

CD-1 (281)

1575 Alma Street N/S Pt. Grey Road (at Highbury) By-law No. 6913

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

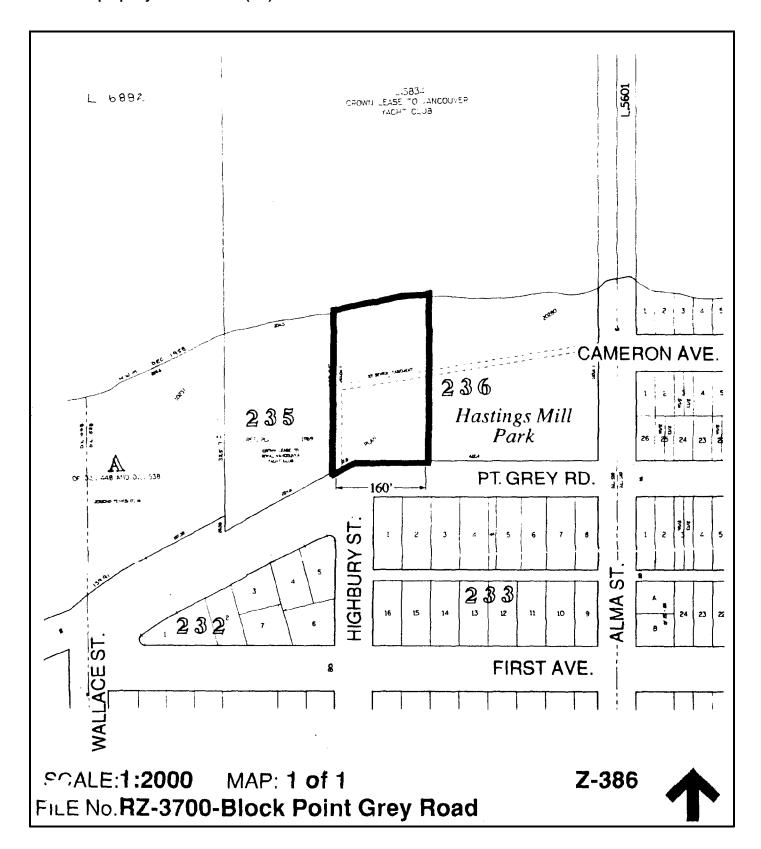
Effective December 12, 1991

- 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.]
- 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(281), 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) underground parking garage;
  - (b) park or playground; and
  - (c) accessory uses customarily ancillary to the above uses.
- 3 The following regulations apply to the underground parking garage:
- 3.1 The underground parking garage shall have its roof covered with a minimum of 20 inches of soil below base surface, so that the base surface remains the same as the elevation existing prior to construction.
- **3.2** With the exception of access tunnels and an ancillary electrical/mechanical room, the underground parking garage shall provide the following minimum setbacks:
  - (a) 12.19 m (40 ft.) from the westerly property boundary;
  - (b) 3.65 m (12 ft.) from the southern property boundary;

and the northerly limit of the structure shall be no more than 74.98 m (246 ft.) from the southern property boundary.

- 3.3 A minimum of 95 off-street parking spaces shall be provided in the parking garage and shall be developed and maintained in accordance with the provisions of the Parking By-law.
- 4 [Section 4 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.]

# The property shown below ( ) outlined in black is rezoned from RT-2 & RS-1 to CD-1



C.C. 66 MLH/80

# CITY OF VANCOUVER MEMORANDUM

	RECEIVED
	PLANNING DEPARTMENT
	MAR 121991
	NUMBER M 1850
	REFERRED TO FAS
	COPY TO
_	ANSWER REQ'D
Date:	March 8, 1991

Refer File: P.H. #241(b)

From: CITY CLERK

To: City Manager

Director of Planning

Associate Director, Zoning Division Director of Legal Services

City Engineer

General Manager, Parks & Recreation

Subject:

Public Hearing - December 13, 1990/January 29, 1991/ March 7, 1991

I wish to advise you of the attached Minutes of the Special Council meeting (Public Hearing) of December 13, 1990, reconvened January 29, 1991 and March 7, 1991, regarding the rezoning of the North Side of 3700 Block Point Grey Road.

