



City of Vancouver *Zoning and Development By-law*

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CD-1 (490)

2304 West 8th Avenue

By-law No. 10123

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

Effective September 21, 2010

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-616(c) 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 (490).

2.2 Subject to Council approval 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 (490) 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 the uses listed in this section 2.2.

3 Density

3.1 The floor area for all uses, combined, must not exceed 2.05.

3.2 Computation of floor space ratio must include:

- (a) all floors, including earthen floors, 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.

3.3 Computation of floor space ratio must exclude:

- (a) open residential balconies, sun decks, ground floor colonnades, porches 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 residential floor area being provided;
- (b) patios and roof gardens, if the Director of Planning first approves the design of sunroofs and walls;
- (c) the floors or portions of floors 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, which are:
 - (i) at or below the base surface except that the exclusion for a parking space must not exceed 7.3 m in length, or
 - (ii) in the case of off-street parking, above the base surface in an accessory building in the rear yard except that the exclusion for a parking space must not exceed 7.3 m in length;
- (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, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (e) 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 is to be no exclusion for any of the residential storage space above base surface for that unit;
- (f) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (g) neighbourhood amenity areas for the social and recreational enjoyment of residents, or that provide a service to the public, including facilities for general fitness or general recreation, and child day care, except that the total area excluded must not exceed 10% of the total floor space ratio;

- (h) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness except that this clause does not apply to walls in existence prior to March 14, 2000; and
- (i) with respect to exterior:
 - (i) wood frame construction walls greater than 152 mm thick that accommodate RSI 3.85 (R-22) insulation, or
 - (ii) walls other than wood frame construction greater than 152 mm thick that meet the standard RSI 2.67 (R-15),the area of such walls that exceeds 152 mm to a maximum exclusion of 51 mm of thickness for wood frame construction walls and 127 mm of thickness for other walls, except that this clause is not to apply to walls in existence before January 20, 2009. A registered professional must verify that any wall referred to in this section meets the standards set out therein.

3.4 Computation of floor space ratio may exclude, at the discretion of the Director of Planning or Development Permit Board, trellises and other garden structures which support the use of intensive green roofs, roof top gardens, and urban agriculture.

4 Building height

4.1 The building height must not exceed 13.7 m.

4.2 The Director of Planning, at his or her discretion, may permit a height greater than 13.7 m for:

- (a) architectural appurtenances, such as elevator enclosures, penthouses and stairwells, that:
 - (i) are necessary to give access to a rooftop garden,
 - (ii) do not exceed a height greater than 15.5 m, and
 - (iii) combined, do not cover more than 10% of the roof area; and
- (b) railings, trellises, screens, planters, and other similar elements that are an integral part of the rooftop garden or of the decks and balconies, and that do not exceed a height greater than 15.5 m.

5 Setbacks

The setback of each building, measured from the property line to the building face, must be at least:

- (a) 3.3 m from the north property line;
- (b) 0.9 m from the south property line;
- (c) 3.6 m from the east property line; and
- (d) 2.3 m from the west property line.

6 Horizontal angle of daylight

6.1 Each habitable room must have at least one window on an exterior wall of a building.

6.2 The location of each such exterior window must allow a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.4 m.

6.3 Measurement of the plane or planes referred to in section 6.2 must be horizontally from the centre of the bottom of each window.

6.4 If:

- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of unobstructed view is not less than 3.7 m;

the Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement.

- 6.5** An obstruction referred to in section 6.2 means:
- (a) any part of the same building including permitted projections; or
 - (b) the largest building permitted under the zoning on any site adjoining CD-1 (490).

- 6.6** A habitable room referred to in section 6.1 does not include:
- (a) a bathroom; or
 - (b) a kitchen whose floor area is the lesser of:
 - (i) less than 10% of the total floor area of the dwelling unit, or
 - (ii) less than 9.3 m².

7 Parking, loading, 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, loading spaces, and bicycle spaces, all as defined under the Parking By-law, except that there must be:

- (a) at least one parking space for each 160.0 m² of gross floor area;
- (b) of the parking spaces referred to in subsection (a), at least 1/3 must be visitor parking spaces and 1/3 disability parking spaces, and, for the purpose of this calculation, disability parking spaces are not to count as two;
- (c) at least 0.5 parking space for a scooter, being an electrically powered scooter having two or more wheels for the sole use of a person who has mobility challenges as a result of a physical disability or illness, for each dwelling unit, with an electrical outlet at each space;
- (d) at least 0.25 bicycle spaces, Class A for each dwelling unit, except that electrical outlets for electric bicycles are not necessary; and
- (e) at least six bicycle spaces, Class B;

unless any amendment to the Parking By-law results in any lesser requirement in which case the lesser requirement is to apply.

