3 For the purpose of section 6.1, habitable rooms do not include:

- (a) bathrooms; or
- (b) kitchens, unless the floor area is the greater of more than 10% of the total floor area of the dwelling unit or 9.3 m².

6.4 The Development Permit Board or Director of Planning, as the case may be, may relax the horizontal angle of daylight requirement set out in section 6.1, if the Development Permit Board or Director of Planning first considers the liveability of the resulting dwelling units and if there will be a minimum distance of 3.7 m of unobstructed view.

7 Parking, loading, and bicycle parking

7.1 Any development or use of the site requires the provision, development, and maintenance of off-street parking and loading and bicycle storage in accordance with the requirements of, and relaxations, exemptions and mixed-use reductions in, the Parking By-law, except as varied by section 7.2.

7.2 The following parking space requirements apply:

- (a) for non-profit multiple dwellings for seniors, at least one parking space for each six dwelling units;
 - (b) for seniors supportive or assisted housing multiple dwellings:
 - (i) for dwelling units less than 70 m² of gross floor area, one parking space for each four dwelling units, and
 - (ii) for dwelling units 70 m² or more of gross floor area, one parking space for each 100 m² of gross floor area, except that there need not be more than 1.1 parking space for each dwelling unit; and
- [8989; 05 02 15]
- (c) for market multiple dwellings for seniors, one space for each 70 m² of gross floor area except that there need not be more than 1.1 parking space for each dwelling unit.

7.3 Any development or use of the site requires the provision of:

- (a) Class B loading spaces to serve all buildings on site;
- (b) Class A bicycle parking on site; and

- (c) parking, loading and bicycle parking for adult day care or other community and social service activities;

as determined by the Director of Planning in consultation with the General Manager of Engineering Services.

8 Acoustics

All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of the dwelling units listed below do not exceed the noise level set opposite such portions. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and is defined simply as noise level in decibels.

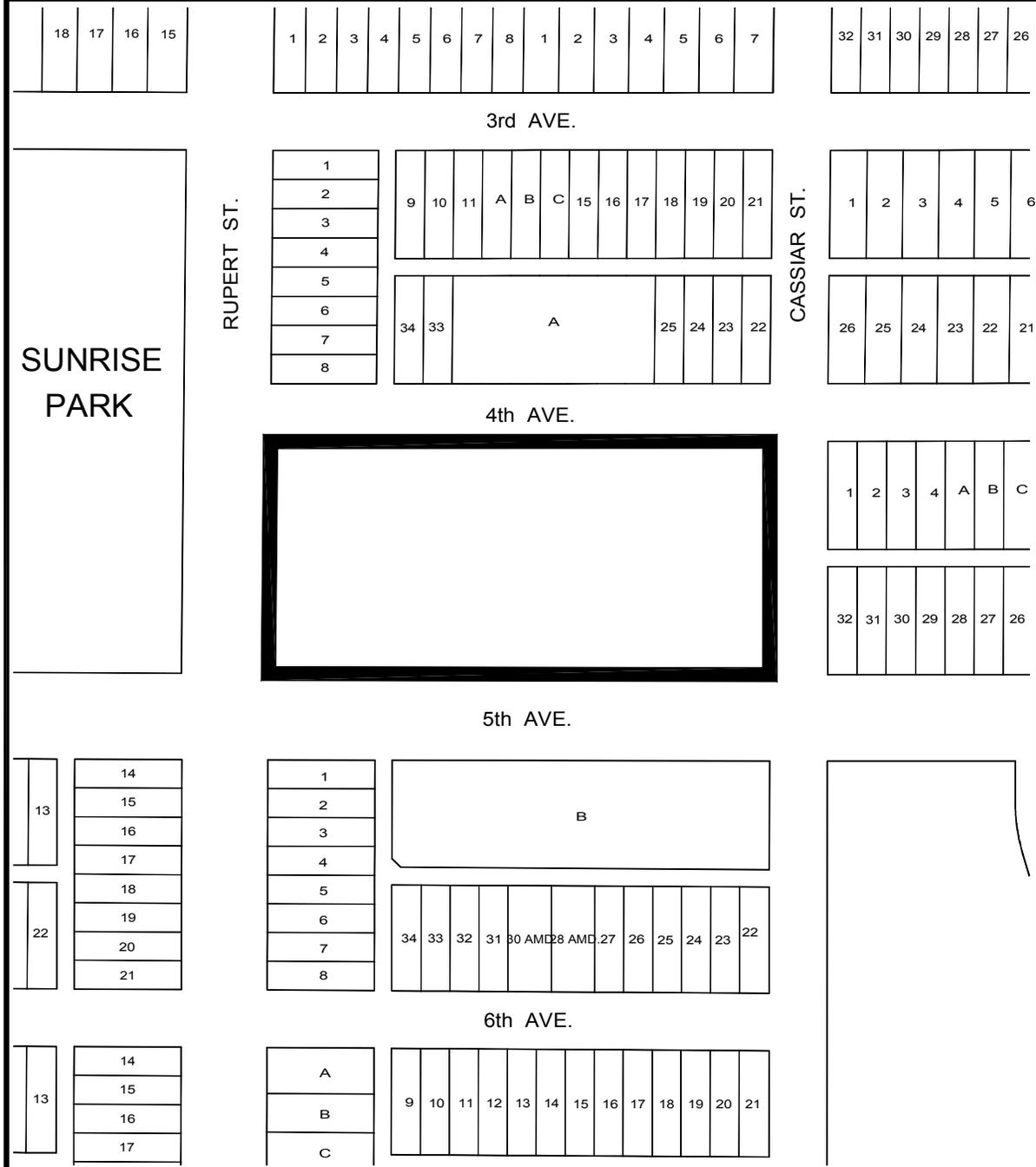
Portions of dwelling units	Noise levels (Decibels)
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

