



City of Vancouver *Zoning and Development By-law*

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

CD-1 (476)

3238 Granville Street and 1402 McRae Avenue **By-law No. 9766**

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

Effective November 25, 2008

(Amended up to and including By-law No. 9888, dated June 16, 2009)

1 Zoning District Plan amendment

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-597(b) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

2 Uses

- 2.1** The description of the area shown within the heavy black outline on Schedule A is CD-1 (476).
- 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 (476) 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** Computation of floor area must assume that the site consists of 5 237 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 number of dwelling units on the site must not exceed 16.
- 3.3** The gross floor area must not exceed 3 328 m².
- 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 sun decks 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) floors, at or below grade, used for off-street parking and loading or bicycle storage;
 - (d) 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,
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m, or
 - (iii) under covered verandas or porches as described in subsection (f), and to which there is no permanent means of access;
 - (e) floors located at or below finished grade with a ceiling height of less than 1.2 m;

Note: Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 9766 or provides an explanatory note.

- (f) covered verandas or porches if:
 - (i) that portion facing the street or rear property line is open or protected by partial walls or guard rails, the height of which must not exceed the minimum specified in the Building By-law, and
 - (ii) the total area of such exclusions, when combined with the balcony and deck exclusions under subsection (a), does not exceed 13% of the permitted floor area; and
- (g) above grade storage that does not exceed 3.7 m² for each dwelling unit;
- (h) below grade mechanical space, except that any mechanical space directly accessed from within a dwelling unit must not exceed 11.6 m² for each dwelling unit; and [9888; 09 06 16]
- (i) 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 subsection (i) does not apply to walls in existence before March 14, 2000.

4 Building height

4.1 The height of the building that consists of 11 dwelling units must not exceed 10.66 m measured from existing grade or two storeys except that the:

- (a) eastern most dwelling unit may be three storeys; and
- (b) the Director of Planning or Development Permit Board may permit an increase in the height of any dwelling unit to no more than 11.27 m in locations necessary to accommodate grade changes.

4.2 The height of the building that consists of five dwelling units must not exceed the geodetic elevation of 82.9 m.

5 Setbacks

The setback of each building must be at least:

- (a) 9 m from each of the north and west property lines, except that the Director of Planning or Development Permit Board may permit a reduction for limited portions along the north property line to not less than 6.7 m;
- (b) 4.5 m from the east property line;
- (c) 10.7 m from the south property line, except as set out in subsections (d) and (e);
- (d) for the portion of building consisting of 11 dwelling units that is within 21 m of the west property line, 4.5 m from the south property line; and
- (e) for the portion of the building consisting of five dwelling units that is within 21 m of the east property line, 4.5 m from the south property line;

as depicted in Schedule B.

6 Site Coverage

6.1 The area of impermeable materials, including building coverage, must not exceed 35% of the site area, except that the Director of Planning may increase such coverage if the development provides underground parking.

6.2 Impermeable materials include asphalt, concrete, brick, stone, wood, and the projected areas of the outside of the outermost walls of all buildings including carports, covered porches, and entries but do not include gravel, river rock less than 5 cm in size, wood chips, bark mulch, permeable pavers, wood decking with spaced boards and other materials which, in the opinion of the Director of Planning, have fully permeable characteristics when in place installed on grade with no associated layer of impermeable material such as plastic sheeting that would impede the movement of water directly to the soil below.

7 Parking and bicycle spaces

Any development or use of the site requires the provision and maintenance, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions 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 1.5 parking spaces for each dwelling unit.

