



City of Vancouver *Zoning and Development By-law*

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CD-1 (436)

5541 Willow Street

By-law No. 9153

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

Effective November 1, 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 (436).

2.2 Subject to approval by Council of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within CD-1 (436) 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 no more than 35 dwelling units in aggregate on the site; 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 1.0.

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 m⁵ 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, except that this clause does not apply to walls in existence prior to March 14, 2000.

4 Building height

The building height, measured above base surface, must not exceed 10.7 m.

5 Setback

The setback of a building must be at least:

- (a) 1.37 m from the east front yard property line;
- (b) 3.05 m from the north side yard property line;
- (c) 1.23 m from the west rear yard property line; and
- (d) 2.11 m from the south side yard property line.

6 Parking and loading, and bicycle spaces

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 the number of parking spaces required for each dwelling unit is to be the lesser of the RM-3 minimum standard or 1.5 spaces.

7 Acoustics

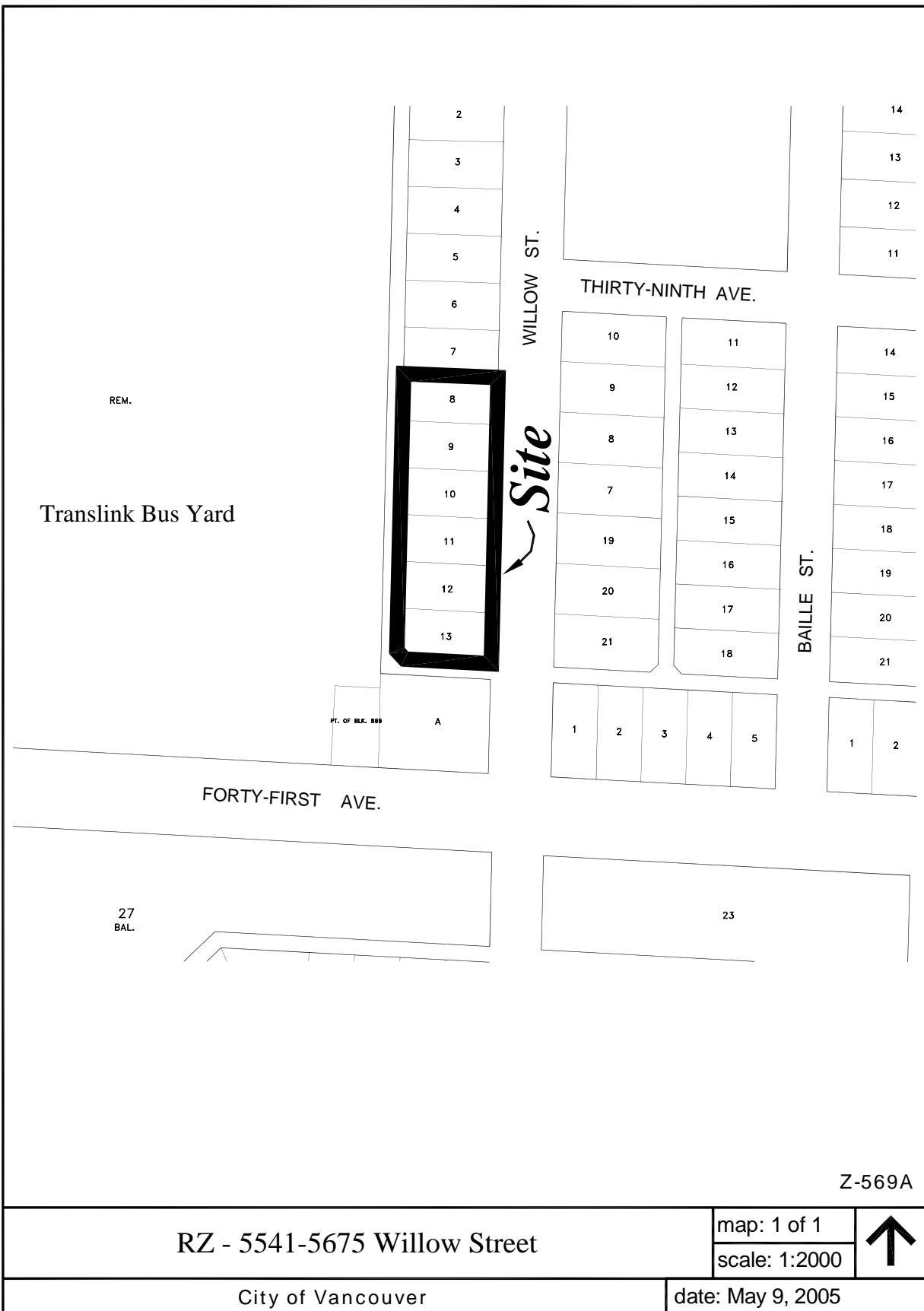
All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of the dwelling units listed below do not exceed the noise level 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 *[Section 9 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-569A

