

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@vancouver.ca

CD-1 (429)

3704 – 3720 Welwyn Street

By-law No. 9029

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

Effective April 26, 2005

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

2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (429).

2.2 The only uses permitted within CD-1 (429), subject to such conditions as Council may by resolution prescribe, and to the conditions set out in this By-law, and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Dwelling Uses, limited to Multiple Dwellings containing a maximum of 60 dwelling units; and
- (b) Accessory Use customarily ancillary to any of the uses permitted by this section 2.2.

3 Density

3.1 The floor space ratio must not exceed 1.2.

3.2 Computation of floor space ratio must include:

- (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; and
- (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 Computation of floor space ratio must exclude:

- (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 if 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, except that the maximum exclusion for a parking space must 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, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;
- (d) amenity areas, including day care facilities, recreation facilities, and meeting rooms, not to exceed 10% of the total permitted floor area;
- (e) areas of undeveloped floors 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; and

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

4 Building Height

The building height, measured above base surface, must not exceed 12.8 m, except that the height of the existing Telus communications tower must not exceed its height as of the date of enactment of this By-law.

5 Setback

The setback of a building must be at least:

- (a) 1.8 m from the south property line;
- (b) 2.3 m from the east property line;
- (c) 2.0 m from East 20th Avenue; and
- (d) 1.8 m from Welwyn Street.

6 Parking and loading, and bicycle storage

Any development or use of the site requires the provision, development, and maintenance, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in, the Parking By-law, of off-street parking, loading, and bicycle storage, except that each dwelling unit must have at least one parking space.

7 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

8 Severability

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

9 Force and effect

- 10** *[Section 10 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.]*



Z-559

RZ - 3704 - 3720 Welwyn Street

map: 1 of 1

scale: 1:2000



City of Vancouver

date: Sept. 13, 2004

3704 - 3720 Welwyn Street

BY-LAW NO. 9029

**A By-law to amend
Zoning and Development By-law No. 3575
to rezone an area to CD-1**

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

Zoning District Plan amendment

1. This By-law amends the Zoning District Plan attached as Schedule D to By-law No. 3575, and amends or substitutes the boundaries and districts shown on it, according to the amendments, substitutions, explanatory legends, notations, and references shown on the plan marginally numbered Z-559 attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

Uses

2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (429).

2.2 The only uses permitted within CD-1 (429), subject to such conditions as Council may by resolution prescribe, and to the conditions set out in this By-law, and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Dwelling Uses, limited to Multiple Dwellings containing a maximum of 60 dwelling units; and
- (b) Accessory Use customarily ancillary to any of the uses permitted by this section 2.2.

Density

3.1 The floor space ratio must not exceed 1.2.

3.2 Computation of floor space ratio must include:

- (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; and

- (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 Computation of floor space ratio must exclude:

- (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 if 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, except that the maximum exclusion for a parking space must 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, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;
- (d) amenity areas, including day care facilities, recreation facilities, and meeting rooms, not to exceed 10% of the total permitted floor area;
- (e) areas of undeveloped floors 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; and
- (g) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness.

Building Height

4. The building height, measured above base surface, must not exceed 12.8 m, except that the height of the existing Telus communications tower must not exceed its height as of the date of enactment of this By-law.

Setback

5. The setback of a building must be at least:
- (a) 1.8 m from the south property line;
 - (b) 2.3 m from the east property line;
 - (c) 2.0 m from East 20th Avenue; and
 - (d) 1.8 m from Welwyn Street.

Parking and loading, and bicycle storage

6. Any development or use of the site requires the provision, development, and maintenance, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in, the Parking By-law, of off-street parking, loading, and bicycle storage, except that each dwelling unit must have at least one parking space.

Acoustics

7. 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.

