



City of Vancouver *Zoning and Development By-law*
Community Services, 453 W. 12th Ave Vancouver, BC V5Y 1V4 ☎ 604.873.7344 fax 873.7060
planning@city.vancouver.bc.ca

CD-1 (263)

7160-7170 Oak Street

By-law No. 6740

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

Effective October 2, 1990

(Amended up to and including By-law No. 8760, dated December 9, 2003)

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 The area shown included within the heavy black outline on Schedule “A” is rezoned to CD-1, which area shall be more particularly described as CD-1(263), and the only uses permitted within the said area, subject to such conditions as Council may by resolution prescribe, and the only uses for which development permits will be issued are:

- (a) Multiple Dwelling, consisting of a maximum of 29 dwelling units; [6824; 91 05 14]
- (b) Accessory uses customarily ancillary to the above uses.

3 Floor Space Ratio

3.1 The floor space ratio shall not exceed 1.0.

3.2 The following shall be included in the computation of floor space ratio:

- (a) all floors having a minimum ceiling height of 4 feet, including earthen floor, both above and below ground level, to be measured to the extreme outer limits of the building; and
- (b) stairways, fire escapes, elevator shafts and other features which the Director of Planning considers similar, to be measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.

3.3. The following shall be excluded in the computation of floor space ratio:

- (a) open residential balconies or sun decks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing;
- (b) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which:
 - (i) are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 24 feet in length; or
 - (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space shall not exceed 24 feet in length;
- (d) amenity areas, including recreation facilities and meeting rooms, to a maximum total of 10 percent of the total building floor area;
- (e) areas of undeveloped floors located above the highest storey or half-storey, or adjacent to a half-storey with a ceiling height of less than 4 feet, and to which there is no permanent means of access other than a hatch; and
- (f) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit; [8760; 03 12 09]
- (g) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000. [8169; 00 03 14]

4 Height

The maximum building height measured above the base surface shall be 10.7 m (35 ft.), and the building shall not extend beyond 4 storeys.

Note: Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 6740 or provides an explanatory note.

5 Setbacks

All floors of a building above the first floor shall be set back an average minimum of 10.7 m (35 ft.) from the rear property boundary.

6 Off-street Parking

A minimum of 1 off-street parking space for each 70 m² (753 sq. ft.) of gross floor area shall be provided, except that no more than 2.2 spaces for every dwelling unit shall be provided.

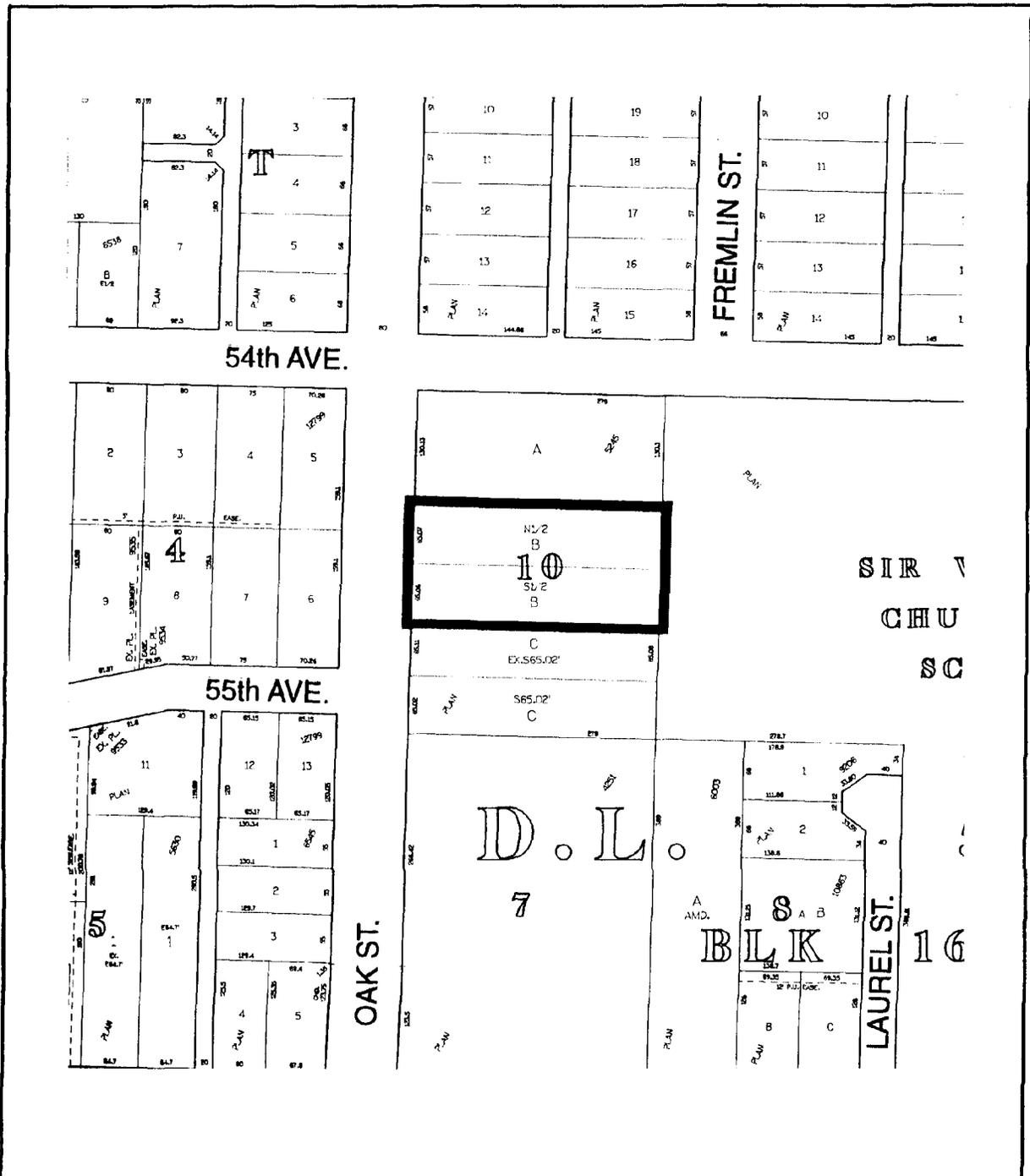
7 Acoustics

All development permit applications shall 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 shall 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 will be defined simply as noise level in decibels.