RZ - 5541-5675 Willow Street

map: 1 of 1

scale: 1:2000



City of Vancouver

date: May 9, 2005

5541 Willow Street

BY-LAW NO. 9153

**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-569A 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 (436).

2.2 Subject to approval by Council of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within CD-1 (436) 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 no more than 35 dwelling units in aggregate on the site; 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 1.0.

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 sun decks, 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, except that this clause does not apply to walls in existence prior to March 14, 2000.

Building height

4. The building height, measured above base surface, must not exceed 10.7 m.

Setback

5. The setback of a building must be at least:
 - (a) 1.37 m from the east front yard property line;
 - (b) 3.05 m from the north side yard property line;
 - (c) 1.23 m from the west rear yard property line; and
 - (d) 2.11 m from the south side yard property line.

Parking and loading, and bicycle spaces

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 the number of parking spaces required for each dwelling unit is to be the lesser of the RM-3 minimum standard or 1.5 spaces.

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.

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Bedrooms	35
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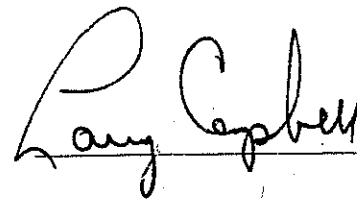
Severability

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 1st day of November, 2005

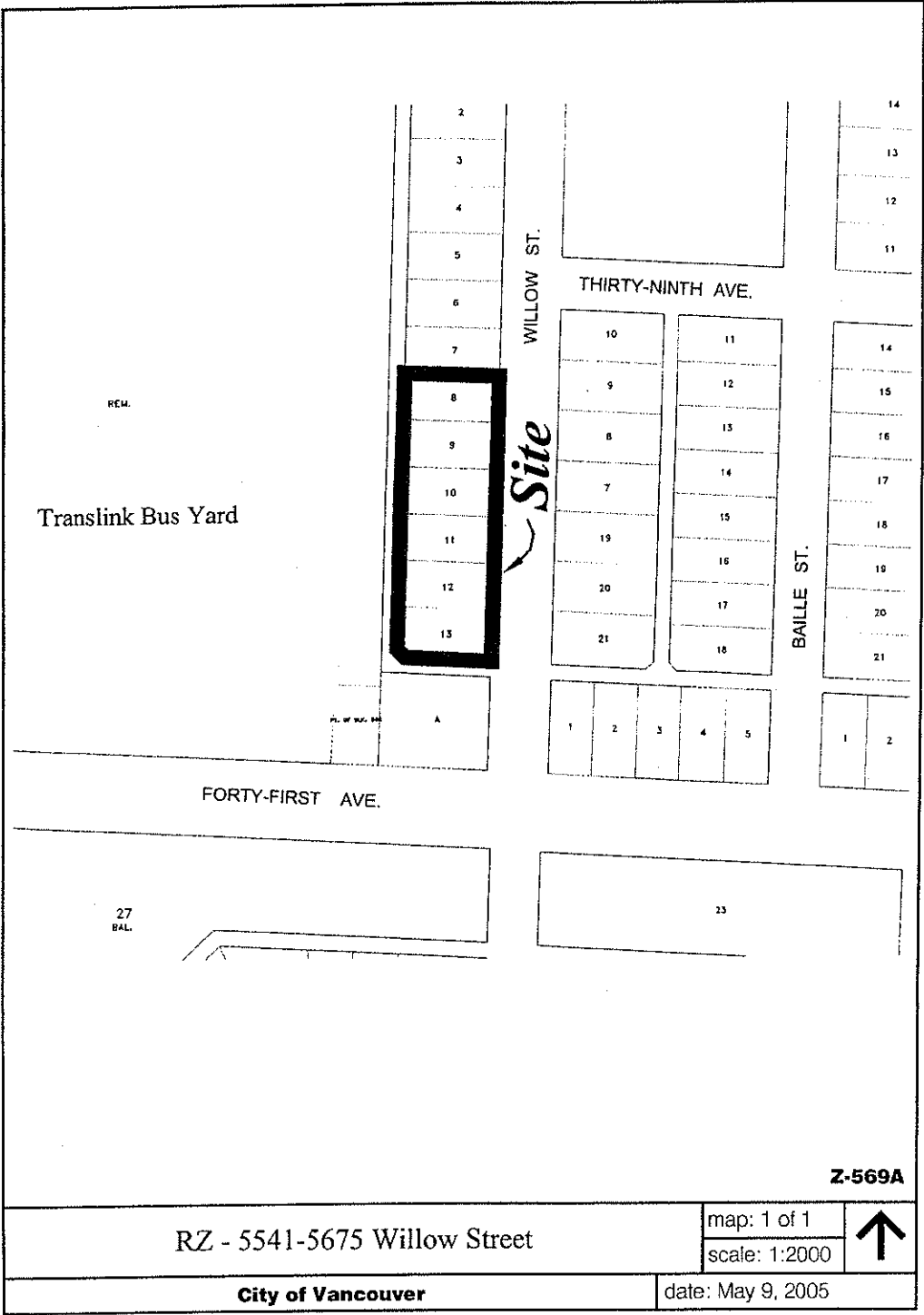


Mayor



City Clerk

Schedule A



Z-569A

RZ - 5541-5675 Willow Street

map: 1 of 1
scale: 1:2000



City of Vancouver

date: May 9, 2005

14. **New Animal Control By-law (By-law No 9150)**
15. **A By-law to amend License By-law No. 4450 regarding the use of security, guard, or patrol dogs (By-law No 9151)**
