CD-1 (469)

5475 Dunbar Street and 3625-3641 West 39th Avenue By-law No. 9683 (Being a By-law to Amend By-law 3575, being the Zoning and Development By-law)

Effective 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

- 2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (469).
- 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 (469) 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 Infill Two-Family Dwelling; and
 - (b) Accessory Uses customarily ancillary to any of the uses listed in this section 2.2.

3 Density

- 3.1 Computation of floor area must assume that the site consists of 2 428.8 m², being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications.
- 3.2 The multiple dwelling use on the site must not exceed two buildings containing 10 dwelling units in one building and four dwelling units in the other.
- 3.3 The floor space ratio for all permitted uses must not exceed 1.1.
- **3.4** Computation of floor space ratio must include:
 - (a) all floors, including earthen floor, 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.
- **3.5** 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 are at or below base surface, except that the exclusion for a parking space must not exceed 7.3 m in length;
 - (d) amenity areas, including 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 space 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

- **4.1** The building height for the multiple dwelling must not exceed 10.7 m measured from base surface.
- **4.2** The building height for the infill two-family dwelling must not exceed 8.2 m measured from base surface.

5 Setbacks

The setbacks of the dwelling uses must be at least:

- (a) 1.4 m from the north property line;
- (b) 3.5 m from the west property line;
- (c) 3.0 m from the east property line; and
- (d) 2.3 m from the south 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:

- (a) each dwelling unit that contains less than 50 m² of gross floor area must have at least 0.5 parking space:
- (b) each dwelling unit that has 50 m² or more of gross floor area must have at least 0.5 parking space plus one space for each 200 m² of gross floor area but need not have more than 1.5 parking spaces;
- (c) there must be at least a 2.3 m vertical clearance for all parking, manoeuvring and access routes within the site to accommodate vehicles serving persons with disabilities; and
- (d) there must be at least four Class B bicycle spaces for visitors.

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.]



5475 Dunbar Street 3625 and 3641 West 39th Avenue

BY-LAW NO. 9683

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-592 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 (469).
- 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 (469) 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 Infill Two-Family Dwelling; and
 - (b) Accessory Uses customarily ancillary to any of the uses listed in this section 2.2.

Density

- 3.1 Computation of floor area must assume that the site consists of 2 428.8 m², being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications.
- 3.2 The multiple dwelling use on the site must not exceed two buildings containing 10 dwelling units in one building and four dwelling units in the other.
- 3.3 The floor space ratio for all permitted uses must not exceed 1.1.

- 3.4 Computation of floor space ratio must include:
 - (a) all floors, including earthen floor, 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.
- 3.5 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 are at or below base surface, except that the exclusion for a parking space must not exceed 7.3 m in length;
 - (d) amenity areas, including 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 space 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

4.1 The building height for the multiple dwelling must not exceed 10.7 m measured from base surface.

4.2 The building height for the infill two-family dwelling must not exceed 8.2 m measured from base surface.

Setbacks

- 5. The setbacks of the dwelling uses must be at least:
 - (a) 1.4 m from the north property line;
 - (b) 3.5 m from the west property line;
 - (c) 3.0 m from the east property line; and
 - (d) 2.3 m from the south 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:
 - (a) each dwelling unit that contains less than 50 m² of gross floor area must have at least 0.5 parking space;
 - (b) each dwelling unit that has 50 m² or more of gross floor area must have at least 0.5 parking space plus one space for each 200 m² of gross floor area but need not have more than 1.5 parking spaces;
 - (c) there must be at least a 2.3 m vertical clearance for all parking, manoeuvring and access routes within the site to accommodate vehicles serving persons with disabilities; and
 - (d) there must be at least four Class B bicycle spaces for visitors.

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 hathrooms 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.

