



City of Vancouver *Zoning and Development By-law*

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planning@vancouver.ca

CD-1 (405)

395 West 5th Avenue

By-law No. 8326

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

Effective April 10, 2001

(Amended up to and including By-law No. 9674, dated June 24, 2008)

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 (405), and the only uses permitted within the outlined area, subject to conditions as Council may by resolution prescribe, and the only uses for which development permits will be issued are

- (a) Dwelling Units, provided through government funded programs, targeted for core-need households or for such other non-market housing programs or initiatives as Council may generally define or specifically approve from time to time,
- (b) Group Residence, and [9674; 08 06 24]
- (c) Accessory Uses customarily ancillary to the above uses.

3 **Floor Space Ratio**

3.1 The floor space ratio must not exceed 2.75. For the purpose of calculating floor space ratio, the site area is deemed to be 1,122.09 m², being the site size at time of application for rezoning, prior to any dedications.

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

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, 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 shall be excluded in the computation of floor space ratio:

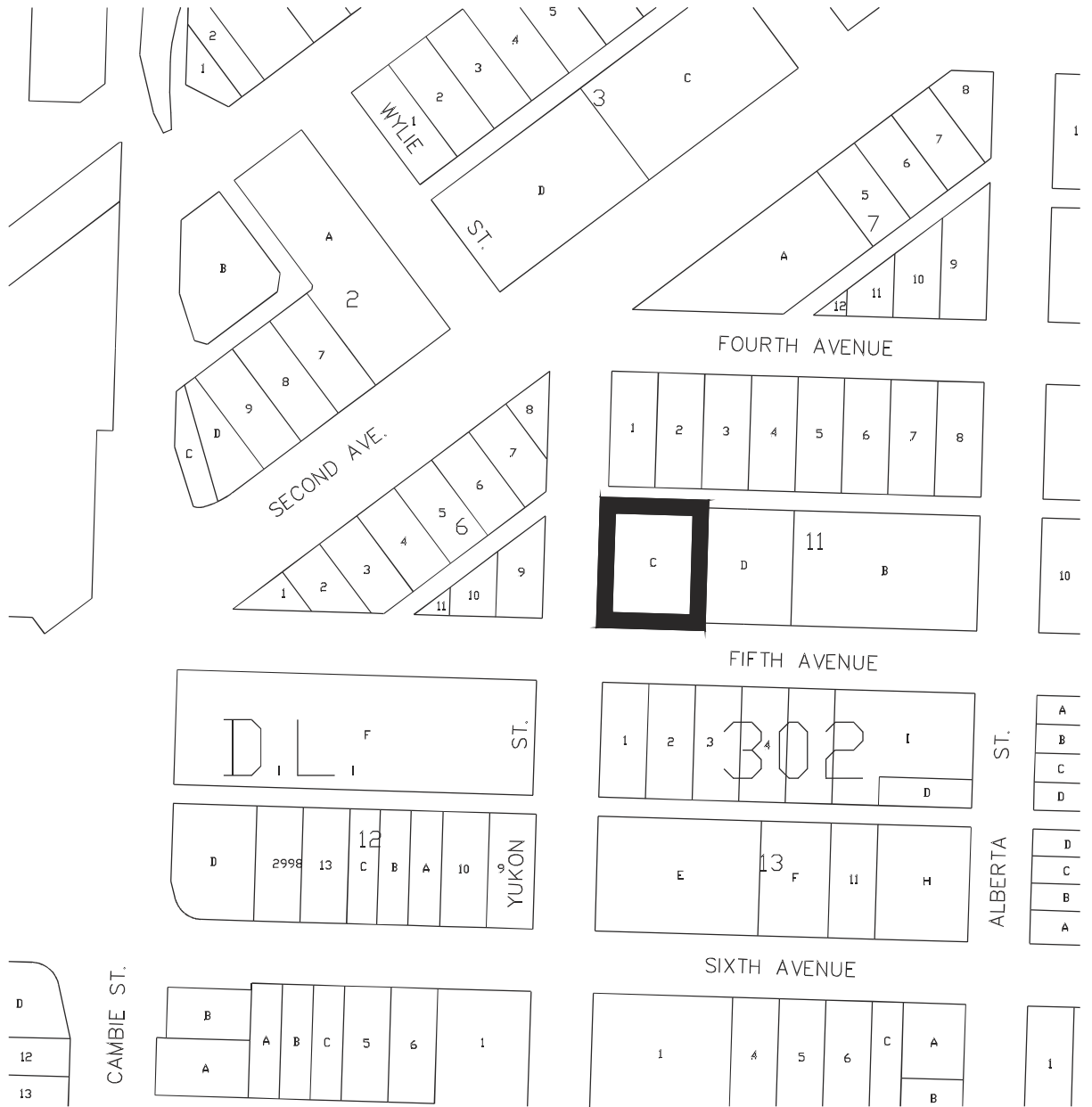
- (a) open residential balconies or sundecks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing;
- (b) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which:
 - (i) are at or below base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; or
 - (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length;
- (d) amenity areas, including day care facilities, recreation facilities, and meeting rooms, to a maximum total of 10 percent of the total building floor area;
- (e) areas of undeveloped floors which are located
 - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch; or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (f) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit; [8760; 03 12 09]
- (g) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness.