9 Severability

A decision by a court that any part of this By-law is illegal, void, or unenforceable is not to affect the balance of the By-law.

- 10** *[Section 10 is not reprinted here. It contains a standard clause including the Mayor and City Clerk's signature to pass the by-law and certify the by-law number and date of enactment.]*

By-law No. 3893 being a By-law to amend By-law No. 3575



The property outlined in black () is zoned CD-1(9)

Z-545

RZ - 2001 Cassiar Street

map: 1 of 1

scale: 1:2000



City of Vancouver

4. Rupert & Cassiar Sts., 4th & 5th Aves

Moved by Ald. Atherton,

THAT the application of Mrs. E.P. Thomas (Beulah Garden Homes Society) to rezone Block 92, Sec. 29, HTSL, located at Rupert and Cassiar Streets, 4th and 5th Avenues

from: RT-2 Two Family Dwelling District
to: CD-1 Comprehensive Development District

be approved subject to prior compliance with the following conditions approved by the Town Planning Commission and Technical Planning Board:

- (1) Sanitary sewer facilities being available to the site to the satisfaction of the City Engineer and approved by the City Council;
- (2) Prior compliance by the owners with the following:
Detailed plans of the development to be submitted to and approved by the Technical Planning Board, such plans not to be materially different from sketch plan No. G.3664-A submitted with the application, and indicating a minimum separation of 50 feet between the two buildings lying immediately east of Rupert Street; details of all retaining walls or other means of changes in level, screening, landscaping, garbage collection and clothes-drying areas, off-street parking, and the screening of such area. All elevations including exterior treatment of the proposed buildings to be submitted to and approved by the Technical Planning Board, on advice from the Civic Design Panel;
- (3) The block bounded by Rupert and Cassiar Streets, 4th and 5th Avenues, to be consolidated into one parcel and so registered in the Land Registry Office.

- Carried.

4. Rupert & Cassiar Sts., 4th & 5th Aves.

Moved by Ald. Atherton,
THAT the application of Mrs. E.P. Thomas (Beulah Garden Homes Society) to rezone Block 92, Sec. 29, HTSL, located at Rupert and Cassiar Streets, 4th and 5th Avenues

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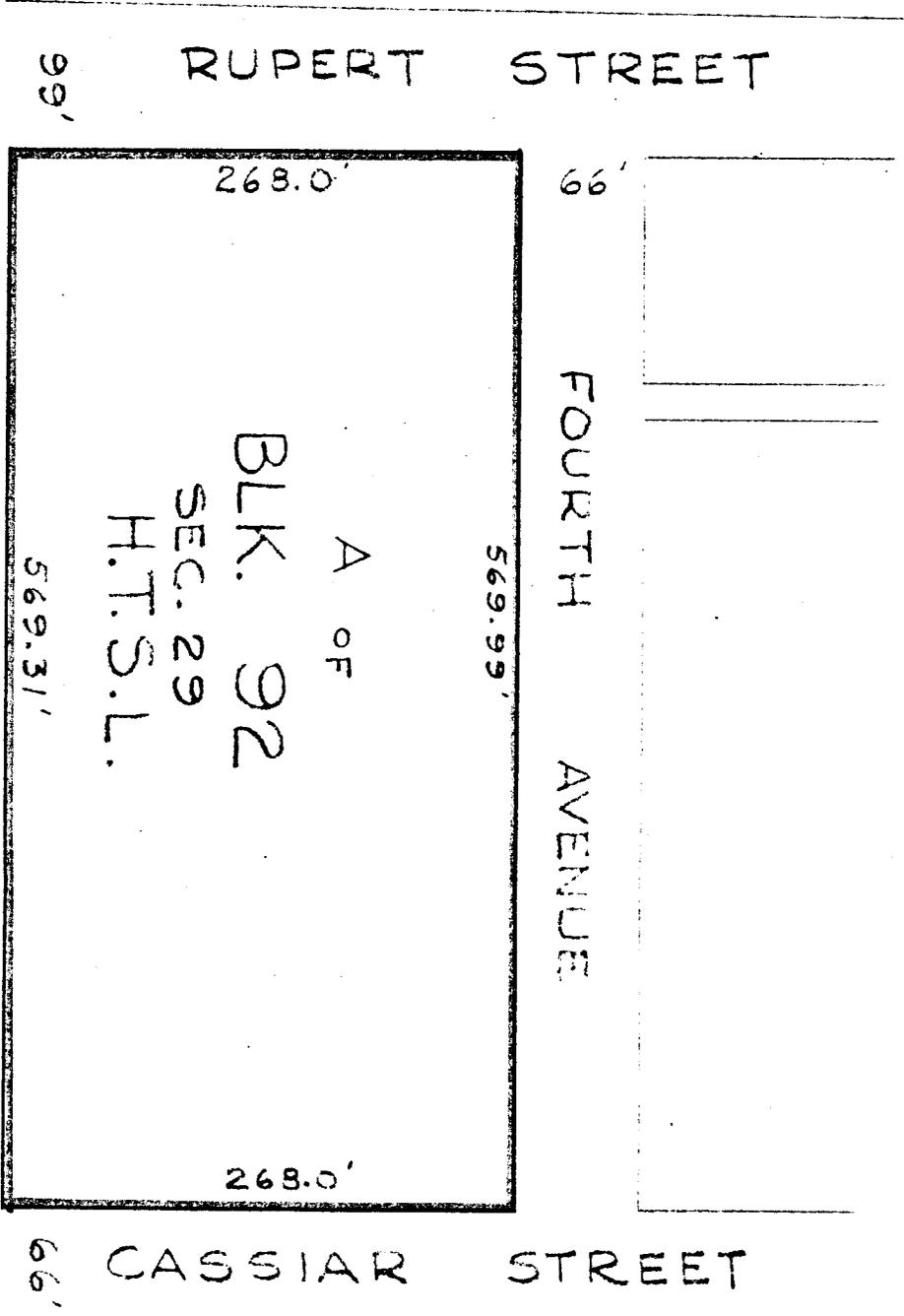
- (1) Sanitary sewer facilities being available to the site to the satisfaction of the City Engineer and approved by the City Council;
See Council Minutes Jan 17th, 1961
- (2) Prior compliance by the owners with the following:

