



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 (273)

*833 Helmcken Street
1067-1095 Howe Street
By-law No. 6817*

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

Effective April 30, 1991

(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(273), 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) a maximum of 120 dwelling units in a multiple dwelling;
 - (b) retail store;
 - (c) grocery or drug store;
 - (d) liquor store;
 - (e) neighbourhood grocery store;
 - (f) general office;
 - (g) health care office;
 - (h) reflexology-shiatsu clinic;
 - (i) financial institution;
 - (j) animal clinic;
 - (k) barber shop or beauty salon;
 - (l) bed and breakfast accommodation;
 - (m) body-rub parlour;
 - (n) catering establishment;
 - (o) laundromat or dry cleaning establishment;
 - (p) neighbourhood public house;
 - (q) photofinishing or photography studio;
 - (r) print shop;
 - (s) repair shop Class B;
 - (t) restaurant Class 1;
 - (u) school - business;
 - (v) school - arts or self-improvement;
 - (w) school - vocational or trade; and
 - (x) accessory uses customarily ancillary to the above uses.

3 Floor Space Ratio

- 3.1** The maximum floor space ratio shall be 5.0 of which non-residential floor space shall not exceed 232.25 m² (2,500 sq. ft.).
- 3.2** The following shall be included in the computation of floor area:
- (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 area:
- (a) open residential balconies, 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 percent 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;

Note: Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 6817 or provides an explanatory note.

- (c) where floors are used for off-street parking and loading, 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 be 7.32 m (24.02 ft.) in length;
- (d) social and recreational amenities and facilities provided that the area of such excluded facilities does not exceed 20 percent of the allowable floor space or 929.03 m² (10,000.32 sq. ft.), whichever is the lesser;
- (e) 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]
- (f) 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]

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 (including the mechanical penthouse), measured above the base surface, shall be 64.01 m (210.01 ft.).

5 Off-street Parking

Off-street parking shall be developed and maintained in accordance with the applicable provisions of the Parking By-law. Parking spaces for office, retail and service uses shall be provided in accordance with Area II of the Downtown District provisions of the Parking By-law. Parking spaces for dwelling uses shall be provided on the basis of 0.5 spaces per unit plus 1 space per 100 m² of gross residential floor area.

