



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@city.vancouver.bc.ca

CD-1 (260)

1215-1239 West Georgia Street

By-law No. 6731

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

Effective September 25, 1990

(Amended up to and including By-law No. 8760, dated December 9, 2003)

- 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** The area shown included within the heavy black outline on Schedule “A” is rezoned to CD-1, which area shall be more particularly described as CD-1(260), and the only uses permitted within the said area, subject to such conditions as Council may by resolution prescribe, and the only uses for which development permits will be issued are:
- (a) multiple dwellings;
 - (b) accessory uses customarily ancillary to the above use.

3 Floor Space Ratio

- 3.1** The maximum floor space ratio shall be 6.0, except that the Development Permit Board may, for any development which fosters the restoration of an existing building which is listed on the Vancouver Heritage Inventory dated August 1986, authorize an increase in the permitted floor space ratio, not exceeding .25.

In determining the increase in floor area or density that may be authorized, the Development Permit Board shall consider:

- (a) the cost of the heritage-related restoration;
 - (b) the value of the increased floor area; and
 - (c) the impact upon livability and environmental quality of the neighbourhood.
- 3.2** The following shall be included in the computation of floor space ratio:
- (a) all floors having a minimum ceiling height of 1.25 m (4.10 ft.), both above and below ground level, to be measured to the extreme outer limits of the building.
- 3.3** The following shall be excluded in the computation of floor space ratio:
- (a) open residential balconies, canopies, sundecks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed 8% of the provided residential floor area;
 - (b) patios and roof gardens, provided that any sunroofs or walls forming part thereof are approved by the Director of Planning;
 - (c) where floors are used for off-street parking and loading, 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 at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 24 feet in length;
 - (d) elevator shafts, laundry rooms and entrance lobbies providing the areas are ancillary to residential uses;
 - (e) social and recreational amenities and facilities provided that the area of such excluded facilities does not exceed 20% of the allowable floor space or 929.03 m² (10,000 sq. ft.), whichever is the lesser;
 - (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; [8760; 03 12 09]
 - (g) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000. [8169; 00 03 14]

Note: *Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 6731 or provides an explanatory note.*

3.4 The Director of Planning may permit the following to be excluded in the computation of floor space ratio:

- (a) enclosed residential balconies, provided that 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:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and
 - (ii) no more than fifty percent of the excluded balcony floor area may be enclosed.

[7512; 96 01 11]

4 Height

The maximum building height, measured above the base surface, shall not exceed 109.5 m (359 ft.).

5 Off-street Parking and Loading

Off-street parking and loading shall be provided, developed and maintained in accordance with the provisions of the Parking By-law, except:

- (a) that a minimum of .5 parking spaces per dwelling unit, plus 1.0 space for each 100 m² of gross floor area shall be provided, however no more than 2.2 spaces per unit need be provided; and
- (b) a minimum of one loading bay shall be provided.

6 Acoustics

All development permit applications shall 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 shall 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 will be defined simply as noise level in decibels.

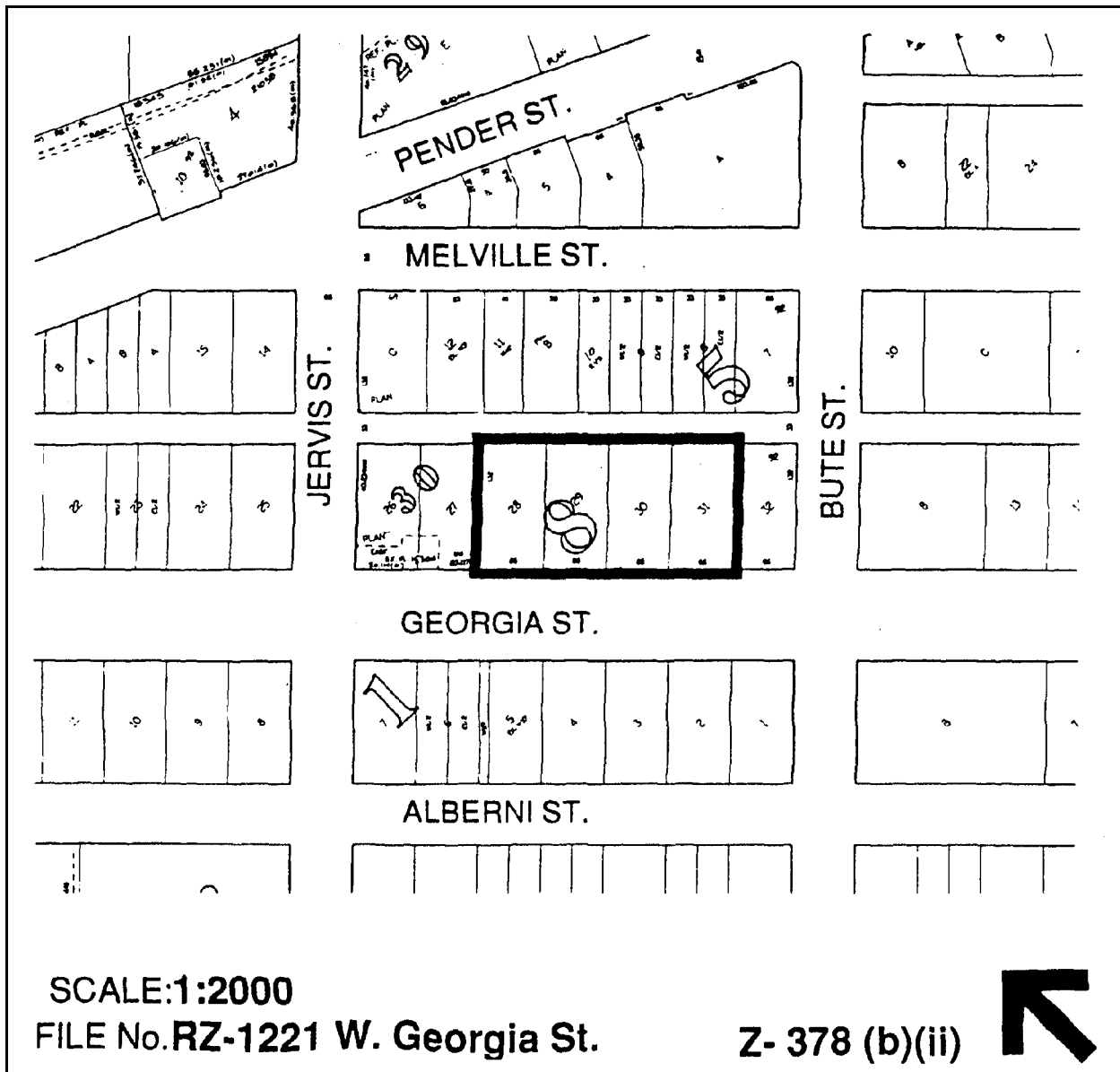
Portions of Dwelling Units	Noise Level (Decibels)
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