<u>Portions of dwelling units</u>	<u>Noise levels (Decibels)</u>
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

Severability

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


Force and effect

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

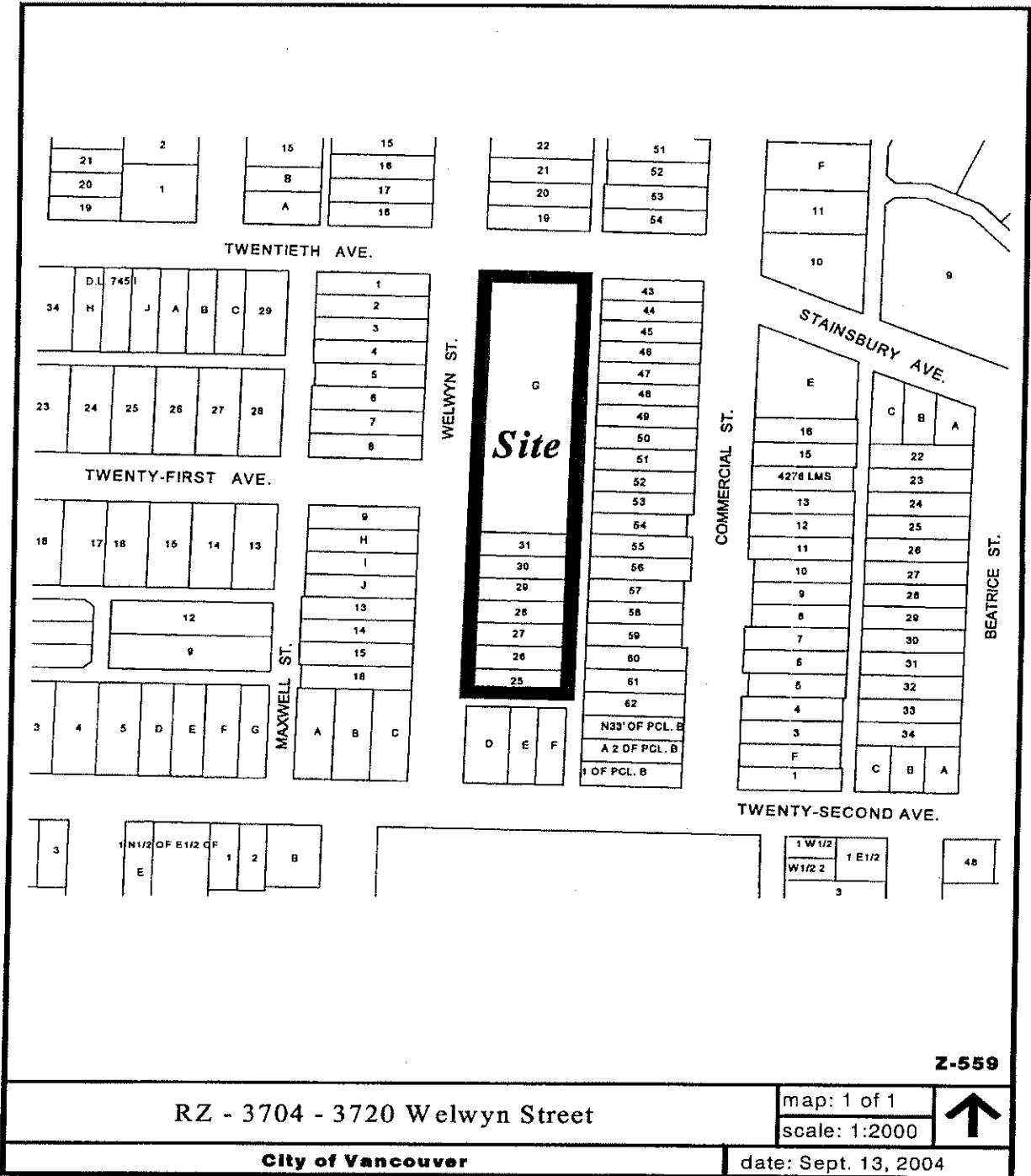
ENACTED by Council this 26th day of April, 2005