Detailed plans of the development to be submitted to and approved by the Technical Planning Board, such plans not to be materially different from sketch plan No. G.3664-A submitted with the application, and indicating a minimum separation of 50 feet between the two buildings lying immediately east of Rupert Street; details of all retaining walls or other means of changes in level, screening, landscaping, garbage collection and clothes-drying areas, off-street parking, and the screening of such area. All elevations including exterior treatment of the proposed buildings to be submitted to and approved by the Technical Planning Board, on advice from the Civic Design Panel; *

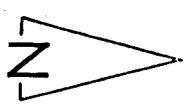
- (3) The block bounded by Rupert and Cassiar Streets, 4th and 5th Avenues, to be consolidated into one parcel and so registered in the Land Registry Office.

- Carried.

THE AREA SHOWN BELOW OUTLINED IN RED IS REZONED FROM (RT-2) TWO FAMILY DWELLING DISTRICT TO (CD-1) COMPREHENSIVE DEVELOPMENT DISTRICT.



S FIFTH AVENUE



SCALE 1" = 100'

(RZ R.46)

BY-LAW NO. 3893.

A By-law to amend By-law No. 3575 being the
Zoning and Development By-law.

THE COUNCIL OF THE CITY OF VANCOUVER in open meeting
assembled enacts as follows:

1. The Plan attached to and forming an integral part of By-law No. 3575 and designated as the "Zoning District Plan" and marked as Schedule "D" to said By-law is hereby amended according to the plan marginally numbered 2.62-D annexed to this By-law and marked as Schedule "D" hereto, and in accordance with the explanatory legend, notations, references and boundaries designated, described, delimited, and specified in particularity shown upon said plan annexed hereto; and the various boundaries and districts shown upon the plan hereto annexed respectively are an amendment of and in substitution for the respective districts, designated and marked on said Schedule "D" of said By-law No. 3575 insofar as the same are changed, modified or varied thereby, and the said Schedule "D" annexed to said By-law No. 3575 shall be deemed to be and is hereby declared to be amended accordingly and the said Schedule "D" attached to this By-law is hereby declared to be and shall form an integral part of said plan marked as Schedule "D" to said By-law No. 3575, as if originally incorporated therein, and shall be interpreted accordingly.
2. This By-law shall come into force and take effect on and after the date of the final passing hereof.

DONE AND PASSED in open Council this 24th day of
January, 1961.

A. S. Alsbury
Mayor.

R. Hooper
City Clerk.

This By-law received:
1st reading - January 24, 1961
2nd " - January 24, 1961
3rd " - January 24, 1961

R. Hooper
City Clerk

2001 Cassiar Street (Beulah Gardens)

BY-LAW NO.8901

A By-law to amend By-law No. 3893
which amended Zoning and Development By-Law No. 3575
by rezoning an area to CD-1

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. In By-law No. 3893, Council:
 - (a) deletes section 1;
 - (b) re-numbers section 2 as section 10; and
 - (c) inserts the following before section 10:

"Zoning District Plan amendment

1. This By-law amends the Zoning District Plan attached as Schedule D to By-law No. 3575, and amends or substitutes the boundaries and districts shown on it, according to the amendments, substitutions, explanatory legends, notations, and references shown on the plan marginally numbered Z - 545 attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

Uses

2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (9).