[7515; 96 01 11]

7 *[Section 7 is not reprinted here. It contains a standard clause including the Mayor and City Clerk's signatures to pass the by-law and to certify the by-law number and date of enactment.]*

By-law No. 6731 Being a By-law to amend By-law No. 3575, being the Zoning and Development By-law

The property shown below (—) outlined in black is rezoned from DD to CD-1



CITY OF VANCOUVER
SPECIAL COUNCIL MEETING

A Special Meeting of the Council of the City of Vancouver was held on Thursday, April 5, 1990, in the Council Chamber, Third Floor, City Hall, at approximately 7:30 p.m., for the purpose of holding a Public Hearing to amend the Zoning & Development By-law.

PRESENT: Mayor Campbell
Aldermen Baker, Bellamy, Davies,
Eriksen, Owen, Price,
Puil, Rankin, and Taylor

ABSENT: Alderman Wilking

CLERK TO THE COUNCIL: Ms. M.L. Cross

COMMITTEE OF THE WHOLE

MOVED by Ald. Bellamy,
SECONDED by Ald. Rankin,

THAT this Council resolve itself into Committee of the Whole, Mayor Campbell in the Chair, to consider proposed amendments to the Zoning & Development By-law.

- CARRIED UNANIMOUSLY

1. Rezoning: 1255 Burrard Street

An application by Chandler Kennedy Architects Inc. was considered as follows:

REZONING: LOCATION - 1255 BURRARD STREET (Lots O and N, Block 11, D.L. 185, Plan 12813 and Lot G of Lots 17 and 18, Block 11, D.L. 185, Plan 776).

Present Zoning: DD Downtown District
Proposed Zoning: CD-1 Comprehensive Development District

- (i) If approved, the CD-1 by-law would permit the use and development of the site as follows:
 - a maximum of 84 dwelling units in a multiple dwelling;
 - a maximum of 557.4 m² (6,000 sq. ft.) office, retail and service uses as described in the draft by-law;
 - accessory uses customarily ancillary to the above uses;
 - maximum floor space ratio of 5.19;
 - maximum height of 57.9 m (190 ft.);
 - acoustical provisions; and
 - provisions for off-street parking and loading.
- (ii) Any consequential amendments, including Sign By-law amendments.

Clause No. 1 continued

MOVED by Ald. Taylor (in amendment),
THAT the approval of the application be subject to:

- (a) a reduction in height to 175'
(Alderman Baker contrary)
- (b) a reduction in the fsr to 5.0
(Aldermen Baker, Bellamy, Owen and the Mayor opposed)
- (c) a contribution of \$346,000 for community amenities
(Alderman Baker contrary)

- CARRIED

The amendment having carried, the motion by Ald. Baker, reading as follows, was CARRIED:

THAT the application by Chandler Kennedy Architects be approved, with the conditions recommended by the Director of Planning this day, with the exclusion of the provision of an additional seven off-street parking spaces.

2. Rezoning: N/Side of 1200 Block W. Georgia Street
and S/Side of 1200 Block Melville Street

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

REZONING: LOCATION - N/SIDE OF 1200 BLOCK W. GEORGIA STREET AND S/SIDE OF 1200 BLOCK MELVILLE STREET (Lots C, 12 Exc. W. 3 ft., 11 W. 41 ft., Parcel B, 10 E1/2, 9 E1/2, 9 W1/2, 28 to 31, Block 30, D.L. 185, Grp 1 NWD, Plan 92)

Present Zoning: DD Downtown District

Proposed Zoning: CD-1 Comprehensive Development District

- (i) If approved, the CD-1 by-law would permit the use and development of the site generally as follows:
 - multiple dwellings;
 - accessory uses customarily ancillary to the above use;
 - maximum floor space ratio of 6.86 which includes provision for density transferring and bonusing as incentives to preserve two heritage buildings;
 - maximum height of 109.5 m (359 ft.);
 - acoustical provisions;
 - provisions for off-street parking and loading.
- (ii) Any consequential amendments.

The Director of Planning recommended approval subject to the following conditions proposed for adoption by resolution of Council:

- (a) That the proposed form of development be approved in principle, generally as prepared by James Cheng Architects and Paul Merrick Architects and stamped "Received City Planning Department - January 30, 1990," 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 resolution (b) below.