8 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

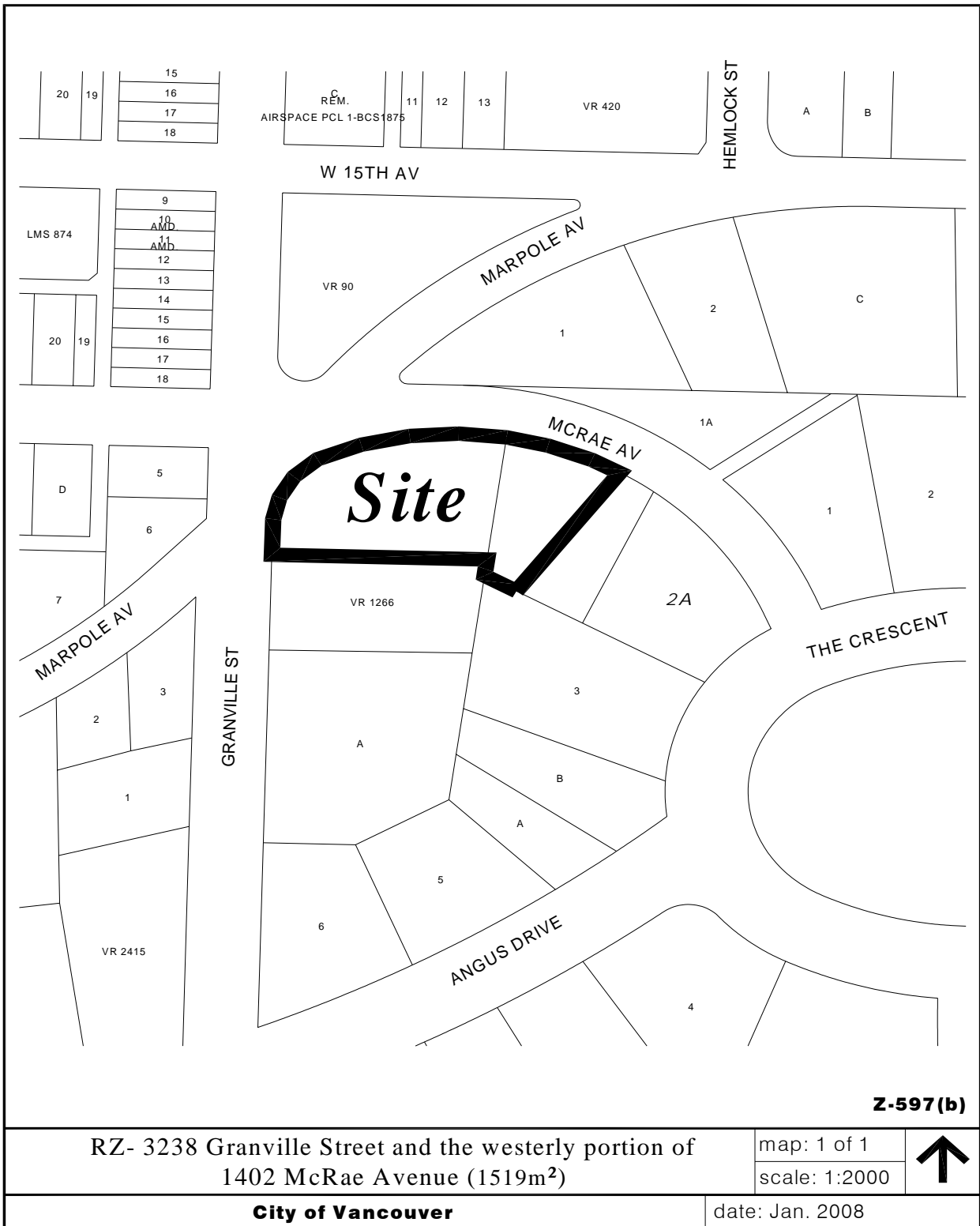
9 Severability

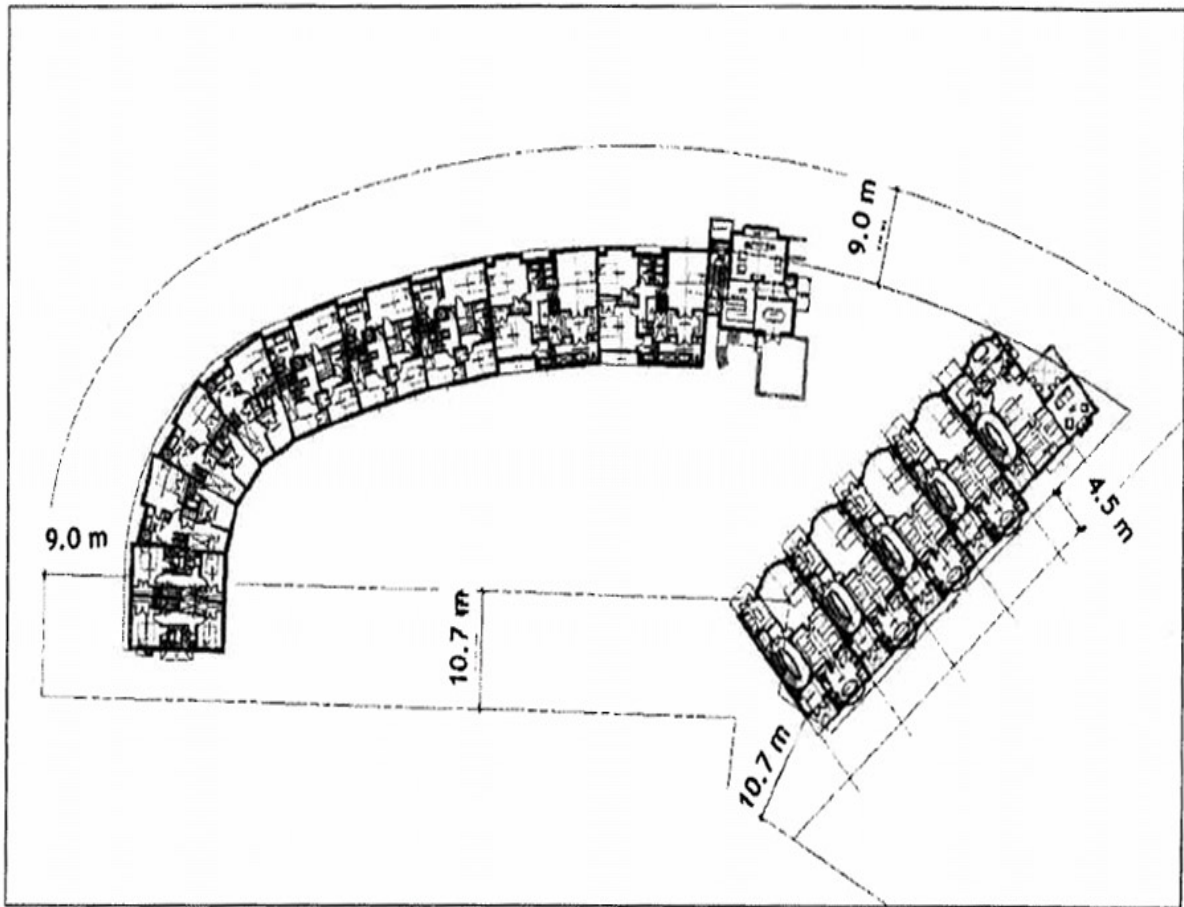
A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

10 Force and effect

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

ENACTED by Council this 25th day of November, 2008.





3238 Granville Street
Westerly portion of 1402 McRae Avenue
consisting of 1 519 m² more or less
as shown on Schedule A to this By-law

BY-LAW NO. 9766

**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-597(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 (476).

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 (476) 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

3.1 Computation of floor area must assume that the site consists of 5 237 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 number of dwelling units on the site must not exceed 16.

3.3 The gross floor area must not exceed 3 328 m².

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, 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) floors, at or below grade, used for off-street parking and loading or bicycle storage;
- (d) 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,
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m, or
 - (iii) under covered verandas or porches as described in subsection (f), and to which there is no permanent means of access;
- (e) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (f) covered verandas or porches if:
 - (i) that portion facing the street or rear property line is open or protected by partial walls or guard rails, the height of which must not exceed the minimum specified in the Building By-law, and
 - (ii) the total area of such exclusions, when combined with the balcony and deck exclusions under subsection (a), does not exceed 13% of the permitted floor area; and

- (g) above grade storage that does not exceed 3.7 m² for each dwelling unit;
- (h) below grade mechanical space that does not exceed 158 m² combined for all dwelling units except that any mechanical space that is contiguous to another mechanical space must not exceed 11.6 m²; and
- (i) 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 subsection (i) does not apply to walls in existence before March 14, 2000.

Building height

4.1 The height of the building that consists of 11 dwelling units must not exceed 10.66 m measured from existing grade or two storeys except that the:

- (a) eastern most dwelling unit may be three storeys; and
- (b) the Director of Planning or Development Permit Board may permit an increase in the height of any dwelling unit to no more than 11.27 m in locations necessary to accommodate grade changes.