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 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

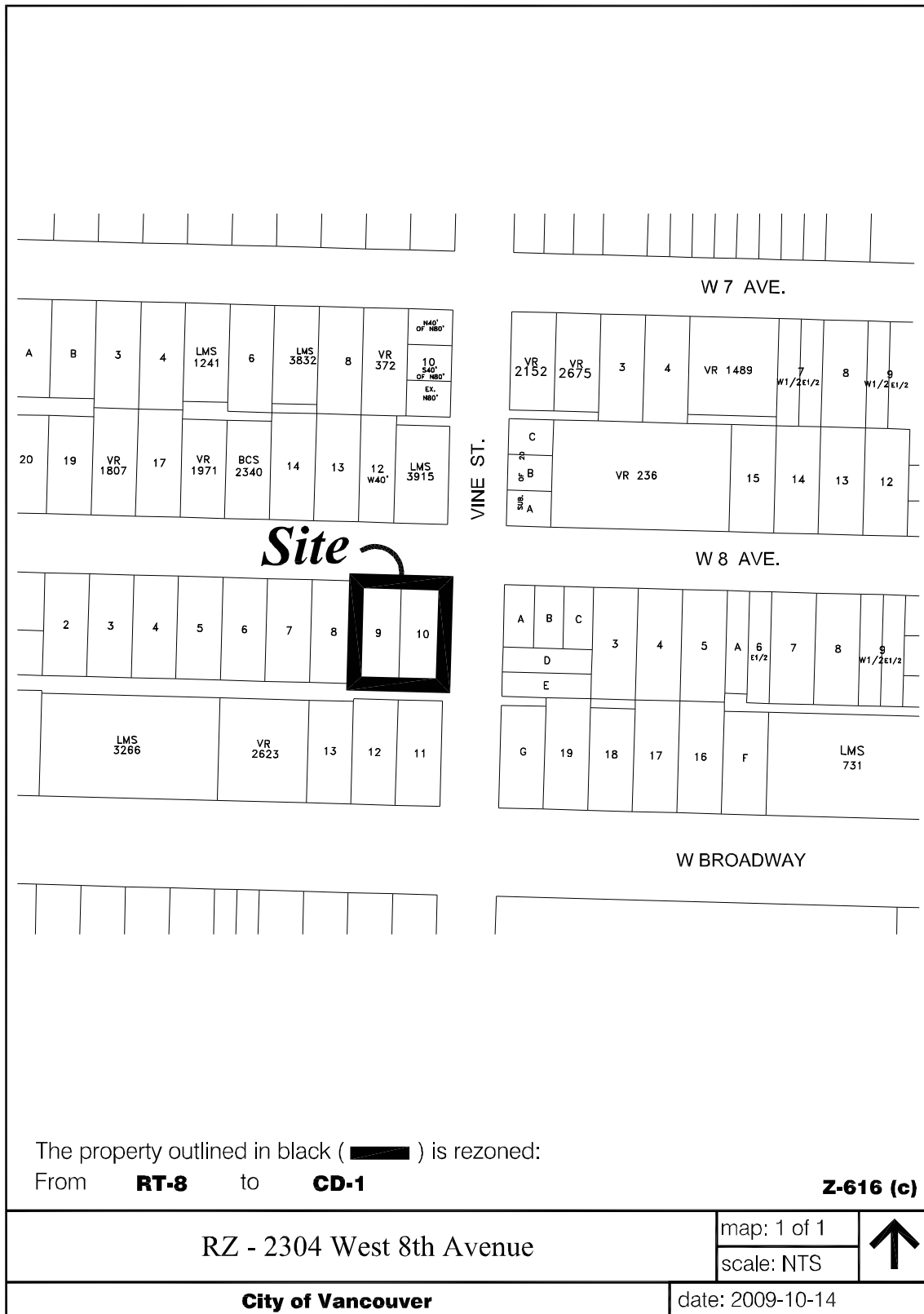
9 Severability

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 21st day of September, 2010.



Backup Notes

Backup Notes

By-law No. 10123, dated September 21, 2010



REPORT TO COUNCIL

SPECIAL COUNCIL MEETING MINUTES

NOVEMBER 3, 5, 17 AND 24, 2009

A Special Meeting of the Council of the City of Vancouver was convened on Tuesday, November 3, 2009, at 7:30 pm, in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the Zoning, Official Development Plan, and Heritage By-laws. Subsequently the meeting was recessed and reconvened in the Council Chamber at 7:30 pm on November 5, 2009, 7:45 pm on November 17, 2009, and 7:33 pm on November 24, 2009.