Clause No. 2 continued

- (b) That, prior to the enactment of the CD-1 by-law, the detailed scheme of development in a development application(s) be approved by the Director of Planning, having particular regard to the following items:
 - (i) provision of facilities for recycling and collection of refuse; and
 - (ii) suitable arrangements, including a Section 215 Covenant satisfactory to the Director of Legal Services, for the provision of:
 - (a) 51 parking spaces for the permanent use of the Banffshire Apartments; and
 - (b) 41 parking spaces for the permanent use of the Banff Apartments.
- (c) That, prior to enactment of the CD-1 By-law, the registered owners shall, at no cost to the City;
 - (i) consolidate the respective development sites, registered in the Land Title Office;
 - (ii) contribute to the City funds for basic community amenities, at a value to be set by Council;
 - (iii) register a Section 215 Covenant providing that occupancy or possession of any of the dwelling units shall not be denied to families with children;
 - (iv) enter into an agreement, to the satisfaction of the City Engineer to ensure provision of underground B.C. Telephone and B.C. Hydro services to the site from the closest existing suitable service point;
 - (v) enter into an agreement(s) satisfactory to the Director of Legal Services and the Director of Planning, to provide funding for rehabilitation and restoration of the Banffshire Apartment building including "seismic standards"; and
 - (vi) enter into an agreement with the City establishing responsibility for design and development of City property, including trees, tree grates and/or sidewalk treatment.
- (d) That, prior to enactment of the CD-1 By-law, staff shall report to Council with recommended mechanisms for administration of the bonussed parking facilities for the Banffshire and Banff Apartments and the financial contribution for seismic upgrading of the Banffshire Apartments, pending heritage designation of these two buildings.

Mr. J. Coates, Rezoning & Subdivision Group, advised that the rezoning application, the by-law and conditions of approval, were advertised in the broadest terms possible in order staff and property owners could continue negotiations right up to the Public Hearing.

Clause No. 2 continued

The Director of Planning is recommending the following amendments to the draft by-law:

Section 3.1 - The floor space ratio for Site A shall be 6.0 rather than 5.0.

Section 3.1 - The potential for bonus should be increased from .86 to 1.0.

Section 3.3(e) - Floor space exemption for social and recreational amenities should be applicable to both Sites B and C.

The Director of Planning is recommending the following amendments to the Conditions of Approval proposed for adoption by resolution of Council:

Condition (b) is amended to permit enactment to occur subject to preliminary development permit approval, which would still allow either of the two principal developers to proceed without being delayed by possible slower progress of the other.

Condition [c(ii)] reflects Council's resolution for contributions for basic community amenities in the amounts of \$948,000 for 1221 West Georgia Street and, \$828,000 for 1250 Melville Street.

The consequential amendments should include an amendment to the Sign By-law to specify that Schedule B(DD) shall apply.

Mr. Coates advised that conditions b(ii), c(v) and (d) would not be applicable if the density bonus could not be pursued for any reason.

The Mayor called for speakers for or against the application, and the following appeared:

Mr. A. Stroshin, owner of the Banff Apartments, expressed concern that if he wished to redevelop his site, the density allowed would be 4.0, while next door, the owner is being allowed 6.0 fsr and the proposed development will be 59' higher than what is allowable. The owners will get a bonus to provide 41 parking spaces on the 1221 West Georgia site for future use of the Banff. It has been suggested the Banff become a heritage building with a heritage density bonus on the 1221 West Georgia site, but there is no heritage left because of renovations for fire safety. It is a difficult site to develop and it would be expensive to provide additional parking. If it is retained, the costs of seismic upgrading would be more than constructing a new building.

Mr. R. Standerwick, representing owner of 1250 Melville Street, indicated that there is a \$600,000 upgrading being undertaken on the City lane. While this contribution may not be for basic community amenities, it is for the public benefit and an appropriate amount should be deducted from each owner's contribution for public amenities.

Clause No. 2 continued

Mr. J. Cheng, representing owners of 1221 West Georgia Street, advised in order to make this area a residential precinct, the owners were asked by the Planning Department and the Urban Design Panel to relocate the lane and set the buildings back in order to make it part of a garden. All the requested improvements are beyond the sites. There are carrying charges of \$240,000 per month on the property. The heritage density bonus does not meet the expense of the carrying charges. He requested condition c(ii) be amended to decrease the amounts for public amenities by 50% of the amount of the lane improvement for each owner.

MOVED by Ald. Puil,

THAT the application of the Director of Planning be approved subject to the revised amendments to the draft by-law and to the conditions of approval, submitted by the Director of Planning this day.

- CARRIED UNANIMOUSLY

3. Text Amendment CD-1 By-law No. 6070
- 777 W. Broadway

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

TEXT AMENDMENT: CD-1 BY-LAW NO. 6070 - 777 WEST BROADWAY (Lots C and D, Block 338, Plans 21022 and 20970, D.P. 526)

Present Zoning : CD-1 Comprehensive Development District
Proposed Zoning : CD-1 Amended

(i) If approved, the text amendment would

- differentiate between general office and health care office uses;
- permit reflexology-shiatzu clinics; and
- specify that the number of parking spaces required for Lot C is to comply with Parking By-law requirements.

(ii) Any consequential amendments.

The Director of Planning recommended approval.

Ms. P. Johnston, Rezoning & Subdivision Group, advised that the building is gradually being converted from general office use to health care office use. The 165 parking spaces were calculated on the basis of the building being used primarily for general office use, rather than medical office use, which requires approximately 80% more parking spaces.