Please note any items contained therein for your attention.

CITY CLERK

JT:ci Att.

#### SPECIAL COUNCIL MEETING

A Special Meeting of the Council of the City of Vancouver was held on Thursday, December 13, 1990, at the West Point Grey Community Centre Gymnasium, 4397 West 2nd Avenue, 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 Bellamy, Chan, Davies, Eriksen,

Owen, Price, Puil, Rankin,

Wilson and Yorke

CLERK TO THE COUNCIL: J. Thomas

# COMMITTEE OF THE WHOLE

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

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

- CARRIED UNANIMOUSLY

At the outset, the Mayor advised the Public Hearing a very large number of delegations had registered to speak to the application respecting the rezoning of the North Side 3700 Block Point Grey Road. Council members had agreed to sit until approximately 10:30 p.m. and if all delegations had not been heard, the Public Hearing would then adjourn to a date in January.

#### 1. Rezoning: North Side 3700 Block Point Grey Road

An application of the Royal Vancouver Yacht Club was considered as follows:

REZONING: NORTH SIDE 3700 BLOCK POINT GREY ROAD (Westerly 160 ft. of Block 236, D.L. 538, Plan 20280)

Present Zoning:

RS-1 One-Family Dwelling District and

RT-2 Two-Family Dwelling 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:
  - underground parking garage;
  - park or playground; and
  - accessory uses customarily ancillary to the above.
- (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 Aitken Wreglesworth Associates and stamped "Received City Planning Department -April 20, 1990," provided that the Director of Planning may allow minor alterations to this form of development when approving a development application as outlined resolution (b) below.
- (b) That, prior to approval by Council of the form of development:
  - a development application be approved by the Director of Planning, having particular regard to the following:
    - (i) approval by the Director of Planning of a separate development application for the related crossings and mechanical structures on the Royal Vancouver Yacht Club (RVYC) site; and
    - (ii) ensure compliance with the recommendations outlined in the letter dated March 22, 1990 from (Geotechnical Piteau Associates Hydrogeological Consultants) submitted in support of the rezoning application.

AND

- The applicant shall make suitable arrangements, to the satisfaction of the City Engineer, at no cost to the City for the relocation and reconnection of the existing sanitary sewer situated within a 10-ft. wide easement crossing Hastings Mill Park.
- That, prior to enactment of the CD-1 by-law, the registered (C) property owner shall:
  - ensure that the Park Board has provided confirmation, to the satisfaction of the Director of Legal Services, that the covenant registered against the title to Hastings Mill Park, has been amended to permit the construction of an underground parking garage; and
  - (ii) ensure that a lease has been signed between the Park Board and the Royal Vancouver Yacht Club guaranteeing a right of public access along the waterfront adjacent to RVYC and Hastings Mill Park. The lease should also provide for no construction activity (excavation through backfilling stages) occurring between June 21 and Labour Day, inclusive.

Mr. R.R. Youngberg, Associate Director - Area Planning, reviewed the application noting the question before the Public Hearing was whether the westerly one-third portion of Hastings Mill Park should be rezoned to permit construction of an underground parking structure for the Royal Vancouver Yacht Club under a lease agreement with the Park Board.

Mr. Youngberg advised the proposal presented two important public benefits: 1) a 10-foot public easement will be secured in front of the RVYC, along the water; and 2) 100 off-street parking spaces will be provided, which should bring relief to the on-street parking congestion that presently exists in the area.

Access to the underground garage will be from the RVYC site itself and, following construction, the facility will be covered with approximately two feet of top soil. Hastings Mill Park will be returned to its original grassed state and there should be no visible evidence of the underground structure.

The 10-foot easement in front of the Yacht Club will make possible a public waterfront walkway from Alma Street, extending westward in front of the Park and Yacht Club properties.

Mr. Youngberg advised public contact had been good, with the Park Board sponsoring a number of meetings with the community. The Planning Department and its consultant had also held meetings regarding the Yacht Club, Jericho Tennis Club and Brock House. An Open House had been held at the Yacht Club to explain the proposal.