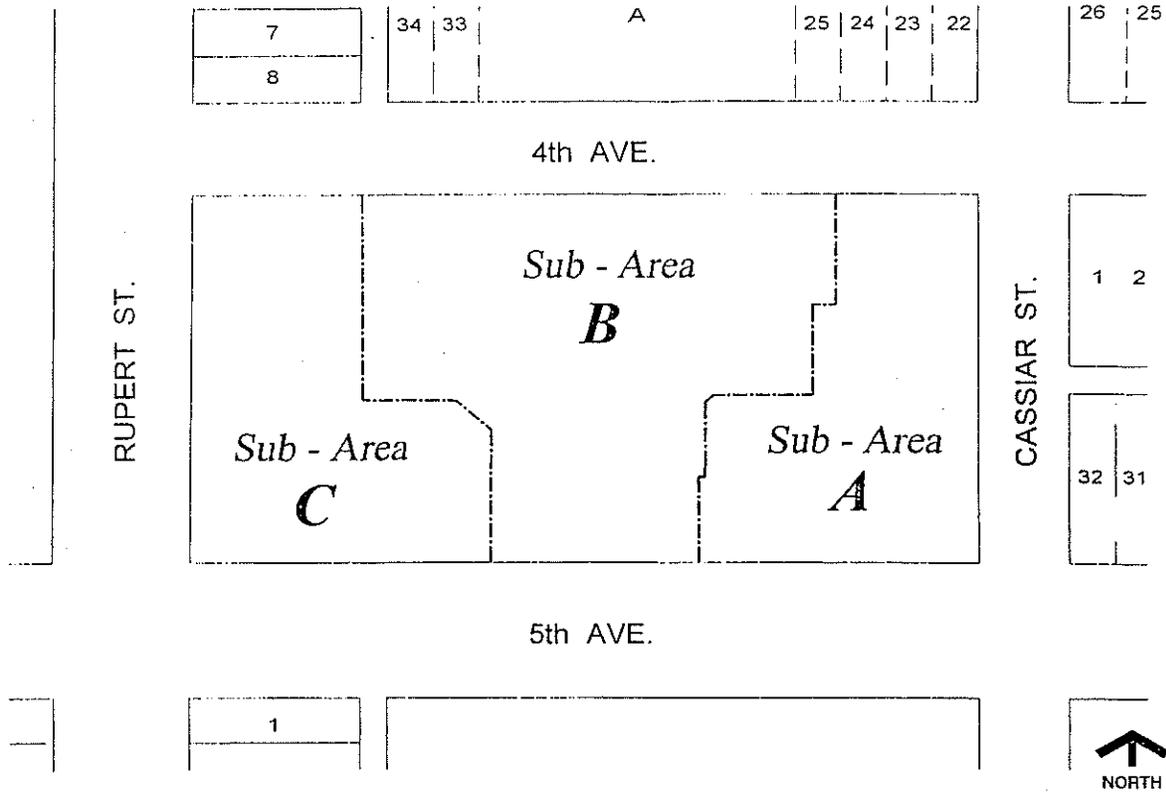
2.2 The only uses permitted within CD-1 (9), subject to such conditions as Council may by resolution prescribe, and to the conditions set out in this By-law, and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Dwelling Uses, limited to Multiple Dwelling;
- (b) Institutional Uses, limited to Special Needs Residential Facility - Congregate Housing, and to Social Service Centre limited to adult day care providing drop-in or activity space; and
- (c) Accessory Use customarily ancillary to any of the uses permitted by this section.

Sub-areas

3. The site is to consist of sub-areas A, B, and C illustrated in Diagram 1:

Diagram 1 - Sub-areas



Density

- 4.1 The maximum floor area must not exceed:

- (a) 5 300 m² in sub-area A;
- (b) 6 750 m² in sub-area B;
- (c) 8 540 m² in sub-area C.

- 4.2 Computation of floor space ratio must include:

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, measured to the extreme outer limits of buildings; and

- (b) stairways, fire escapes, elevator shafts, and other features the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.

4.3 Computation of floor space ratio must exclude:

- (a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing;
- (b) patios and roof gardens if the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which, in the opinion of the Director of Planning, are similar to the foregoing, those floors or portions thereof so used which are:
 - (i) at or below the base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length, or
 - (ii) above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;
- (d) amenity areas, including adult day care facilities, recreational facilities, and meeting rooms accessory to a residential use, to a maximum total area of 10% of the total permitted floor area;
- (e) areas of undeveloped floors located:
 - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (f) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit; and

- (g) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause does not apply to walls in existence prior to March 14, 2000.

Height

5.1 In sub-area A, the building height, measured above the base surface, must not exceed four storeys having a maximum height of 10.7 m, except that the Director of Planning may relax that height to 13.7 m for a sloping roof.

5.2 In sub-area B, the building height, measured above the base surface, must not exceed four storeys having a maximum height of 12.2 m, except that the Director of Planning may relax that height to 15.5 m for a sloping roof.

5.3 In sub-area C, the building height, measured above:

- (a) the base surface, must not exceed eight storeys; and
- (b) the Rupert Street building grade elevation 51.98 m, must not exceed four storeys having a maximum height of 12.2 m, except that the Director of Planning may relax that height to 15.65 m for a sloping roof.