4.2 The height of the building that consists of five dwelling units must not exceed the geodetic elevation of 82.9 m.

Setbacks

5. The setback of each building must be at least:

- (a) 9 m from each of the north and west property lines, except that the Director of Planning or Development Permit Board may permit a reduction for limited portions along the north property line to not less than 6.7 m;
- (b) 4.5 m from the east property line;
- (c) 10.7 m from the south property line, except as set out in subsections (d) and (e);
- (d) for the portion of building consisting of 11 dwelling units that is within 21 m of the west property line, 4.5 m from the south property line; and
- (e) for the portion of the building consisting of five dwelling units that is within 21 m of the east property line, 4.5 m from the south property line;

as depicted in Schedule B.

Site Coverage

6.1 The area of impermeable materials, including building coverage, must not exceed 35% of the site area, except that the Director of Planning may increase such coverage if the development provides underground parking.

6.2 Impermeable materials include asphalt, concrete, brick, stone, wood, and the projected areas of the outside of the outermost walls of all buildings including carports, covered porches, and entries but do not include gravel, river rock less than 5 cm in size, wood chips, bark mulch, permeable pavers, wood decking with spaced boards and other materials which, in the opinion of the Director of Planning, have fully permeable characteristics when in place installed on grade with no associated layer of impermeable material such as plastic sheeting that would impede the movement of water directly to the soil below.

Parking and bicycle spaces

7. Any development or use of the site requires the provision and maintenance, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions 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 1.5 parking spaces for each dwelling unit.

Acoustics

8. 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)
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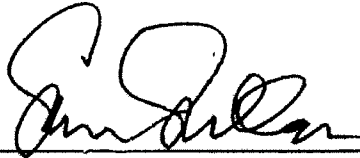
Severability

9. 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.

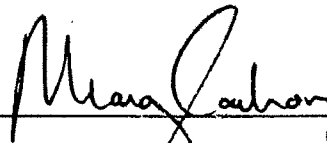
Force and effect

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

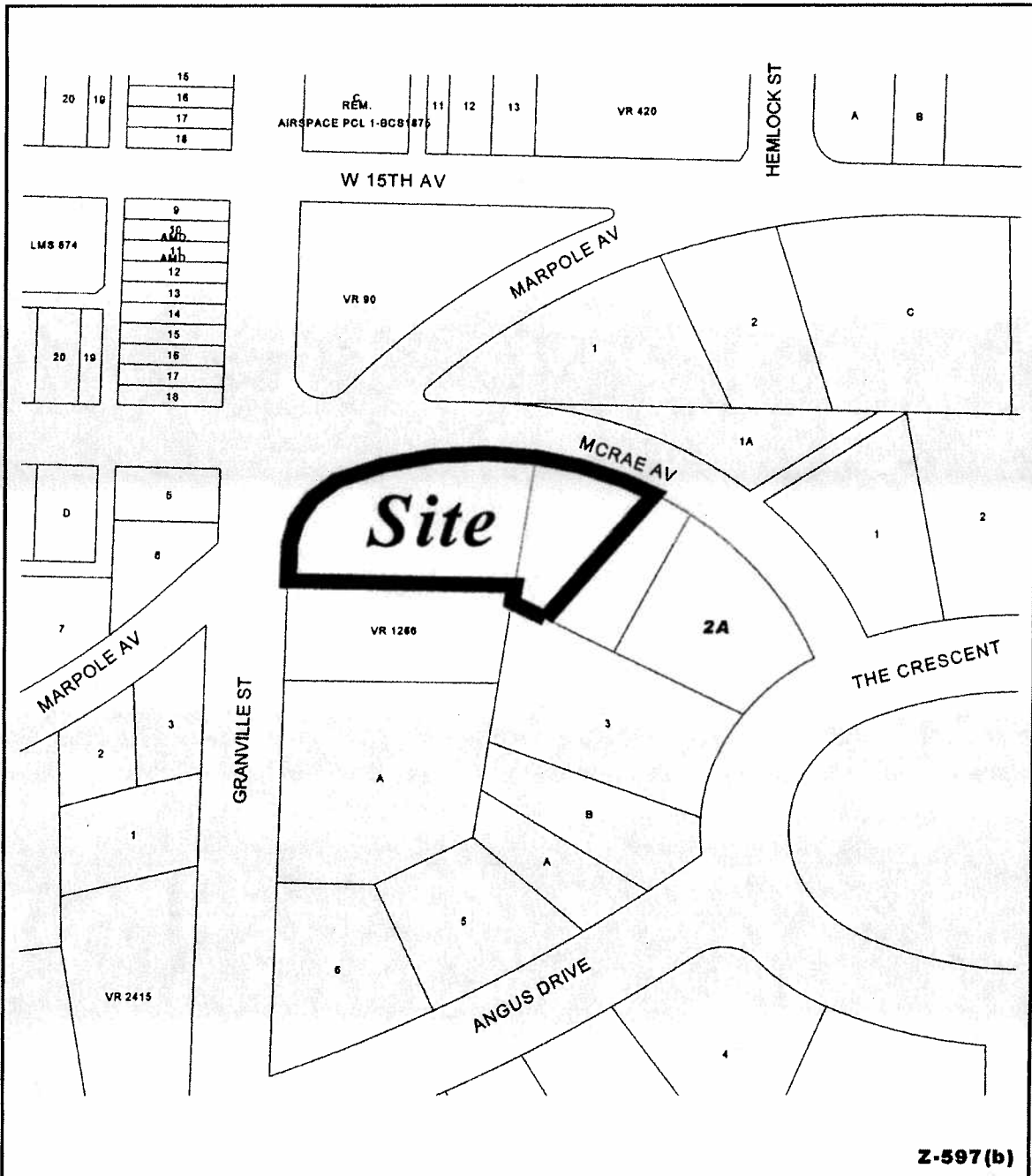
ENACTED by Council this 25th day of November, 2008



Mayor



City Clerk



Z-597(b)

RZ- 3238 Granville Street and the westerly portion of
1402 McRae Avenue (1519m²)