Portions of Dwelling Units	Noise Level (Decibels)
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

[7515; 96 01 11]

8 *[Section 8 is not reprinted here. It contains a standard clause including the Mayor and City Clerk's signatures to pass the by-law and to certify the by-law number and date of enactment.]*



The property outlined in black (■) was rezoned:
 From **RS-1** to **CD-1** by By-law No. 6740

CD-1 (263) 7160-7170 Oak St. City of Vancouver Planning Department	date prepared: Dec. 1992	
	sectional(s): N-22	
scale: 1:2000		

CITY OF VANCOUVER
MEMORANDUM

From: CITY CLERK

Date: Sept. 21, 1990

To: City Manager
Director of Planning
→ Associate Director, Zoning Division
Director of Legal Services
Director of Housing & Properties
City Engineer

Refer File: PH #238

RECEIVED	
PLANNING DEPARTMENT	
SEP 26 1990	
NUMBER	L 6356
REFERRED TO	FAS
COPY TO	
ANSWER REQ'D	

Subject: Public Hearing - September 13, 1990

I wish to advise you of the attached Minutes of the Special Council meeting (Public Hearing) of September 13, 1990, respecting various rezonings and text amendments.

Please note any matters contained therein for your attention.



DEPUTY CITY CLERK

DB:ci
Att.

Clause No. 3 cont'd

The Mayor advised the City's parking enforcement procedures in the vicinity of the Skytrain station will be investigated by the Engineering staff and a solution will be found to the parking problems being experienced by area residents.

Mike Spasojevic, 2400 Block East 26th Avenue, advised he had signed a petition objecting to the rezoning, sent to City Hall by nine or ten of the owners of the private residences on Phase 2. His 180° view would be impacted by development and additional units would compound parking problems.

Richard Skalbana, 2400 East 27th Avenue, did not support the rezoning as he could see no advantage to local residents.

William Siu advised he represented an owner of a property on Phase 2, which will be next to the relocated lane and will be the most severely impacted. The new development going on amounted to a way of kicking residents out, but they were not being offered sufficient compensation to relocate in similar accommodation. VLC had told the owners their price was too high.

Following discussion, it was

MOVED by Ald. Pui,

THAT the application be approved, subject to conditions (a) and (b) proposed by the Director of Planning, as set out in this Minute of the Public Hearing.

- CARRIED UNANIMOUSLY

(Aldermen Davies, Eriksen and Rankin opposed)

4. Rezoning: 7160-70 Oak Street

An application of The Hulbert Group B.C. Ltd. was considered as follows:

REZONING: 7160-70 OAK STREET (North One-Half and South One-Half of Lot B, Subdivision 10, Block 16A, D.L. 526, Plan 5245)

Present Zoning: RS-1 One-Family Dwelling District
Proposed Zoning: CD-1 Comprehensive Development District

(i) If approved, the CD-1 by-law would permit the use and development of the site generally as follows:

- ~~maximum~~ of 21 dwelling units in a multiple dwelling;
- ~~accessory~~ uses customarily ancillary to the above;
- ~~maximum~~ floor space ratio of 1.00;
- ~~maximum~~ height, lesser of 10.7 m (35 ft.) or four storeys;
- acoustical provisions; and
- provision regarding off-street parking.

(ii) Any consequential amendments.

The Director of Planning recommended approval, subject to the following conditions proposed for adoption by resolution of Council:

- (a) That the proposed form of development be approved in principle, generally as prepared by The Hulbert Group B.C. Ltd. and stamped "Received, City Planning Department, February 9, 1990" provided that the Director of Planning may allow minor alterations to this form of development when approving a development application as outlined in resolution (b) below.

Cont'd

Clause No. 4 cont'd

(b) That, prior to approval by Council of the form of development:

I. a development application be approved by the Director of Planning, having particular regard to the following:

- (i) provision of greater setback or reduced massing of the portion of the apartment structure adjacent to the Temple Sholom;
- (ii) further design development of the entry drive and gatehouse to reduce paving and reduce the scale of the gatehouse feature window and garage entry; and
- (iii) provision of a rear setback of 10.7 m (35 ft.).

II. the registered owner shall, at no cost to the City:

- (i) redesign site access as a single driveway from Oak Street with an on-site turnaround and drop off area;
- (ii) make suitable arrangements, to the satisfaction of the City Engineer, for undergrounding of all electrical and telephone services from the closest existing suitable service point;
- (iii) make suitable arrangements, to the satisfaction of the City Engineer, for storm water retention;
- (iv) consolidate the site; and
- (v) make suitable arrangements, to the satisfaction of the City Engineer, for watermain upgrading to provide adequate fire protection.

and

III. the Director of Planning, in consultation with the Director of Legal Services, be instructed to negotiate Section 215 covenants providing that occupancy or possession shall not be denied to families with children.

Mr. T. Phipps, Rezoning & Subdivision Group, noted the density proposed is somewhat larger than the Director of Planning traditionally supports adjoining a single family district, but the site is distinguished by four key factors: it is unusually deep coming in from Oak Street, allowing for a 50 ft. setback from Oak Street; the site is surrounded on three sides by institutions; and the bulk of the building is set back towards the Winston Churchill School site. The Director of Planning was supportive but would like a more significant setback away from the School property line at the rear and, therefore, recommended a 35 ft. rear setback.

Mr. B. Palmquist, for the applicant, advised the 35 ft. setback would set severe constraints on the applicant's ability to develop a design that addresses details in the context of the surrounding buildings. He requested the rear setback remain 25 ft.

Cont'd

Clause No. 4 cont'd

In response to questions from Council members, Mr. Phipps suggested it would be acceptable for the 35 ft. setback to be specified above the first floor.

The Mayor called for speakers in favour or opposed to the proposal and the following addressed the Public Hearing:

Milton Wylie, 7200 Block Laurel Street, had some reservations about accessing the development from a busy arterial such as Oak Street, but his main concern, as a long term resident, was the diminution of the single family houses in his block. Over the years, changes had created an area completely dominated by congregate uses. Any further erosion was strongly opposed.