Horizontal angle of daylight

6.1 All habitable rooms in any building containing three or more dwelling units must have at least one window on an exterior wall that complies with the following:

- (a) the location of the window must be such that 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, are unobstructed over a distance of 24.0 m; and
- (b) measurement of the plane or planes referred to in subparagraph (a) must be horizontal from the centre of the bottom of the window.

6.2 For the purpose of section 6.1, obstructions include:

- (a) the theoretically equivalent buildings located on any adjoining sites in any R district in a corresponding position by rotating the plot plan of the proposed building 180 degrees about a horizontal axis located on the property boundaries of the proposed site;
- (b) part of the same building including permitted projections; and
- (c) accessory buildings located on the same site as the principal building.

6.3 For the purpose of section 6.1, habitable rooms do not include:

- (a) bathrooms; or
- (b) kitchens, unless the floor area is the greater of more than 10% of the total floor area of the dwelling unit or 9.3 m².

6.4 The Development Permit Board or Director of Planning, as the case may be, may relax the horizontal angle of daylight requirement set out in section 6.1, if the Development Permit Board or Director of Planning first considers the liveability of the resulting dwelling units and if there will be a minimum distance of 3.7 m of unobstructed view.

Parking, loading, and bicycle parking

7.1 Any development or use of the site requires the provision, development, and maintenance of off-street parking and loading and bicycle storage in accordance with the requirements of, and relaxations, exemptions and mixed-use reductions in, the Parking By-law, except as varied by section 7.2.

7.2 The following parking space requirements apply:

- (a) for non-profit multiple dwellings for seniors, at least one parking space for each six dwelling units;
- (b) for congregate multiple dwellings:
 - (i) for dwelling units less than 70 m² of gross floor area, one parking space for each four dwelling units, and
 - (ii) for dwelling units 70 m² or more of gross floor area, one parking space for each 100 m² of gross floor area, except that there need not be more than 1.1 parking space for each dwelling unit; and
- (c) for market multiple dwellings for seniors, one space for each 70 m² of gross floor area except that there need not be more than 1.1 parking space for each dwelling unit.

7.3 Any development or use of the site requires the provision of:

- (a) Class B loading spaces to serve all buildings on site;
- (b) Class A bicycle parking on site; and
- (c) parking, loading and bicycle parking for adult day care or other community and social service activities;

as determined by the Director of Planning in consultation with the General Manager of Engineering Services.

Acoustics

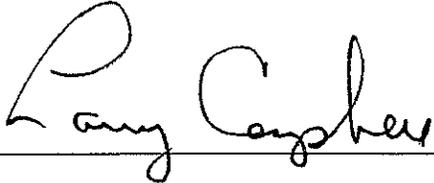
8. All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of the dwelling units listed below do not exceed the noise level set opposite such portions. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and is defined simply as noise level in decibels.

<u>Portions of dwelling units</u>	<u>Noise levels (Decibels)</u>
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

Severability

9. A decision by a court that any part of this By-law is illegal, void, or unenforceable is not to affect the balance of the By-law."
2. Schedule A attached to this By-law is to be Schedule A to By-law No. 3893.
3. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 20th day of July, 2004



Mayor



City Clerk

By-law No. _____ being a By-law to amend By-law No. 3893



The property outlined in black () is zoned **CD-1(S)**

Z-545

RZ - 2001 Cassiar Street

map: 1 of 1
scale: 1:2000



BY-LAWS

MOVED by Councillor Sullivan
SECONDED by Councillor Louie

THAT Council, except for those members excused as noted in the agenda, enact the by-laws listed on the agenda for this meeting as numbers 1, 3 to 9, and 12 and 13, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to enact a Housing Agreement for 6450 Clarendon Street) (By-law No. 8894)

2. Water Shortage Response By-law

Council enactment of the By-law was referred to the Council meeting immediately following the Standing Committee on City Services and Budgets meeting on July 22, 2004.

3. A By-law to enact a Housing Agreement for 1203 Seymour Street (By-law No. 8895)

4. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (900 Pacific Boulevard) (By-law No. 8896)
(Councillors Green, Stevenson and Woodsworth excused from voting)

5. A By-law to amend False Creek North Official Development Plan By-law No. 6650 (900 Pacific Boulevard) (By-law No. 8897)
(Councillors Green, Stevenson and Woodsworth excused from voting on By-law 5)

6. A By-law to amend Sign By-law No. 6510 (By-law No. 8898)

7. A By-law to amend Street Name By-law No. 4054 re Waterfront Road (By-law No. 8899)

8. A By-law to amend the general provisions of Local Improvement Procedure By-law No. 3614 (contributions to street projects and miscellaneous amendments) (By-law No. 8900)

9. A By-law to amend By-law No. 3893 which amended Zoning and Development By-Law No. 3575 by rezoning an area to CD-1 (2001 Cassiar Street) (By-law No. 8901)
(Councillors Green and Stevenson, and the Mayor, excused from voting on By-law 9)

12. Mayor and Council Members' Expenses By-law (By-law No. 8904)

13. A By-law to amend Parking By-law No. 6059 (Relaxation and Payment-in-lieu 663 Gore Avenue) (By-law No. 8905)

At 6:25 p.m., Councillor Sullivan declared Conflict of Interest as he has a pecuniary interest in the CD-1 zoned site known as 750 Pacific Boulevard (Plaza of Nations) due to serving (at various times) as a board member of, a consultant to, and a staff person in a number of non-profit organizations that are tenants of the Plaza of Nations. Councillor Sullivan left the Council Chamber and did not return until the conclusion of the vote on By-laws 10 and 11.