Note: Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 8326 or provides an explanatory note.

- 4 **Height**
The maximum building height measured above the base surface is 14.0 m and the building must not extend beyond 4 storeys.
- 5 **Off-Street Parking and Loading**
Parking, loading and bicycle spaces must be provided, developed and maintained in accordance with the applicable provisions of the Parking By-law, except that
- (a) for floor area used for short-term or emergency sleeping purposes, a minimum of one parking space for each 16 beds must be provided,
 - (b) a minimum of one disability space must be provided for the site, and
 - (c) the relaxation and mixed use reduction provisions of the Parking By-law shall apply.
- 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 do not exceed the noise level set opposite such portions. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and is defined simply as noise level in decibels.
- | Portions of dwelling units | Noise levels (Decibels) |
|-----------------------------------|--------------------------------|
| bedrooms | 35 |
| living, dining, recreation rooms | 40 |
| kitchen, bathrooms, hallways | 45 |
- 7 *[Section 7 is not reprinted here. It contains a standard clause including the Mayor and City Clerk's signature to pass the by-law and certify the by-law number and date of enactment.]*

By-law No. 8326 being a By-law to amend By-law No. 3575

being the Zoning & Development By-law



The property outlined in black (**█**) is rezoned:
From **I-1** to **CD-1**

Z-514

RZ - 395 W 5th Avenue

map: 1 of 1
scale: 1:2000



City of Vancouver



3



CITY OF VANCOUVER

SPECIAL COUNCIL MEETING MINUTES

SEPTEMBER 12, 2000

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, September 12, 2000, at 7:33 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.

PRESENT: Mayor Philip Owen
 Councillor Fred Bass
 Councillor Daniel Lee
 Councillor Don Lee
 Councillor Tim Louis
 Councillor Sandy McCormick
 Councillor Gordon Price
 Councillor George Puil
 Councillor Sam Sullivan

ABSENT: Councillor Jennifer Clarke (Sick Leave)
 Councillor Lynne Kennedy (Leave of Absence)

CITY CLERK'S OFFICE: Tarja Tuominen, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Cllr. Don Lee,
 SECONDED by Cllr. Louis,

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

- CARRIED
 UNANIMOUSLY

necessary by and in a form satisfactory to the Director of Legal Services.

The timing of all required payments shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- CARRIED

(Councillor Price and the Mayor opposed to
Condition (b)(xv))

6. Rezoning: 395 West 5th Avenue

An application by John Currie, Architect, was considered as follows:

Summary: The proposed rezoning would permit the development of non-market housing units, sleeping units and multi-purpose space usable for emergency accommodation.

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

Staff Comments

Dave Thomsett, Senior Planner, reviewed the application, noting it is a unique proposal in the currently zoned industrial area. The application is for a 100% non-profit facility which will provide dwelling units of non-market housing, sleeping rooms for short-term emergency accommodation and a multi-purpose space for emergency shelter purposes. The proposal will not endanger the industrial base. One condition is the establishment of a community liaison contact to resolve any problems immediately related to parking or loitering concerns.

