



City of Vancouver *Zoning and Development By-law*

Community Services, 453 W. 12th Ave Vancouver, BC V5Y 1V4 ☎ 604.873.7344 fax 604.873.7060
planning@vancouver.ca

CD-1 (466)

5909-5989 Oak Street

By-law No. 9631

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

Effective April 15, 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

2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (466).

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 (466) 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 Dwelling; and
- (b) Accessory Uses customarily ancillary to any of the uses listed in this section 2.2.

3 Density

3.1 The number of dwelling units on the site must not exceed 31.

3.2 The floor space ratio for all permitted uses must not exceed 1.0.

3.3 Computation of floor space ratio must include:

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, above and below ground level, 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, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.

3.4 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, except that the total area of all exclusions must not exceed 8% of the permitted residential floor area;
- (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 are:
 - (i) at or below base surface, or
 - (ii) above the base surface, and, if developed as off-street parking, located in an accessory building situate in the rear yard,
except that the 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, except that the exclusion must not exceed, in aggregate, 10% of the 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 spaces above base surface exceeds 3.7 m² for a 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 must not exceed 10.7 m measured from base surface.
- 5 Setbacks
The setbacks must be at least:
- (a) 2.43 m from each of the north and south side yard property lines;
 - (b) 1.15 m from the west rear yard property line for the first 12 m measured from West 43rd Avenue, and 3.65 m for the remainder of that property line; and
 - (c) 3.65 m from the east front yard property line.
- 6 Parking and bicycle spaces
Any development or use of the site requires the provision and maintenance, in accordance with the requirements of, and relaxations and exemptions in, the Parking By-law, of off-street parking spaces and bicycle spaces, all as defined under the Parking By-law, except that there must be at least one parking space for each dwelling unit.
- 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 severs that part from this By-law, and is not to affect the balance of this 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-591 (b)

RZ - 5909-5989 Oak Street

map: 1 of 1

scale: NTS



City of Vancouver

date: Mar. 2007

5909 - 5989 Oak Street

BY-LAW NO. 9631

**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-591(b) 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 (466).

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 (466) 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 Dwelling; and
- (b) Accessory Uses customarily ancillary to any of the uses listed in this section 2.2.

Density

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3.2 The floor space ratio for all permitted uses must not exceed 1.0.

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- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.

3.4 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, except that the total area of all exclusions must not exceed 8% of the permitted residential floor area;
- (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 are:
 - (i) at or below base surface, or
 - (ii) above the base surface, and, if developed as off-street parking, located in an accessory building situate in the rear yard,except that the 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, except that the exclusion must not exceed, in aggregate, 10% of the 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 spaces above base surface exceeds 3.7 m² for a 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 must not exceed 10.7 m measured from base surface.

Setbacks

5. The setbacks must be at least:
 - (a) 2.43 m from each of the north and south side yard property lines;
 - (b) 1.15 m from the west rear yard property line for the first 12 m measured from West 43rd Avenue, and 3.65 m for the remainder of that property line; and
 - (c) 3.65 m from the east front yard property line.

Parking and bicycle spaces

6. Any development or use of the site requires the provision and maintenance, in accordance with the requirements of, and relaxations and exemptions in, the Parking By-law, of off-street parking spaces and bicycle spaces, all as defined under the Parking By-law, except that there must be at least one parking space for each dwelling unit.

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 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

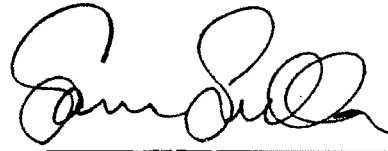
Severability

8. 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.