MOVED by Councillor Green
SECONDED by Councillor Louie

THAT Council, except for those members excused as noted in the agenda, enact the by-laws listed on the agenda for this meeting as numbers 10 and 11, and authorize the Mayor and City Clerk to sign

LATE DISTRIBUTION FOR COUNCIL - November 18, 2003



CITY OF VANCOUVER

SPECIAL COUNCIL MEETING MINUTES

OCTOBER 23, 2003

3

A Special Meeting of the Council of the City of Vancouver was held on Thursday, October 23, 2003, at 7:30 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the Zoning and Development, Sign and Downtown District Official Development Plan By-laws.

PRESENT: Deputy Mayor Fred Bass, Chair
Councillor David Cadman
Councillor Peter Ladner
Councillor Raymond Louie
Councillor Tim Louis
Councillor Anne Roberts
Councillor Sam Sullivan
Councillor Ellen Woodsworth

ABSENT: Mayor Larry Campbell (Leave of Absence - Civic Business)
Councillor Jim Green (Leave of Absence)
Councillor Tim Stevenson (Leave of Absence - Civic Business)

CITY CLERK'S OFFICE: Tarja Tuominen, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Woodsworth

THAT this Council resolve itself into Committee of the Whole, Deputy Mayor Bass in the Chair, to consider proposed amendments to the Zoning and Development, Sign and Downtown District Official Development Plan By-laws.

CARRIED UNANIMOUSLY

Vary order of agenda

Council agreed to vary the order of the agenda to consider Items 3 and 5 after Item 1, as there were no speakers registered for those items. For ease of reference the items are minuted in numerical order.

- ~~B. THAT the application by Downs Archambault and Partners Architects to amend the Sign By-law (By-law No. 6510) to establish regulations for the CD-1 in accordance with Schedule B (DD) generally as contained in Appendix C to the above noted Policy Report be approved.~~
- ~~C. THAT the Director of Legal Services be instructed to bring forward the following amendments to the Noise Control By-law at time of enactment of the Zoning By-law:~~

~~Amend Schedule A (Activity Zone) by adding the following:~~

~~"[CD-1 #] [By-law #] 1201 West Hastings Street".~~

~~CARRIED UNANIMOUSLY~~

5. Text Amendment: 2001 Cassiar Street

An application by LPA Development & Marketing Consultants Ltd., was considered as follows:

Summary: The proposed text amendment to the CD-1 would permit a phased expansion of the seniors housing including congregate care.

The Director of Current Planning recommended approval, subject to the conditions set out in the agenda of the Public Hearing.

Staff Comments

Lynda Challis, Planner, Rezoning Centre, briefly described the application and noted the applicant will be introducing an amendment to the condition related to the housing agreement.

Applicant Comments

Jack Clarkson, LPA Developments, requested a change to the proposed condition related to the housing agreement. The applicant is willing to secure the required core-needed housing units in the first two Phases of the building and is requesting to be exempt from providing the housing in the third phase.

Rob Whitlock, Senior Housing Manager, confirmed no units will be lost by agreeing to the request. Staff are satisfied the required below-market units will be secured.

Rick Hulbert, Architect, for Beulah Gardens, distributed a handout (on file) outlining a requested change to the building height allowed in the proposed CD-1 By-law amendment for the site. The change will address the difference in the slope on the site. The applicant has consulted with the neighbourhood. Staff, the Urban Design Panel and the neighbourhood support the proposed change.

Ms. Challis advised changes proposed by the applicant for the building height are of a technical nature. Staff support the proposed amendment as it is not a height increase but addresses the slope changes throughout the site.

Summary of Correspondence

No correspondence was received on this application since the date it was referred to Public Hearing.

Speakers

Deputy Mayor Bass called for speakers for and against the application and none were present.

Staff Closing Comments

Ms. Challis reiterated the proposed change to the housing agreement does not change the numbers. The housing agreement for the site will come back for finalization.

Council Decision

Council supported the amendments to the Housing Agreement and the change in building height as proposed by the applicant.

MOVED by Councillor Sullivan

A. THAT the application by LPA Development and Marketing Consultants Ltd., to amend CD-1 By-law No. 3893 for 2001 Cassiar Street (Block 92, Sec. 29 THSL Plan 3104), to permit redevelopment of the site to increase the number or residential units for seniors, including congregate housing, generally as set out in Appendix A to the Policy Report "CD-1 Text Amendment - 2001 Cassiar Street (Beulah Gardens" dated August 29, 2003 be approved, subject to the following conditions:

(a) That the proposed form of development be approved by Council in principle, generally as prepared by LPA Development and Marketing Consultants Ltd., and stamped "Received City Planning Department", May 3, 2003, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.

(b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

(i) design development to buildings in sub-areas A and B to

(1) ensure livability and access to daylight to the ground level units;

Note to applicant: No dwelling unit should be located more than 0.6 m (2 ft.) below grade.