6 Off-street Loading

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

7 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

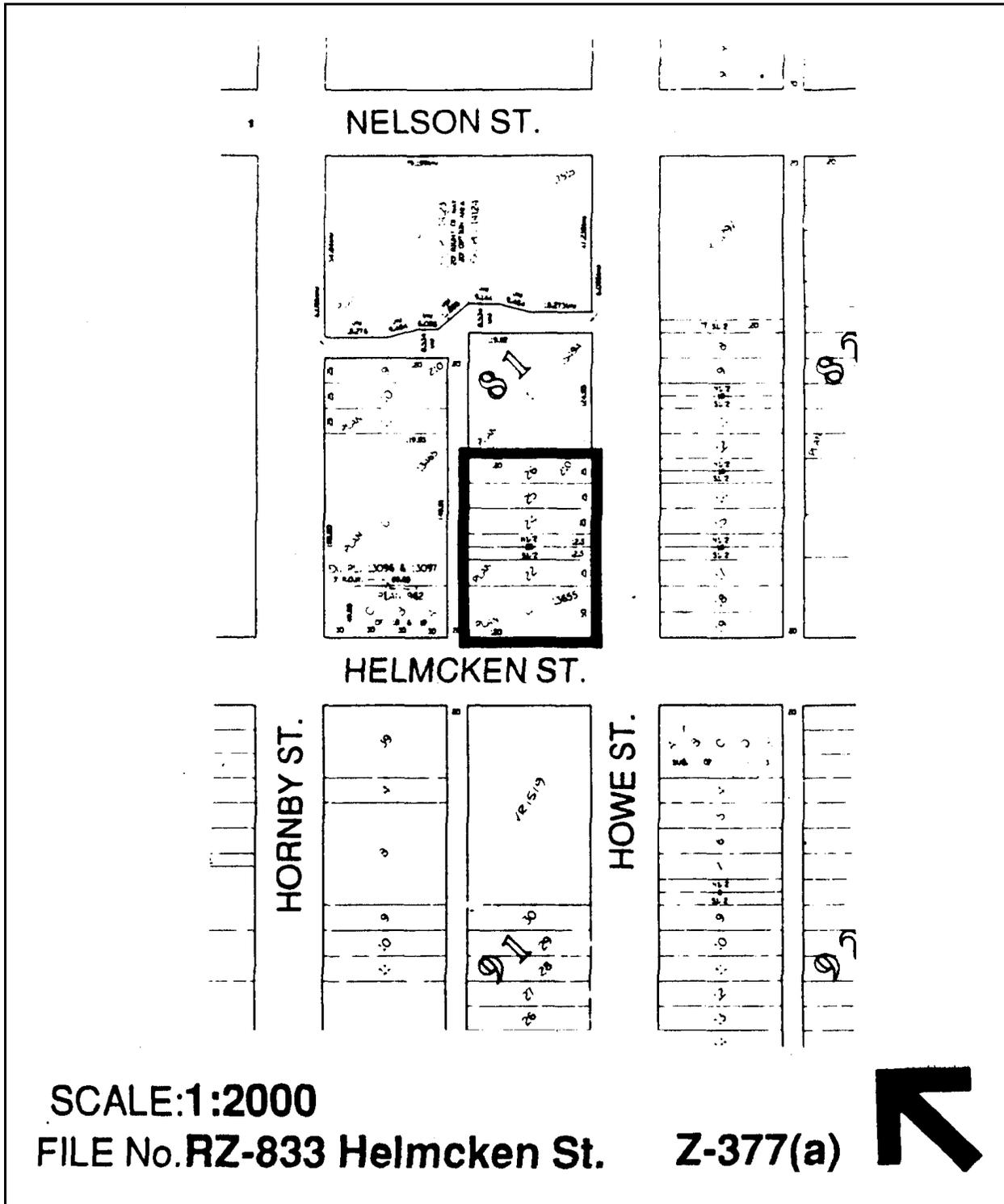
[7515; 96 01 11]

8 *[Section 8 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.]*

Schedule A

By-law No. 6817 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



CD-1(273)

CITY OF VANCOUVER
MEMORANDUM

From: CITY CLERK

Date: May 25, 1990

To: City Manager
Director of Legal Services
Director of Planning
~~Associate Director, Zoning Division~~
City Engineer

Refer File: P.H. #232

Subject: Public Hearing - May 17, 1990

RECEIVED	
PLANNING DEPARTMENT	
MAY 28 1990	
NUMBER	U3501
REFERRED TO	715/
COPY TO	
ANSWER REQ'D	

I wish to advise you of the attached Minutes of the Special Council meeting (Public Hearing) of May 17, 1990.

Please note any matters contained therein for your attention.



DEPUTY CITY CLERK

JT:ci
Att.

CITY OF VANCOUVER
SPECIAL COUNCIL MEETING

6

A Special Meeting of the Council of the City of Vancouver was held on Thursday, May 17, 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: Deputy Mayor Taylor
Aldermen Baker, Bellamy, Davies,
Eriksen, Owen, Price,
Puil, Rankin and Wilking

ABSENT: Mayor Campbell (Civic Business)

CLERK TO THE COUNCIL: Mrs. J. Thomas

COMMITTEE OF THE WHOLE

MOVED by Ald. Bellamy,
SECONDED by Ald. Owen,

THAT this Council resolve itself into Committee of the Whole, Deputy Mayor Taylor in the Chair, to consider proposed amendments to the Zoning & Development and Sign By-laws.

- CARRIED UNANIMOUSLY

1. Rezoning: Dunbar, Area 5

Earlier this day, Council resolved that the Director of Planning withdraw this application and that Area 5 (excluding properties south of 20th Avenue), be resurveyed in 1991, for a report back.