Michael Cohene, President of the Congregation, Temple Sholom, expressed serious concern about loss of privacy. The Synagogue Sanctuary would overlook the project and the congregation wished to maintain the sanctity and serenity of worship it currently enjoys. Therefore, Temple Sholom requested Council approve a setback of 85 ft. Mr. Cohene also requested the City review the setback of the adjacent Salvation Army home.

In response to the privacy issue, Mr. Palmquist noted there were opportunities to preserve the privacy of the Synagogue, although the two-storey blank wall of the Synagogue posed a problem. At the detailed design stage, reorientation of some of the windows at the south elevation could be reconsidered, but they could not face a two-storey wall.

MOVED by Ald. Taylor,

- A. THAT the application be approved, subject to the conditions proposed by the Director of Planning, as set out in this Minute of the Public Hearing, except that condition (b)I(iii) be amended to read as follows:

(iii) provision of a 35 ft. ^{air.} rear setback above the first floor

and that the draft by-law be amended to reflect this change.

- B. THAT at the Development Permit stage, the Director of Planning have regard to the relationship to the Temple Sholom and the need to respect the sanctity of the Synagogue.

- CARRIED

(Alderman Puil opposed)

CITY OF VANCOUVER
MEMORANDUM

From: CITY CLERK

To: City Manager
Director of Planning
Associate Director, Zoning Division
Director of Legal Services
Director of Housing & Properties
City Engineer
Tom Phipps, Rezoning & Subdivision Group

RECEIVED	
PLANNING DEPARTMENT	Date: Sept. 27, 1990
SEP 28 1990	
NUMBER	L 6416
REFERRED TO	Dye/TP
COPY TO	
POWER REQ'D	

Refer File: P.H. #238

Subject: Public Hearing Minutes - September 13, 1990

The Minutes of the September 13, 1990 Public Hearing were approved by Council on September 25, 1990. Subsequently, a clerical error on page 12 of the record was drawn to my attention by the Planning Department. I am satisfied as to the intention of Council and, therefore, a new page 12 is attached, which reflects the following corrections:

1. First paragraph, second line - insert the word 'average' after the words '35 ft.';
2. Recommendation A(iii) - insert the word 'average' after the words '35 ft.'.



DEPUTY CITY CLERK

JT:ci

Also sent to: The Hulbert Group B.C. Ltd.
Architects
1160 Hamilton St.
Vancouver V6B 2S2

Clause No. 4 cont'd

In response to questions from Council members, Mr. Phipps suggested it would be acceptable for the 35 ft. average setback to be specified above the first floor.

The Mayor called for speakers in favour or opposed to the proposal and the following addressed the Public Hearing:

Milton Wylie, 7200 Block Laurel Street, had some reservations about accessing the development from a busy arterial such as Oak Street, but his main concern, as a long term resident, was the diminution of the single family houses in his block. Over the years, changes had created an area completely dominated by congregate uses. Any further erosion was strongly opposed.

Michael Cohene, President of the Congregation, Temple Sholom, expressed serious concern about loss of privacy. The Synagogue Sanctuary would overlook the project and the congregation wished to maintain the sanctity and serenity of worship it currently enjoys. Therefore, Temple Sholom requested Council approve a setback of 85 ft. Mr. Cohene also requested the City review the setback of the adjacent Salvation Army home.

In response to the privacy issue, Mr. Palmquist noted there were opportunities to preserve the privacy of the Synagogue, although the two-storey blank wall of the Synagogue posed a problem. At the detailed design stage, reorientation of some of the windows at the south elevation could be reconsidered, but they could not face a two-storey wall.

MOVED by Ald. Taylor,

- A. THAT the application be approved, subject to the conditions proposed by the Director of Planning, as set out in this Minute of the Public Hearing, except that condition (b)I(iii) be amended to read as follows:

(iii) provision of a 35 ft. average, rear setback above the first floor

and that the draft by-law be amended to reflect this change.

- B. THAT at the Development Permit stage, the Director of Planning have regard to the relationship to the Temple Sholom and the need to respect the sanctity of the Synagogue.

- CARRIED

(Alderman Puil opposed)

7160-7170 Oak Street

BY-LAW NO. 6740

A By-law to amend
By-law No. 3575, being the
Zoning and Development By-law

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

1. The "Zoning District Plan" annexed to By-law No. 3575 as Schedule "D" is hereby amended according to the plan marginally numbered Z-383(c) and attached to this By-law as Schedule "A", and in accordance with the explanatory legends, notations and references inscribed thereon, so that the boundaries and districts shown on the Zoning District Plan are varied, amended or substituted to the extent shown on Schedule "A" of this By-law, and Schedule "A" of this By-law is hereby incorporated as an integral part of Schedule "D" of By-law No. 3575.

2. The area shown included within the heavy black outline on Schedule "A" is rezoned to CD-1, which area shall be more particularly described as CD-1(263), and the only uses permitted within the said area, subject to such conditions as Council may by resolution prescribe, and the only uses for which development permits will be issued are:

- (a) Multiple Dwelling, consisting of a maximum of 21 dwelling units;
- (b) accessory uses customarily ancillary to the above uses.

3. Floor Space Ratio

3.1 The floor space ratio shall not exceed 1.0.

3.2 The following shall be included in the computation of floor space ratio:

- (a) all floors having a minimum ceiling height of 4 feet, including earthen floor, both above and below ground level, to be measured to the extreme outer limits of the building; and
- (b) stairways, fire escapes, elevator shafts and other features which the Director of Planning considers similar, to be

measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.

3.3 The following shall be excluded in the computation of floor space ratio:

- (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, provided that the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which:
 - (i) are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 24 feet in length; or
 - (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space shall not exceed 24 feet in length;
- (d) amenity areas, including recreation facilities and meeting rooms, to a maximum total of 10 percent of the total building floor area;
- (e) areas of undeveloped floors located above the highest storey or half-storey, or adjacent to a half-storey with a ceiling height of less than 4 feet, and to which there is no permanent means of access other than a hatch; and
- (f) residential storage space provided that where the space is provided at or above base surface, the maximum exclusion shall be 40 square feet per dwelling unit.