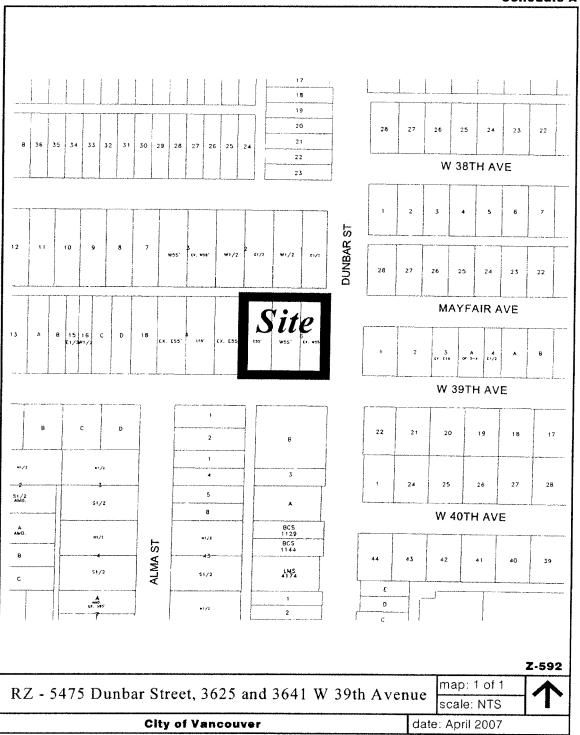
Force and effect

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

ENACTED by Council this 24th day of June, 2008

Mayor

City Clerk



16. A By-law to amend Zoning and Development By-law No. 3575 (re Great Northern Way Campus) (By-law No. 9686)

(Councillors Anton, Ball, Capri and Louie ineligible to vote)

MOVED by Councillor Anton SECONDED by Councillor Lee

THAT Council, except for those members excused as noted in the agenda, enact the by-law listed on the agenda for this meeting as number 13, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY (Councillor Louie absent for the vote)

13. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 5475 Dunbar Street and 3625 and 3641 West 39th Avenue)
(By-law No. 9683)

(Councillors Cadman and Stevenson ineligible to vote)

MOTIONS

- A. Administrative Motions
- 1. Form of Development: 5475 Dunbar Street and 3625/3641 West 39th Avenue

MOVED by Councillor Anton SECONDED by Councillor Capri

THAT the form of development for the CD-1 zoned site known as 5475 Dunbar Street and 3625/3641 West 39th Avenue be approved generally as illustrated in Development Application No. 411517 prepared by Formwerks Architectural, and stamped "Received, City of Vancouver Planning Department, April 8, 2008", provided that the Director of Planning may approve design changes which would not adversely affect either the development character and liveability of this site or adjacent properties.

CARRIED UNANIMOUSLY (Councillor Louie absent for the vote)

May 24, 2007

PRESENT:

Mayor Sam Sullivan

Councillor Suzanne Anton Councillor Elizabeth Ball

Councillor David Cadman (Ineligible to vote - Observe only)

Councillor Kim Capri Councillor George Chow Councillor Heather Deal Councillor Peter Ladner Councillor Raymond Louie Councillor Tim Stevenson

ABSENT:

Councillor B.C. Lee

CITY CLERK'S OFFICE:

Tina Hildebrandt, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Ladner SECONDED by Councillor Anton

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

CARRIED UNANIMOUSLY

MOVED by Councillor Capri

THAT Council refer Item 2 of this Agenda "OFFICIAL DEVELOPMENT PLAN: Protection of Rental Housing Stock: Rate of Change Regulations" to Thursday, May 17, 2007, at 7:30 p.m., in the Council Chamber.

CARRIED UNANIMOUSLY

CD-1 REZONING: 5475 Dunbar Street & 3625-3641 West 39th Avenue 1.

An application by Robert Cadez, Formwerks Architectural Inc., was considered as follows:

Summary: To rezone the site from RS-5 (single family residential) to CD-1 (Comprehensive Development) to allow the development of a 10-unit rowhouse, a 4-unit multiple dwelling and an infill two-family dwelling under the Neighbourhood Housing Demonstration Project Program at a floor space ratio of 1.1 FSR.

The Director of Planning, in consultation with the Director of the Housing Centre and the Director of Real Estate Services recommended approval, subject to the conditions set out in the agenda of the Public Hearing.

Staff Comments

Brent Toderian, Director of Planning, provided an overview of the application, noting this kind of housing form represents a Neighbourhood Housing Demonstration Project under the Dunbar Community Vision which is the first of its kind in the neighbourhood. He added this proposal introduces a variety of new housing options, choices and improved affordability. He also briefly reviewed public consultation and related Council policy.

Joanne Baxter, Rezoning Planner, Rezoning Centre, provided a more detailed summary of the application which included a description of the site, the type of housing form proposed, design and sustainability measures. She also reviewed existing zoning and public consultation, noting there were some concerns expressed by area residents related to the project scale, affordability and the location of part of the project which faces West 39th Avenue and that these concerns were addressed. In conclusion, Ms. Baxter advised that staff feel this rezoning application has met the criteria for a Neighbourhood Housing Demonstration Project as it has received a degree of neighbourhood support, conforms to Council policy, and offers a variety of housing which is close to transit, the Dunbar shopping district, parks and community centres.