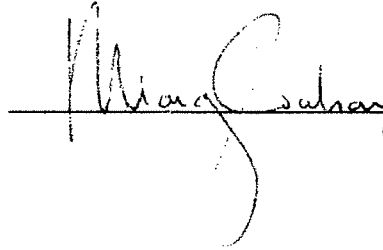
Force and effect

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

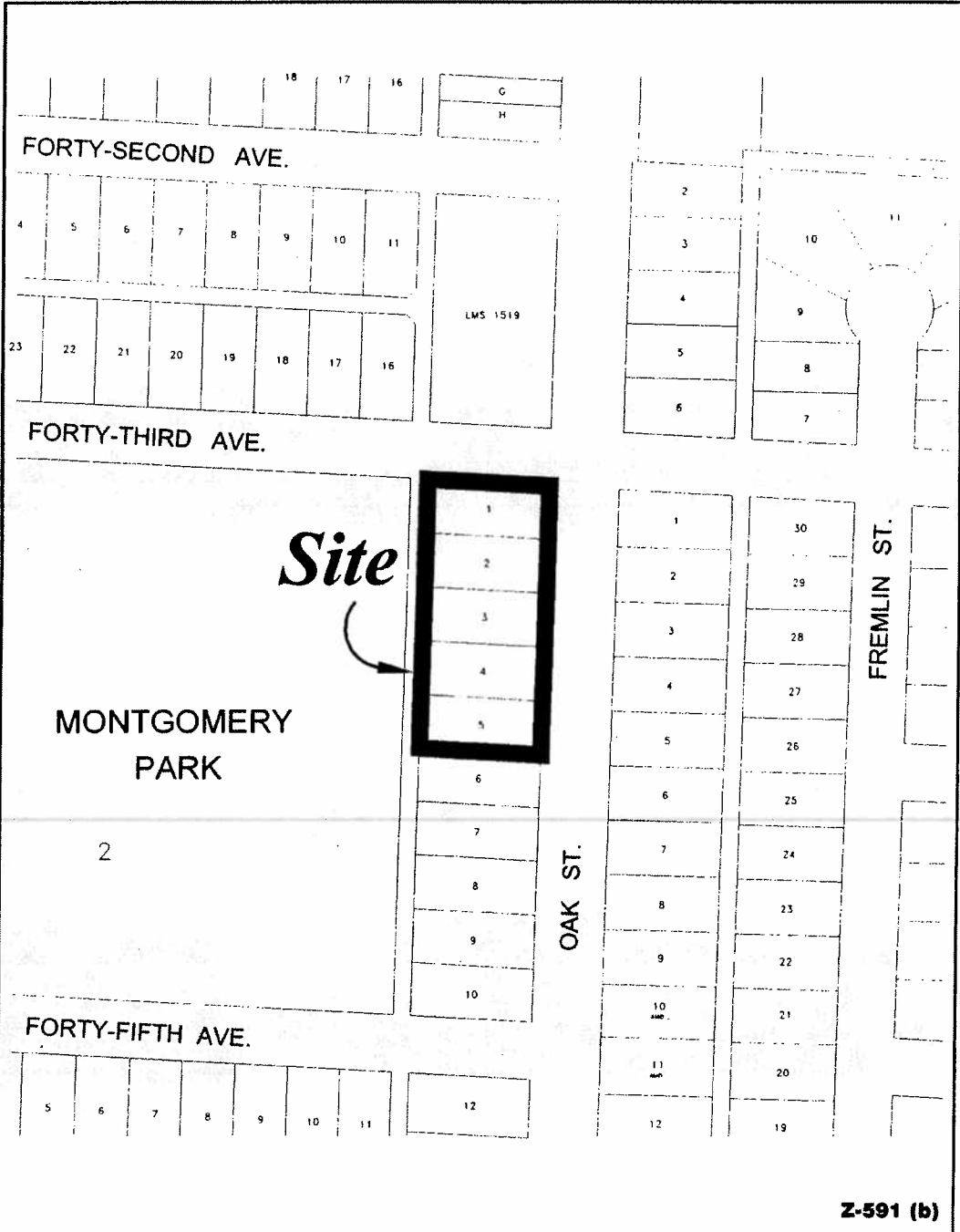
ENACTED by Council this 15th day of April, 2008



Mayor



City Clerk



Z-591 (b)

RZ - 5909-5989 Oak Street

map: 1 of 1

scale: NTS



City of Vancouver

date: Mar. 2007

BY-LAWS

MOVED by Councillor Louie
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 9, and 11 to 13, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY AND
BY-LAW 5 BY THE REQUIRED MAJORITY