Responding to questions from Council members, Mr. Youngberg pointed out the walkway easement was not a condition of the rezoning but part of an agreement, as yet unsigned, between the Park Board and the Yacht Club.

Mr. V. Kondrosky, General Manager, Parks & Recreation, explained the process used by Park Board staff to determine the market value for the portion of the park site to be leased to RVYC. In the absence of a method that could be applied in this particular instance, Park Board worked on the premise that the value of the development and the taxes for that development would provide a yardstick for a minimum lease and a figure of \$44,000 per year was arrived at. However, when the Park Board's Task Force, consisting of three Commissioners, consulted the Provincial Taxation Office, it was determined the Board's estimate was not necessarily correct and, based on other instances, a figure half that value would be a fair lease rate. Mr. Kondrosky commented the lease agreement with RVYC provided for an advance lease payment to the Park Board of \$22,000 per annum for the first five-year period. Thereafter, the \$22,000 annual lease revenue will be cost-shared equally by the City and the Province.

Questioned about the Province involvement, Mr. Kondrosky advised the Province, which had given Hastings Mill Park to the City as a Crown Grant, had agreed to remove the Covenant which requires the land to be used for a park for public recreation and enjoyment purposes. It was the position of the Province that if revenues were to be derived from use of Crown lands, it should share in those revenues.

Mr. Kondrosky noted that Park Commissioners felt use of the park would not be impaired under the RVYC proposal; however, at no time would consideration be given to any structures on the surface.

Mr. J. Lehto, for the applicant and RVYC, submitted the parking garage would not affect Hastings Mill Park and the provision of additional off-street parking spaces would relieve the pressures now plaguing the neighbourhood. The RVYC considered several alternatives when going through the process:

- 1) to leave the situation as is and continue to have members' cars spill over on to neighbouring streets;
- 2) to build on the Club site this was found infeasible as there was insufficient space for a facility of adequate size and shape; further building on the Club site would result in the loss of approximately 30 trees and shrubs and denude the property.

The proposal to utilize a portion of Hastings Mill Park would permit the maximum structure on the smallest site and require the removal of only three trees. It was the option offering the most environmentally sensitive solution.

Mr. Alex Wood, RVYC Planning Committee Chairman, advised the project had been underway three to four years. Approaches had been made to the neighbouring Jericho Tennis Club to participate in a joint parking lot on land donated by both Clubs but nothing had come of the proposal. In answer to a question regarding RVYC expansion plans, Mr. Wood said these were very modest and were addressed in the Manager's Report contained in the agenda material.

A petition with 2600 signatures opposing the rezoning and the lease of Hastings Mill Park to RVYC was filed by representatives of the Jericho Preservation Association.

A number of letters, pro and con, had been circulated to Council members, and are on file in the City Clerk's Office.

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

# In favour of the application

Mr. A. Gatrill, 3800 Block Point Grey Road
Ian Clements, 3700 Block West 1st Avenue
Michael Clements, 3700 Block West 1st Avenue
Tony Liebert, 3000 Block West 2nd Avenue
Patrick Heale, 3400 Block Valley Drive
Pattie Robertson, 2600 Block Point Grey Road
Sharon Dagenais, 3500 Block Point Grey Road
Murray Rabinovitch, 3600 Block Franklin Street
Mary McArthur, 3100 Block Point Grey Road
Jean Fahrni, 4600 Block West 2nd Avenue
Liz-Ann Campbell, 2600 Block Point Grey Road
Major T. Jamieson, 3800 Block West 4th Avenue
Bill Simpson, 3400 Block Point Grey Road
Dan Sinclair, 2900 Block West 8th Avenue
David Sanders, 1700 Block Dunbar Street (on behalf of parents)
Alex Wood, 900 Block Beaumont Drive (Chairman, RVYC Planning
Committee)

Charles Sandberg, 3500 Block Point Grey Road Eileen Cavanagh, 3200 Block West 24th Avenue Leslie Disler, 2600 Block Point Grey Road Barry Bell, 3500 Block Point Grey Road