Mayor



City Clerk



BY-LAWS

MOVED by Councillor Ladner
SECONDED by Councillor Cadman

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 5 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to amend Single Room Accommodation By-law No. 8733 regarding miscellaneous amendments (By-law No. 9028)
2. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 3704-3720 Welwyn Street) (By-law No. 9029)
(Councillors Bass, Louis, Stevenson and Sullivan excused from voting on By-law 2)
3. A By-law to designate certain real property as protected heritage property (re 844 Dunlevy Avenue) (By-law No. 9030)
(Councillor Cadman excused from voting on By-law 3)
4. A By-law to amend Zoning and Development By-law No. 3575 (regarding small-scale pharmacies) (By-law No. 9031)
(Councillor Cadman excused from voting on By-law 4)
5. A By-law to amend Parking By-law No. 6059 (regarding small scale pharmacies) (By-law No. 9032)
(Councillor Cadman excused from voting on By-law 5)

3. Rezoning: 3704 - 3720 Welwyn Street

An application by Chris White, Mosaic Avenue Lands, was considered as follows:

Summary: The proposed rezoning would permit a 60 unit townhouse development.

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

Staff Opening Comments

Alan Duncan, Planner, Park Board, responded to questions concerning public access to the central courtyard.

Applicant Comments

Stuart Howard, Architect, representing the applicant, was present to respond to questions.

Summary of Correspondence

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

- One letter in favour of the application; and
- Two letters expressing concerns with the application.

Speakers

The Mayor called for speakers for and against the application.

Richard Stratford expressed concerns with regard to the application, in particular, the density increase which will add to traffic flows, and potential parking issues, both of which will compromise pedestrian safety.

Staff Closing Comments

Larry Beasley, Director of Current Planning, and Bob Macdonald, Parking Engineer, in response to concerns expressed by the foregoing speaker, provided further background. Mr. Beasley suggested Council consider the addition of a condition which would ensure parking and traffic management measures in the vicinity are reviewed. Staff, together with Mr. Duncan, also responded to additional questions related to the proposal, including affordability.

Council Decision

MOVED by Councillor Roberts

A. THAT the application by Mosaic Avenue Lands to rezone 3704 - 3720 Welwyn Street (Lot G [Reference Plan 9464] and Lots 25-31, DL 744, Plan 4369; PID 001588161, 001588110, 001588080, 001588039, 00158789, 001587920, 001587881, and 001587849) from RS-2 to CD-1, to permit 60 townhouses at a floor space ratio of 1.2 generally as set out in Appendix A to the Policy Report "CD-1 Rezoning - 3704-3720 Welwyn Street" dated August 26, 2004, be approved, subject to the following conditions:

FORM OF DEVELOPMENT

(a) That the proposed form of development be approved by Council in principle, generally as prepared by Stuart Howard Architects Inc., and stamped "Received City Planning Department May 7, 2004", 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 (b) below.

(b) 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:

Design Development:

(1) Design development to the height of the buildings;

Note to applicant:

Building elevations facing Welwyn Street, East 20th Avenue, and the east/west lane should maintain an approximate height of thirty five feet as measured from the adjacent grade elevations at the property line. Some allowance will be given for sloped site conditions. Consider stepping the building at the corners abutting to Welwyn so there is a continuous ridge height along Welwyn and the abutting corners. The buildings should maintain the visual sense of a two and a half storey expression as seen from the Welwyn Street, East 20th Avenue and the east/west lane. The top floor should be well integrated into the primary roof form.

(2) Design development to the south-west corner and south lane elevation to visually reduce the scale at Welwyn Street and height along the south face of the building along the lane;

Note to applicant: The south-west corner will need a site-specific solution to accomplish a scale and height consistent with the rest of the development, as viewed from Welwyn Street, and the relationship to the three properties south of the lane needs further consideration in terms of overlook and outlook.

(3) Design development to ensure the development responds better to site topography and the site's RS-2 context within the height provisions of the draft CD-1 by-law;

Note to applicant: The development seems to sit higher on the site than should be necessary and the overall height should be viewed as a transition from MC-1 to the lower RS-2 development. Height should be reduced by adjusting floor elevations relative to the site topography rather than by adjustments to roof design.

(4) Design development to the Welwyn Street elevation to provide greater unit identification along the street frontage and more variety and diversity of form and materials;

Note to applicant: Units along Welwyn Street should have greater orientation towards the street. Consider ways to bring greater differentiation to individual units and landscape along Welwyn Street and to reduce apparent building mass at and near the ground plane.