Mr. Thomsett also advised of the following error in the map, being Schedule A of the draft by-law: the map should be amended to show that only the westerly 30.175 m or 99 feet of Lot A is to be rezoned from I-1 to CD-1.

Applicant Comments

Andrea Finch, applicant, advised Lookout is now responsible for 5 facilities and provides food, beds, and outreach services. The proposed facility will provide non-market and sleeping spaces, amenity and courtyard spaces. The location is ideal: close to public transit, other social and health services, and borders on the industrial area.

Summary of Correspondence

Council was advised the following correspondence was received since the date the application was referred to Public Hearing:

- 14 letters in support of the application.
- Petition containing 15 names in support of the application.
- 49 similar letters in support of the application.
- 3 letters opposed to the application.

Speakers

Mayor Owen called for speakers for and against the application.

The following spoke in support of the application:

Gordon Davies, Chair, Mid-Town Health Committee
 Gillian Watson-Donald, Seniors Advisory/Disability Issues Committees
 Stella Tsang, St. Paul's Hospital Providence Health Care
 Barry Conroy, Vancouver Recovery Club
 Kathleen Boyes, Main & Hastings Housing Society
 Thor Kuhlmann
 Doug Samms, Salvation Army Harbour Light
 Envoy Gary Johnson, Salvation Army
 Nicky Stowell
 Paul McGillicuddy, PEHAC Mental Health
 Jim Edwards, Covenant House
 Reverend Brian Heinrich, Lutheran Urban Mission Society
 Patricia Joyce
 Alice Sundberg, BC Non-Profit Housing Association
 Andrew Campbell
 Harry Wyckoff, St. Augustine's Church
 Jonn Olldym
 Kimiko Karpoff, Lower Mainland Network for Affordable Housing (brief filed)
 Mary MacDougal, Catholic Charities Raising the Roof
 Chris Morrissey, St. James Community Services Society
 Kris Anderson, Tenants Rights Action Coalition
 Arleen Paré, Vancouver Richmond Health Board
 Al Mitchell, The Lookout
 Brenda Dennis, Emergency Shelter
 Peter Robinson, Mt. Equipment Co-Op

The foregoing speakers supported the application based on one or more of the following points:

the proposal will add to the stock of needed housing for the homeless;
 the project will be close to retail and transit;
 the project will provide an option for people who do not want to live in the Downtown Eastside area;
 the facility will offer a longer-term approach to get on the road to recovery;
 the facility will be located in close proximity to mental health organizations;
 the facility will provide a stable environment for the homeless;
 the Vancouver-Richmond Health Board fully supports the project and will be providing funding;
 the facility will be located in an area where the inhabitants will have better opportunities to find work;
 there is a need for such a facility in the area.

Donald Kydd, BCP Developments, (brief filed), opposed the application for the following reasons: it will be importing problems to the area; approval of the application will create problems for industrial users; the proposal should be made in a commercial or residential area.

Council Decision

MOVED by Cllr. Bass,

THAT the application by John Currie, Architect, to rezone 395 West 5th Avenue to permit the development of non-market housing units, sleeping units and multi-purpose space usable for emergency accommodation, be approved, subject to the following conditions:

(a) THAT the map, being Schedule A to the rezoning by-law, be amended to show that only the westerly 30.175 m (99 ft.) of Lot A is to be rezoned from I-1 to CD-1.

(b) THAT the proposed form of development be approved by Council in principle, generally as prepared by John Currie, Architect, and stamped "Received City Planning Department, April 17, 2000", 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 (c) below.

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

(i) design development to maximize opportunities to visually open up the entrance lobby and amenity area to strengthen the visual connection between the internal courtyard and the street;

(ii) design development to increase opportunities for daylight access to the lowest level of the courtyard;

Note to applicant: This could be achieved by either an eave line modification within the perimeter of the courtyard, expanding the courtyard depth, or lengthening the deck areas located on the west side of the courtyard and removing the roof over the uppermost deck;

(iii) design development to provide adequate landscaping to the courtyard and around the perimeter of the site;

(iv) submit a building program statement to clarify usage and separation of the long-term and short-term accommodation, resident lounge and laundry area and the dining and lounge areas on the main floor;

(v) provision of two curb ramps at the lane entry on the east side of Yukon Street;