#### Opposed to the application

Ron Greenberg, 3700 Block West 1st Avenue Gerald Clerx, 3700 Block West 2nd Avenue Isabel Marin, 3800 Block West 4th Avenue Irene Garfitt, 3800 Block West 4th Avenue Diana Carter, 3800 Block West 4th Avenue Betty Forbes, 3800 Block West 4th Avenue Ellie Pilling, 3700 Block West 1st Avenue Irene Wootton, 3400 Block West 5th Avenue Stephen Ladner, 3700 Block Point Grey Road Patrick Dodge, 2600 Block West 21st Avenue Hinda Avery, 4500 Block West 13th Avenue Emilio Domingo, 3700 Block Point Grey Road Hans Schmid, 1900 Block Wallace Street Ms. E. McLean, 3800 Block Point Grey Road Mr. G. McLean, 3800 Block Point Grey Road.

At approximately 10:30 p.m., the Mayor noted a very large number of speakers had still not been heard and, in accordance with his earlier announcement, the Public Hearing would adjourn to reconvene on Tuesday, January 29, 1991, at 7:30 p.m., in the Council Chamber, City Hall.

\* \* \* \*

The Special Council adjourned at 10:35 p.m.

\* \* \* \*

#### Tuesday, January 29, 1991

The Public Hearing reconvened on Tuesday, January 29, 1991, at 7:30 p.m., in the Council Chamber, City Hall, with the following members of Council present:

PRESENT: Mayor Campbell

Aldermen Bellamy, Chan, Davies, Eriksen,

Owen, Price, Puil, Rankin, Wilson and Yorke

CLERK TO THE COUNCIL: J. Thomas

Mr. Youngberg advised Council, since the December 13th Public Hearing, the applicant has indicated the concept drawings for the parkade include a small, auxiliary, electrical/sprinkler room underground in the 40-foot westerly side yard, between the property boundary and the parking garage.

The Director of Planning is supportive of the applicant's request to exempt this small area from compliance with the 40-foot westerly side yard and recommends the draft by-law be revised accordingly. Therefore, the Director recommends Section 3.2 (a) be amended to read as follows:

- "3.2 With the exception of access tunnels <u>and an ancillary</u> electrical/mechanical room, the underground parking garage shall provide the following minimum setbacks:
  - (a) 12.19 m (40 ft.) from the westerly property boundary;".
- \* underlining denotes amendment

The Mayor noted reference had been made by the speaker for the Jericho Residents Association to the lease terms and whether they constituted a write down in market value and thereby became a grant, requiring a two-thirds vote of Council for approval. Mayor Campbell advised a Properties Department memorandum on this point had been circulated to Council members earlier today, in which the City's Property Development Officer concluded, after analysis, the negotiated land lease payments proposed for the underground parkade were not considered to be below market rental value and therefore did not constitute a grant. Copies of the memorandum were made available to the Jericho Residents Association representative and other interested delegations.

The hearing of the public then resumed and the following speakers addressed the Public Hearing:

## In favour of the application

Don Martin, 4600 Block Puget Drive
Barry Hemsworth, 2500 Block Point Grey Road
John McFarland, 100 Block West 19th Avenue
Sam Sullivan, 1400 Block Tolmie Street
Steve Tupper, 1900 Block Sasamat Place
Gary Dunn, 2800 Block West 11th Avenue
Brenda Carrier, 3800 Block Point Grey Road
Frank Dick, 2500 Block York Avenue
Paul Louie, 4700 Block Valley Drive
K.W. Campbell, 2600 Block Point Grey Road
Peter Jefferson, 100 Block East 5th Avenue
Bruce Gordon, 2300 Block Cornwall Avenue
Dr. James Rhodes, 3400 Block West 31st Avenue
Robert Butt, 3100 Block Point Grey Road (also on behalf of Ralph Clasby)
Patrick Oswald, 4300 Block Staulo Road

## Opposed to the application

Helen Marshall, 3800 Block Point Grey Road
Fred China, 3700 Block West 1st Avenue
Mrs. Wilson
Mel Lehan, 2800 Block West 3rd Avenue
Sheldon Goldberg
Herb Gilbert, 3700 Block West 3rd Avenue
Joyce Brown, 4500 Block West 8th Avenue
Betty Winter, 3800 Block West 4th Avenue
Essop Mia, 4500 Block West 15th Avenue
Jim Harvey, 518 Moberley Road (Friends of Stanley Park)
Eileen Goldberg, 3700 Block West 4th Avenue
Joan Scow, 3800 Block West 4th Avenue
Nora O'Grady, 2800 Block Point Grey Road
Cindy Ladner, 3700 Block Point Grey Road
Robert Haines, 3800 Block West 1st Avenue
Tony Pilling, 3700 Block West 1st Avenue.