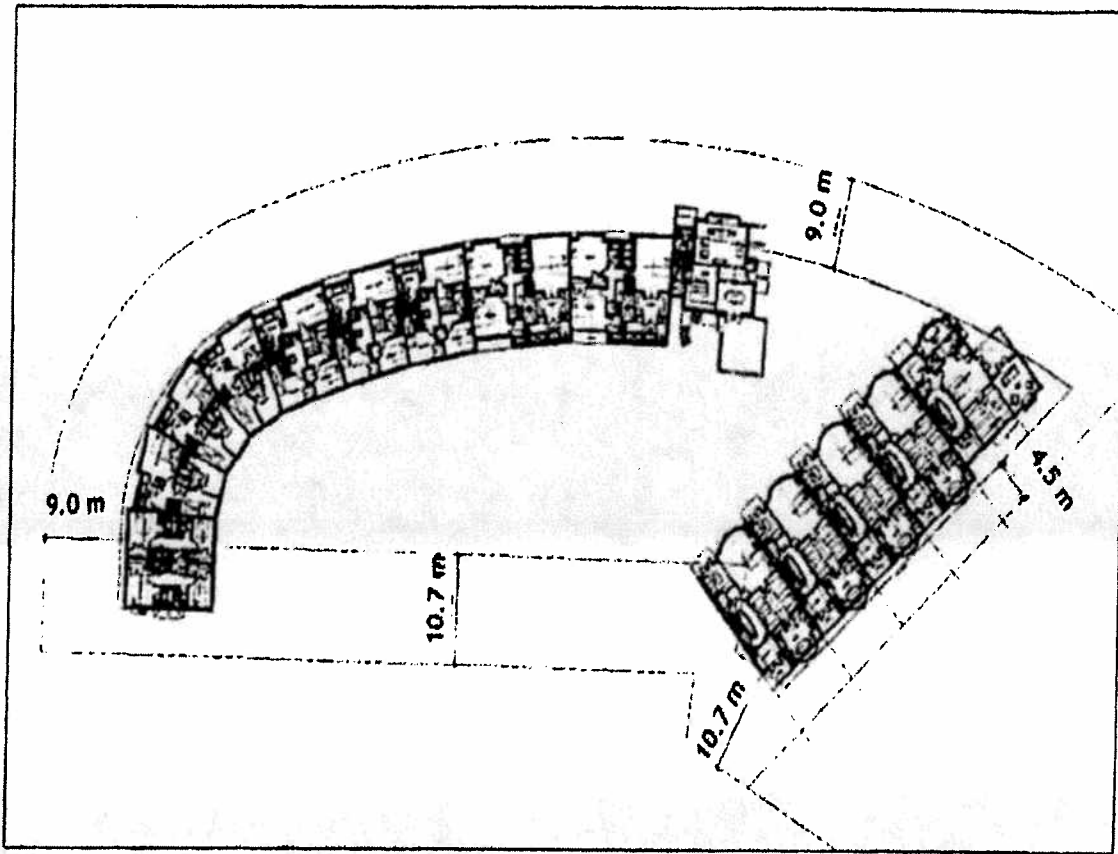
map: 1 of 1
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City of Vancouver

date: Jan. 2008

Schedule B



BY-LAWS

MOVED by Councillor Cadman
SECONDED by Councillor Capri

THAT Council, except for those members excused as noted in the agenda, enact the by-law(s) listed on the agenda for this meeting as numbers 1-17 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-law(s).

CARRIED UNANIMOUSLY
(Councillors Chow and Lee absent for the vote)

1. **A By-law to amend Solid Waste By-law No. 8417 regarding 2009 fee increases and miscellaneous amendments (By-law No. 9754)**
2. **Vancouver Development Cost Levy By-law (By-law No. 9755)**
3. **Procedure By-law (By-law No. 9756)**
4. **A By-law to amend License By-law No. 4450 regarding appeals from license suspension (By-law No. 9757)**
5. **A By-law to amend Vehicles for Hire By-law No. 6066 regarding vehicle for hire license appeals (By-law No. 9758)**
6. **A By-law to amend Tax Prepayment By-law No. 4804 to amend the annual rate of interest for payments in advance through the Tax Instalment Prepayment Plan (By-law No. 9759)**
7. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (re 18 West Hastings Street) (By-law No. 9760)**
(Councillor Chow ineligible to vote)
8. **Heritage Taxation Exemption By-law for 18 West Hastings Street (By-law No. 9761)**
9. **A By-law to enact a Housing Agreement for 18 West Hastings Street (By-law No. 9762)**
10. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 26 Southwest Marine Drive) (By-law No. 9763)**
(Councillor Chow and the Mayor ineligible to vote)
11. **A By-law to amend Sign By-law No. 6510 (re 26 Southwest Marine Drive) (By-law No. 9764)**
(Councillor Chow and the Mayor ineligible to vote)

12. **A By-law to designate certain real property as protected heritage property (re 26 Southwest Marine Drive) (By-law No. 9765)**
(Councillor Chow and the Mayor ineligible to vote)
13. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 3238 Granville Street and the westerly portion of 1402 McRae Avenue) (By-law No. 9766)**
(Councillors Cadman, Louie and Stevenson ineligible to vote)
14. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the owner of Heritage Property (re 1402 McRae Avenue) (By-law No. 9767)**
(Councillor Cadman, Louie and Stevenson ineligible to vote)
15. **A By-law to designate certain real property as protected heritage property (re 1402 McRae Avenue) (By-law No. 9768)**
(Councillors Cadman, Louie and Stevenson ineligible to vote)
16. **A By-law to amend CD-1 By-law No. 8587 (re 651 Expo Boulevard) (By-law No. 9769)**
17. **A By-law to amend False Creek North Official Development Plan By-law No. 6650 (re dwelling units) (By-law No. 9770)**
18. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 201 West 2nd Avenue) - WITHDRAWN**
19. **A By-law to amend Sign By-law No. 6510 (re 201 West 2nd Avenue) - WITHDRAWN**

MOTIONS

A. Administrative Motions

1. Closing portions of Water Street adjacent to 36 Water Street

MOVED by Councillor Stevenson
SECONDED by Councillor Louie

THAT WHEREAS:

1. The City of Vancouver is the owner of all the streets and lanes lying within the limits of the City of Vancouver;
2. Portions of the building constructed on Parcel X Block 2 Old Granville Townsite Plan BCP19290 encroach onto the southerly side of Water Street;
3. The portion of Water Street encroached upon, abutting said Lot X, was dedicated by the deposit of Plan 168;

CITY OF VANCOUVER

SPECIAL COUNCIL MEETING MINUTES

FEBRUARY 14 and 19, MARCH 10 and 27, 2008



CITY OF VANCOUVER

A Special Meeting of the Council of the City of Vancouver was held on Thursday, February 14, 2008, 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-law. Subsequently, the meeting was recessed and reconvened in the Council Chamber at 7:30 p.m. on Tuesday, February 19, Monday, March 10, and Thursday, March 27, 2008. The minutes have been consolidated for ease of reference.

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

ABSENT (Feb. 14): Councillor David Cadman (Leave of Absence)
(ineligible to participate for Councillor Raymond Louie (Sick Leave)
remainder of meetings) Councillor Tim Stevenson (Sick Leave)

CITY CLERK'S OFFICE: Denise Salmon, 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 Heritage By-law.