2. Rezoning: 833 Helmcken Street

An application of Brook Development Planning Inc. was considered as follows:

REZONING: 833 HELMCKEN STREET (Lots 22 to 26, Block 81, D.L. 541, Plan 210, and Lot H, Block 81, D.L. 541, Plan 13655)

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:

- a maximum of 120 dwelling units in a multiple dwelling;
- a maximum of 975.45 m² (10,500 sq. ft.) of commercial and other non-residential use;
- accessory uses customarily ancillary to the above uses;
- maximum floor space ratio of 6.0;
- maximum height of 64.01 m (210.01 ft.);
- acoustical provisions; and
- provisions regarding off-street parking and loading.

(ii) Amend Sign By-law No. 6510.

(iii) Any consequential amendments.

Clause No. 2 cont'd

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 the Buttjes Group Inc. and stamped "Received City Planning Department - November 30, 1989", 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.

- (b) That, prior to the enactment of the CD-1 by-law, the detailed scheme of development in a development application be approved by the Director of Planning, having particular regard to the following items, as outlined in the City Manager's report dated March 2, 1990:
 - (i) reduction of density to 5.0 FSR;
 - (ii) reduction of retail and service uses to 232.25 m² (2,500 sq. ft.);
 - (iii) further design development of the low-rise component to preclude an open driveway, provide a more consistent street enclosure, and provide a 3.05 m (10.01 ft.) setback from Howe and Helmcken Streets;
 - (iv) further design development to sculpt the tower to better integrate the roof treatment, reduce the tower bulk to minimize overshadowing on semi-private open space and potential neighbouring residential projects and enlarge the balconies without increasing building bulk;
 - (v) the submission and implementation of an acoustical consultant's report, to the satisfaction of the Medical Health Officer;
 - (vi) provision of facilities for recycling and collection of refuse; and
 - (vii) provision of a secure and separate bicycle room, equipped with bicycle racks adequate for storage of a minimum of one bicycle for every four dwelling units.

- (c) That prior to enactment of the CD-1 by-law, the registered property owner shall, at no cost to the City:
 - (i) consolidate the site into one parcel, registered in the Land Title Office;
 - (ii) obtain and submit to the City a letter from the B.C. Ministry of Environment indicating that a soils analysis site characterization has been completed by a professional, recognized in this field, and either:
 - (a) indicating no unacceptable hazard for residential use of this site resulting from potential contamination of soil or building materials; or

Clause No. 2 cont'd

- (b) stating that a remediation program, concurred with by the B.C. Ministry of Environment as being adequate to eliminate such a hazard, has been completed as certified by such a professional.

The requirement to complete remediation prior to enactment contained in this condition shall not apply if amendments to City of Vancouver by-laws have been enacted to permit a program of remediation approved by the B.C. Ministry of Environment during construction in a sequence of steps to be prescribed, monitored and certified complete by a professional;

- (iii) enter into an agreement with the City establishing responsibility for design and development for public sidewalk and boulevard treatment, to the satisfaction of the City Engineer, in consultation with the Director of Planning;
- (iv) contribute to the City an amount of \$504,000.00 (6.0 FSR) or \$420,000.00 (5.0 FSR) for basis community amenities; and
- (v) enter into an agreement, to the satisfaction of the City Engineer to ensure provision of underground B.C. Telephone and B.C. Hydro services within and adjacent to the site from the nearest existing pole.

Ms. Jill Davidson, Planner, reviewed the application noting the Director of Planning was supportive because badly needed housing units would be provided, but there were important concerns respecting density, precedent and retail uses. The Director did not support the proposed floor space ratio of 6.0 and recommended a reduction to 5 fsr. This would result in improved livability and a higher degree of neighbourliness. With respect to precedent, Ms. Davidson pointed out several projects in the area are under consideration at 5 fsr. Further, the Planning Department is receiving numerous enquiries from developers and real estate brokers respecting prospective development and approval of the current application at 6 fsr may result in other applications moving from 5 fsr to 6 fsr. The resulting cumulative density would be too high for the area.