16. **A By-law to amend Noise Control By-law No. 6555 to amend the regulation of animal noise ((re barking dogs) (By-law No 9152)**
17. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 5541 Willow Street) (By-law No 9153)**
(Councillors Bass, Ladner, Louie, Louis and Sullivan excused from voting on By-law No. 17)
18. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 3585 Graveley Street) (By-law No 9154)**
(Councillors Cadman, Ladner and Louie excused from voting on By-law No. 18)
19. **A By-law to amend Sign By-law No. 6510 (re 3585 Graveley Street) (By-law No 9155)**
(Councillors Cadman, Ladner and Louie excused from voting on By-law No. 18)
20. **A By-law to amend CD-1 By-law No. 7045 (re 4176 Alexandra Street) (By-law No 9156)**
(Councillors Bass, Ladner, Louie, Louis and Sullivan excused from voting on By-law No. 20)
21. **A By-law to designate certain real property as protected heritage property (re 955 Burrard Street) (By-law No 9157)**
(Councillor Cadman excused from voting on By-law No. 21)
22. **A By-law to designate certain real property as protected heritage property (re 969 Burrard Street) (By-law No 9158)**
(Councillor Cadman excused from voting on By-law No. 22)
23. **A By-law to enact a Housing Agreement for 969 Burrard Street (By-law No 9159)**
24. **A By-law to amend Vehicles for Hire By-law No. 6066 to increase taxicab rates (By-law No 9160)**
25. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 2820 Bentall Street [Canadian Tire]) (By-law No 9161)**
(Councillors Sullivan and Woodsworth excused from voting on By-law No. 25)
26. **A By-law to amend CD-1 By-law No. 6654 (re exclusion of 2820 Bentall Street from Still Creek) (By-law No 9162)**
(Councillors Sullivan and Woodsworth excused from voting on By-law No. 26)
27. **A By-law to amend Zoning and Development By-law No. 3575 (re 2820 Bentall Street [landscaped setback]) (By-law No 9163)**
(Councillors Sullivan and Woodsworth excused from voting on By-law No. 27)

