



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 (336)

1575-1577 West Georgia Street

By-law No. 7431

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

Effective May 30, 1995

(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 **Uses**

The area shown included within the heavy black outline on Schedule “A” shall be more particularly described as CD-1(336) and the only uses permitted within the outlined area, subject to approval by Council of the form of development and such conditions as Council may by resolution prescribe, and the only uses for which development permits will be issued are:

- (a) Multiple Dwellings, containing a maximum of 72 dwelling units;
- (b) Cultural and Recreational Uses;
- (c) Accessory Uses customarily ancillary to the above uses.

3 **Floor Space Ratio**

3.1 The floor space ratio must not exceed 4.0. For the purposes of computing floor space ratio, the site is all parcels covered by this By-law, and is deemed to be 1 355 m², being the site size at the time of application for rezoning, prior to any dedications.

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

- (a) all floors, including earthen floor, to be measured to the extreme outer limits of the building;
- (b) stairways, fire escapes, elevator shafts and other features which the Director of Planning considers similar, to be measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.

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

- (a) open residential balconies or sundecks, porches 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 eight percent of the provided residential floor area;
- (b) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;
- (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 will not exceed 7.3 m in length;
- (d) amenity areas accessory to a residential use, including recreation facilities and meeting rooms provided that the total area being excluded for amenity areas will not exceed the lesser of 10 percent of the permitted floor space or 1 000 m²;
- (e) areas of undeveloped floors located above the highest storey or half-storey, or adjacent to a storey or half-storey with a ceiling height of less than 1.2 m, and to which there is no permanent means of access other than a hatch;
- (f) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (g) 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]
- (h) bicycle storage at or below base surface, provided that a secured and separate bicycle room will be provided and equipped with bicycle racks adequate for the storage of a minimum of one bicycle for every four dwelling units;

Note: Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 7431 or provides an explanatory note.

- (i) 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.

[7312; 96 01 11]

4 Height

The maximum building height measured above the base surface will be 42.0 m, and the building shall not extend beyond 13 storeys.

5 Off-Street Parking

A minimum of 0.9 off-street parking spaces for each dwelling unit plus 1.0 space for every 200 m² of gross floor area must be provided.