4. Height

The maximum building height measured above the base surface shall be 10.7 m (35 ft.), and the building shall not extend beyond 4 storeys.

5. Setbacks

All floors of a building above the first floor shall be set back an average minimum of 10.7 m (35 ft.) from the rear property boundary.

6. Off-Street Parking

A minimum of 1 off-street parking space for each 70 m² (753 sq. ft.) of gross floor area shall be provided, except that no more than 2.2 spaces for every dwelling unit need be provided.

7. Acoustics

All development permit applications shall 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 shall 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 will be defined simply as noise level in decibels.

<u>PORTIONS OF DWELLING UNITS</u>	<u>NOISE LEVELS (DECIBELS)</u>
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45
terraces, patios, balconies	60

8. This By-law comes into force and takes effect on the date of its passing.

DONE AND PASSED in open Council this 2nd day of October, 1990.

(signed) Gordon Campbell
Mayor

(signed) Maria C. Kinsella
City Clerk

"I hereby certify that the foregoing is a correct copy of a By-law passed by the Council of the City of Vancouver on the 2nd day of October 1990, and numbered 6740.

CITY CLERK"

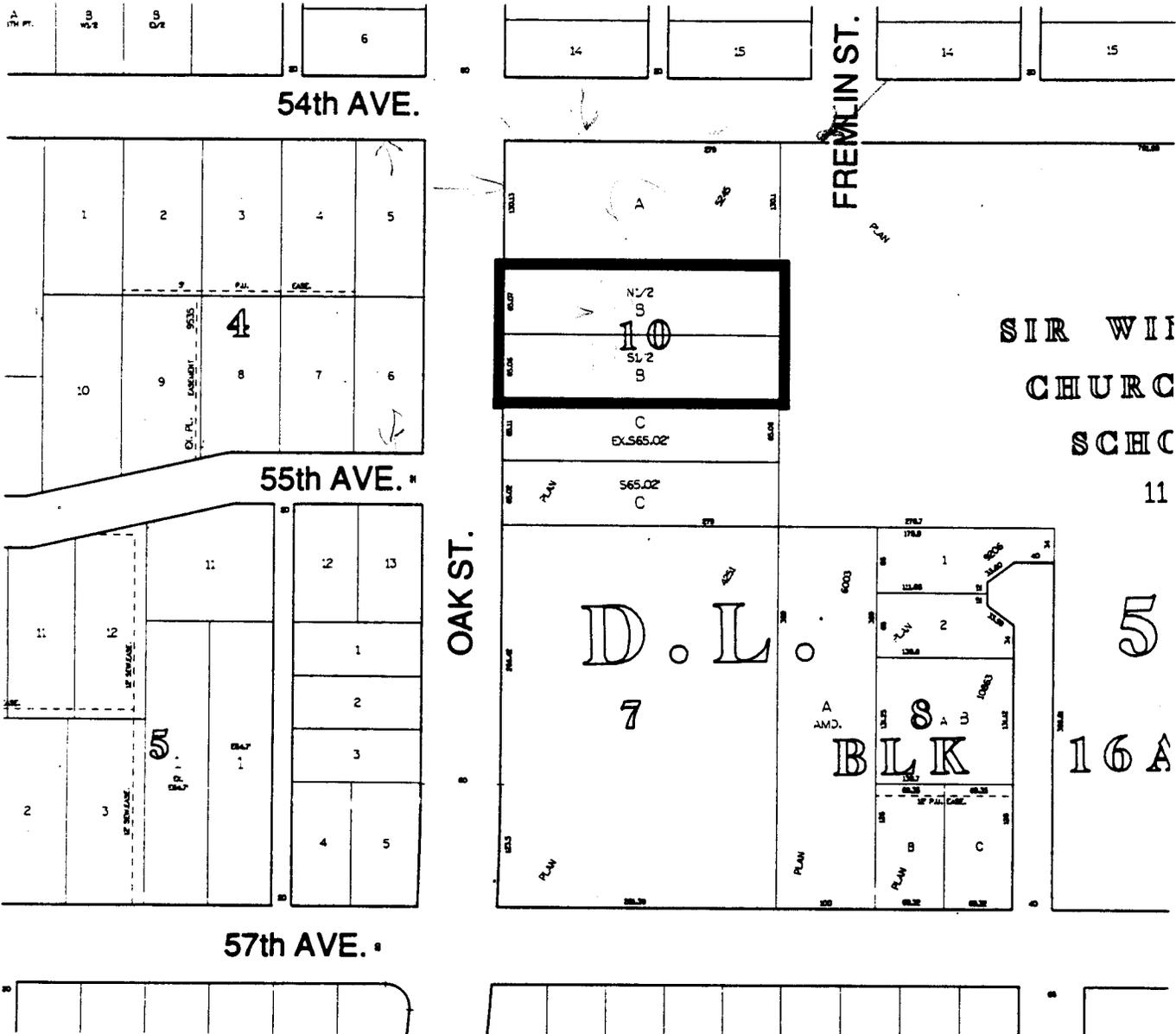
BY-LAW No. 6740 BEING A BY-LAW TO AMEND BY-LAW No.3575
BEING THE ZONING AND DEVELOPMENT BY-LAW

THE PROPERTY SHOWN BELOW () OUTLINED IN BLACK IS REZONED:

SCHEDULE A

FROM RS-1

TO CD-1



SCALE:1:2000

FILE No. RZ-7160~7170 Oak St.

Z- 383 (c)



CITY OF VANCOUVER
SPECIAL COUNCIL MEETING

A Special Meeting of the Council of the City of Vancouver was held on Thursday, April 18, 1991, in the Council Chamber, Third Floor, City Hall, at approximately 7:30 p.m., for the purpose of holding a Public Hearing to amend the Zoning & Development By-law.

PRESENT: Mayor Campbell
Aldermen Bellamy, Chan, Davies, Eriksen,
Owen, Price, Rankin, Wilson
and Yorke

ABSENT: Alderman Puil (Leave of Absence)

CLERK TO THE COUNCIL: D. Back

COMMITTEE OF THE WHOLE

MOVED by Ald. Bellamy,
SECONDED by Ald. Davies,

THAT this Council resolve itself into Committee of the Whole, Mayor Campbell in the Chair, to consider proposed amendments to the Zoning & Development By-law.