AGREEMENTS:

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

Engineering Services:

(i) Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for:

- (1) Consolidation of lots 6, 7 and A / block 238 / D.L. 526 / plan 590. (Note: the application and plans refer to the incorrect lot numbers).
- (2) Dedication of the south 2'-0" of lots 6 and 7 for road purposes.
- (3) Clarification of the charge on title. A charge summary or copy of the charge is required.
- (4) Undergrounding of all new utility services from the closest existing suitable service point. All services, and in particular electrical transformers to accommodate a primary service must be located on private property. The development site is not to rely on secondary voltage from the existing overhead network. Any alterations to the existing underground / overhead utility network to accommodate the development will require review and approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged.

B. THAT the application to amend the Sign By-law to establish regulations for the CD-1 in accordance with Schedule "B"(IC-1) be approved.

C. 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 A.

CARRIED UNANIMOUSLY

6. Rezoning: 5541 Willow Street

An application by Mosaic Homes was considered as follows:

Summary: To rezone the site to permit 35 two-and-a-half and three-and-a-half storey townhouses, including a consequential amendment to the Noise Control By-law.

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

Staff Comments

Michael Naylor, Planner, Rezoning Centre, was present to respond to questions.

Applicant Comments

Chris Barbaty, Applicant, was present to respond to questions.

Summary of Correspondence

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

- One (1) letter in support (with attached Urban Design Panel booklet prepared by Mosaic).

Speakers

The Mayor called for speakers for and against the application.

Henry Budai spoke in opposition to the application, questioned the appropriateness of redevelopment on this site, and noted the ramifications of over densification, including traffic congestion and parking issues.

Council Decision

MOVED by Councillor Woodsworth

- A. THAT the application by Mosaic Homes to rezone 5541-5675 Willow Street (Lots 8-123, Block 867, DL 526, Plan 8454), to permit 35 two-and-a-half and three-and-a-half storey townhouses, generally as outlined in Appendix A to the City Manager's report entitled "CD-1 Rezoning - 5541-5675 Willow Street" dated April 21, 2005, 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 by the City Planning Department", January 24, 2005, 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, among other things, the following:

Design Development:

- (i) Design development to reduce the floor area to comply with the maximum 1.00 FSR.

(ii) Design development to comply with the revised north side-yard setback of 3.05 m (10 ft.).

(iii) Design development to the building massing and height, south elevation.

Note to Applicant: Reduce height of southeast unit to 2½ storeys as seen from Willow Street. Building massing to be more compatible with the east and west facing units. Consider reorientation of buildings to the courtyard, and reconfiguring the parking ramp as necessary to reduce visual impact where possible.

(iv) Design development to the pedestrian entrances to the courtyard.

Note to Applicant: Entrances should appear more inviting from the street. One or two entrances should be given a greater emphasis and appear as the main entry point to the courtyard. Consider enlarging some of the pedestrian connections to achieve this. Entrances should allow for greater transparency into the courtyard, considering vistas and how the courtyard space is framed by the Willow Street elevations.