CARRIED UNANIMOUSLY

- 1. **CD-1 REZONING/HRA/Heritage Designation: 3238 Granville Street and the westerly portion of 1402 McRae Avenue**

An application by James Bussey, Formwerks Architectural, Inc. was considered as follows:

Summary: To rezone a portion of the property from (FSD) First Shaughnessy District to CD-1 to allow development of 16 townhouse units, and to secure through Designation and Heritage Revitalization Agreement the retention and rehabilitation of the Heritage "A" listed house on the balance of the site.

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

Also before Council were the following:

- Memorandum dated January 31, 2008, from Michael Flanigan, Director of Real Estate Services, which summarized the methodology and business practices undertaken by City Real Estate Services in reviewing the development proposal submitted by Bell Holdings.
- Memorandum dated February 7, 2008 from V. Potter, Senior Rezoning Planner, which provided additional information on a number of items pertaining to the proposal.
- Memorandum dated February 14, 2008 from V. Potter, Senior Rezoning Planner, which noted two items in the staff report of January 2, 2008 that require a change, neither of which affects the draft by-law in Appendix A.

Staff also recommended a change to Appendix C, condition 1.21, to read as follows:

1.21.1 provision of a Built Green BC scorecard, and consideration to achieve a gold level standard in the project's sustainability performance.

Note to Applicant: Were City standards with respect to water conservation and energy efficiency be stricter at the time of Building Permit application, you would be required to meet that higher standard. For more information, please see 222.vancouver.ca/greenhomes.

- Memorandum dated March 6, 2008, from Michael Flanigan, Director of Real Estate Services, which provided an evaluation and analysis of developers' pro forma and methodology used for calculation of heritage compensation.

Staff Opening Comments

Vicki Potter, Senior Rezoning Planner, provided an overview of the application, and along with Brent Toderian, Director of Planning, Scot Hein, Senior Urban Designer, Jerry Evans, Property Development Officer, and Wali Memon, Parking Policy and Development Engineer, responded to questions from Council.

Paul Sangha, Paul Sangha Ltd. responded to questions from Council related to his Arborist's Report.

Applicant Opening Comments

Brian Bell, Bell Holdings, owner, addressed Council speaking to the highlights and benefits of the project and responded to questions from Council.

Summary of Correspondence

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

- 4 letters in support
- 427 letters in opposition
- 2 other letters

Note from Meeting Coordinator: 44 additional letters in opposition were received just prior to the start of the March 27th portion of the Public Hearing. These letters were subsequently circulated to Council for information, but not read into the record.

Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition to, or expressed concerns with, the application:

Ray Spaxman, on behalf of Shaughnessy Neighbours (brief filed)
Lori Kozub
Bob Hodgkinson
Rosemary Baron Swingle
Paul G. Swingle
Patty Gainer
Frank Shorrock, Shaughnessy Heights Property Owners Association
Harreson Sito
Greg Moe (brief filed)
Katherine Reichert
Anthony Hunt
Richard Wood
Ken Seethram
Laura Eaton (Paul Singh, legal counsel and representative) (material filed)
Kirsten Strand (Terry Condio on her behalf)
Morey Richmond
Thomas Griether (brief and material filed) (Dan Bennett, legal counsel and representative)
Victor Piller (brief filed)
Tony Tang
George Heslop
Vanessa Wiebel, Holistic Therapy Center (material filed)
Terry Condio
Phil Yacht, Shaughnessy Heights Property Owners Association
Beverley O'Toole
Sarah Watson
Ellen Collison
John Fredrickson
Michael Roburn

Stephen Fane
William Bronstein
Robert Angus
Joe Rekab
Angela Woo
Jake Kerr
Rosemary Shen (Peter Kwok on her behalf)
Theresa Shen (Angela Woo on her behalf)
Kilby Gibson
Oscar Flechas
Pat Shaw
David Cuan
Eilish McKendy
Gilda Mahabir
Jane Derbyshire
Valerie Hunter
Sandra Kelly
Margaret Birrell
Donna Aitken (Cyril Chan on her behalf)
Rochelle Vattixtelli
Drinda Scott
Charles Hillman
Anita Chan
Charles Boname
Peter Kwok

The following spoke in support of the application:

Richard Keate, Vancouver Heritage Commission (material filed)
Doug Leard
Allan Askew
André Molnar
Eric Cohn
Ben Kielb
Alan Forrester

Jim Herriot spoke neither for nor against the application.

Applicant Closing Comments

The applicant provided closing comments:

Council Decision

Council concluded the hearing of the public on March 27, 2008, and agreed to refer the staff summation and Council's discussion and decision on this matter to the Regular Council meeting on April 1, 2008, as Unfinished Business.

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Capri

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Ladner
SECONDED by Councillor Anton

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

CARRIED UNANIMOUSLY

The Special Council
recessed at 10:00 p.m. on February 14
recessed at 10:00 p.m. on February 19
recessed at 10:05 p.m. on March 10
and

adjourned at 10:30 p.m. on March 27, 2008

- A recommended funding level for the following five years and a recommended resource allocation from the department.
- D. THAT Council approve the following as recommended in the Administrative Report *Granville Entertainment District*, dated October 30, 2007, at an adjusted cost of \$460,000 as an increase to the 2008 Operating Budget, increasing the 2008 property taxes by 0.09%:
- i) THAT Council approve an increase in funding to the Vancouver Police Department for year round deployment of policing resources ("LIMA Squad") in the Granville Street Entertainment District with an on-going cost of \$225,000 starting in 2008. Source of funding to be an increase to the annual Operating Budget without offset.
 - ii) THAT Council approve a one-time increase in funding to the Vancouver Police Department for an enhanced summer LIMA squad and street closure in the Granville Street Entertainment District with a one time cost of \$235,000 in 2008. Source of funding to be an increase to the annual Operating Budget without offset.
 - iii) THAT Council direct the Vancouver Police Department report back in the fall of 2008 of the effectiveness of the deployment described above in (i) and (ii).
 - iv) THAT Council direct the Chief License Inspector to review the Food Primary and Liquor Primary business license fees for 2009, including industry consultation, and report back to Council on options to increase these fees to offset the Vancouver Police Department costs for enforcement as outlined in the Administrative Report *Granville Entertainment District*, dated October 30, 2007.