The text amendment would specify "general office" and "health care office" and delete the specific number of parking spaces. Any conversion of general office space to health care office would require a development permit for a change of use and the standards of the Parking By-law would have to be met.

Mr. G. Bellamy, indicated that the building is substantially leased; only four suites (7% of the building) remain to be leased. The proposed amendments would lead to significant costs and for each new leased premises, a development permit would be required. Mr. Bellamy requested the text amendment not be put into effect until the existing four vacancies are leased.

1215-1221 West Georgia Street

BY-LAW NO. 6731

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 "Zoning District Plan" annexed to By-law No. 3575 as Schedule "D" is hereby amended according to the plan marginally numbered Z-378(b)(ii) and attached to this By-law as Schedule "A", and in accordance with the explanatory legends, notations and references inscribed thereon, so that the boundaries and districts shown on the Zoning District Plan are varied, amended or substituted to the extent shown on Schedule "A" of this By-law, and Schedule "A" of this By-law is hereby incorporated as an integral part of Schedule "D" of By-law No. 3575.

2. The area shown included within the heavy black outline on Schedule "A" is rezoned to CD-1, which area shall be more particularly described as CD-1(260), and the only uses permitted within the said area, subject to such conditions as Council may by resolution prescribe, and the only uses for which development permits will be issued are:

- (a) multiple dwellings;
- (b) accessory uses customarily ancillary to the above use.

3. Floor Space Ratio

3.1 The maximum floor space ratio shall be 6.0, except that the Development Permit Board may, for any development which fosters the restoration of an existing building which is listed on the Vancouver Heritage Inventory dated August 1986, authorize an increase in the permitted floor space ratio, not exceeding .25.

In determining the increase in floor area or density that may be authorized, the Development Permit Board shall consider:

- (a) the cost of the heritage-related restoration;
- (b) the value of the increased floor area; and

(ii) no more than fifty percent of the excluded balcony floor area may be enclosed;"

3. By-law No. 7246 is amended in section 3.5 by deleting clause (a) and by substituting the following new clause (a):

"(a) enclosed residential balconies, provided that 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:

(i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and

(ii) no more than fifty percent of the excluded balcony floor area may be enclosed;"

4. By-law Nos. 7156, 7200, 7232 and 7248 are each amended in section 6.4 by deleting clause (a) and by substituting the following new clause (a):

"(a) enclosed residential balconies, provided that 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:

(i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and

(ii) no more than fifty percent of the excluded balcony floor area may be enclosed;"

5. By-law No. 7317 is amended in section 6.4 by deleting clause (a) and by substituting the following new clause (a):

"(a) enclosed residential balconies, provided that 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:

(i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and

(ii) no more than fifty percent of the excluded balcony floor area may be enclosed."

4. Height

The maximum building height, measured above the base surface, shall not exceed 109.5 m (359 ft.).

5. Off-Street Parking and Loading

Off-street parking and loading shall be provided, developed and maintained in accordance with the provisions of the Parking By-law, except:

- (a) that a minimum of .5 parking spaces per dwelling unit, plus 1.0 space for each 100 m² of gross floor area shall be provided, however no more than 2.2 spaces per unit need be provided; and
- (b) a minimum of one loading bay shall be provided.

6. Acoustics

All development permit applications shall 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 shall 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 will be 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
terraces, patios, balconies	60

7. This By-law comes into force and takes effect on the date of its passing.


DONE AND PASSED in open Council this 25th day of
September, 1990.

(signed) Gordon Campbell
Mayor

(signed) Maria C. Kinsella
City Clerk

"I hereby certify that the foregoing is a correct copy of a By-law passed by the Council of the City of Vancouver on the 25th day of September 1990, and numbered 6731.

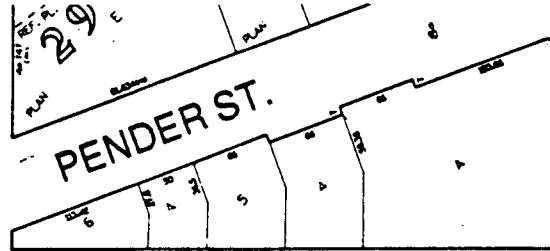
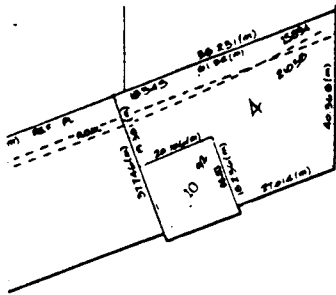
BY-LAW No. 6731 BEING A BY-LAW TO AMEND BY-LAW No.3575
 BEING THE ZONING AND DEVELOPMENT BY-LAW

THE PROPERTY SHOWN BELOW () OUTLINED IN BLACK IS REZONED:

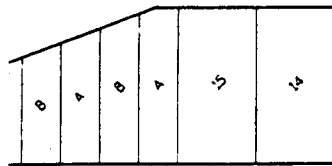
SCHEDULE A

FROM DD

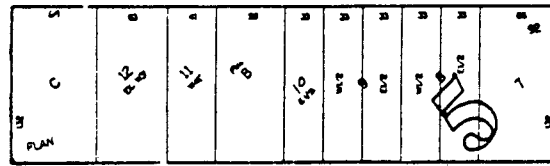
TO CD-1



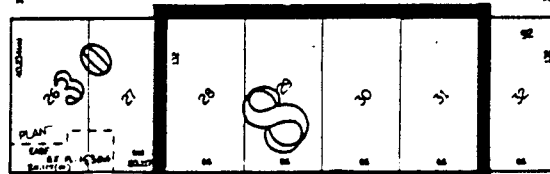
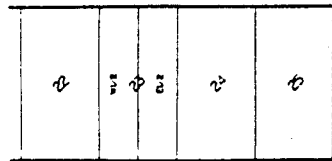
MELVILLE ST.