(vi) provision of street trees adjacent the site where space permits;

(vii) garbage and recycling storage space are to be provided;

(viii) design development to take into consideration the principles of CPTED (Crime Prevention Through Environmental Design) having particular regard to:

- review the location of windows for the basement multi-purpose room for security reasons; investigate location along Yukon Street;

- reducing opportunities for theft in the underground by gating the ramp;
- increasing security and visibility in the underground in accordance to section 4.12 of the Parking By-law with consideration to painting the walls and ceiling white;
- reducing opportunities for graffiti on exposed walls along the lane, Yukon Street and 5th Avenue; and
- reducing opportunities for B&E, and mischief at exits.

(ix) the Lookout Emergency Shelter Society shall provide an undertaking, to the satisfaction of the Manager of the Housing Centre and the Director of Legal Services, to identify on a ongoing basis a community liaison contact, who will meet with any neighbouring property owner, business operator or resident within seven days to discuss difficulties associated with the operation of this facility.

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

(i) make arrangements to subdivide Lot A, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, to create the proposed development site, to include a dedication of the west 1.22 m (4 ft.); and

(ii) make arrangements for all hydro and telephone services to be undergrounded within and adjacent the site from the closest existing suitable service point.

- CARRIED
UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Cllr. Puil,

THAT the Committee of the Whole rise and report.

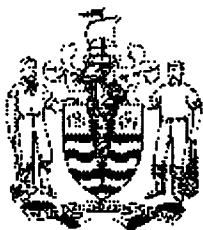
- CARRIED
UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Cllr. Puil,
SECONDED by Cllr. Don Lee,

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



CITY OF VANCOUVER

REGULAR COUNCIL MEETING MINUTES

April 10, 2001

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, April 10, 2001, at 2:00 p.m., in the Council Chamber, Third Floor, City Hall.

- PRESENT:**
- Mayor Philip Owen
 - Councillor Fred Bass
 - Councillor Jennifer Clarke
 - Councillor Lynne Kennedy
 - Councillor Daniel Lee
 - *Councillor Don Lee
 - Councillor Tim Louis
 - Councillor Sandy McCormick
 - Councillor Gordon Price
 - *Councillor George Puil
 - Councillor Sam Sullivan

- CITY MANAGER'S OFFICE:** Judy Rogers, City Manager
- CITY CLERK'S OFFICE:** Ulli S. Watkiss, City Clerk
Tarja Tuominen, Meeting Coordinator

*Denotes presence for a portion of the meeting.

PRAYER

The proceedings in the Council Chamber were opened with a prayer read by the City Clerk.

"IN CAMERA" MEETING

MOVED by Cllr. Daniel Lee,
SECONDED by Cllr. McCormick,

THAT Council will go into a meeting later this day which is closed to the public, pursuant to Section 165.2 of the *Vancouver Charter* , to discuss matters

- CARRIED UNANIMOUSLY

The By-law was read a first time and the Presiding Officer declared the by-law open for discussion and amendment.

There being no amendments, it was

MOVED by Cllr. Bass,
SECONDED by Cllr. McCormick,

THAT the By-law be given second and third readings and the Mayor and City Clerk be authorized to sign and seal the By-law.

- CARRIED UNANIMOUSLY

(Councillors Kennedy, Don Lee, Price and Puil excused from voting)

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

(395 West 5th Avenue - Lookout Emergency Aid Society - Rezoning I-1 to CD-1)

By-law No. 8326

MOVED by Cllr. Bass,
SECONDED by Cllr. Louis,

THAT the By-law be introduced and read a first time.

- CARRIED UNANIMOUSLY

The By-law was read a first time and the Presiding Officer declared the by-law open for discussion and amendment.

There being no amendments, it was

MOVED by Cllr. Bass,
SECONDED by Cllr. Louis,

THAT the By-law be given second and third readings and the Mayor and City Clerk be authorized to sign and seal the By-law.

- CARRIED UNANIMOUSLY

(Councillors Clarke and Kennedy excused from voting)

3. A By-law to amend By-law No. 6510, being the Sign By-law (395 West 5th Avenue) By-law No. 8327

MOVED by Cllr. Price,
SECONDED by Cllr. Don Lee,

THAT the By-law be introduced and read a first time.