Applicant Comments

Howard Airey, President, Formwerks, introduced Robert Cadez, Taylor Johnson and Angela Patterson, Formwerks, and Gerry Eckford, Eckford and Associates, who were present to respond to questions. Mr. Airey gave a presentation on the proposal which included a description of the site and development goals. He also reviewed public consultation, noting that out of the four options proposed, option four (row houses on Dunbar Street) received overwhelming support. In conclusion, Mr. Airy advised that should this proposal be realized, it will give the City and community a chance to test the spirit and goals that were set out in the Dunbar Community Vision plan.

Summary of Correspondence

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

- Two emails and two letters expressing opposition to the application; and
- Five emails and three letters expressing support for the application.

Speakers

Mayor Sullivan called for speakers for and against the application.

The following expressed concerns and/or spoke in opposition to the application:

Peter Sven Brian Roche Elizabeth Austrom John Hungerford Colin Gray, Dunbar Vision Implementation Committee Mike Adlem Sid Austrom S.A. De Lilio Rymsza Ingrid Pollak Dah-Ching Chuang Henry Wrinch Peter Carpenter Sheila Maurer Frank Maurer Patience Silbernagel Terry Slack William Tong Debbie Stein

Comments provided by the foregoing speakers included the following:

- do not object to the rowhouses facing Dunbar Street, but concerned with the infill dwellings facing the lane and the rowhouses facing West 39th Avenue;
- this proposal does not meet the Dunbar Community Vision plan and ask that Council abide by this directive, reject the proposal in its current configuration, and request it be reduced in scale;
- this project has not met the criteria of affordability and neighbourhood support; to say there is a degree of support is laughable - a review of the entire public consultation process is needed;
- concerned about the increased traffic and congestion in the lane where kids play;
- the project is too big with too many units and if this area becomes overdeveloped it will create further traffic-related issues;
- not against density or a new style of housing but request these rowhouses be reasonable in size and exclude the third lot on West 39th Avenue;
- worked with Planning staff for two years on visioning for Dunbar but this project does not reflect the community's comments; and
- opposed to this proposal because there are no commercial components; Dunbar Street is dead because there are so many residential properties and request this project be referred back to Planning staff to develop a more comprehensive plan.

The following spoke in favour of the application:

George Pinch Johanna Gerber Eric Fefer John Ritchie Caroline Lohrisen Ed Taylor Helen Finley Art Cowie

Comments provided by the foregoing speakers included the following:

- strongly in favour of this project as it looks better than the condos and apartment buildings in the area, represents densification, will have generous green space and be more affordable than a single-family house;
- this project will give the community more options have seen neighbours leave the area because there are no townhouses;
- this area needs different types of housing forms, currently there are too many concrete highrises;
- have seen the population grow in the last 10 years and this project represents a beautiful method of densification; and
- this application should be supported because it is a good design and Dunbar will show the
 way for other areas in the city; this part of Dunbar Street needs improvement.

Mike St. Yves spoke in general support of the application, in particular the rowhouses on Dunbar Street, but expressed concern with regard to the applicant buying the third lot on West 39th Avenue and urged Council to reiterate its support for the Dunbar Community Vision plan.

Jane Garland provided general comments with regard to the application, noting there are two issues that Council must consider, the first being the issue of a plan that many have said is quite beautiful and the other being the Dunbar visioning process.

During the hearing of speakers, Mr. Toderian and Ms. Baxter, together with Jerry Evans, Property Development Officer - Real Estate Services, and Paul Pinsker, Engineer - Parking Management, responded to questions regarding concerns raised in relation to the Dunbar Community Vision plan and public consultation as well as potential impacts to the bike route.