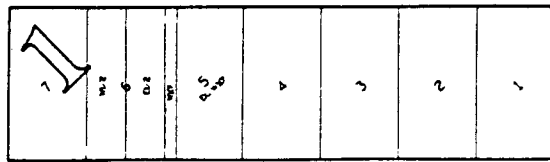
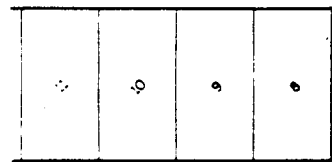
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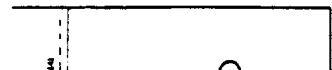
BUTE ST.



GEORGIA ST.



ALBERNI ST.



SCALE:1:2000

FILE No. RZ-1221 W. Georgia St.

Z- 378 (b)(ii)



CITY OF VANCOUVER
MEMORANDUM

From: CITY CLERK

Date: October 3, 1990

To: CITY MANAGER
DIRECTOR OF PLANNING
→ (ATTN.: ASSOCIATE DIRECTOR, ZONING)

Refer File: 5304-3

Subject: CDD Form of Development
(1215-21 West Georgia Street)

001-5304
NUMBER L 6553
REFERRED TO FAS
COPY TO
ANSWER REQ'D

I wish to advise you Vancouver City Council, at its meeting on September 25, 1990, when considering the above matter, resolved as follows:

THAT the approved form of development for the CD-1 zoned site know as 1215-21 West Georgia Street generally as illustrated in DA #211063, prepared by James K.M. Cheng Architects, and stamped "Received, City Planning Department April 12, 1990", provided that the Director of Planning may approve design changes which would not adversely affect either the development character and livability of this site or adjacent properties.

CITY CLERK
J

JSharpe:pl

Clause 1(a) and (b) (cont'd)

This development is also in keeping with Council's strategy of reducing traffic congestion by encouraging residential development in this area and reducing commuters. The application also provides for a substantial amount of bicycle parking within the new residential complex.

Staff Closing Comments

Staff offered no additional comments.

Council Decision

Prior to making a decision, several members of Council expressed the view that staff need to reconsider their approach when notifying residents about rezoning applications, as well as other City-related issues. Members of Council also referred to a previously requested report on waterfront tower height and Council expressed a desire to see this report as soon as possible.

MOVED by Cllr. Bellamy,

THAT this application be approved, subject to the conditions as set out in this minute of the Public Hearing.

- CARRIED UNANIMOUSLY

MOVED by Cllr. Price,

THAT the City Manager ensure that when the anticipated report from the Housing Centre on housing affordability comes back, it deals with the issues related to Triangle West and new neighbourhoods.

- CARRIED UNANIMOUSLY

2. Balcony Enclosures and Acoustic Requirements /

An application by the Director of Land Use and Development was considered as follows:

The proposed amendments to various zoning District Schedules, Official Development Plans and CD-1 Comprehensive Development District By-laws, would either:

- not allow any of the permitted residential floor area to be excluded from Floor Space Ratio (FSR) for enclosed balconies except in buildings existing prior to April 23, 1985 in which case the present regulations would apply; or

cont'd....

Clause No. 2 (cont'd)

- continue to permit a maximum of 8 percent of permitted residential floor area to be excluded form Floor Space Ratio (FSR) for balconies BUT to permit no more than half of excluded floor area to be enclosed; or
- permit no more than 8 percent of permitted residential floor area to be excluded from Floor Space Ratio (FSR) for enclosed balconies.

The proposed acoustic amendments would delete the acoustic requirement for balconies, terraces, patios, etc.

Amended Balcony Enclosure Guidelines and Policies are also proposed.

The Director of Land Use and Development recommended approval of this application.

Staff Opening Comments

Mr. Ralph Segal, Planner, provided background on this issue and introduced the options before Council this evening.

In 1964, in order to improve livability in higher density multiple dwelling developments, open balconies were excluded from FSR to a maximum of eight percent of residential floor area. In the early 1980s, the City received numerous requests from owners of units in existing buildings to enclose their balconies for reasons of poor insulation and acoustics, air drafts and other interior problems. In response, Council in 1985 adopted balcony enclosure guidelines by which enclosed balconies would continue to be excluded from FSR.

Subsequently, in response to the development industry's request for equity, Council permitted this exclusion to apply to new construction, subject to adherence to the guidelines. Since then, new buildings have, to an increasing degree, incorporated enclosed balconies as additional interior space displacing the private open space, the open balconies, for which the FSR exclusion had been originally provided.

Since enclosed balcony space has been successfully marketed at the full per square foot price of the rest of the dwelling unit, many developers have been more and more aggressive in seeking the full eight percent exclusion for enclosed balconies. This differs from a mix of open and enclosed balconies that were anticipated when the exclusion was first put in place.

cont'd....

Clause No. 2 (cont'd)

With the aid of photographs distributed to Council (on file in the City Clerk's Office), Mr. Segal explained that enclosure of most or all balconies bulks up buildings by filling in the volumes of open balconies and intends to create less residential, more office-like buildings. Exclusions from FSR are usually given to encourage developers to provide facilities that are considered important for livability but would likely not be provided without that incentive. In this case, bonuses are being permitted when they the negative affect of displacing the private open space for which the FSR exclusion was intended.