- CARRIED UNANIMOUSLY

1. Text Amendment: First Shaughnessy Official
Development Plan By-law, No. 5546

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

TEXT AMENDMENT: FIRST SHAUGHNESSY OFFICIAL DEVELOPMENT PLAN BY-LAW, No. 5546

- (i) Two alternative draft by-laws were proposed. One, if approved, would limit the above-grade floor space ratio of the principal building to a maximum of 0.30 plus 93 m² (1,000 sq. ft.). The other draft by-law, if approved, would limit the above-grade floor space ratio of the principal building to a maximum of 0.25 plus 139 m² (1,500 sq. ft.).

- (ii) Any consequential amendments.

The Director of Planning recommended approval of the application.

The agenda included the following summary of the proposed changes.

SUMMARY OF PROPOSED CHANGES

	CURRENT STATUS	PROPOSED REZONING (ALTERNATIVE 'A')	PROPOSED REZONING (ALTERNATIVE 'B')
FSR (total max.)	.45	.45	.45
FSR (max. above-grade)	-	.30 plus 93 m ² (1,000 sq. ft.)	.25 plus 139 m ² (1,500 sq. ft.)

Text Amendment: CD-1 By-law No. 4472
805-15 West 10th Avenue (cont'd)

The Mayor called for speakers for or against the application, and the following addressed the Public Hearing:

Mr. Darren Wong, on behalf of the applicant, advised that developing the property for institutional use had been considered, however, its residential use is deemed more appropriate given the nature of the surrounding developments in the area. Residential use of this property will also serve to provide the much-needed accommodation in the vicinity of the Vancouver General Hospital. Mr. Wong described the orientation of the development which is intended to facilitate access by the physically disabled.

Ms. Suzan Wong, on behalf of the applicant, noted she was available to respond to any questions Council may have.

Mr. Doug Stewart, expressed his opposition to the application and suggested Council should be encouraging good zoning not spot rezoning, which this application represents. The subject site is not appropriate for residential use and would stand as a poor precedent for the remainder of the four blocks in this area. The height of the building at four storeys is excessive and should be limited to three storeys. Areas such as this which are close to the Downtown should be zoned as service areas which will be much needed in the future to support the growing residential development in nearby Fairview Slopes.

MOVED by Ald. Bellamy,

THAT the application be approved subject to the conditions proposed by the Director of Planning, as set out in this Minute of the Public Hearing.

- CARRIED UNANIMOUSLY

3. Text Amendment: CD-1 By-law No. 6740 -
7160-70 Oak Street

An application of Cressey Development Corporation was considered as follows:

TEXT AMENDMENT: CD-1 BY-LAW, NO. 6740 - 7160-70 OAK STREET
(North One-Half and South One-Half of Lot B of 10, Block 16A,
D.L. 526, Plan 5245)

Present Zoning: CD-1 Comprehensive Development District
Proposed Zoning: CD-1 Amended

- (i) If approved, the proposed text amendment would increase the maximum number of dwelling units from 21 to 29. The proposed by-law would continue to permit a multiple dwelling consisting of townhouse and apartment units.
- (ii) Any consequential amendments.

The Director of Planning recommended approval of the application.

Text Amendment: CD-1 By-law No. 6740
7160-70 Oak Street (cont'd)

The agenda included the following summary of the proposed changes.

SUMMARY OF PROPOSED CHANGES

	CURRENT STATUS	PROPOSED REZONING (IF APPROVED)
Zone	CD-1	CD-1 Amended
Units (Max.)	21	29
Off-Street Parking*	48 spaces or 2.2 spaces/dwelling unit	48 spaces or 1.7 spaces/dwelling unit

* CD-1 By-law Standard: one off-street parking space for each 70 m² (753 sq. ft.) of gross floor area shall be provided, except that no more than 2.2 spaces for every dwelling unit need be provided.

There were no speakers for or against the application.

MOVED by Ald. Bellamy,

THAT the application of Cressey Development Corporation be approved.

- CARRIED UNANIMOUSLY

4. Miscellaneous Text Amendments:
Zoning & Development By-law

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

MISCELLANEOUS TEXT AMENDMENTS: ZONING AND DEVELOPMENT BY-LAW

- (i) If approved, the proposed text amendments would incorporate miscellaneous amendments pertaining to the RS-4 District Schedule, and to the use term, "health enhancement centre".
- (ii) Any consequential amendments, including amendments to Parking By-law, No. 6059.

The Director of Planning recommended approval of the application.

There were no speakers for or against the application.

MOVED by Ald. Chan,

THAT the application of the Director of Planning be approved.

- CARRIED UNANIMOUSLY

BY-LAW NO. 6824

A By-law to amend
By-law No. 6740,
being a By-law which rezoned land
to CD-1 and provided regulations therefor

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

1. Section 2 of By-law No. 6740 is amended in clause (a) by deleting the figure "21" and substituting the figure "29".
2. This By-law comes into force and takes effect on the date of its passing.

DONE AND PASSED in open Council this 14th day of
May , 1991.

(Signed) Gordon Campbell
Mayor

(Signed) Dennis Back
Deputy City Clerk

" I hereby certify that the foregoing is a correct copy of a By-law passed by the Council of the City of Vancouver on the 14th day of May 1991, and numbered 6824.

CITY CLERK "

CITY OF VANCOUVER
MEMORANDUM

91-196
263

From: CITY CLERK

Date: October 8, 1991

To: CITY MANAGER
→ DIRECTOR OF PLANNING
DIRECTOR OF LEGAL SERVICES

Refer File: 2607-1

Subject: Form of Development: 7160 Oak Street
D.A. 212878 - CD-1 By-law Number 6740

RECEIVED
PLANNING DEPARTMENT
OCT - 9 1991
NUMBER 141 6876
REFERRED TO: JAH/EAS
COPY TO:
ANSWER REQ'D:

I wish to advise you Vancouver City Council, at its meeting on Tuesday, October 1, 1991, approved the recommendation of the City Manager, as contained in an Administrative Report, dated September 19, 1991, regarding the above matter.