All positions in B to D above are subject to classification by the General Manager of Human Resource Services

CARRIED

(Councillors Cadman, Chow, Deal, Louie and Stevenson opposed to B.10)

UNFINISHED BUSINESS

1. **CD-1 REZONING/HRA/HERITAGE DESIGNATION: 3238 Granville Street and the Westerly Portion of 1402 McRae Avenue (VanRIMS No. 08-2000-51)**

On February 14 and 19, and March 10 and 27, 2008, Council heard from speakers at the Public Hearing to consider the proposed Rezoning, Heritage Revitalization Agreement and Heritage Designation of the site at 3238 Granville Street and the westerly portion of 1402 McRae Avenue.

The Public Hearing on this application was concluded and Council agreed to refer the staff summation, discussion and decision on this matter to the next Regular Council meeting on April 1, 2008.

MOVED by Councillor Anton

- A. THAT the application by Formwerks Architectural, Inc., on behalf of Bell Holdings, to rezone:
- a) 3238 Granville Street described as PID: 008-075-948, Lot 1, Block 50, DL 526, Plan 4502; and
 - b) portion of 1402 McRae Avenue described as PID: 011-533-200, Lot 2A, Block 50, DL 526, Plan 4502 and consisting of the westerly 1 519 m² (16,346 sq. ft.)

from FSD (First Shaughnessy District) to CD-1 (Comprehensive Development District) to permit a multiple dwelling use consisting of 16 townhouses having a total floor area of 3 328 m² (35,828 sq. ft.), generally as presented in Appendix A to Policy Report *CD-1 Rezoning, Designation and Heritage Revitalization Agreement - 3238 Granville Street and the westerly portion of 1402 McRae Avenue* dated January 2, 2008, 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 by the City Planning Department", April 16, 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 or Development Permit Board, who shall have particular regard to, among other things, the following:

Design Development:

- 1.1 design development to achieve the FSD ODP and First Shaughnessy Guidelines, with the exception of those provisions specifically varied in the CD-1 By-law.

Note to Applicant: Greater variety and distinction of facades for units in Block A should be achieved.

- 1.2 specify materials and finishes consistent with exemplary pre-1940 developments and the design guidelines;

Note to Applicant: Avoid economy measures such as chain link fencing or asphalt paving.

- 1.3 horizontal separation between the main floor walls of the Nichol House and any new building to be no less than 62 feet;

- 1.4 provision of an east property line for the CD-1 site located at least 10.7 m (35.1 ft.) from the Nichol House;

Note to Applicant: Porch columns may not intrude into a required yard.

- 1.5 establish a greater degree of visual privacy between the proposed swimming pool and Block B through added planting and other forms of screening;

Note to Applicant: Consider incorporating terraced planter walls along the southeast property line to soften the sharp grade change between the neighbouring property (McRae House) and the rear yard patios of Block B.

Landscape:

- 1.6 optimize the quantity of soft landscaping provided on off-slab areas;

Note to Applicant: Consider reducing the size of the water feature proposed for the common park space located between the two sets of buildings.

- 1.7 design development to retain trees wherever possible;

- 1.8 provision of a detailed report by an ISA Certified Arborist outlining the arboricultural method required for the preservation of selected retained trees (the Magnolia and Sycamore Maple as noted in the tree assessment written by David Walsh, ISA Certified Arborist, dated July 19, 2007) on the development site and close to excavation for new building construction;

Note to Applicant: The report should include the following information:

- a) site conditions and health of the trees, tree retention recommendations, tree root zone protection setbacks, special pruning and remediation techniques; and
- b) risks to tree health with proposed construction;

- 1.9 provision of a survey to confirm the location of all trees to be removed;

- 1.10 improvements to the public realm in the form of new street trees to follow the curve from McRae Avenue west to Granville Street and more substantial greening of the corner bulge at West 16th Avenue to the satisfaction of the General Manager of Engineering Services;

- 1.11 provision of large scale details at ¼"=1'-0" scale of proposed landscape features including retaining walls, overheight fences/trellises/arbours, fences/gates, the pond;

- 1.12 provision of a full Landscape Plan including Plant List and automatic irrigation in common areas;

Engineering:

- 1.13 design development to the parking entrance to accommodate 2-way traffic flow;
- 1.14 provision of design elevations on both sides of the parking ramp measured 2 ft. off the wall on the inside radius of all curved sections of the parking ramp and throughout the parking area;
- 1.15 provision of maximum 15% slope through the inside radius on the curved portion of the parking ramp;
- 1.16 design development to the drive aisles and parking space slope to achieve the Parking by-law maximum of 5%;
- 1.17 provision of separate security gates for Block A and Block B parking areas;
- 1.18 provision of separation between resident and visitor parking;
- 1.19 provision of City building grades for the site;
- 1.20 provision of 5 Class B bicycle spaces;

Sustainability:

- 1.21 provision of a LEED scorecard, and consideration to achieve a LEED Silver equivalent rating in the project's sustainability performance.

Agreements

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

- 1.1 Provide to the Director of Legal Services a title charge summary in accordance with her specific instructions;

Engineering

- 1.2 Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:
 - a) subdivision registration to create the townhouse and heritage sites;

- b) dedication of the 10'-0" wide building line on Granville Street for road purposes;
- c) appropriate agreements to secure all encroaching features around the site (stone walls etc.) including those created by the dedication of the Granville Street building line;
- d) clarification of the disposition of the existing 5'-0" wide Telus right-of-way that passes through the site, including alternate arrangements that ensure ongoing service to those affected by the right-of-way. Please provide written confirmation from Telus that any arrangements have considered all lots impacted by the right-of-way and are consistent with good engineering practices;
- e) relocation of the existing sewer service for 1402 McRae Avenue should the subdivision of the site create a cross boundary servicing issue including separation of the existing/new service connection for 1402 McRae Avenue;
- f) provision of a stormwater storage system for the new development;
- g) 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;

Heritage

- 1.3 Make arrangements to the satisfaction of the Director of Planning and the Director of Legal Services for the following:
 - a) enter into a Heritage Revitalization Agreement (HRA) for the FSD site that ensures rehabilitation, long term protection, maintenance and conservation of the heritage building and front grounds, and restricts floor area on that site to 1 015 m² (10,930 sq. ft.); and
 - b) enter into an agreement to be registered against the FSD site and the CD-1 site, to provide assurance that the conservation of the heritage house, garage and front grounds is completed prior to occupancy of the townhouses on the CD-1 site.