- CARRIED UNANIMOUSLY

The By-law was read a first time and the Presiding Officer declared the by-law open for discussion and amendment.

There being no amendments, it was

MOVED by Cllr. Price,
SECONDED by Cllr. Don Lee,

THAT the By-law be given second and third readings and the Mayor and City Clerk be authorized to sign and seal the By-law.

- CARRIED UNANIMOUSLY

4. A By-law to amend Schedule A to By-law No. 5752, being the Southeast Granville Slopes Official Development Plan (Grade Level Uses) By-law No. 8327

MOVED by Cllr. Clarke,
SECONDED by Cllr. McCormick,

THAT the By-law be introduced and read a first time.

- CARRIED UNANIMOUSLY

The By-law was read a first time and the Presiding Officer declared the by-law open for discussion and amendment.

There being no amendments, it was

MOVED by Cllr. Clarke,
SECONDED by Cllr. McCormick,

THAT the By-law be given second and third readings and the Mayor and City Clerk be authorized to sign and seal the By-law.

- CARRIED UNANIMOUSLY

(Councillors Kennedy, Don Lee, Price and Puil excused from voting)

5. A By-law to amend By-law No. 3568, being a By-law which amended

the Zoning and Development By-law by rezoning an area to CD-1 (650 West 41st Avenue - Oakridge, Use Restrictions, Maximum Floor Space and Parking Spaces) By-law No. 8329

MOVED by Cllr. Clarke,
SECONDED by Cllr. McCormick,

THAT the By-law be introduced and read a first time.

- CARRIED UNANIMOUSLY

The By-law was read a first time and the Presiding Officer declared the by-law open for discussion and amendment.

There being no amendments, it was

MOVED by Cllr. Clarke,
SECONDED by Cllr. McCormick,

THAT the By-law be given second and third readings and the Mayor and City Clerk be authorized to sign and seal the By-law.

- CARRIED UNANIMOUSLY

(Councillors Kennedy, Don Lee, Price and Puil excused from voting)

MOTIONS

A. Administrative Motions

1. Approval of Form of Development (CD-1 - 395 West 5th Avenue) File: 5304

MOVED by Cllr. McCormick,
SECONDED by Cllr. Don Lee,

THAT the form of development for the CD-1 zoned site known as 395 West 5th Avenue be approved generally as illustrated in Development Application No DE 405407 prepared by John Currie Architect Inc., and stamped "Received, City of Vancouver Planning Department, February 23, 2001", 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

B. Motions on Notice

1. Residential Lease Prepayment Prices in False Creek File: 5104

At the Council meeting of March 27, 2001, Councillor Louis submitted the following Notice of Motion which was recognized by the Chair:

MOVED by Cllr. Louis,
SECONDED by Cllr. Bass,

WHEREAS the False Creek Landlease Action Committee commissioned an independent appraisal of residential lease prepayment prices in False Creek South and submitted the completed appraisal to the City in July 2000;

AND WHEREAS this appraisal differs significantly from the lease prepayment prices established by the City;

BY-LAW NO. 8326

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-514 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. Uses

The area shown included within the heavy black outline on Schedule "A" shall be more particularly described as CD-1(405), and the only uses permitted within the outlined area, subject to such conditions as Council may by resolution prescribe, and the only uses for which development permits will be issued are

- (a) Dwelling Units, provided through government funded programs, targeted for core-need households or for such other non-market housing programs or initiatives as Council may generally define or specifically approve from time to time,
- (b) Special Needs Residential Facility - Group Living, and
- (c) Accessory Uses customarily ancillary to the above uses.

3. Floor Space Ratio

3.1 The floor space ratio must not exceed 2.75. For the purposes of calculating floor space ratio, the site area is deemed to be 1122.09 m², being the site size at time of application for rezoning, prior to any dedications.

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

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, 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 shall be excluded in the computation of floor space ratio:

- (a) open residential balconies or sundecks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing;
- (b) patios and roof gardens, 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, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which:
 - (i) are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; or
 - (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length;
- (d) amenity areas, including day care facilities, recreation facilities, and meeting rooms, to a maximum total of 10 percent of the total building floor area;
- (e) areas of undeveloped floors which are located
 - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch; or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;

- (f) 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;
- (g) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness.