At approximately 10:45 p.m. Mayor Campbell noted a number of speakers still wished to be heard, and it was

MOVED by Ald. Bellamy,

THAT the Public Hearing adjourn to reconvene on Thursday, March 7, 1991, at 7:30 p.m., in the Council Chamber, City Hall.

- CARRIED UNANIMOUSLY

The Special Council adjourned at 10:50 p.m.

# Thursday, March 7, 1991

The Public Hearing reconvened on Thursday, March 7, 1991, at 7:30 p.m., in the Council Chamber, City Hall, with the following members of Council present:

PRESENT:

Mayor Campbell

Aldermen Bellamy, Chan, Davies, Eriksen,

Owen, Price, Puil, Rankin,

Wilson and Yorke

CLERK TO THE COUNCIL: J. Thomas

The hearing of the public resumed, with the following speakers addressing the Council:

# In favour of the application

Jim Burns, 4600 Block Blenheim Street
David Condor, 4300 Block Jericho Circle
Fred Long, 3800 Block West 3rd Avenue
Ted Charlton, 2800 Block West Point Grey Road
Richard Nicholls, 4400 Block West 2nd Avenue
Ross Martin, 4600 Block Langara
Dudley Barnes, 2300 Block West 1st Avenue

# Opposed to the application

Rick Baker, 5400 Block University Boulevard
Elaine Clemons, 3800 Block West 14th Avenue
Rosemary Lowe, 3700 Block West 2nd Avenue
Margaret Murdoch, 3800 Block Point Grey Road
Ms. McDowell, 3700 Block Point Grey Road
Ruth Budd, 3700 Block West 2nd Avenue
Marie Kalmack, 3700 Block West 3rd Avenue
Peter Nash, 3700 Block West 1st Avenue (submitted a petition with 452 signatures - on file)
Sue Martin, 3800 Block Point Grey Road
Jane Bird, 1800 Block West 11th Avenue
Cynthia Sibley, 3700 Block Point Grey Road
Wiebe Dehaas, 3700 Block West 4th Avenue
Darlene Marzari, MLA - Vancouver Point Grey (brief filed)
Robert Seisman, West 3rd Avenue.

There were no further speakers.

In total 87 speakers were heard during the three evening sessions of the Public Hearing: 35 spoke on December 13th, 31 were heard on January 29th, and 21 on March 7th. Forty-two (42) speakers favoured the proposal, and 45 were opposed.

Major points made by all speakers are summarized and consolidated for convenience as follows:

#### Those opposed:

- contended the Yacht Club should utilize its own property for the parkade;
- public park lands should not be made available for the exclusive use of a private organization under circumstances;
- the lease terms are extraordinarily favourable to the RVYC and do not reflect market value for such a prime waterfront site, therefore it constitutes a write down subsidy to the Yacht Club requiring a two-thirds vote of Council for approval as a grant;
- alleviation of on-street parking problems hypothetical since spaces vacated by Yacht Club members would be quickly taken up by other drivers;
- provision of more parking will encourage even more cars adding to the problems of congestion, noise and pollution;
- a precedent would be set which may imperil other City parks;
- the proposal should be rejected and serious consideration be given to a parking structure, on private lands, to serve the RVYC, Jericho Tennis Club and Brock House.