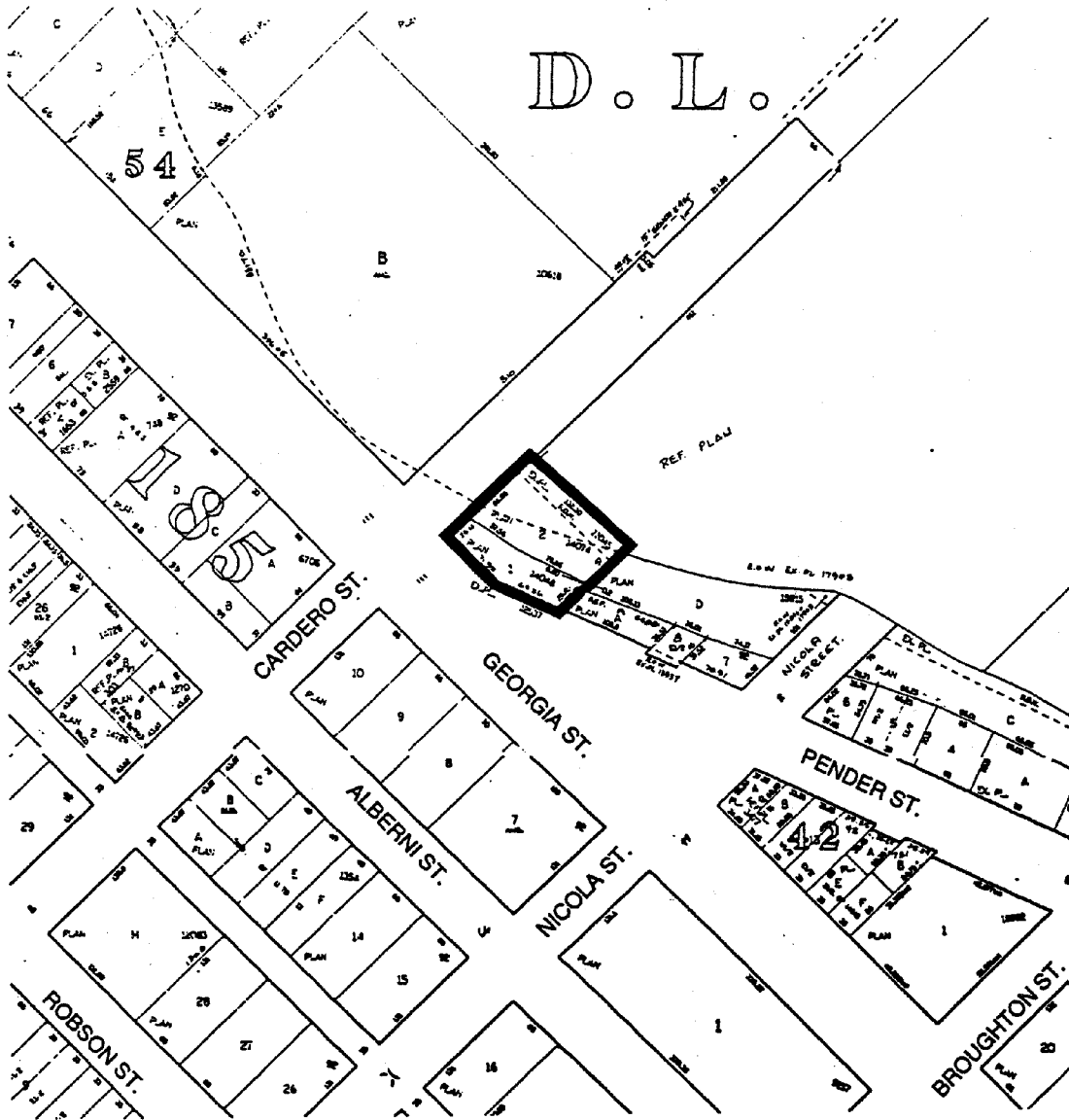
6 Acoustics

All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement demonstrating that the noise levels in those portions of the dwelling units listed below will 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

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. 7431 BEING A BY-LAW TO AMEND BY-LAW No. 3575
BEING THE ZONING & DEVELOPMENT BY-LAW



The property outlined in black () is rezoned:
From **DD & CWD** To **CD-1**

Z-426(d)

RZ 1575 W. Georgia Street

map: 1 of 1

City of Vancouver Planning Department

scale: 1:2000



BY-LAW NO. 7431

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-426 (d) 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 the By-law is hereby incorporated as an integral part of Schedule "D" of By-law No. 3575.

2. Uses

The area shown included with the heavy black outline on Schedule "A" shall be more particularly described as CD-1(336), and the only uses permitted within the outlined area, subject to approval by Council of the form of development and such conditions as Council may by resolution prescribe, and the only uses for which development permits will be issued are:

- (a) Multiple Dwellings, containing a maximum of 72 dwelling units;
- (b) Cultural and Recreational Uses;
- (c) Accessory Uses customarily ancillary to the above uses.

3. Floor Space Ratio

3.1 The floor space ratio must not exceed 4.0. For the purposes of computing floor space ratio, the site is all parcels covered by this By-law, and is deemed to be 1 355 m², being the site size at the time of application for rezoning, prior to any dedications.

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

- (a) all floors, including earthen floor, to be measured to the extreme outer limits of the building;
- (b) stairways, fire escapes, elevator shafts and other features which the Director of Planning considers similar, to be measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.

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

- (a) open residential balconies, sundecks, porches 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 eight percent of the provided residential floor area:
- (b) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;
- (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 will not exceed 7.3 m in length;
- (d) amenity areas accessory to a residential use, including recreation facilities and meeting rooms provided that the total area being excluded for amenity areas will not exceed the lesser of 10 percent of the permitted floor space or 1 000 m²;
- (e) areas of undeveloped floors located above the highest storey or half-storey, or adjacent to a storey or half-storey with a ceiling height of less than 1.2 m, and to which there is no permanent means of access other than a hatch;
- (f) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (g) residential storage space provided that where the space is provided at or above base surface, the maximum exclusion shall be 3.7 m² per dwelling unit;
- (h) bicycle storage at or below base surface, provided that a secured and separate bicycle room will be provided and equipped with bicycle racks adequate for the storage of a minimum of one bicycle for every four dwelling units.

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 eight percent of the provided residential floor area.

4. Height

The maximum building height measured above the base surface will be 42.0 m and the building shall not extend beyond 13 storeys.

5. Off-Street Parking

A minimum of 0.9 off-street parking spaces for each dwelling unit plus 1.0 space for every 200 m² of gross floor area must be provided.

6. Acoustics

All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement demonstrating that the noise levels in those portions of the dwelling units listed below will 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 LEVELS (DECIBELS)

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 30th day of May, 1995.