4. Height

The maximum building height measured above the base surface is 14.0 m and the building must not extend beyond 4 storeys.

5. Off-Street Parking and Loading

Parking, loading and bicycle spaces must be provided, developed and maintained in accordance with the applicable provisions of the Parking By-law, except that

- (a) for floor area used for short-term or emergency sleeping purposes, a minimum of one parking space for each 16 beds must be provided,
- (b) a minimum of one disability space must be provided for the site, and
- (c) the relaxation and mixed use reduction provisions of the Parking By-law shall apply.

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

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

DONE AND PASSED in open Council this 10th day of April, 2001.

(Signed) Philip W. Owen
Mayor

(Signed) Ulli S. Watkiss
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 10th day of April 2001, and numbered 8326.

CITY CLERK"

395 W. 5th Ave.

BY-LAW NO. 8327

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:
"395 W. 5th Ave. CD-1(405) B(I-1)"
2. This By-law comes into force and takes effect on the date of its passing.

DONE AND PASSED in open Council this 10th day of April, 2001.

(Signed) Philip W. Owen
Mayor

(Signed) Ulli S. Watkiss
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 10th day of April 2001, and numbered 8327.

CITY CLERK"

RESOLUTION

Regular Council Meeting Minutes - April 10, 2001

3. A By-law to amend By-law No. 6510, being the Sign By-law (395 West 5th Avenue) By-law No. 8327

MOVED by Cllr. Price,
SECONDED by Cllr. Don Lee,

THAT the By-law be introduced and read a first time.

- CARRIED UNANIMOUSLY

The By-law was read a first time and the Presiding Officer declared the by-law open for discussion and amendment.

There being no amendments, it was

MOVED by Cllr. Price,
SECONDED by Cllr. Don Lee,

THAT the By-law be given second and third readings and the Mayor and City Clerk be authorized to sign and seal the By-law.

- 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)

Special needs residential facilities

BY-LAW NO. 9674

A By-law to amend CD-1 By-law No.'s 3869, 3897, 4271, 4580, 4634, 4671, 5343, 6041, 6070 6072, 6919, 7114, 7193, 7196, 7204, 7210, 7461, 7647, 7679, 7682, 7723, 7852, 8055, 8088, 8111, 8326, 8369, 8457, 8479, 8546, 8880, 9190, 9204, 9454, 9463, 9573, 9594, and 9600

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

- From each of the CD-1 by-laws listed in Column 1 of Table 1, Council strikes out, from each of the sections listed in Column 2, the words set out in Column 3, and variations of those words, and substitutes the words set out in Column 4:

Table 1

Column 1	Column 2	Column 3	Column 4
3869	2 (b) 5.1 (a)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
3897	2 (c) 6 (a)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
4271	2 (a)	special needs residential facility (Community Care Facility)	Community Care Facility
4580	3.1	Special Needs Residential Facility: Community Care Facility	Community Care Facility
4634	2 (e)	special needs residential facility (community care facility)	community care facility
	3 Table A	Special Needs Residential Facilities (Community Care Facilities)	Community Care Facilities
	4(c)	special needs residential facility	community care facility
4671	2.2 (a)	Special Needs Residential Facility - Community Care - Class B, and Special Needs Residential Facility - Group Living	Community Care Facility - Class B and Group Residence
5343	2 (a)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B

6041	2 (c)	Special needs residential facility - community care - Class B	Community care facility - class B
6070	2 (a) (iii)	special - needs residential facility	community care facility or group residence
6072	2 (b)	and Special Needs Residential Facility	Community Care Facility and Group Residence
6919	2 (a)	Special Needs Residential Facility (Community Care Facility)	Community Care Facility
7114	2 (b)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
7193	2 (a)	Special Needs Residential Facility - Community Care	Community Care Facility
7196	2 (a)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
7204	10 (b) (iv)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
7210	2 (a)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
7461	6.4 (b)	and special needs residential uses	community care facilities and group residences
7647	2.1 (a)	Special Needs Residential Facilities	of the following: Community Care Facilities or Group Residences
7679	4.1 (d)	and Special Needs Residential Facility	, Community Care Facility and Group Residence
7682	2 (e)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
	10 (d)	Special Needs Residential Facility	Community Care Facility
7723	2 (a)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
7852	2.1 (b)	Special Needs Residential Facility - Class B	Community Care Facility - Class B
	5	Special Needs Residential Facility	Community Care Facility
8055	2 (a)	Special Needs Residential Facility	Community Care Facility and Group Residence
8088	2 (b)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B