[Handwritten Signature]
CITY CLERK
H

TT:mjh

Letters Also Sent To:

- Raymond Letkeman Architect
1083 Cambie Street, Vancouver, B.C., V6B 5L7
- Mr. Jack Cressey, Cressey Development Corp.
800 - 1177 West Hastings Street, Vancouver, B.C., V6E 2K3

ADMINISTRATIVE REPORT

Date: September 19, 1991
Dept. File No.: MC

TO: Vancouver City Council
FROM: Director of Planning
SUBJECT: Form of Development: 7160 Oak Street
D.A. 212878 - CD-1 By-law Number 6740

RECOMMENDATION

THAT the approved form of development for the CD-1 zoned site known as 7160 Oak Street be generally approved as illustrated in Development Application Number 212878, prepared by Raymond Letkeman Architect and stamped "Received, City Planning Department, August 26, 1991", provided that the Director of Planning may approve design changes which would not adversely affect either the development character and livability of this site or adjacent properties.

CITY MANAGER'S COMMENTS

The City Manager **RECOMMENDS** approval of the foregoing.

COUNCIL POLICY

There is no Council policy directly applicable to this matter.

PURPOSE

In accordance with Charter requirements, this report seeks Council's approval for the form of development for the above-noted CD-1 zoned site. The development application proposes the construction of a multiple residential development containing 28 dwelling units.

SITE DESCRIPTION AND BACKGROUND

The subject site of 36,269 square feet is located on the east side of Oak Street, between West 54th Avenue to the north, and West 57th Avenue to the south (see Appendix A, attached).

At a Public Hearing on September 13, 1990, Council approved rezoning of the subject site from RS-1 One-Family Dwelling District to CD-1 Comprehensive Development District. CD-1 By-law Number 6740, governing the subject site, was enacted on October 2, 1990. On May 14, 1991, a minor text amendment was incorporated by By-law Number 6824.

Clause 1(a) and (b) (cont'd)

This development is also in keeping with Council's strategy of reducing traffic congestion by encouraging residential development in this area and reducing commuters. The application also provides for a substantial amount of bicycle parking within the new residential complex.

Staff Closing Comments

Staff offered no additional comments.

Council Decision

Prior to making a decision, several members of Council expressed the view that staff need to reconsider their approach when notifying residents about rezoning applications, as well as other City-related issues. Members of Council also referred to a previously requested report on waterfront tower height and Council expressed a desire to see this report as soon as possible.

MOVED by Cllr. Bellamy,

THAT this application be approved, subject to the conditions as set out in this minute of the Public Hearing.

- CARRIED UNANIMOUSLY

MOVED by Cllr. Price,

THAT the City Manager ensure that when the anticipated report from the Housing Centre on housing affordability comes back, it deals with the issues related to Triangle West and new neighbourhoods.

- CARRIED UNANIMOUSLY

2. Balcony Enclosures and Acoustic Requirements

An application by the Director of Land Use and Development was considered as follows:

The proposed amendments to various zoning District Schedules, Official Development Plans and CD-1 Comprehensive Development District By-laws, would either:

- not allow any of the permitted residential floor area to be excluded from Floor Space Ratio (FSR) for enclosed balconies except in buildings existing prior to April 23, 1985 in which case the present regulations would apply; or

cont'd....

Clause No. 2 (cont'd)

- continue to permit a maximum of 8 percent of permitted residential floor area to be excluded form Floor Space Ratio (FSR) for balconies BUT to permit no more than half of excluded floor area to be enclosed; or
- permit no more than 8 percent of permitted residential floor area to be excluded from Floor Space Ratio (FSR) for enclosed balconies.

The proposed acoustic amendments would delete the acoustic requirement for balconies, terraces, patios, etc.

Amended Balcony Enclosure Guidelines and Policies are also proposed.

The Director of Land Use and Development recommended approval of this application.

Staff Opening Comments

Mr. Ralph Segal, Planner, provided background on this issue and introduced the options before Council this evening.

In 1964, in order to improve livability in higher density multiple dwelling developments, open balconies were excluded from FSR to a maximum of eight percent of residential floor area. In the early 1980s, the City received numerous requests from owners of units in existing buildings to enclose their balconies for reasons of poor insulation and acoustics, air drafts and other interior problems. In response, Council in 1985 adopted balcony enclosure guidelines by which enclosed balconies would continue to be excluded from FSR.

Subsequently, in response to the development industry's request for equity, Council permitted this exclusion to apply to new construction, subject to adherence to the guidelines. Since then, new buildings have, to an increasing degree, incorporated enclosed balconies as additional interior space displacing the private open space, the open balconies, for which the FSR exclusion had been originally provided.

Since enclosed balcony space has been successfully marketed at the full per square foot price of the rest of the dwelling unit, many developers have been more and more aggressive in seeking the full eight percent exclusion for enclosed balconies. This differs from a mix of open and enclosed balconies that were anticipated when the exclusion was first put in place.

cont'd....

Clause No. 2 (cont'd)

With the aid of photographs distributed to Council (on file in the City Clerk's Office), Mr. Segal explained that enclosure of most or all balconies bulks up buildings by filling in the volumes of open balconies and intends to create less residential, more office-like buildings. Exclusions from FSR are usually given to encourage developers to provide facilities that are considered important for livability but would likely not be provided without that incentive. In this case, bonuses are being permitted when they the negative affect of displacing the private open space for which the FSR exclusion was intended.

Recommendation A1 would eliminate the FSR exclusion for enclosed balconies except in the buildings existing prior to 1985, as per the original intent of the balcony enclosure provisions. Alternatively, should Council consider that enclosed balconies do have merit, A2 is offered which states that no more than half of the excluded balcony area may be enclosed. The third option, A3 is to simply allow outright the full eight percent exclusion to be enclosed.

This application also proposes an acoustic amendment. At present, acoustic requirements in many district schedules and CD-1 by-laws apply to standards in both rooms within the unit as well as exterior balconies and patios. As the current standard often requires balconies to be enclosed, even when this is not desired, the proposed amendment will delete this requirement. Mr. Segal also explained that amendments are proposed to the balcony enclosure guidelines which would delete provisions calling for easy conversion of enclosed balconies back to open balconies, as well as adding several additional clauses which will clarify the design intent in new construction.