"(signed) Philip W. Owen"

Mayor

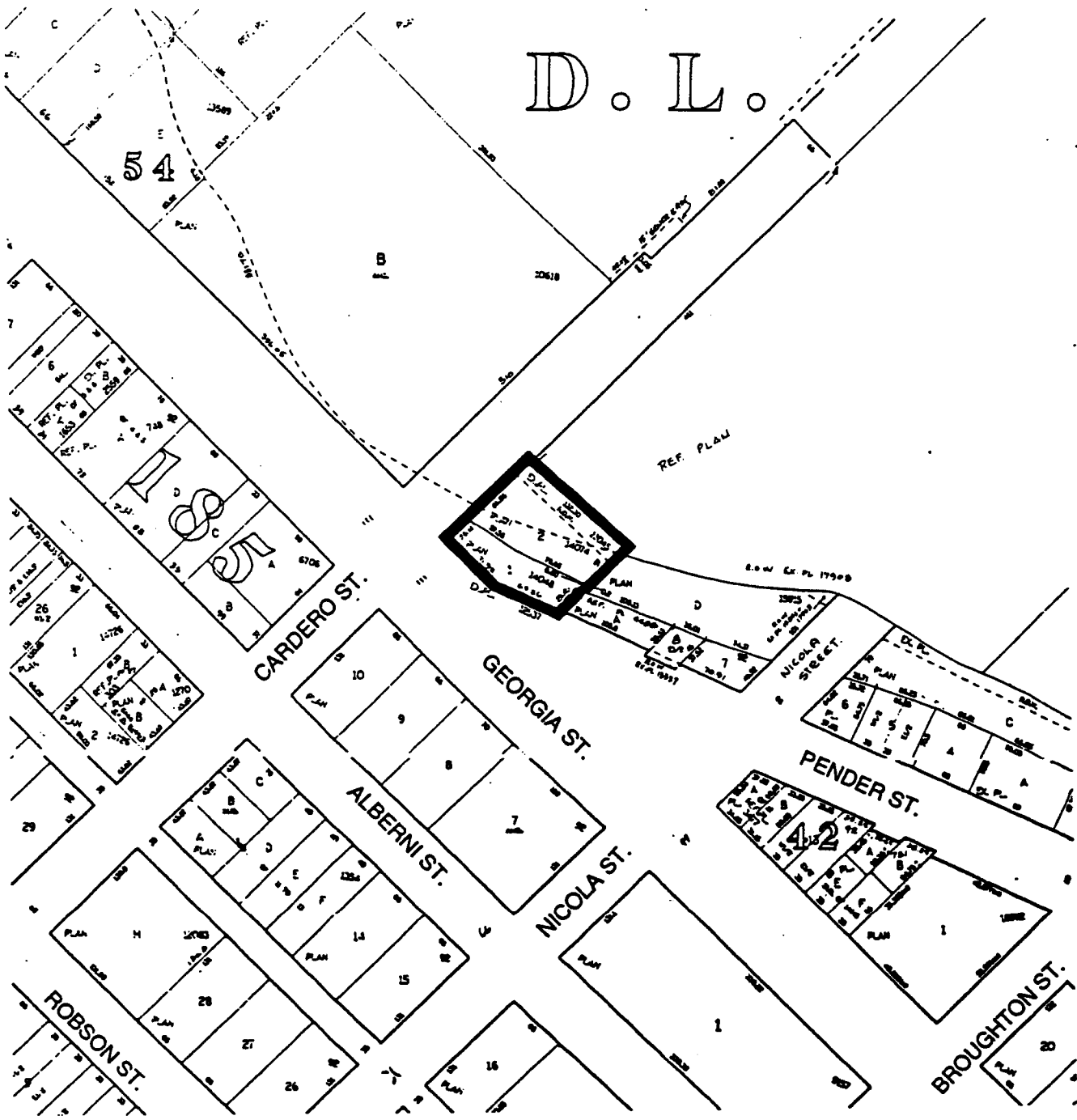
"(signed) Maria C. Kinsella"


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 May 1995, and numbered 7431.

CITY CLERK"

BY-LAW No. 7431 BEING A BY-LAW TO AMEND BY-LAW No. 3575
BEING THE ZONING & DEVELOPMENT BY-LAW



The property outlined in black () is rezoned:
From **DD & CWD** To **CD-1**

Z-426(d)

RZ 1575 W. Georgia Street

map: 1 of 1

City of Vancouver Planning Department

scale: 1:2000



5. Rezoning: 1575 West Georgia Street (Lots 1 & 2, Block 42, D.L. 185, Plan 14048)

An application by Northmark Properties Inc., was considered as follows:

REZONING: 1575 WEST GEORGIA STREET (Lots 1 & 2, Block 42, D.L. 185, Plan 14048).

Present Zoning: DD Downtown District and CWD Central Waterfront District

Proposed Zoning: CD-1 Comprehensive Development District

(i) If approved, the rezoning would permit the use and development of the site generally as follows:

- multiple dwellings, containing a maximum of 72 dwelling units;
- cultural and recreational uses;
- accessory uses;
- maximum floor space ratio of 4.0;
- maximum height of 42.0 m (138 ft.); and
- provisions regarding off-street parking and loading.