Recommendation A1 would eliminate the FSR exclusion for enclosed balconies except in the buildings existing prior to 1985, as per the original intent of the balcony enclosure provisions. Alternatively, should Council consider that enclosed balconies do have merit, A2 is offered which states that no more than half of the excluded balcony area may be enclosed. The third option, A3 is to simply allow outright the full eight percent exclusion to be enclosed.

This application also proposes an acoustic amendment. At present, acoustic requirements in many district schedules and CD-1 by-laws apply to standards in both rooms within the unit as well as exterior balconies and patios. As the current standard often requires balconies to be enclosed, even when this is not desired, the proposed amendment will delete this requirement. Mr. Segal also explained that amendments are proposed to the balcony enclosure guidelines which would delete provisions calling for easy conversion of enclosed balconies back to open balconies, as well as adding several additional clauses which will clarify the design intent in new construction.

Responding to a question from a member of Council, Mr. Segal advised of an error in the memorandum dated July 18, 1995 from the City Clerk, which referred this matter to Public Hearing. Recommendation A1 makes reference to excluding floor space ratio for enclosed balconies except in buildings existing prior to April 23, 1995. This should read April 23, 1985.

A member of Council enquired whether these guidelines would permit a style of balcony sometimes referred to a french balconies. Mr. Segal advised this style would not be permitted under the proposed guidelines.

Council members also enquired whether thresholds will still be required between the interior unit and the closed balconies. It was confirmed the proposed guidelines still contain this threshold requirement.

cont'd....

Clause No. 2 (cont'd)

Correspondence

All correspondence received prior to this matter being referred to Public Hearing was included as Appendix E in the Council report. One additional letter stressing the need for more open balconies in Vancouver and another favouring option A2, were also received.

Speakers

The Mayor called for speakers for and against the application, and the following addressed Council.

Mr. Hans Schmidt, representing the Society of Soundscape Preservation, expressed concern with the proposed deletion of acoustic requirements, on the grounds that if these requirements are deleted, the City is simply accommodating the noise which exists and not attempting to eliminate or reduce it. A greater emphasis should be directed towards elimination of the source of noise.

Mr. Dugal Purdie, on behalf of the Urban Development Institute (UDI), indicated his support for option A2 as it represents an appropriate compromise. The UDI is strongly opposed to A1 as this would affect proformas upon which construction was predicated upon. Mr. Purdie urged Council to support recommendation A2 with an amendment to exclude the applicability of the guidelines to enclosed space, as the Institute believes the total design of the building should be left with the architects and reviewed through the existing development permit process, without the addition of guidelines.

Mr. Stuart Howard, on behalf of the Architectural Institute of British Columbia (AIBC), lent his support to option A2, as it represents a compromise position. AIBC would ultimately prefer option 5 as stated in its May 30, 1995 brief to Council, but is willing to accept the compromise position. Mr. Howard suggested the Planning Department is naive in its support of option A1 because apartments are now significantly smaller in size and the continued requirement of an open balcony would result in a small, unusable space.

cont'd....

Clause No. 2 (cont'd)

MOVED by Cllr. Kennedy,

THAT the City continue to permit a maximum of eight percent of permitted residential floor area to be excluded from Floor Space Ratio (FSR) for balconies, but to permit no more than half of excluded floor area to be enclosed;

FURTHER THAT the requirement that thresholds be included in enclosed balconies be removed.

- CARRIED

(Councillors Chiavario, Kwan and Price opposed)

MOVED by Cllr. Kennedy,

THAT those District Schedules and CD-1 by-laws containing an acoustic regulation be amended, to delete the acoustic requirement for on-site open space (i.e., balconies, terraces, patios, etc.), generally as outlined in Appendix A of the Policy Report dated June 6, 1995.

- CARRIED

(Councillor Sullivan opposed)

MOVED by Cllr. Kennedy,

THAT the Balcony Enclosure Guidelines and Policies, amended as noted in Appendix B of the Policy Report dated June 6, 1995, to reflect more practical utilization by residents, be approved.

- CARRIED UNANIMOUSLY

MOVED by Cllr. Kennedy,

THAT Council advise the Planning Department that it supports "French Balconies" where appropriate and that language be incorporated in the balcony regulations and/or guidelines that would encourage their provision.

- CARRIED UNANIMOUSLY

Balcony Exclusions
Option A.2

BY-LAW NO. 7512

A By-law to amend By-law Nos.
6421, 6688, 6710, ~~6731~~, 6757, 6787, 6817, 7006,
7156, 7173, 7189, 7193, 7200, 7204, 7209, 7223,
7224, 7232, 7246, 7248, 7317, 7337, 7340, 7381,
7431 and 7461, being by-laws which amended the Zoning
and Development By-law by rezoning areas to CD-1

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

1. The following By-laws are each amended by deleting section 3.4
and by substituting the following new section 3.4:

"3.4 The Director of Planning may permit the following to be excluded in
the computation of floor space ratio:

(a) enclosed residential balconies, provided that 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:

(i) the total area of all open and enclosed balcony or sundeck
exclusions does not exceed eight percent of the residential
floor area being provided; and

(ii) no more than fifty percent of the excluded balcony floor
area may be enclosed."

6688	7006	7337
6710	7173	7340
6731	7189	7381
6787	7223	7431
6817	7224	

2. By-law Nos. 6421, 7193 and 7209 are each amended in section 3.4 by
deleting clause (a) and by substituting the following new clause (a):

"(a) enclosed residential balconies, provided that 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:

(i) the total area of all open and enclosed balcony or sundeck
exclusions does not exceed eight percent of the residential
floor area being provided; and

- (c) the impact upon livability and environmental quality of the neighbourhood.