- (2) provide variation in the overall roof form to achieve a more residential building character, in scale and proportion, with further variation in the massing, materials, dormers, windows and colour;

Note to applicant: design development should utilize materials that will enhance and complement the natural environ on the site.

- (3) ensure that the proposed bridge structure between building in sub-area A and building in sub-area B is articulated to be light and transparent;

(ii) design development to building in sub-area C to

- (1) ensure that ground facing units are not oriented to the 5th Avenue parkade driveway;
- (2) ensure livability by maximizing the access to daylight for the lower level units oriented to Rupert Street;
- (3) enhance its streetscape character by providing variation within the overall building form through transitional massing along the Rupert Street streetscape, with further variation in massing, materials, windows and colour;

Note to applicant: design development should utilize materials that will enhance and complement the natural environ of the site.

- (4) alternate roof forms other than a sloped roof may be considered;
- (5) ensure that the proposed covered walkway between building in sub-area B and building in sub-area C is articulated to be light and transparent;

(iii) design development to parking garage areas to ensure they are adequately screened, including garbage, with landscaping treatments;

(iv) design development to take into consideration the principles of CPTED (crime prevention through environmental design) having particular regard for:

- break and enter into ground level suites through reducing areas of concealment outside of windows and doors;
- theft in the underground parking through security gating, careful locations of exit stairs to be visible and watched by residents only;
- improved definition of public and private spaces to reduce opportunities for cutting through the property.

- (v) written confirmation from a Certified Arborist, that they have been retained to supervise and undertake any work necessary to ensure the existing trees retained on site are not compromised during either excavation or construction. The Certified Arborist will undertake any necessary work to retained trees which have been negatively impacted by construction on site. (i.e., altering of grades, concrete waste dumped near trees, etc.). In addition, the Certified Arborist will submit (to the Development Services Department) a letter of undertaking to the satisfaction of the Director of Development Services.
 - (vi) design development to further enhance the public realm (between the property line and the sidewalk) along the 5th Avenue frontage of the site;
 - (vii) design development to the "Forest Garden" pedestrian pathway to provide a walking circuit which provides more than one terminus (than the mid block city sidewalk location proposed);
 - (viii) provision of street trees adjacent the site where space permits;
 - (ix) provision of satisfactory vertical clearance to the underside of the bridge between buildings in sub-area B and C;

Note to applicant: Engineering Services requires 4.3 m clearance for large trucks and Fire Department requires 5.0 m clearance for fire truck access.
 - (x) design development to ensure that Fire Department access to building entries and to below and above grade levels comply with the Vancouver Building By-law.
- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall:
- (i) make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:
 - (1) upgrading of the City sewer system to provide adequate sanitary and storm services for the proposed development;
 - (2) upgrading of the City water main system to meet the firefighting demands for the proposed development;
 - (3) provision of a 1.52 m (5-foot) wide concrete sidewalk on Cassiar Street adjacent to the site and on that portion of 4th Avenue where no sidewalk exists adjacent to the site;

- (ii) make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for clarification of all charges registered in the Land Title Office against title to the lands (a charge summary, including copies of all charges, must be provided) and modification, extension or release of any charges deemed necessary by the Director of Legal Services;
- (iii) make suitable arrangements to the satisfaction of the General Manager of Engineering Services, for all new BC Hydro and Telus services for this site to be undergrounded from the closest existing suitable service point including a review of any required overhead lines that may be needed, to determine its effect, if any, on the neighbourhood;
- (iv) make arrangements to the satisfaction of the Director of the Housing Centre and the Director of Legal Services to enter into a Housing Agreement, to:
 - (1) secure the residential units as affordable (50% of the occupants will be income tested at their point of entry, and incomes are at or below the core need income threshold), for the life of the buildings; and
 - (2) further that the project be operated for low-to-moderate income seniors by a non-profit reporting society registered in the Province of British Columbia, and, if sold, only to another non-profit reporting society also registered in British Columbia, except that Phase 3 may be exempted from this provision if clause (1) is satisfied in Phases 1 and 2 ;
- (v) make arrangements to the satisfaction of the Director of the Housing Centre for a tenant relocation plan, as outlined by the applicant, wherein residents are satisfactorily relocated to units on site, units owned and operated by the Society, or affiliated non-profit housing societies.

Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owner, but also as Covenants pursuant to Section 219 of the Land Title Act.

Such agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances effecting the subject site, as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law; provided, however, the Director of Legal Services may, in her sole discretion and on terms she considers advisable, accept tendering of the preceding agreements for registration in the appropriate Land Title Office, to the satisfaction of the Director of Legal Services, prior to enactment of the by-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services.