- B. THAT the Subdivision By-law be amended as set out in Appendix B to Policy Report *CD-1 Rezoning, Designation and Heritage Revitalization Agreement - 3238 Granville Street and the westerly portion of 1402 McRae Avenue* dated January 2, 2008, be approved.
- C. THAT Council by by-law designate as municipally-protected heritage property the Vancouver Heritage Register "A" listed building and front grounds at 1402 McRae Avenue.
- D. THAT Council authorize the Director of Legal Services to enter into a Heritage Revitalization Agreement to secure the rehabilitation, protection and on-going maintenance of the exterior of the Vancouver Heritage Register "A" listed building and front grounds at 1402 McRae Avenue, and to limit density on the site to that indicated in Development Permit No. DE411348.
- E. THAT the following new design development condition be added :
- Design development to consider achieving a significant breakdown of the massing for Block B;
- Note to Applicant: This may be accomplished by separating the units into blocks of no more than three, reducing the number of storeys for some units, and angling the blocks away from the Nichol House. Changes should not reduce the amount of continuous central open space, must continue to respect privacy and views from adjacent properties, and may result in a shift of some density from Block B to other parts of the site.
- F. THAT A to E above be adopted on the following conditions:
- i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost; and
 - ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner.

CARRIED
(Councillors Capri, Chow and Deal opposed)

3. **UNESCO World Heritage Listing for Buildings in Vancouver's Chinatown**
(VanRIMS No. 11-2800-01)

MOVED by Councillor Chow
SECONDED by Councillor Louie

THEREFORE BE IT RESOLVED THAT Council support the Chinatown Society Heritage Buildings Association in its effort to secure a UNESCO World Heritage listing for some of the historical buildings in Vancouver's Chinatown.

Notice

Councillor Anton called Notice under Section 5.4(c) of the Procedure By-law. The motion will be considered at the Regular Council meeting following the Standing Committee on City Services and Budgets meeting on April 3, 2008.

4. **CD-1 REZONING/HRA/HERITAGE DESIGNATION: 3238 Granville Street and the Westerly Portion of 1402 McRae Avenue** (VanRIMS No. 08-2000-51)

MOVED by Councillor Anton
SECONDED by Councillor Ball

THAT Council reconsider the vote on the CD-1 REZONING/HRA/HERITAGE DESIGNATION: 3238 Granville Street and the Westerly Portion of 1402 McRae Avenue.

CARRIED UNANIMOUSLY
AND BY THE REQUIRED MAJORITY

MOVED by Councillor Anton
SECONDED by Councillor Ball

THAT Council reconfirm its earlier decision on the CD-1 REZONING/HRA/HERITAGE DESIGNATION: 3238 Granville Street and the Westerly Portion of 1402 McRae Avenue and approve the following additional condition under the section on Sustainability:

- 1.21.1 provision of a Built Green BC scorecard, and consideration to achieve a gold level standard in the project's sustainability performance.

Note to Applicant: Were City standards with respect to water conservation and energy efficiency to be stricter at the time of Building Permit application, you would be required to meet that higher standard. For more information, please see 222.vancouver.ca/greenhomes.

CARRIED UNANIMOUSLY

The Council adjourned at 6:35 p.m.



CITY OF VANCOUVER

**CITY OF VANCOUVER
REGULAR COUNCIL MEETING MINUTES**

APRIL 1, 2008

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, April 1, 2008, at 2:00 p.m., in the Council Chamber, Third Floor, City Hall.

PRESENT:

- Mayor Sam Sullivan
- *Councillor Suzanne Anton
- Councillor Elizabeth Ball
- Councillor David Cadman
- Councillor Kim Capri
- *Councillor George Chow
- Councillor Heather Deal
- Councillor Peter Ladner
- *Councillor B.C. Lee
- Councillor Raymond Louie
- Councillor Tim Stevenson

CITY MANAGER'S OFFICE:

- Judy Rogers, City Manager
- James Ridge, Deputy City Manager

CITY CLERK'S OFFICE:

- Syd Baxter, City Clerk
- Tarja Tuominen, Meeting Coordinator

*Denotes absence for a portion of the meeting.

PRAYER

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

"IN CAMERA" MEETING

MOVED by Councillor Louie
SECONDED by Councillor Cadman

THAT Council will go into a meeting later this day which is closed to the public, pursuant to Section 165.2(1) of the Vancouver Charter, to discuss matters related to paragraph(s):

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the city or another position appointed by the city;
- (c) labour relations or other employee relations;

Miscellaneous text amendments

BY-LAW NO. 9888

A By-law to amend Zoning and Development By-law No. 3575,
CD-1 By-law No. 9193, and CD-1 By-law No. 9766
regarding miscellaneous text amendments

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

1. From section 3.2.1.C of the RM-5, RM-5A, RM-5B and RM-5C Districts Schedule of the Zoning and Development By-law, Council repeals:

- Fitness Centre - Class 1, *but only in the RM-5C District*

2. After section 7.6(e) of CD-1 By-law No. 9193, Council adds:

“(f) covered porches if:

- (i) the Director of Planning first approves the porch design,
- (ii) they face the street and are located at the first storey,
- (iii) that portion facing the street is open or protected by guard rails, the height of which must not exceed the minimum specified in the Building By-law,
- (iv) the total area of such exclusions does not exceed 8% of the permitted floor area, and
- (v) the ceiling height, excluding roof structures, of the total excluded area does not exceed 3.1 m measured from the porch floor; and

(g) areas of floor over open-to-below space located directly below space located directly below sloping roof rafters or a sloped ceiling where the ceiling is directly attached to the underside of sloping roof rafters, and where the roof joists have a minimum 7:12 pitch and the related ceiling maintains the same pitch as the roof joists if:

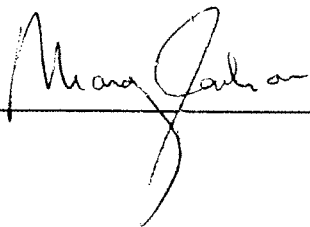
- (i) the Director of Planning first approves the roof design,
- (ii) the distance from the floor to any part of the ceiling is no higher than 2.3 m and no lower than 1.2 m, both measured vertically, and
- (iii) the excluded floor area does not exceed 10% of the permitted floor area.”

3. Council repeals section 3.5(h) of CD-1 By-law No. 9766, and substitutes:
“(h) below grade mechanical space, except that any mechanical space directly accessed from within a dwelling unit must not exceed 11.6 m² for each dwelling unit; and”.
4. 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.
5. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 16th day of June, 2009



Mayor



City Clerk

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amendments to the Parking By-law, generally in accordance with Appendix C of the above-noted report.