3.2 The following shall be included in the computation of floor space ratio:

- (a) all floors having a minimum ceiling height of 1.25 m (4.10 ft.), both above and below ground level, to be measured to the extreme outer limits of the building.

3.3 The following shall be excluded in the computation of floor space ratio:

- (a) open residential balconies, canopies, sundecks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed 8% of the provided residential floor area;
- (b) patios and roof gardens, provided that any sunroofs or walls forming part thereof are approved by the Director of Planning;
- (c) where floors are used for off-street parking and loading, 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 at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 24 feet in length;
- (d) elevator shafts, laundry rooms and entrance lobbies providing the areas are ancillary to residential uses;
- (e) social and recreational amenities and facilities provided that the area of such excluded facilities does not exceed 20% of the allowable floor space or 929.03 m² (10,000 sq.ft.), whichever is the lesser;
- (f) residential storage space provided that where the space is provided at or above base surface, the maximum exclusion shall be 3.7 m² (40 sq.ft.) per dwelling unit.

3.4 The Director of Planning may permit the following to be excluded in the computation of floor space ratio:

- (a) enclosed residential balconies provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure, and provided further that the total area of all open and enclosed balcony or sundeck exclusions does not exceed 8% of the provided residential floor area.

6. By-law No. 7461 is amended in section 6.4 of Schedule "B" by deleting clause (a) and by substituting the following new clause (a):

- "(a) enclosed residential balconies, provided that 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:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and
 - (ii) no more than fifty percent of the excluded balcony floor area may be enclosed."

7. By-law No. 6757 is amended in section 7.4 by deleting clause (a) and by substituting the following new clause (a):

- "(a) enclosed residential balconies, provided that 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:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and
 - (ii) no more than fifty percent of the excluded balcony floor area may be enclosed;"

8. By-law No. 7204 is amended in section 7.4 of Schedule "B" by deleting clause (a) and by substituting the following new clause (a):

- "(a) enclosed residential balconies, provided that 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:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and
 - (ii) no more than fifty percent of the excluded balcony floor area may be enclosed;"

9. This By-law comes into force and takes effect on the date of its passing.

DONE AND PASSED in open Council this 11th day of
January, 1996.

"(signed) Jennifer Clarke"
Deputy Mayor

"(signed) Maria C. Kinsella"
City Clerk

"I hereby certify that the foregoing is a correct copy of a By-law passed by the Council of the City of Vancouver on the 11th day of January 1996, and numbered 7512.

CITY CLERK"

Acoustic Requirements

BY-LAW NO. 7515

A By-law to amend
By-law Nos. 3712, 4037, 4049, 4397, 4677, 5381,
5836, 5852, 6272, 6310, 6312, 6313, 6314, 6315,
6316, 6317, 6318, 6319, 6320, 6321, 6322, 6323,
6325, 6361, 6362, 6363, 6421, 6425, 6429, 6475,
6489, 6528, 6533, 6564, 6582, 6597, 6663, 6688,
6710, 6713, 6714, 6715, 6730, ~~6731~~, 6738, 6739,
6740, 6744, 6747, 6757, 6768, 6779, 6787, 6817,
6827, 6965, 7006, 7087, 7092, 7101, 7114, 7135,
7155, 7156, 7157, 7158, 7163, 7166, 7173, 7174,
7175, 7180, 7189, 7193, 7198, 7200, 7204, 7209,
7223, 7224, 7230, 7232, 7246, 7248, 7317, 7337,
7340, 7381, 7425, 7431, 7434 and 7461, being
by-laws which amended the Zoning and Development
By-law by rezoning areas to CD-1

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

1. By-law Nos. 6429, 6597, 7092, 7101, 7224 and 7340 are each amended in section 5 by deleting the words "terraces, patios, balconies" from the left column and the corresponding number "60" from the right column.

2. The following By-laws are each amended in section 6 by deleting the words "terraces, patios, balconies" from the left column and the corresponding number "60" from the right column:

4037	6688	7087	7180
4397	6710	7155	7189
4677	6713	7157	7209
5852	6731	7163	7246
6272	6738	7166	7381
6363	6768	7173	7425
6421	6787	7174	7431
6582	6827	7175	7434
6663			

3. By-law No. 6730 is amended in section 6.1 by deleting the words "Terraces, patios, balconies" from the left column and the corresponding number "60" from the right column.

4. The following By-laws are each amended in section 7 by deleting the words "terraces, patios, balconies" from the left column and the corresponding number "60" from the right column.

5836	6321	6564	7114
6310	6322	6739	7135
6312	6323	6740	7158
6315	6325	6817	7223
6319	6528	6965	7230
6320			

5. By-law Nos. 6313, 6314, 6316, 6317, 6318 and 6361 are each amended in section 7.1 by deleting the words "terraces, patios, balconies" from the left column and the corresponding number "60" from the right column.
6. By-law Nos. 3712, 4049, 6362, 6425, 6489, 6714, 6715, 7193 and 7337 are each amended in section 8 by deleting the words "terraces, patios, balconies" from the left column and the corresponding number "60" from the right column.
7. By-law No. 6779 is amended in section 9 by deleting the words "terraces, patios, balconies" from the left column and the corresponding number "60" from the right column.
8. By-law No. 7198 is amended in section 10 by deleting the words "terraces, patios, balconies" from the left column and the corresponding number "60" from the right column.
9. By-law Nos. 7156, 7200, 7232 and 7248 are each amended in section 11 by deleting the words "terraces, patios, balconies" from the left column and the corresponding number "60" from the right column.
10. By-law No. 6744 is amended in section 12 by deleting the words "terraces, patios, balconies" from the left column and the corresponding number "60" from the right column.
11. By-law Nos. 6747 and 6757 are both amended in section 13 by deleting the words "terraces, patios, balconies" from the left column and the corresponding number "60" from the right column.
12. By-law No. 5381 is amended in section 4.8.1 by
 - (a) deleting clause (d), and
 - (b) relettering clauses (e) and (f) as (d) and (e), respectively.
13. By-law No. 6533 is amended in section 5.6.1 by deleting clause (d).
14. By-law No. 6475 is amended in section 5.8.1 by deleting clause (d).
15. By-law No. 7006 is amended in section 7 by deleting the words "common-use roof decks and patios" from the left column and the corresponding number "55" from the right column.