1. **A By-law to amend Health By-law No. 9535 regarding signs to prohibit smoking in vehicles for hire (to set sign standards in vehicles for hire) (By-law No. 9624)**
2. **A By-law to amend Vehicles for Hire By-law No. 6066 regarding a housekeeping amendment (to delete a redundant anti-smoking provision) (By-law No. 9625)**
3. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (re 71 East Hasting Street) (By-law No. 9626)**
4. **A By-law to designate certain real property as protected heritage property (re 71 East Hastings Street) (By-law No. 9627)**
5. **Heritage Taxation Exemption By-law for 71 East Hastings Street (By-law No. 9628)**
6. **A By-law to enact a Housing Agreement for 71 East Hastings Street (By-law No. 9629)**
7. **A By-law to amend License By-law No. 4450 regarding housekeeping amendment (By-law No. 9630)**
8. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 5909 - 5989 Oak Street) (By-law No. 9631)**
(Councillors Deal and Lee ineligible to vote on By-law No. 8)
9. **A By-law to amend Subdivision By-law No. 5208 (re 5909 - 5989 Oak Street) (By-law No. 9632)**
10. **A By-law to impose fines for breaches of the Vancouver Charter or of by-laws that do not specify fines - WITHDRAWN**
11. **A By-law to modify fines for breaches of certain by-laws and related provisions and housekeeping changes (By-law No. 9633)**
12. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (re 190 Prior Street) (By-law No. 9634)**
13. **A By-law to designate certain real property as protected heritage property (re 190 Prior Street) (By-law No. 9635)**

2 m of the property line adjacent to the development site, as per COV Guidelines.

AGREEMENTS

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City:
- (i) Provide to the Director of Legal Services a title charge summary in accordance with her specifications.
 - (ii) Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:
 - (1) Consolidation of Lots 2 and 3, Block 867, District Lot 526, Plan 8454.
 - (2) 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.

CARRIED UNANIMOUSLY

7. REZONING: 5909-5989 Oak Street

An application by Stuart Howard Architects Inc. was considered as follows:

Summary: To rezone the site from RS-1 (single family residential) to CD-1 (Comprehensive Development) to permit a 31-unit townhouse development.

The Director of Planning recommended approval.

Staff Comments

Michael Naylor, Rezoning Planner, Rezoning Centre, made a brief presentation and advised he had spoken with a local resident who had expressed concern with increased traffic in the lane adjacent the park behind the development. Mr. Naylor suggested this issue can be brought forward at the Development Permit Stage and noted the applicant is aware of this concern.

Applicant Comments

Stuart Howard, Stuart Howard Architects Inc., was present to respond to questions.

Summary of Correspondence

Council received no correspondence on this item since referral to Public Hearing.

Speakers

The Mayor called for speakers for and against the application and none were present.

Council Decision

MOVED by Councillor Ball

THAT the application by Stuart Howard Architects Inc. on behalf of the Eden Group of Companies to rezone 5909-5989 Oak Street (Lots 1 to 5, Block 1014, District Lot 526, Plan 7502) from RS-1 to CD-1, to permit Multiple Dwelling use consisting of 31 townhouses at a floor space ratio of 1.0, generally as represented in Appendix A to Policy Report "CD-1 Rezoning - 5909-5989 Oak Street" dated February 21, 2007, 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", September 29, 2006 and November 24, 2006, 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) Clarification on the drawings, indicating the materiality.

Note to Applicant: The base treatment should be predominately brick as suggested on the presentation drawings and consistently applied to all building elevations. Siding where it might occur should have a dimensional thickness similar to wood siding.

- (ii) Design development to improve the public realm interface along Oak Street, providing a second inner row of trees inside the property line.

Note to Applicant: A second row of trees is to be located inside the property line, providing a three foot clear width. Consider realigning entry stairs perpendicular to the main entry doors to achieve sufficient spacing for trees.