The Director of Planning is also recommending the retail/service uses be reduced from the 10,500 sq. ft. proposed by the applicant to 2,500 sq. ft. This would meet the proposed guidelines for Downtown South, targetted to strengthen a retail commercial presence along the Granville and Davie corridors.

Mr. Andrew Grant, President, PCI Group, the developer, advised his company has worked closely with the Planning Department on the project for the past 18 months and had seen the evolution of staff requirements and design criteria. PCI had cooperated in amending the proposal but this process had not been reflected in the Manager's Report, which, he felt, was not a well balanced document. The project was a good one and compared favourably with surrounding developments which were considerably bulkier at 6 fsr. The proposal represented a unique opportunity to create housing stock without adverse impact or disruption of the neighbourhood.

Clause No. 2 cont'd

Mr. Chuck Brook, for the applicant, circulated an abbreviated report which addressed concerns identified by the Director of Planning and recommended Council consider the following amendments:

- amend the Height section of the draft by-law by deleting the words "including mechanical penthouse";
- delete condition (b)(i) and permit 6.0 fsr;
- amend condition (b)(ii) by deleting the words "and service";
- amend condition (b)(iii) by deleting the reference to preclude an open driveway;
- amend condition (b)(iv) by deleting the words following "tower bulk".

Mr. Chris Philp, Vice-President, PCI Group, submitted there was no justification for reducing the proposed 6 fsr. If Council approves the application at 6 fsr, the developers are prepared to contribute \$504,000 for basic community amenities.

The Deputy Mayor called for speakers for or against the proposal and the following addressed the Public Hearing:

Mr. Pat Magnolo, operator of a business at 1317 Richards Street for the past 36 years, felt 6 fsr was the key ingredient in attracting developers to Downtown South. Existing property owners will be encouraged to upgrade and the whole area will be revitalized.

Mr. Hackett, property owner in Downtown South, felt Council should not be niggardly in dealing with developments in Downtown South in order to counter the current underutilization of property in the area. He supported 6 fsr.

Mr. K. Reimer felt 6 fsr was essential to jumpstart development. Anything less would discourage developers.

Ms. S. Arcoli expressed concern respecting the impact of more retail and service uses on existing businesses. A proposed liquor store could not be supported as it would be a traffic generator and increase the number of drunks in the area.

Mr. Dick Gordon, in support, felt more residential uses and bringing people into the area would achieve much needed change.

MOVED by Ald. Bellamy,
THAT the application be approved at 6 fsr.

- LOST

(Aldermen Davies, Eriksen, Price, Rankin, Wilking
and the Deputy Mayor opposed)

MOVED by Ald. Price,
THAT the application be approved at 5 fsr subject to the conditions proposed by the Director of Planning, as set out in this Minute of the Public Hearing.

- carried unanimously

Clause No. 2 cont'd

MOVED by Ald. Bellamy (in amendment),
THAT Section 4, Height, as contained in the draft by-law, be amended by deleting the words "including the mechanical penthouse".

- LOST (Tie Vote)

(Aldermen Davies, Eriksen, Price, Rankin and the Deputy Mayor opposed)

MOVED by Ald. Puil (in amendment),
THAT Conditions b(ii), b(iii) and b(iv) be amended to read as follows:

- b. (ii) reduction of retail uses to 232.25 m₂ (2,500 sq. ft.);
- (iii) further design development of the low-rise component to provide a 3.05 m (10.01 ft.) setback from Howe and Helmcken Streets;
- (iv) further design development to sculpt the tower to better integrate the roof treatment, reduce the tower bulk.

- LOST (Tie Vote)

(Aldermen Davies, Eriksen, Price, Rankin and the Deputy Mayor opposed)

The amendments having lost, the motion of Alderman Price was put and CARRIED UNANIMOUSLY.