Responding to a question from a member of Council, Mr. Segal advised of an error in the memorandum dated July 18, 1995 from the City Clerk, which referred this matter to Public Hearing. Recommendation A1 makes reference to excluding floor space ratio for enclosed balconies except in buildings existing prior to April 23, 1995. This should read April 23, 1985.

A member of Council enquired whether these guidelines would permit a style of balcony sometimes referred to a french balconies. Mr. Segal advised this style would not be permitted under the proposed guidelines.

Council members also enquired whether thresholds will still be required between the interior unit and the closed balconies. It was confirmed the proposed guidelines still contain this threshold requirement.

cont'd....

Clause No. 2 (cont'd)

Correspondence

All correspondence received prior to this matter being referred to Public Hearing was included as Appendix E in the Council report. One additional letter stressing the need for more open balconies in Vancouver and another favouring option A2, were also received.

Speakers

The Mayor called for speakers for and against the application, and the following addressed Council.

Mr. Hans Schmidt, representing the Society of Soundscape Preservation, expressed concern with the proposed deletion of acoustic requirements, on the grounds that if these requirements are deleted, the City is simply accommodating the noise which exists and not attempting to eliminate or reduce it. A greater emphasis should be directed towards elimination of the source of noise.

Mr. Dugal Purdie, on behalf of the Urban Development Institute (UDI), indicated his support for option A2 as it represents an appropriate compromise. The UDI is strongly opposed to A1 as this would affect proformas upon which construction was predicated upon. Mr. Purdie urged Council to support recommendation A2 with an amendment to exclude the applicability of the guidelines to enclosed space, as the Institute believes the total design of the building should be left with the architects and reviewed through the existing development permit process, without the addition of guidelines.

Mr. Stuart Howard, on behalf of the Architectural Institute of British Columbia (AIBC), lent his support to option A2, as it represents a compromise position. AIBC would ultimately prefer option 5 as stated in its May 30, 1995 brief to Council, but is willing to accept the compromise position. Mr. Howard suggested the Planning Department is naive in its support of option A1 because apartments are now significantly smaller in size and the continued requirement of an open balcony would result in a small, unusable space.

cont'd....

Clause No. 2 (cont'd)

MOVED by Cllr. Kennedy,

THAT the City continue to permit a maximum of eight percent of permitted residential floor area to be excluded from Floor Space Ratio (FSR) for balconies, but to permit no more than half of excluded floor area to be enclosed;

FURTHER THAT the requirement that thresholds be included in enclosed balconies be removed.

- CARRIED

(Councillors Chiavario, Kwan and Price opposed)

MOVED by Cllr. Kennedy,

THAT those District Schedules and CD-1 by-laws containing an acoustic regulation be amended, to delete the acoustic requirement for on-site open space (i.e., balconies, terraces, patios, etc.), generally as outlined in Appendix A of the Policy Report dated June 6, 1995.

- CARRIED

(Councillor Sullivan opposed)

MOVED by Cllr. Kennedy,

THAT the Balcony Enclosure Guidelines and Policies, amended as noted in Appendix B of the Policy Report dated June 6, 1995, to reflect more practical utilization by residents, be approved.

- CARRIED UNANIMOUSLY

MOVED by Cllr. Kennedy,

THAT Council advise the Planning Department that it supports "French Balconies" where appropriate and that language be incorporated in the balcony regulations and/or guidelines that would encourage their provision.

- CARRIED UNANIMOUSLY

Acoustic Requirements

BY-LAW NO. 7515

A By-law to amend
By-law Nos. 3712, 4037, 4049, 4397, 4677, 5381,
5836, 5852, 6272, 6310, 6312, 6313, 6314, 6315,
6316, 6317, 6318, 6319, 6320, 6321, 6322, 6323,
6325, 6361, 6362, 6363, 6421, 6425, 6429, 6475,
6489, 6528, 6533, 6564, 6582, 6597, 6663, 6688,
6710, 6713, 6714, 6715, 6730, 6731, 6738, 6739,
~~6740, 6741~~ 6747, 6757, 6768, 6779, 6787, 6817,
6827, 6965, 7006, 7087, 7092, 7101, 7114, 7135,
7155, 7156, 7157, 7158, 7163, 7166, 7173, 7174,
7175, 7180, 7189, 7193, 7198, 7200, 7204, 7209,
7223, 7224, 7230, 7232, 7246, 7248, 7317, 7337,
7340, 7381, 7425, 7431, 7434 and 7461, being
by-laws which amended the Zoning and Development
By-law by rezoning areas to CD-1

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

1. By-law Nos. 6429, 6597, 7092, 7101, 7224 and 7340 are each amended
in section 5 by deleting the words "terraces, patios, balconies" from the left
column and the corresponding number "60" from the right column.

2. The following By-laws are each amended in section 6 by deleting the
words "terraces, patios, balconies" from the left column and the corresponding
number "60" from the right column:

4037	6688	7087	7180
4397	6710	7155	7189
4677	6713	7157	7209
5852	6731	7163	7246
6272	6738	7166	7381
6363	6768	7173	7425
6421	6787	7174	7431
6582	6827	7175	7434
6663			

3. By-law No. 6730 is amended in section 6.1 by deleting the words
"Terraces, patios, balconies" from the left column and the corresponding
number "60" from the right column.

4. The following By-laws are each amended in section 7 by deleting the
words "terraces, patios, balconies" from the left column and the corresponding
number "60" from the right column.