8111	2 (a) 5.1	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
8326	2 (b)	Special Needs Residential Facility - Group Living	Group Residence
8369	2 (a)	Special Needs Residential Facility - Community Care - Class B	Community Care Facility - Class B
8457	2 (b)	Special Needs Residential Facility - Community care - Class B	Community Care Facility - Class B
8479	2 (b)	Special Needs Residential Facility - Group Living	Group Residence
8546	2.2 (b)	and Special Needs Residential Facility	Community Care Facility and Group Residence
8880	3	Special Needs Residential Facility	Community Care Facility, Group Residence
9190	3 (c)	and Special Needs Residential Facility	Community Care Facility and Group Residence
9204	3 (b)	and Special Needs Residential Facility	Community Care Facility and Group Residence
9454	3.2 (c)	and Special Needs Residential Facility	Community Care Facility and Group Residence
9463	3.2 (b)	and Special Needs Residential Facility	Community Care Facility and Group Residence
9573	2.2 (b)	and Special Needs Residential Facility	Community Care Facility and Group Residence
9594	3.2 (c)	and Special Needs Residential Facility	Community Care Facility and Group Residence
9600	3.2 (b)	and Special Needs Residential Facility	Community Care Facility and Group Residence

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

3. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 24th day of June, 2008

Mayor

City Clerk

EXPLANATION

A By-law to amend certain CD-1 By-laws re special needs residential facilities

After the public hearing on June 10, 2008, Council resolved to amend certain CD-1 By-laws to refer to community care facilities rather than special needs residential facilities. The Director of Planning has advised that there are no prior-to conditions, and enactment of the attached by-law will implement Council's resolution.

Director of Legal Services
June 24, 2008

17. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (re 2978 West 5th Avenue) (By-law No. 9687)**
(Councillors Ball, Cadman and Louie ineligible to vote)
18. **A By-law to designate certain real property as protected heritage property (re 2978 West 5th Avenue) (By-law No. 9688)**
(Councillors Ball, Cadman and Louie ineligible to vote)

MOVED by Councillor Lee
SECONDED by Councillor Stevenson

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 3 to 7, 9, 10 and 16, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillor Louie absent for the vote)

3. **A By-law to amend Zoning and Development By-law No. 3575 (re special needs residential facilities) (By-law No. 9673)**
(Councillors Anton, Ball, Capri and Louie ineligible to vote)
4. **A By-law to amend certain CD-1 By-laws re special needs residential facilities (By-law No. 9674)**
(Councillors Anton, Ball, Capri and Louie ineligible to vote)
5. **A By-law to amend Downtown-Eastside/Oppenheimer Official Development Plan By-law No. 5532 (re special needs residential facilities) (By-law No. 9675)**
(Councillors Anton, Ball, Capri and Louie ineligible to vote)
6. **A By-law to amend First Shaughnessy Official Development Plan By-law No. 5546 (re special needs residential facilities) (By-law No. 9676)**
(Councillors Anton, Ball, Capri and Louie ineligible to vote)
7. **A By-law to amend By-law No. 9488 Regarding Areas of Real Property in Certain RM, FM, and CD-1 Zoning Districts (re special needs residential facilities) (By-law No. 9677)**
(Councillors Anton, Ball, Capri and Louie ineligible to vote)
9. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (re 125 Boundary Road) (By-law No. 9679)**
(Councillors Anton, Ball, Capri and Louie ineligible to vote)
10. **A By-law to designate certain real property as protected heritage property (re 125 Boundary Road) (By-law No. 9680)**
(Councillors Anton, Ball, Capri and Louie ineligible to vote)

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Lee
SECONDED by Councillor Deal

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

CARRIED UNANIMOUSLY

BY-LAWS

MOVED by Councillor Anton
SECONDED by Councillor Stevenson

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, 2, 8, 11, 12, 14, 15, 17 and 18, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillor Louie absent for the vote)