3. Rezoning: 1041 S.W. Marine Drive

An application of Raymond Letkeman, Architect, was considered as follows:

REZONING: 1041 S.W. MARINE DRIVE

Present Zoning: I-1 Industrial District and C-2 Commercial 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:
 - hotel and retail uses as described in the draft by-law;
 - accessory uses customarily ancillary to the above uses;
 - maximum floor space ratio of 1.32, with retail use limited to a maximum of 171.87 m² (1,850 sq. ft.);
 - maximum height, lesser of 13.10 m (42.98 ft.) or 4 storeys; and
 - provisions regarding off-street parking and loading.
- (ii) Amend Sign By-law No. 6510.
- (iii) Any consequential amendments.

BY-LAW NO. 6817

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

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-377(a) 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(273), 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) a maximum of 120 dwelling units in a multiple dwelling;
- (b) retail store;
- (c) grocery or drug store;
- (d) liquor store;
- (e) neighbourhood grocery store;
- (f) general office;
- (g) health care office;
- (h) reflexology-shiatsu clinic;
- (i) financial institution;
- (j) animal clinic;

- (k) barber shop or beauty salon;
- (l) bed and breakfast accommodation;
- (m) body-rub parlour;
- (n) catering establishment;
- (o) laundromat or dry cleaning establishment;
- (p) neighbourhood public house;
- (q) photofinishing or photography studio;
- (r) print shop;
- (s) repair shop - Class B;
- (t) restaurant - Class 1;
- (u) school - business;
- (v) school - arts or self-improvement;
- (w) school - vocational or trade; and
- (x) accessory uses customarily ancillary to the above uses.

3. Floor Space Ratio

3.1 The maximum floor space ratio shall be 5.0 of which non-residential floor space shall not exceed 232.25 m² (2,500 sq. ft.).

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

- (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 area:

- (a) open residential balconies, 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 percent 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, 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 be 7.32 m (24.02 ft.) in length;
- (d) social and recreational amenities and facilities provided that the area of such excluded facilities does not exceed 20 percent of the allowable floor space or 929.03 m² (10,000.32 sq. ft.), whichever is the lesser;
- (e) residential storage space provided that where the space is provided at or above the base surface, the maximum exclusion shall be 3.70 m² (39.83 sq. ft.) per dwelling unit.

3.4 The Director of Planning may permit enclosed residential balconies to be excluded in the computation of floor space ratio provided that he 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 percent of the provided residential floor area.

4. Height

The maximum building height (including the mechanical penthouse), measured above the base surface, shall be 64.01 m (210.01 ft.).

5. Off-Street Parking

Off-street parking shall be developed and maintained in accordance with the applicable provisions of the Parking By-law. Parking spaces for office, retail and service uses shall be provided in accordance with Area II of the Downtown District provisions of the Parking By-law. Parking spaces for dwelling uses shall be provided on the basis of 0.5 spaces per unit plus 1 space per 100 m² of gross residential floor area.

6. Off-Street Loading

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

7. 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

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

DONE AND PASSED in open Council this 30th day of
April , 1991.

(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 30th day of April 1991, and numbered 6817.

CITY CLERK"