# The speakers in favour:

- argued the underground structure would have a positive impact on the neighbourhood by taking 100 cars off the streets adjacent to the Yacht Club;
- provide parking for crews who may be at sea for several days who currently have to park on streets;
- upon completion of construction, Hastings Mill Park will be restored to its original state and there will be no evidence of a parkade beneath the ground;
- the proposal is not precedent setting since the Park Board permits concessions and restaurants to operate in City parks, there is a reservoir under a portion of Queen Elizabeth Park, a pumping station at the entrance to Stanley Park and parking under Charleson Park in False Creek;
- the value of the lease was determined after consultation with the Assessment Authority. A Yacht Club representative, responding to a question from a Council member, advised if the lease rate was doubled he did not think the project would proceed.

Correspondence, petitions, briefs and diagrams circulated to Council members during the three nights of the Public Hearing are on file in the City Clerk's Office.

At the conclusion of the public presentations on March 7th, Mr. R.R. Youngberg, Associate Director, Area Planning, reviewed some of the concerns raised. Parking had been identified as a major problem in the area and the three principal facilities on the waterfront, RVYC, Jericho Tennis Club and Brock House, were the prime traffic generators but parking deficient. The proposed parking structure should have a positive effect and therefore was considered by the Director of Planning as a distinct public benefit. With respect to implementation of Resident Parking Only zones in the area, Mr. Youngberg advised in the event the parking structure is approved, the City Engineer has been instructed to monitor the situation, and will bring forward recommendations, as necessary.

MOVED by Ald. Rankin,

THAT the application of the Royal Vancouver Yacht Club be  $\underline{\mathsf{not}}$  approved.

- LOST

(Aldermen Bellamy, Chan, Owen, Price, Puil and the Mayor opposed)

MOVED by Ald. Owen,

THAT the application of the Royal Vancouver Yacht Club be approved subject to the conditions proposed by the Director of Planning, as set out in this Minute of the Public Hearing;

FURTHER THAT the draft by-law Section 3.2(a) be amended to read:

- "3.2 With the exception of access tunnels and an ancillary electrical/mechanical room, the underground parking garage shall provide the following minimum setbacks:
  - (a) 12.19 m (40 ft.) from the westerly property boundary"

- CARRIED

(Aldermen Davies, Eriksen, Rankin, Wilson and Yorke opposed)

MOVED by Ald. Davies,

THAT Engineering and Planning Departments staff consult with area residents on the implementation of Resident Parking Only zones, as appropriate, for report back to the Vancouver Traffic Commission.

- CARRIED UNANIMOUSLY

## RISE FROM COMMITTEE OF THE WHOLE

MOVED by Ald. Bellamy,

THAT the Committee of the Whole rise and report.

- CARRIED UNANIMOUSLY

# ADOPT REPORT OF COMMITTEE OF THE WHOLE

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

THAT the report of the Committee of the Whole be adopted, and the Director of Legal Services be instructed to prepare and bring forward the necessary by-law amendments.

- CARRIED UNANIMOUSLY

\* \* \* \*

BY-LAW NO. 6913

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:

- The "Zoning District Plan" annexed to By-law No. 3575 as Schedule "D" is hereby amended according to the plan marginally numbered Z-386 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(281), 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) underground parking garage;
  - (b) park or playground; and
  - (c) accessory uses customarily ancillary to the above uses.
- 3. The following regulations apply to the underground parking garage:
- 3.1 The underground parking garage shall have its roof covered with a minimum of 20 inches of soil below base surface, so that the base surface remains the same as the elevation existing prior to construction.
- 3.2 With the exception of access tunnels and an ancillary electrical/mechanical room, the underground parking garage shall provide the following minimum setbacks:
  - (a) 12.19 m (40 ft.) from the westerly property boundary;

- (b) 3.65 m (12 ft.) from the southern property boundary; and the northerly limit of the structure shall be no more than 74.98 m (246 ft.) from the southern property boundary.
- 3.3 A minimum of 95 off-street parking spaces shall be provided in the parking garage and shall be developed and maintained in accordance with the provisions of the Parking By-law.
- 4. This By-law comes into force and takes effect on the date of its passing.

DONE AND PASSED in open Council this 12th day of December, 1991.

(Signed) Gordon Campbell

Mayor

(Signed) Dennis Back

Deputy City Clerk

CITY CLERK"

<sup>&</sup>quot;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 12th day of December 1991, and numbered 6913.