Council Decision

MOVED by Councillor Anton

A. THAT the application by Robert Cadez of Formwerks Architectural Inc. to rezone 5475 Dunbar Street, 3625 and 3641 West 39th Avenue (the East 55 feet of Lot 5, the West 55 feet of Lot 6 and Lot 6, except the east 7 feet now road, all of Block 15, D.L. 2027, Plan 5043) from RS-5 to CD-1 to permit a 10-unit rowhouse, a 4-unit multiple dwelling and an infill two-family dwelling under the Neighbourhood Housing Demonstration Project Program at a floor space ratio of 1.1, generally as represented in Appendix A to Policy Report "CD-1 Rezoning - 5475 Dunbar Street, 3625 and 3641 West 39th Avenue" dated March 27, 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 Formwerks Architectural Inc. and stamped "Received City Planning Department, June 30, 2006 and revised March 1, 2007", 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

- (i) design development to enclose and combine exit stairs with the building structure and to relocate stair exit from the front property line and main pedestrian entry along West 39th Avenue;
 - (Note to Applicant: Open stair wells to the underground parking are not supported. Consider a second means of egress via the parking ramp, possibly eliminating one of the two exit stairs).
- (ii) design development to the south yard setback at West 39th Avenue of the southeast dwelling unit, increasing the yard setback by a minimum of one foot;
 - (Note to Applicant: A more compatible yard setback along West 39th Avenue between the proposed four-plex and the rowhouses is sought).
- (iii) design development to re-align the pedestrian pathway to provide a minimum three foot clearance along the east elevation of the four-plex;
 - (Note to Applicant: Provide landscaping between the pathway and the four-plex).
- (iv) Design development to minimize the size and visibility of the parking ramp as seen from the neighbour;
 - (Note to Applicant: Provide detail sections of the ramp slope and at the property line indicating maximum permitted slope and minimum required height clearances. Parking ramp should be well integrated with the landscaping and screened at the side yard [see also condition (b)(v)].
- (v) design development to provide a detailed landscape plan, with particular regard to side yard conditions and maintaining privacy between neighbours;
 - (Note to Applicant: Landscaping along the west side yard should be layered and densely planted to provide screening between neighbours.

- Provide a strongly defined landscaped edge for the rear patios of the rowhouses immediately adjacent to the pedestrian entry and path off of West 39th Avenue).
- (vi) design development for the provision of a corner bulge, adjacent to the corner of Dunbar Street and West 39th Avenue, to the satisfaction of the General Manager of Engineering Services;
- (vii) design development to ensure that guest parking at a minimum of 4 visitor (Class B) bicycle spaces is provided in a convenient, visible location;
- (viii) provide clarification on the drawings, indicating the location of the windows of the adjacent building on the west side elevation of the proposed fourplex;
 - (Note to Applicant: Windows should not have direct overlook with neighbours).
- (ix) submit an acoustical consultant's report which assesses noise impacts on the site and recommends noise mitigating measures.

Landscape

- design development to retain existing trees as a visual amenity for the neighbourhood wherever possible;
 - (Note to Applicant: if retention is not possible, a written rationale is to be provided outlining reasons for removal).
- (xi) provide replacement trees to replace trees removed for development;
- (xii) provide an ISA Certified Arborist written assessment of all existing site trees and neighbouring trees located within 2 m (6.6 ft.) of the development site. The report should include reasons for removal of trees and the arboricultural measures required for the safe retention of site trees and neighbouring trees during and following construction;
- (xiii) provide gated front yards;
- (xiv) provide a legal survey illustrating existing trees 20 cm calliper or greater on the development site, 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;
- (xv) provide, at the development permit stage, full Landscape Plan illustrating proposed plant materials (common and botanical names), including size and quantities, paving, walls, fences and other landscape elements including site grading;

- (xvi) provide a Tree Management Plan clearly illustrating all existing trees to be removed and retained, including dimensioned tree protection barriers around all existing trees 20 cm calliper or greater located within 2 m (6.6 ft.) of the property line and around all existing street trees located adjacent to the development site as per City guidelines;
- (xvii) provide written permission from the neighbour confirming agreement on the removal of any jointly owned property line trees in conflict with proposed construction:
- (xviii) obtain permission from the General Manager of Engineering Services for the removal of City-owned trees and for new planting on City property.
 - (Note to Applicant: For further information, contact Kevin Cavell, Streets Engineering at 604.873.7773);
- (xix) provide a high efficiency irrigation system in all landscape common areas and hose bibs in all private landscaped patio areas;
- (xx) provide section details at a minimum scale of 1/4" = 1'0' scale to illustrate proposed landscape elements including planters on building structures, benches, fences/gates, arbours and trellises, posts and walls;
- (xxi) provide on the Landscape Plan an outline of the proposed parking garage; and
- (xxii) provide a notation on the Landscape Plan confirming the provision of night lighting.