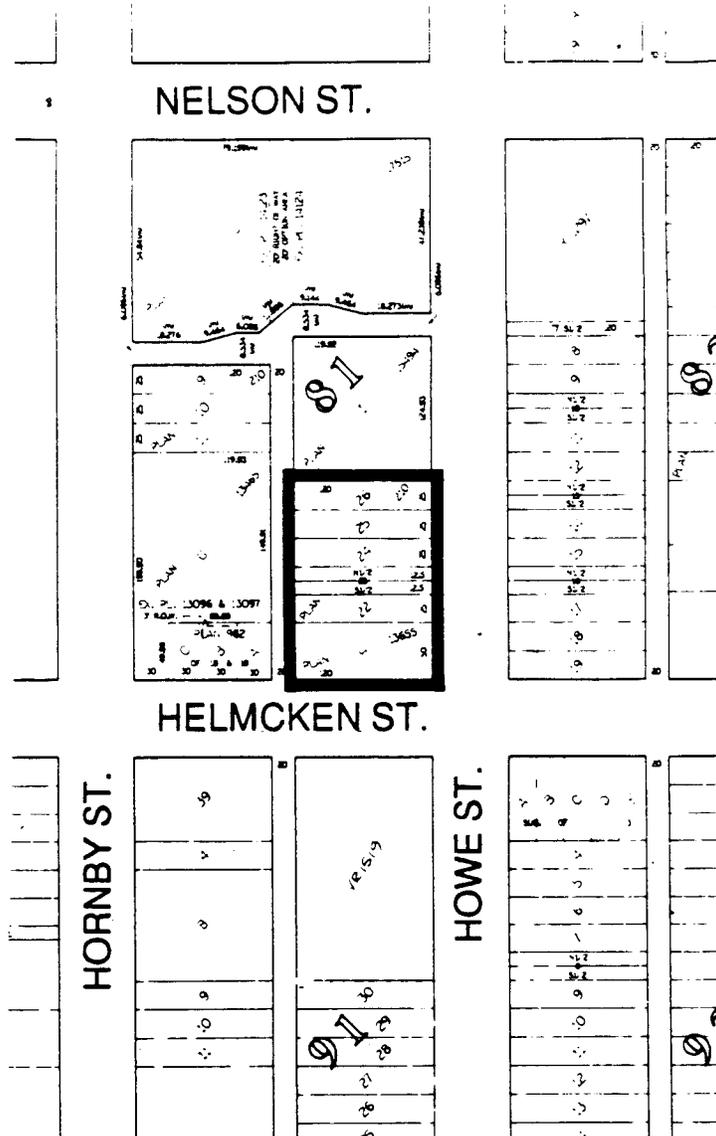
BY-LAW No. 6817 BEING A BY-LAW TO AMEND BY-LAW No.3575
BEING THE ZONING AND DEVELOPMENT BY-LAW

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

SCHEDULE A

FROM DD

TO CD-1



SCALE:1:2000

FILE No. RZ-833 Helmcken St.

Z-377(a)



CITY OF VANCOUVER
MEMORANDUM

From: CITY CLERK

Date: May 2, 1991

To: CITY MANAGER
DIRECTOR OF PLANNING
→ ASSOCIATE DIRECTOR OF PLANNING - ZONING

Refer File: 5305-10

Subject: Comprehensive Development District
Form of Development (833 Helmcken Street)

RECEIVED	
PLANNING DEPARTMENT	
MAY - 6 1991	
NUMBER	M3156
REFERRED TO	EVA
COPY TO	THP
ANSWER REQ.	

I wish to advise you of the following extract from the Minutes of the Vancouver City Council Meeting of Tuesday, April 30, 1991, regarding the attached report of the City Manager, dated April 26, 1991, regarding the above matter.

"MOVED by Ald. Price,
SECONDED by Ald. Owen,

THAT the approved form of development for the CD-1 zoned site known as 833 Helmcken Street be generally as illustrated in DA 211594, prepared by the Buttjes Group, Architects, and stamped "Received, City Planning Department July 30, 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.

- CARRIED UNANIMOUSLY"

M Kinsella

CITY CLERK

#

TT:mjh
Attachment

BY-LAW NO. 6823

A By-law to amend the
Sign By-law,
being By-law No. 6510

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

1. Schedule E to By-law No. 6510 is amended by adding thereto
the following:

"833 Helmcken	CD-1(273)	6817	B (DD)
1152 Mainland	CD-1(272)	6819	B (HA-3)"

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

DONE AND PASSED in open Council this 14th day of
May, 1991.

(Signed) Gordon Campbell
Mayor

(Signed) Dennis Back
Deputy 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 14th day of May 1991, and
numbered 6823.

CITY CLERK "

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

(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."

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)