- (iii) Design development to the lane edge conditions, providing a layered landscape border and improving the orientation and visual connections of the rear facing townhouses towards the lane and the park.

Note to Applicant: Provide at the lane edge a three foot landscape setback with a raised curb edge, a continuous row of trees and low level pedestrian lighting. Fences should be located inside, to the east of the landscaped setback, with gated entries and specialty paving. The width of the inner courtyard may be reduced slightly to achieve these objectives.

- (iv) Design development to enclose and cover all open exit stairs to the parking structure, integrating with the architecture.

Note to Applicant: Stair enclosures should be consistent with the architectural material and detail expression.

- (v) Design development to improve dwelling unit identity through minor variations in architectural detailing.

Note to Applicant: Provide small differences in detailing at entries, porches etc. that distinguish and define dwelling unit individuality.

- (vi) Design development to the landscape courtyard, creating areas of special interest and focus, providing more variety and opportunities for social interaction.

Note to Applicant: The trellis element should be broken up into smaller, less continuous sections, allowing for more openness and views to the sky. Provide areas of special focus with bench seating and a water feature.

- (vii) Design development to the common amenity room, providing detailed floor plans.

Note to Applicant: The space should provide a small kitchen, washroom, storage, and gathering space. Consideration should be given to provide a fireplace.

- (viii) Clarification on the drawings, identifying all rooms and interior spaces.

Note to Applicant: Rooms in parking structure have not been identified.

CPTED (Crime Prevention through Environmental Design):

- (ix) Design Development to take into consideration the principles of CPTED.

Landscape:

- (x) Design development to provide a layered planting strip within the back boulevard (between the sidewalk and the property line) along Oak Street and West 43rd Avenue.

Note to Applicant: The planting strip should be comprised of a layered low planting, mature height and width not to exceed three foot by three foot, with a minimum one foot lawn strip adjacent to the public sidewalk, to the satisfaction of the General Manager of Engineering Services.

- (xi) Provision of a high-efficiency irrigation system in all landscape common areas and hose bibs in all private landscaped patio areas (to be illustrated on the Landscape Plan).
- (xii) Provision of night-lighting within the common courtyard area (to be illustrated on the Landscape Plan).
- (xiii) Provide a legal survey illustrating the following information:
 - existing trees 20 cm calliper or greater on the development site; and
 - the public realm (property line to curb) including existing street trees, street utilities such as lamp posts, fire hydrants, etc. adjacent to the development site.
- (xiv) Provide at the development permit stage a full Landscape Plan illustrating proposed plant materials (common and botanical names), including sizes and quantities, paving, walls, fences, and other landscape elements including site grading. The Landscape Plan should include notation to confirm all existing trees to be removed and an outline of the proposed underground parking garage.
- (xv) Provision of section details at a minimum scale of ¼"=1'-0" scale to illustrate proposed landscape elements including planters on building structures, benches, fences/gates, arbours and trellises, posts and walls, and water feature. Planter section details should confirm depth of proposed planting on structures.
- (xvi) Provision of notation on the Landscape Plan to read:
 - For new street tree planting: "Final species, quantity and spacing to the approval of the General Manager of Engineering Services and Park Board. Contact Eileen Curran, ph: 604.871.6131, Engineering Services about street tree spacing and quantity. Contact Bill Stephen, Phone: 604 257.8587, Park Board about tree species".
 - For City tree removal: "City tree removal with permission of the General Manager of Engineering Service".

AGREEMENTS

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

- (i) Provide to the Director of Legal Services a title charge summary in accordance with her specifications.
- (ii) Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:
 - (1) Consolidation of Lots 1 to 5, Block 1014, District Lot 526, Plan 7502.
 - (2) Paving of the lane west of Oak Street from West 43rd Avenue south, adjacent the site.
 - (3) Installation of a concrete lane entrance/pedestrian crossing at the lane entry on West 43rd Avenue.
 - (4) Installation of street trees adjacent the site where space permits.
 - (5) 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.

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Chow

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Anton

SECONDED by Councillor Stevenson

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

CARRIED UNANIMOUSLY