1. **A By-law to contract a debt by the issue and sale of debentures in the aggregate principal amount of \$5,722.78 for certain local improvement lane lighting projects, and for imposing an annual special rate on real property specially benefited by such local improvements (By-law No. 9671)**
2. **A By-law to contract a debt by the issue and sale of debentures in the aggregate principal amount of \$554,777.99 for certain local improvement street work projects, including pavement, curbs, trees and bulges, and lane pavement and for imposing an annual special rate on real property specially benefited by such local improvements (By-law No. 9672)**
8. **A By-law to amend Parking By-law No. 6059 (re special needs residential facilities) (By-law No. 9678)**
11. **A By-law to amend Subdivision By-law No. 5208 regarding miscellaneous amendments (By-law No. 9681)**
12. **A By-law to amend Parking By-law No. 6059 (re bicycle spaces) (By-law No. 9682)**
14. **A By-law to amend Subdivision By-law No. 5208 (re 5475 Dunbar Street and 3625 and 3641 West 39th Avenue) (By-law No. 9684)**
15. **A By-law to amend CD-1 By-law No. 8131 (re Great Northern Way Campus) (By-law No. 9685)**

4. TEXT AMENDMENT: SNRF ZONING AND DEVELOPMENT BY-LAW REVISIONS

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

Summary: To amend the definitions of Special Need Residential Facilities (SNRF) in the Zoning & Development By-law and make consequential changes to the Zoning & Development By-law and relevant CD-1 By-laws; amend references in the Downtown Eastside/Oppenheimer, Rental Housing Stock and First Shaughnessy Official Development Plan By-laws; and amend the Parking By-law. These are housekeeping amendments to update the definitions.

The Directors of Social Planning, Planning, Development Services, Housing Centre, Legal Services, and General Manager of Engineering Services recommended approval.

Also before Council was a memorandum from Anne Kloppenborg, Social Planning, dated May 20, 2008, which noted an addition to Appendix B of the Policy Report "Special Needs Residential Facilities: Amendments to Definitions and Guidelines" dated April 15, 2008, in order to conform with the draft By-laws prepared by staff.

Staff Opening Comments

Anne Kloppenborg, Social Planning, reviewed the application, including the memo distributed with the agenda package for the Public Hearing.

Summary of Correspondence

No correspondence had been received on this application since referral to Public Hearing.

Speakers

Sister Elizabeth Kelliher and Johnn Olldym spoke in opposition to the application.

Council Decision

MOVED by Councillor Chow

- A. THAT the application to:
 - i) amend the definitions of Special Needs Residential Facilities in section 2 of the Zoning and Development By-law, and make the necessary consequential changes to the Zoning and Development By-law and to the CD-1 By-laws listed in Appendix A; and
 - ii) amend references to "Special Needs Residential Facilities" in the Downtown Eastside/Oppenheimer, Rental Housing Stock and First Shaughnessy Official Development Plan By-laws,

generally in accordance with Appendix A and B to Policy Report "Special Needs Residential Facilities: Amendments to Definitions and Guidelines", dated April 15, 2008, be approved with the following changes to Appendix B noted in the Memorandum dated May 20, 2008, from Anne Kloppenborg, Social Planning:

In Section 1.1 of the Official Development Plan Regarding Areas of Real Property in Certain RM, FM, and CD-1 Zoning Districts, delete *special needs residential facility* and substitute *community care facility or group residence*; and in Section 2.5, delete the reference to *Special Needs Residential Facility Guidelines* and substitute *Community Care Facility and Group Residence Guidelines*.

- B. THAT Council approve amendments to the Parking By-law, generally in accordance with Appendix C to Policy Report "Special Needs Residential Facilities: Amendments to Definitions and Guidelines", dated April 15, 2008.
- C. THAT if approved at Public Hearing, the by-laws be accompanied at the time of enactment by the Community Care Facilities and Group Residences Guidelines and the Application Procedures for Development Permits for Community Care Facilities and Group Residences, as outlined in Appendix D to Policy Report "Special Needs Residential Facilities: Amendments to Definitions and Guidelines", dated April 15, 2008.

CARRIED UNANIMOUSLY