(5) Design development to the street-facing entrances maintaining a raised porch expression;

(6) Design development to the central courtyard and pedestrian link making it more welcoming and clearly publicly accessible, providing landscape signifiers that help to distinguish between public, semi-public and private space;

Note to applicant: There should be no gate but rather a wide opening and a path that more directly leads the public through the site. The stair down to the lane should be wider and more welcoming, perhaps with a landing, as a gentler transition to the lane elevation and more inclusive of the lane. The unit at the lane may need to be reduced in depth to allow both a wider stair and a private garden area for that unit.

(7) Design development to the parking courts to address unit overlook and outlook and light access into the parking courts, as well as ensuring quality finishes and landscape;

(8) Design development of the retaining wall along the north-south lane to minimize its apparent height, green the lane and increase pedestrian interest.

Note to applicant: Consider adding windows at the lane elevation where possible to increase pedestrian interest and sense of surveillance.

AGREEMENTS

(c) That, prior to enactment of the CD-1 By-law, the registered owner shall make arrangements, at no cost to the City, for the following:

Subdivision:

(1) Consolidation of the lots involved or other arrangements to the satisfaction of the General Manager of Engineering Services, Director of Legal Services and Director of Planning for subdivision of the site to address unit configuration;

Note to applicant: Clarification of the charges on title by way of a charge summary will be required.

Engineering:

(2) Ensure the following are addressed to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services:

(i) dedication of a 3.05 m (10 ft.) by 3.05 m (10 ft.), corner cut off from the south-east corner of the site (Lot 25) for lane purposes;

(ii) potential upgrading of the City water system to serve the fire flow demands of the site;

Note to applicant: The current plans lack the detail necessary to determine the extent, if any, of water system upgrading.

(iii) provision of concrete sidewalk on Welwyn Street from 20th Avenue to the lane north of 22nd Avenue and on 20th Avenue from Welwyn Street to the lane east of Welwyn Street;

(iv) provision of concrete curb and gutter bulges and landscaping on Welwyn Street and 20th Avenue adjacent the site where appropriate and concrete curb and gutter and pavement to the centreline on 20th Avenue;

(v) provision of street trees on Welwyn Street and 20th Avenue adjacent the site where space permits;

(vi) undergrounding of all new BC Hydro and Telus services from the closest existing suitable service point, including a review of any new cabling necessary for this development to determine any impacts on the neighbourhood; and

(vii) provision of traffic management measures in the immediate vicinity, which may include further street narrowing on Welwyn to improve the pedestrian environment, and consideration of parking management measures.

Fire:

(3) Provision of a fire hydrant(s) to the satisfaction of the Fire Chief.

Public Right-of-way:

(4) Grant to the City a statutory right-of-way for public access through the subject site drawn to the satisfaction of Director of Planning and the General Manager of Engineering Services which is registered in the Land Title Office in priority over all charges which might defeat or delay the exercise of such rights.

B. THAT, subject to approval of the rezoning at Public Hearing, the Noise Control By-law be amended at time of enactment to include this CD-1 in Schedule B.

CARRIED UNANIMOUSLY



CITY OF VANCOUVER

SPECIAL COUNCIL MEETING MINUTES

OCTOBER 21, 2004

A Special Meeting of the Council of the City of Vancouver was held on Thursday, October 21, 2004, 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 and Heritage By-laws, and to enter into a Heritage Revitalization Agreement.

PRESENT:

Mayor Larry Campbell
Councillor David Cadman
Councillor Jim Green
Councillor Peter Ladner
Councillor Raymond Louie
Councillor Anne Roberts
Councillor Ellen Woodsworth

ABSENT:

Councillor Fred Bass (Sick Leave)
Councillor Tim Louis (Leave of Absence)
Councillor Tim Stevenson (Sick Leave)
Councillor Sam Sullivan (Leave of Absence)

CITY CLERK'S OFFICE:

Tina Hildebrandt, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Green

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 and Heritage By-laws, and to enter into a Heritage Revitalization Agreement.

CARRIED UNANIMOUSLY