PRESENT: Mayor Gregor Robertson*
Councillor Suzanne Anton
Councillor David Cadman
Councillor George Chow*
Councillor Heather Deal, Acting Chair (November 5, 17 and 24)
Councillor Kerry Jang*
Councillor Raymond Louie*
Councillor Andrea Reimer*
Councillor Geoff Meggs
Councillor Tim Stevenson
Councillor Ellen Woodsworth

ABSENT: Mayor Gregor Robertson (Leave of Absence - Civic Business - November 5, Item 5, and November 17 and 24)
Councillor Andrea Reimer (November 3, Items 1, 2, 3, 4 and 6)
Councillor Raymond Louie (Leave of Absence - November 5, Item 5, and November 17 and 24)
Councillor George Chow (November 5, 17 and 24, Item 5)
Councillor Kerry Jang (Leave of Absence - November 17, portion of Item 5, and November 24)

CITY MANAGER'S OFFICE: Sadhu Johnston, Deputy City Manager (November 3 and 5)

CITY CLERK'S OFFICE: Pat Boomhower, Meeting Coordinator

* Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Deal
SECONDED by Councillor Stevenson

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

CARRIED UNANIMOUSLY
(Councillor Louie absent for the vote)

6. REZONING: 2304 West 8th Avenue

An application by Duane Siegrist, Integra Architecture, was considered as follows:

Summary: To rezone from RT-8 (Two Family Dwelling) to a CD-1 (Comprehensive Development) District to construct a 30-unit, four-storey, multiple-dwelling project with 10 units for people with disabilities and 20 for seniors on low incomes. The proposal also includes a small seniors' resource centre located on the ground floor of the residential building.

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

Staff Opening Comments

Michelle McGuire, Rezoning Centre, explained the application and advised the Memorandum dated October 15, 2009, from Kent Munro, Assistant Director of Planning, provided recommendations for conditions of approval resulting from the meeting with neighbours to respond to issues.

Applicant Comments

Duane Siegrist, Principal, Integra Architecture Inc., reviewed the application design and amenities, and submitted a summary of revisions (*distributed - on file*).

Summary of Correspondence

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

- 32 letters and emails and one petition with 283 signatures (unaudited) in opposition,
- 32 letters and emails and one petition with 13 signatures (unaudited) in support, and
- 1 other letter.

Speakers

The Mayor called for speakers for and against the application.

* * * * *

At 9:59 pm, during the hearing of speakers, it was

MOVED by Councillor Deal

THAT, under Section 2.6 of the Procedure By-law, Council extend the meeting in order to continue to hear from speakers.

**CARRIED UNANIMOUSLY AND
BY THE REQUIRED MAJORITY**

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The following spoke in support of the application and provided comments:

Nancy Butler
Charlotte Roth
Pat McIntosh
Laura Stannard, Jewish Family Services Agency
Rob Fenton, BC Association of Neighbourhood Houses
Dellie Lidyard
Regina Bueno Renko
Julia DeWinter on behalf of Joanna Turner
Paul Caune
Craig Langston, Co-chair, Persons With Disabilities Advisory Committee
Trish McKay, Vice-President, The Cerebral Palsy Association of BC
John Olldym, President, International Society of the Handicapped of Greater Vancouver
Paul Gauthier, Community Capacity Coordinator, BC Paraplegic Association
Catherine Leach, Executive Director, Kitsilano Neighbourhood House
Edward Milligan, Director, BC Paraplegic Housing Society
Beryl Wilson

The following spoke against the application and expressed concerns with regard to the project in its current form and requested it be sent back for re-design, noting issues with the building height, entrance, set backs and traffic.

Joanne Naiman
Neil Naiman
Sadine Mabardi
Ralph Stanton
Adam Policzer
Jean Gordon
Guy Mayson
Julie Keatley
Hoshang Eslamboli
Leila Khodarahmi
Janet Bruce
Mark Vaughan
Barbara Smith
Warren Hiebert
Michael Vogel
Barbara Caelles

Applicant Closing Comments

Duane Siegrist, Principal, Integra Architecture Inc., advised of studies done for the project, amenities for liveability, and responded to questions regarding the entrance for Handyart.

Staff Comments

During speakers' and Applicant's remarks, Ms. McGuire, along with Brent Toderian, Director of Planning, responded to questions.

Council Decision

REFERRAL MOVED by Councillor Deal

THAT discussion and decision on the application, by Integra Architecture on behalf of the Provincial Rental Housing Corporation, to rezone 2304 West 8th Avenue (PID 014-864-134, 014-864-151, Lots 9 & 10, Block 322, Plan 1058, DL 526, NWD) from RT-8 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District, to allow development of a four-storey multiple dwelling for seniors and individuals with spinal cord injuries, generally in accordance with Appendix A to the Policy Report, "CD-1 Rezoning – 2304 West 8th Avenue", dated September 22, 2009, be referred to a Regular Council meeting on November 5 or 17, 2009, as Unfinished Business.