5836	6321	6564	7114
6310	6322	6739	7135
6312	6323	6740	7158
6315	6325	6817	7223
6319	6528	6965	7230
6320			

5. By-law Nos. 6313, 6314, 6316, 6317, 6318 and 6361 are each amended in section 7.1 by deleting the words "terraces, patios, balconies" from the left column and the corresponding number "60" from the right column.
6. By-law Nos. 3712, 4049, 6362, 6425, 6489, 6714, 6715, 7193 and 7337 are each amended in section 8 by deleting the words "terraces, patios, balconies" from the left column and the corresponding number "60" from the right column.
7. By-law No. 6779 is amended in section 9 by deleting the words "terraces, patios, balconies" from the left column and the corresponding number "60" from the right column.
8. By-law No. 7198 is amended in section 10 by deleting the words "terraces, patios, balconies" from the left column and the corresponding number "60" from the right column.
9. By-law Nos. 7156, 7200, 7232 and 7248 are each amended in section 11 by deleting the words "terraces, patios, balconies" from the left column and the corresponding number "60" from the right column.
10. By-law No. 6744 is amended in section 12 by deleting the words "terraces, patios, balconies" from the left column and the corresponding number "60" from the right column.
11. By-law Nos. 6747 and 6757 are both amended in section 13 by deleting the words "terraces, patios, balconies" from the left column and the corresponding number "60" from the right column.
12. By-law No. 5381 is amended in section 4.8.1 by
 - (a) deleting clause (d), and
 - (b) relettering clauses (e) and (f) as (d) and (e), respectively.
13. By-law No. 6533 is amended in section 5.6.1 by deleting clause (d).
14. By-law No. 6475 is amended in section 5.8.1 by deleting clause (d).
15. By-law No. 7006 is amended in section 7 by deleting the words "common-use roof decks and patios" from the left column and the corresponding number "55" from the right column.

16. By-law No. 7317 is amended in section 9 by deleting the words "common-use roof decks and patios" from the left column and the corresponding number "55" from the right column.

17. By-law No. 7461 is amended in section 9 of Schedule "B" by deleting the words "common-use roof decks and patios" from the left column and the corresponding number "55" from the right column.

18. By-law No. 7204 is amended in section 12 of Schedule "B" by deleting the words "common-use roof decks and patios" from the left column and the corresponding number "55" from the right column.

19. This By-law comes into force and takes effect on the date of its passing.

DONE AND PASSED in open Council this 11th day of
January , 1996.

"(signed) Jennifer Clarke"
Deputy Mayor

"(signed) Maria C. Kinsella"
City Clerk

"I hereby certify that the foregoing is a correct copy of a By-law passed by the Council of the City of Vancouver on the 11th day of January 1996, and numbered 7515.

CITY CLERK"



CITY OF VANCOUVER
SPECIAL COUNCIL MEETING MINUTES
NOVEMBER 20, 2003

A Special Meeting of the Council of the City of Vancouver was held on Thursday, November 20, 2003, 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, Official Development Plans, Sign By-law and to designate property as protected heritage property and to enter into a Heritage Revitalization Agreement.

PRESENT: Mayor Larry Campbell
Councillor David Cadman
Councillor Peter Ladner
Councillor Raymond Louie
Councillor Tim Louis
Councillor Anne Roberts
Councillor Tim Stevenson
*Councillor Sam Sullivan
Councillor Ellen Woodsworth

ABSENT: Councillor Fred Bass (Leave of Absence - Civic Business)
Councillor Jim Green (Civic Business)

CITY CLERK'S OFFICE: Laura Kazakoff, Meeting Coordinator

*Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Louis
SECONDED by Councillor Cadman

THAT this Council resolve itself into Committee of the Whole, Mayor Campbell in the Chair, to consider proposed amendments to the Zoning and Development By-law, Official Development Plans, Sign By-law, to designate property as protected heritage property and to enter into a Heritage Revitalization Agreement.

CARRIED UNANIMOUSLY

1. Text Amendment: Zoning and Development By-law, CD-1s, and Official Development Plans

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

Summary: Housekeeping amendments to the Zoning and Development By-law, including CD-1s and Official Development Plans.

The Director of Current Planning recommended approval.

Staff Comments

Dave Thomsett, Senior Planner, Rezoning Centre, was present to respond to questions.

Summary of Correspondence

No correspondence was received since the date the application was referred to Public Hearing.

Speakers

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

Council Decision

MOVED by Councillor Louis

THAT the application by the Director of Current Planning to amend the Zoning & Development By-law, CD-1 By-laws and Official Development Plans generally as set out in Appendices A & B of the Policy Report "Miscellaneous Text Amendments: Zoning and Development By-law, CD-1 By-laws, and Official Development Plans, Zoning and Development Fee By-law and Policies and Guidelines" dated September 23, 2003, be approved.

CARRIED UNANIMOUSLY
(Councillor Sullivan absent for the vote)

BY-LAWS

MOVED by Councillor Cadman
SECONDED by Councillor Louie

THAT Council, except for those members excused as noted in the agenda, enact the by-laws listed on the agenda for this meeting as numbers 1 to 11 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to amend Zoning and Development By-law No. 3575 (re miscellaneous text amendments) (By-law No. 8758)
2. A By-law to amend By-law Nos. 6180, 6320, and 8587 which amended Zoning and Development By-law No. 3575 by rezoning certain areas to CD-1 (By-law No. 8759)
3. A By-law to amend miscellaneous CD-1 By-laws (re miscellaneous text and residential storage amendments) (By-law 8760)

(Councillors Bass, Green and Sullivan excused from voting)

4. A By-law to amend Zoning and Development By-law No. 3575 (re miscellaneous text and residential storage amendments) (By-law 8761)

(Councillors Bass, Green and Sullivan excused from voting)

5. A By-law to amend Downtown District Official Development Plan By-law No. 4912, Downtown-Eastside/Oppenheimer District Official Development Plan By-law No. 5532, and Southeast Granville Slopes Official Development Plan By-law No. 5752 (By-law 8762)

(Councillors Bass, Green and Sullivan excused from voting)

6. A By-law to amend Solid Waste and Recycling By-law No. 8417 to regulate certain 2004 utility fees and miscellaneous amendments (By-law 8763)

7. A By-law to amend Water Works By-law No. 4848 (2004 Fees and miscellaneous amendments) (By-law 8764)

8. A By-law to authorize the borrowing of certain sums of money from January 8, 2004 to January 7, 2005 pending the collection of real property taxes (By-law No. 8765)

9. A By-law to amend By-law No. 8093, being the Sewer and Watercourse By-law (Establishment of 2004 Sewer Use and Connection Rates) (By-law No. 8766)

10. A By-law to amend License By-law No. 4450 re 2004 marina operator fee increases

(By-law No. 8767)

11. A By-law to amend Impounding By-law No. 3519 (2004 Charges re Towing Service Contract) (By-law 8768)