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

(iii) 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 by Council in principle, generally as prepared by Davidson, Yuen and Simpson Architects, and stamped "Received City Planning Department - March 26, and September 14, 1993", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development.
- (b) That, prior to the final approval by Council of the form of development, the property owner shall obtain approval of a development application by the Director of Planning.
- (c) That, prior to scheduling the date for a Public Hearing, the property owner shall obtain and submit to the City, favourable comment from the Ministry of Environment on a remediation plan for the subject site.

Clause No. 5 continued

(d) That, prior to enactment of the CD-1 By-law, the registered owner shall:

partial deletion
(i) ~~consolidate the site~~, including a 1.0 m x 1.0 m cut-off at the corner of Georgia and Cardero Streets;

(ii) make suitable arrangements, to the satisfaction of the City Engineer, for all electrical and telephone services to be underground within and adjacent of the site from the closest, existing suitable service point;

deleted
(iii) ~~make suitable arrangements, to the satisfaction of the City Engineer and Director of Legal Services, for construction over the Right-of-way along the northerly edge of the site;~~

(iv) execute an agreement, to the satisfaction of the Director of Legal Services, to not discriminate against families with children in the sale of residential units;

(v) contribute to the City \$359,000 for basic community amenities; and

addition re occupancy
(vi) 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 provide a legal agreement (which may be registered against the property, at the discretion of the Director of Legal Services), in consultation with appropriate Department Heads, indemnifying the City against any liability which may be incurred by the City as a result of the contamination present on the site and providing a program of remediation as may be deemed necessary and approved by the B.C. Ministry of Environment, in a sequence of steps to be prescribed, monitored and certified complete by such a professional and approved by the Ministry. ↑

There was no correspondence received on this matter.

Ms. Karen Hemmingson, Planner, advised this rezoning application proposes a 58,000 sq. ft. development containing 72 housing units. Sixty-nine of these units are in a 13-storey residential tower, and three are in townhouse units along West Pender Street. The proposal has a total density of 4 FSR.

Clause No. 5 continued

Staff support this proposal as the residential use conforms to the Central Area Plan, and the scale of the tower responds to the pattern of lower and higher towers along Georgia Street.

Ms. Hemmingson read into the record three amendments to the conditions before Council this evening. They are:

◆ Condition D (I)

Provide a one metre by one metre cut-off at the corner of Georgia and Cardero Streets;

◆ Condition D (III)

Delete altogether;

◆ Condition D (VI) - Add after "Ministry"

This agreement shall contain the requirement there will be no occupancy of any buildings or improvements constructed pursuant to this rezoning on the subject site until the contaminated soils have been removed or remediated to the satisfaction of the Ministry.

Ms. Hemmingson also drew Council's attention to a letter dated March 16, 1994 from Michael Geller and Associates Ltd., which raised the issue of an encroachment on the subject property to allow for future alignment of the underground transit corridor. In a memorandum dated March 17, 1994, the City Engineer advised he is satisfied the City has secured an adequate continuous underground corridor for public transit, and does not believe a further condition in the minute is required.

MOVED by Cllr. Hemer,

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

- CARRIED

(Councillor Price opposed)

CITY OF VANCOUVER



MEMORANDUM

From: CITY CLERK'S OFFICE

Date: June 2, 1995
Refer File: 2605-2

To: Ken Dobell, City Manager
Ted Droettboom, General Manager of Community Services
Dave Rudberg, General Manager of Engineering Services
Rick Scobie, Associate Director of Planning -
Land Use and Development
Terry Bland, Corporation Counsel

Subject: Approval of Form of Development
CD-1 - 1575 West Georgia Street
(Norwich Union Site)

RECEIVED	
PLANNING DEPARTMENT	
JUN 06 1995	
NUMBER	R5038
REFERRED TO	FAS
COPY TO	(R)
ANSWER REQ'D	

On May 30, 1995, Vancouver City Council passed the following motion:

"THAT the approved form of development for the CD-1 zoned site known as 1575 West Georgia Street be amended generally as illustrated in DA #217020, prepared by Davidson Yuen Simpson, Architects, and stamped 'Received, City of Vancouver, Planning Department, November 17, 1994', 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."

M. Cross / J
Marnie Cross
COMMITTEE CLERK

MCross:dmy

Letter to: Mr. Dane Jansen
Davidson Yuen Simpson Architects
Second Floor, 321 Water Street
Vancouver V6B 1L8

BY-LAW NO. 7441

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

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 the
following:

"1575-77 West Georgia St. CD-1(336) 7431 B(DD)"

"475-87 Alexander St. CD-1(337) 7434 B(M-2)"

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

DONE AND PASSED in open Council this 20th day of June, 1995.

"(signed) Philip W. Owen"
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 20th day of June 1995, and numbered 7441.

CITY CLERK"

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,
[REDACTED] 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"

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 from 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

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, [REDACTED], 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"

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



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)