Crime Prevention through Environmental Design (CPTED)

- (xxiii) design development to take into consideration the principles of CPTED having particular regard for:
 - theft in the underground by relocating and re-orienting exit stairs with full enclosure at ground level; and
 - cutting through the site by providing definition at the street and lane setbacks.

AGREEMENTS

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall:
 - (i) consolidate the East 55 feet of Lot 5, the West 55 feet of Lot 6 and Lot 6, except the east 7 feet now road, all of Block 15, D.L. 2027, Plan 5043;

- (ii) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of standard public sidewalks on Dunbar Street and West 39th Avenue, adjacent to the site;
 - (Note to Applicant: 1.8 m (5.9 ft.) wide sidewalks are the current standard.)
- (iii) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of a standard concrete lane crossing at the lane south of West 38th Avenue on the west side of Dunbar Street, adjacent to the site;
- (iv) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of standard curb ramps at the corner of West 39th Avenue and Dunbar Street;
- (v) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of street trees adjacent to the site, where space permits;
- (vi) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the 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; and
- (vii) make arrangements, to the satisfaction of the Director of Legal Services for a voluntary cash contribution of \$210,000 to the Affordable Housing Fund.

Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owner, but also as Covenants pursuant to Section 219 of the Land Title Act.

Such agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site, as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary 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 with other City officials and City Council.

B. THAT, the Subdivision By-law be amended as set out in Appendix B to Policy Report "CD-1 Rezoning - 5475 Dunbar Street, 3625 and 3641 West 39th Avenue" dated March 27, 2007; and

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law at the time of enactment of the Zoning By-law.

CARRIED UNANIMOUSLY

2. OFFICIAL DEVELOPMENT PLAN: Protection of Rental Housing Stock: Rate of Change Regulations

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

Summary: To adopt an Official Development Plan and amend the Zoning and Development By-law to protect rental housing in the RM, FM and CD-1 districts in the city.

The Director of Housing Centre, in consultation with the Director of Planning, Co-Director of Development Services, and Director of Legal Services, recommended approval.

Staff Comments

Rob Whitlock, Senior Planner, Housing Centre, introduced Brent Toderian, Director of Planning, Cameron Gray, Director - Housing Centre, and Rick Scobie, Co-Director of Development Services, who were available to respond to questions.

Mr. Whitlock provided a background on the existing Rate of Change Policy, described the rationale for staff's recommendations and reviewed issues involved with the process. He also referred Council to a Memorandum dated May 15, 2007 (corrected May 23, 2007) (on file), concerning the Introduction of an Effective Date for Enactment (Protection of Rental Housing Stock: Rate of Change Regulations) in which he reviewed the status of development applications in process and recommended that if Council should approve the recommendations related to this item and proceed with the enactment of the by-law provisions following the Public Hearing, these provisions should have an effective date of July 16, 2007.

Mr. Toderian provided a brief update on the relationship between the Rate of Change and EcoDensity initiatives.

Mr. Scobie responded to a question concerning the enactment date for the by-laws and related impacts on the development applications in process.



CITY OF VANCOUVER

SPECIAL COUNCIL MEETING MINUTES

MAY 15, MAY 17, AND MAY 24, 2007

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, May 15, 2007, 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 Official Development Plan. Subsequently, the meeting was recessed and reconvened on Thursday, May 17, and Thursday, May 24, 2007, at 7:30 p.m. in the Council Chamber. The Minutes have been consolidated for ease of reference.

May 15, 2007

PRESENT:

Mayor Sam Sullivan

Councillor Suzanne Anton Councillor Elizabeth Ball Councillor Kim Capri Councillor George Chow Councillor Heather Deal Councillor Peter Ladner Councillor B.C. Lee Councillor Raymond Louie

ABSENT:

Councillor David Cadman (Leave of Absence - Civic Business)

Councillor Tim Stevenson

CITY CLERK'S OFFICE:

Tina Hildebrandt, Meeting Coordinator

May 17, 2007

PRESENT:

Mayor Sam Sullivan

Councillor Suzanne Anton Councillor Elizabeth Ball Councillor Kim Capri Councillor George Chow Councillor Heather Deal Councillor Peter Ladner Councillor Raymond Louie Councillor Tim Stevenson

ABSENT:

Councillor David Cadman (Leave of Absence - Civic Business)

Councillor B.C. Lee

CITY CLERK'S OFFICE:

Tina Hildebrandt, Meeting Coordinator