B. THAT the draft CD-1 By-law No. 3893 for 2001 Cassiar Street be amended as follows:

Height

- 5.1 In sub areas A ~~and B~~, the building height, measured above the base surface must not exceed four storeys having a maximum height of 10.7 m, except that the Director of Planning may relax that height to 13.7 m for a sloping roof.
- 5.2 *In sub-area B, the building height, measured above the base surface, must not exceed four storeys having a maximum height of 12.2 m, except that the Director of Planning may relax that height to 15.5 m for a sloping roof.*
- 5.3 In sub-area C, the building height, measured above:
- a) the base surface, must not exceed eight storeys; and
 - b) the Rupert Street building grade elevation 51.98 m, must not exceed four storeys *having a maximum height of 12.2 m, except that the Director of Planning may relax that height to 15.65 m for a sloping roof.*
(Italics and strikethrough denote amendment)

CARRIED UNANIMOUSLY

6. Text Amendment: Downtown Official Development Plan (Car Rental)

An application by the Director of Current Planning was considered as follows:

Summary: The proposed text amendment to the Downtown District ODP would permit car rental in sub-area K (Granville Street).

The Director of Current Planning recommended approval.

Staff Comments

Lynda Challis, Planner, Rezoning Centre, briefly reviewed the application, noting the proposed text amendment would permit car rental operations between Robson and Drake to serve the local population and tourist trade.

Summary of Correspondence

No correspondence was received since the date the application was referred to Public Hearing.

BY-LAW NO. 8989

**A By-law to amend By-laws No.'s 3893, 8592, 7087 and 7174
which amended Zoning and Development By-law No. 3575
by rezoning certain areas to CD-1**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. In By-law No. 3893, Council:

- (a) to section 2.2(a), after "Multiple Dwelling", adds "and Seniors Supportive or Assisted Housing" ;
- (b) from section 2.2(b), strikes out "Special Needs Residential Facility - Congregate Housing, and to"; and
- (c) from section 7.2(b), strikes out "congregate", and substitutes "seniors supportive or assisted housing".

2. From sections 2(a) and 5(a) of By-law No. 8592, Council strikes out "Special Needs Residential Facility - Congregate Housing", and substitutes "Seniors Supportive or Assisted Housing".

3. In each of By-law No.'s 7087 and 7174, after section 3.4, Council adds:

"3.5 Computation of floor area may exclude enclosed residential balconies if the Director of Planning first considers all applicable policies and guidelines adopted by Council, and approves the design of any balcony enclosure subject to the following:

- (a) the total area of all open and enclosed balcony or sundeck exclusions must not exceed 8% of the residential floor area being approved; and
- (b) the total enclosed area of excluded balcony floor area must not exceed 50%."

4. A decision by a court that any part of this By-law is illegal, void, or unenforceable is not to affect the balance of the By-law.
5. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 15th day of February, 2005



Deputy Mayor



City Clerk

2. Text Amendment: Miscellaneous Text Amendments

An application by the Director of Current Planning was considered as follows:

Summary: The proposed text amendments to the Zoning & Development By-law, CD-1 By-laws and the Downtown Official Development Plan would clarify existing regulations.

The Director of Current Planning recommended approval.

Staff Comments

Phil Mondor, Rezoning Planner, was present to respond to questions.

Summary of Correspondence

There was no correspondence received on this application since the date the application was referred to Public Hearing.

Speakers

Deputy Mayor Roberts called for speakers for and against the application and none were present.

Council Decision

MOVED by Councillor Green

THAT the application by the Director of Current Planning to amend the Zoning & Development By-law, various CD-1 By-laws and the Downtown Official Development Plan to clarify existing regulations generally in accordance with Appendix A to Policy Report "Miscellaneous Text Amendments: Zoning and Development By-law, CD-1 By-laws and the Downtown Official Development Plan" dated December 1, 2004 be approved.

CARRIED UNANIMOUSLY

MOVED by Councillor Cadman
SECONDED by Councillor Bass

THAT the report of the Committee of the Whole be adopted.

CARRIED UNANIMOUSLY

BY-LAWS

MOVED by Councillor Louis
SECONDED by Councillor Cadman

THAT Council, except for those members excused as noted in the agenda, enact the by-laws listed on the agenda for this meeting as numbers 1 to 16 inclusive, and authorize the Deputy Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to amend Building By-law No. 8057 to increase fees (By-law No. 8980)
2. A By-law to amend Electrical By-law No. 5563 to increase fees (By-law No. 8981)
3. A By-law to amend Gas Fitting By-law No. 3507 to increase fees (By-law No. 8982)
4. A By-law to amend Miscellaneous Fees By-law No. 5664 to increase fees (By-law No. 8983)
5. A By-law to amend Private Property Tree By-law No. 7347 to increase fees (By-law No. 8984).
6. A By-law to amend Secondary Suite Inspection Fee By-law No. 6553 to increase fees (By-law No. 8985)
7. A By-law to amend Sign By-law No. 6510 to increase fees (By-law No. 8986)
8. A By-law to amend Subdivision By-law No. 5208 to increase fees (By-law No. 8987)
9. A By-law to amend Zoning and Development Fee By-law No. 5585 to increase fees (By-law No. 8988)
10. A By-law to amend By-laws No.'s 3893, 7087 and 7174 which amended Zoning and Development By-law No. 3575 by rezoning certain areas to CD-1 (By-law No. 8989) (Councillors Louie, Stevenson, Woodsworth and the Mayor excused from voting on By-law 10)
11. A By-law to amend Downtown District Official Development Plan By-law No. 4912 (re miscellaneous text) (By-law No. 8990)