(v) Design development to the courtyard space.

Note to Applicant: Enrichment and detail development is required, both in terms of soft and hard landscaping. Consider how to transform the courtyard into a meaningful garden experience.

(vi) Design development to the building elevations along the lanes and related public realm.

Note to Applicant: Consider how the interface between the building and the lane may contribute and enhance the public realm. Avoid continuous garage doors and blank walls where possible, adding elements such as doors, gates, bay windows, balconies, decks etc, as may be appropriate.

CPTED (Crime Prevention through Environmental Design):

(vii) design development to take into consideration the principles of CPTED having particular regard for reducing opportunities for:

- theft in the underground
- break and enter, and
- mischief and vandalism, such as graffiti.

Note to applicant: Emergency exit stairs from the underground parking should be enclosed to deter break and enter.

Landscape:

- (viii) design development to match the townhouse front yards facing Willow Street to the existing open format of the other residential lots on Willow Street. This will involve deleting the proposed front-yard hedging and relocating the proposed front-yard tree out of the city inside boulevard and into private property. A substantial foundation planting of mixed shrubs and groundcover should be provided.
- (ix) design development to the two lane elevations to provide 8" raised curbs for the grade-level planting areas in order to protect them from vehicles parking in the planting beds.
- (x) design development to the lane treatment to provide a more residential look through the addition of detailing, such as individual raised planters for the trees proposed between the garage, and special paving between the property line and the garages.
- (xi) provision of additional security in the form of fencing between the two sets of garages and the parking ramp facing the south lane.

Note to applicant: To ensure that the areas between these buildings are easy to maintain and safe, the plants should be low shrubs or groundcover, not hedging.

- (xii) provision of screening, between the private side yard of Unit 35 and the rear yard to the north, in the form of fencing or hedging.
- (xiii) provision of a legal survey illustrating the following information:
 - existing trees 20 cm caliper or greater on the development site; and
 - the public realm (property line to curb), including existing street trees and street utilities, such as lamp posts, fire hydrants, etc. adjacent to the development site.
- (xiv) provision of a full Landscape Plan at the time of full Development Permit application (in the front, side and rear yards) illustrating:
- (xv) proposed plant materials (common and botanical names), sizes and quantities; notation of existing trees and major plants to be retained; paving, walls, fences, light fixtures and other landscape elements; and site grading. Proposed plant material should be clearly illustrated on the Landscape Plan. The landscape plan should be at a minimum scale of 1:100 (1/8" = 1'-0").

AGREEMENTS

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

- (i) Consolidate Lots 8 to 13, Block 867, District Lot 526, Plan 8454;
- (ii) Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:
 - (1) Relocation of the sewer line that passes through Lot 9 to the northern edge of Lot 8 and the provision of a 3.05 m (10-ft.) wide Statutory Right of Way to contain the sewer line. All permanent structures above and below grade and proposed trees must be removed from within the right-of-way area.
 - (2) Arrangements for future use of the right-of-way area as a public, pedestrian walkway through the site, should opportunities to connect to the west of the site arise.
 - (3) Provision of street trees adjacent the site where space permits.
 - (4) Undergrounding of all new utility services from the closest existing suitable service point. All services, and in particular electrical transformers to accommodate a primary service must be located on private property. The development site is not to rely on secondary voltage from the existing overhead network. Any alterations to the existing underground / overhead utility network to accommodate the development will require review and approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged.

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 A.

CARRIED UNANIMOUSLY

7. Rezoning & Heritage Revitalization Agreements: 826-848 West Hastings Street

An application by Brook Development Planning on behalf of Jameson Development Corp. was considered as follows:

Summary: To rezone the site to permit a 37-storey mixed-use building and restore and designate certain heritage resources. Heritage designations, Heritage Revitalization Agreements and consequential amendments to the Sign and Noise Control By-laws are also required.

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