16. By-law No. 7317 is amended in section 9 by deleting the words "common-use roof decks and patios" from the left column and the corresponding number "55" from the right column.

17. By-law No. 7461 is amended in section 9 of Schedule "B" by deleting the words "common-use roof decks and patios" from the left column and the corresponding number "55" from the right column.

18. By-law No. 7204 is amended in section 12 of Schedule "B" by deleting the words "common-use roof decks and patios" from the left column and the corresponding number "55" from the right column.

19. This By-law comes into force and takes effect on the date of its passing.

DONE AND PASSED in open Council this 11th day of
January , 1996.

"(signed) Jennifer Clarke"
Deputy Mayor

"(signed) Maria C. Kinsella"
City Clerk

"I hereby certify that the foregoing is a correct copy of a By-law passed by the Council of the City of Vancouver on the 11th day of January 1996, and numbered 7515.

CITY CLERK"



CITY OF VANCOUVER
SPECIAL COUNCIL MEETING MINUTES
NOVEMBER 20, 2003

A Special Meeting of the Council of the City of Vancouver was held on Thursday, November 20, 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 By-law, Official Development Plans, Sign By-law and to designate property as protected heritage property and to enter into a Heritage Revitalization Agreement.

PRESENT: Mayor Larry Campbell
Councillor David Cadman
Councillor Peter Ladner
Councillor Raymond Louie
Councillor Tim Louis
Councillor Anne Roberts
Councillor Tim Stevenson
*Councillor Sam Sullivan
Councillor Ellen Woodsworth

ABSENT: Councillor Fred Bass (Leave of Absence - Civic Business)
Councillor Jim Green (Civic Business)

CITY CLERK'S OFFICE: Laura Kazakoff, Meeting Coordinator

*Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Louis
SECONDED by Councillor Cadman

THAT this Council resolve itself into Committee of the Whole, Mayor Campbell in the Chair, to consider proposed amendments to the Zoning and Development By-law, Official Development Plans, Sign By-law, to designate property as protected heritage property and to enter into a Heritage Revitalization Agreement.

CARRIED UNANIMOUSLY

1. Text Amendment: Zoning and Development By-law, CD-1s, and Official Development Plans

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

Summary: Housekeeping amendments to the Zoning and Development By-law, including CD-1s and Official Development Plans.

The Director of Current Planning recommended approval.

Staff Comments

Dave Thomsett, Senior Planner, Rezoning Centre, was present to respond to questions.

Summary of Correspondence

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

Speakers

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

Council Decision

MOVED by Councillor Louis

THAT the application by the Director of Current Planning to amend the Zoning & Development By-law, CD-1 By-laws and Official Development Plans generally as set out in Appendices A & B of the Policy Report "Miscellaneous Text Amendments: Zoning and Development By-law, CD-1 By-laws, and Official Development Plans, Zoning and Development Fee By-law and Policies and Guidelines" dated September 23, 2003, be approved.

CARRIED UNANIMOUSLY
(Councillor Sullivan absent for the vote)

BY-LAWS

MOVED by Councillor Cadman
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 to 11 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to amend Zoning and Development By-law No. 3575 (re miscellaneous text amendments) (By-law No. 8758)
2. A By-law to amend By-law Nos. 6180, 6320, and 8587 which amended Zoning and Development By-law No. 3575 by rezoning certain areas to CD-1 (By-law No. 8759)
3. A By-law to amend miscellaneous CD-1 By-laws (re miscellaneous text and residential storage amendments) (By-law 8760)

(Councillors Bass, Green and Sullivan excused from voting)

4. A By-law to amend Zoning and Development By-law No. 3575 (re miscellaneous text and residential storage amendments) (By-law 8761)

(Councillors Bass, Green and Sullivan excused from voting)

5. A By-law to amend Downtown District Official Development Plan By-law No. 4912, Downtown-Eastside/Oppenheimer District Official Development Plan By-law No. 5532, and Southeast Granville Slopes Official Development Plan By-law No. 5752 (By-law 8762)

(Councillors Bass, Green and Sullivan excused from voting)

6. A By-law to amend Solid Waste and Recycling By-law No. 8417 to regulate certain 2004 utility fees and miscellaneous amendments (By-law 8763)

7. A By-law to amend Water Works By-law No. 4848 (2004 Fees and miscellaneous amendments) (By-law 8764)

8. A By-law to authorize the borrowing of certain sums of money from January 8, 2004 to January 7, 2005 pending the collection of real property taxes (By-law No. 8765)

9. A By-law to amend By-law No. 8093, being the Sewer and Watercourse By-law (Establishment of 2004 Sewer Use and Connection Rates) (By-law No. 8766)

10. A By-law to amend License By-law No. 4450 re 2004 marina operator fee increases

(By-law No. 8767)

11. A By-law to amend Impounding By-law No. 3519 (2004 Charges re Towing Service Contract) (By-law 8768)