CARRIED UNANIMOUSLY

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Note from Meeting Coordinator: Subsequently, discussion and decision on this matter was referred to the Council meeting immediately following the City Services and Budgets Committee meeting on November 5, 2009.

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Council recessed at 11:38 pm November 3, 2009, and re-convened at 7:30 pm on November 5, 2009, with Deputy Mayor Deal in the Chair. All members were present except for Mayor Robertson (Leave of Absence - Civic Business), Councillor Louie (Leave of Absence) and Councillor Chow.

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~~5. **REZONING/HERITAGE DESIGNATION/HERITAGE REVITALIZATION AGREEMENT (HRA):
3205-3221 West 41st Avenue and 5590 Balaclava Street**~~

~~An application by Laurie Schimdt, Brook and Associates Planning Consultants, was considered as follows:~~

~~Summary: To rezone from RS-5 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to allow development of a 4-storey multiple dwelling designed for seniors; to designate, rehabilitate and preserve the heritage B-listed Knox Church; and to replace the church annex building.~~

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

~~Staff Opening Comments~~

~~Michelle McGuire, Rezoning Centre, explained the application and responded to questions. Ms. McGuire also advised the Memorandum dated October 15, 2009, from Kent Munro, Assistant Director of Planning, provided amendments to Appendix A of the Policy Report entitled "CD-1 Rezoning/Heritage Revitalization Agreement/Heritage Designation: 3205-3221~~

BY-LAWS

MOVED by Councillor Deal
SECONDED by Councillor Jang

THAT Council enact the by-laws listed on the agenda for this meeting as numbers 1 to 4, 6, 8 to 10, 12, 14 and 17 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillor Reimer absent for the vote)

Councillor Jang rose and declared he had received a report of the Public Hearing in relation to By-law No. 15, and would therefore be voting on the By-law enactment.

MOVED by Councillor Deal
SECONDED by Councillor Jang

THAT Council, except for those members ineligible to vote as noted below, enact the by-laws listed on the agenda for this meeting as numbers 5, 7, 11, 13, 15, 16, and 18 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillor Reimer absent for the vote)

1. A By-law to amend By-law No. 9935 regarding miscellaneous amendments
2. A By-law to amend Vancouver Development Cost Levy By-law No. 9755 regarding 2010 rate adjustments
3. A By-law to amend Area Specific Development Cost Levy By-law No. 9418 regarding 2010 rate adjustments
4. A By-law to amend Noise Control By-law No. 6555 (2330-2372 Kingsway & 2319 East 39th Avenue)
5. A By-law to amend Sign By-law 6510 (1201-1215 Bidwell Street & 1702-1726 Davie Street)
(Councillor Cadman and the Mayor ineligible for the vote)
6. A By-law to amend Noise Control By-law No. 6555 (1201-1215 Bidwell Street & 1702-1726 Davie Street)
7. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (2304 West 8th Avenue)
(Councillors Louie, Reimer, and Stevenson ineligible for the vote)
8. A By-law to enact a Housing Agreement for 2304 West 8th Avenue



9. A By-law to enact a Housing Agreement for 1772 Comox Street
10. A By-law to amend Energy Utility System By-law No. 9552 regarding miscellaneous amendments
11. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (1142 Granville Street)
(Councillors Chow and Stevenson ineligible for the vote)
12. A By-law to enact a Housing Agreement for 1142 Granville Street
13. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (5912-5970 Oak Street)
(Councillor Meggs ineligible for the vote)
14. A By-law to amend Subdivision By-law No. 5208 (5912-5970 Oak Street)
15. A By-law to amend the Zoning and Development By-law No. 3575 to rezone an area to CD-1 (745 Thurlow Street)
(Councillors Chow, Meggs, Reimer, Woodsworth, and the Mayor ineligible for the vote)
16. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (538-560 West Broadway)
(Councillor Reimer ineligible for the vote)
17. A By-law to provide for the imposition of interest on delinquent property taxes for 2011
18. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (3333 Main Street)
(Councillor Cadman ineligible for the vote)

MOTIONS

A. Administrative Motions

1. **Expropriation of 4824 Knight Street for the Construction of Left Turn Bays on Knight Street at 33rd Avenue**

MOVED by Councillor Woodsworth
SECONDED by Councillor Anton

WHEREAS

- A. The City of Vancouver requires:

Parcel Identifier: 013-635-832, Lot 4, Except: Firstly: The West 7 Feet Now Road, Secondly: Part Plan BCP9378; Block 7, District Lot 705, Plan 2571;