CARRIED UNANIMOUSLY
(Councillors Chow and Jang absent for the vote.)

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Deal

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY
(Councillors Chow and Jang absent for the vote)

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Woodsworth
SECONDED by Councillor Louie

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

CARRIED UNANIMOUSLY
(Councillors Chow and Jang absent for the vote)

BY-LAWS

MOVED by Councillor Woodsworth
SECONDED by Councillor Deal

THAT Council, except for those members excused as noted in the agenda, enact the by-law(s) listed on the agenda for this meeting as numbers 1 to 36 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-law(s).

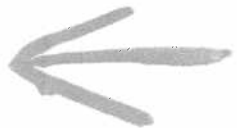
CARRIED UNANIMOUSLY
(Councillors Chow and Jang absent for the vote)

* * * * *

Councillor Reimer rose and declared Conflict of Interest on By-law No. 9 as she is a senior decision maker for an organization that interacts with the Gastown Business Improvement Area.

* * * * *

18. A By-law to levy rates on qualifying real property in the Strathcona Business Improvement Area (By-law No. 9878)
19. A By-law to levy rates on qualifying real property in the Victoria Drive Business Improvement Area (By-law No. 9879)
20. A By-law to levy rates on qualifying real property in the West End Business Improvement Area (By-law No. 9880)
21. A By-law to levy rates on qualifying real property in the Yaletown Business Improvement Area (By-law No. 9881)
22. A By-law to amend Zoning and Development Fee By-law No. 5585 regarding reduced fees for phased sites (By-law No. 9882)
23. A By-law to amend Urban Design Panel By-law No. 4722 regarding miscellaneous amendments (By-law No. 9883)
24. A By-law to amend Solid Waste By-law No. 8417 regarding tipping fees and miscellaneous amendments (By-law No. 9884)
25. A By-law to contract a debt by the issue and sale of debentures in the aggregate principal amount of \$613,154.59 for certain local improvement street work projects, including pavement curbs, trees and bulges, cement walks, lane pavement, and speed humps and for imposing an annual special rate on real property specially benefited by such local improvements (By-law No. 9885)
26. A By-law to contract a debt by the issue and sale of debentures in the aggregate principal amount of \$7,772.76 for certain local improvement lane lighting projects, and for imposing an annual special rate on real property specially benefited by such local improvements (By-law No. 9886)
27. A By-law to contract a debt by the issue and sale of debentures in the aggregate principal amount of \$3,528.39 for certain local improvement street lighting projects, and for imposing an annual special rate on real property specially benefited by such local improvements (By-law No. 9887)
28. A By-law to amend Zoning and Development By-law No. 3575, CD-1 By-law No. 9193, and CD-1 By-law No. 9766 regarding miscellaneous text amendments (By-law No. 9888)
29. A By-law to amend Sign By-law No. 6510 regarding miscellaneous text amendments (By-law No. 9889)
30. A By-law to amend CD-1 By-law No. 8587 regarding 651 Expo Boulevard (By-law No. 9890)
31. A By-law to amend False Creek North Official Development Plan By-law No. 6650 regarding 651 Expo Boulevard (By-law No. 9891)



Council Decision

MOVED by Councillor Anton

- A. THAT Council approve amendments to Heritage Revitalization Agreement By-Law No. 9269, as amended by By-law No. 9700, to change and to more specifically describe heritage components listed in the Heritage Revitalization Agreement, all generally in accordance with Appendix A, to Administrative Report *"Amendments to Heritage Revitalization Agreement, Restoration Covenant and Heritage By-law for the Woodward's Site - 101 West Hastings Street"* dated April 23, 2009; and

FURTHER THAT Council instruct the Director of Legal Services to prepare the necessary Heritage Revitalization Agreement By-law amendments, generally in accordance with Appendix A, to the above report.

- B. THAT Council approve amendments to the Restoration Covenant registered under number BA282954 to BA282956, generally in accordance with Appendix A, to Administrative Report *"Amendments to Heritage Revitalization Agreement, Restoration Covenant and Heritage By-law for the Woodward's Site - 101 West Hastings Street"* dated April 23, 2009; and

FURTHER THAT Council instruct the Director of Legal Services to prepare the necessary Restoration Covenant amendments, generally in accordance with Appendix A, to the above report.

- C. THAT Council approve amendments to Heritage By-law No. 4837, as amended by By-law No. 9699, to more precisely describe the designated heritage features on the Woodward's Site, generally in accordance with Appendix B, to Administrative Report *"Amendments to Heritage Revitalization Agreement, Restoration Covenant and Heritage By-law for the Woodward's Site - 101 West Hastings Street"* dated April 23, 2009; and

FURTHER THAT Council instruct the Director of Legal Services to prepare the necessary Heritage By-law amendments, generally in accordance with Appendix B, to the above report.

CARRIED UNANIMOUSLY

2. TEXT AMENDMENT: Miscellaneous Text Amendments

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

Summary: Miscellaneous amendments to the Zoning and Development By-law, various Comprehensive Development (CD-1) By-laws, the Sign By-law, and Zoning and Development Fee By-law. The amendments achieve the intent of earlier rezonings.

The Director of Planning recommended approval.

MAY 19, 2009

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, May 19, 2009, at 7:30 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider zoning, heritage and sign by-law amendments.

PRESENT:

- Mayor Gregor Robertson
- Councillor Suzanne Anton
- Councillor George Chow
- Councillor Heather Deal
- Councillor Kerry Jang
- Councillor Raymond Louie
- Councillor Geoff Meggs
- Councillor Andrea Reimer
- Councillor Tim Stevenson
- Councillor Ellen Woodsworth

ABSENT: Councillor David Cadman (Leave of Absence - Civic Business)

CITY CLERK'S OFFICE: Lori Isfeld, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Woodsworth
SECONDED by Councillor Deal

THAT this Council resolve itself into Committee of the Whole, Mayor Robertson in the Chair, to consider proposed zoning, heritage and sign by-law amendments.

CARRIED UNANIMOUSLY

1. HERITAGE REVITALIZATION AGREEMENT: 101 West Hastings Street (Woodward's Site)

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

Summary: To amend the Heritage By-law and Heritage Revitalization Agreement (HRA) to include the final Conservation Plan.

The Director of Planning recommended approval.

Summary of Correspondence

No correspondence had been received on this application.

Speakers

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