



City of Vancouver *Zoning and Development By-law*

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

CD-1 (371)

5299 Arbutus Street

By-law No. 7705

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

Effective February 25, 1997

(Amended up to and including By-law No. 9414, dated December 12, 2006)

Guidelines:

5299 Arbutus Street

CD-1 Guidelines

1 *[Section 1 is not reprinted here. It contains a Standard clause amending Schedule D (Zoning District Plan) to reflect this rezoning to CD-1.]*

2 Uses

The area shown included within the heavy black outline on Schedule "A" shall be more particularly described as CD-1 (371), and the only uses permitted within the outlined area, subject to such conditions as Council may be resolution prescribe, and the only uses for which development permits will be issued are:

- (a) Library,
- (b) Child Day Care Facility and Social Service Centre,
- (c) Office Uses in Floor area existing as of February 25, 1997,
- (d) One-Family Dwelling or One-Family Dwelling with Secondary Suite and Two-Family Dwelling, subject to the regulations of the RS-1S Districts Schedule, [9414; 06 12 12]
- (e) Retail Uses in floor area existing as of February 25, 1997, but limited to Furniture or Appliance Store, Grocery or Drug Store, and Retail Store and not including convenience store,
- (f) Service Uses in floor area existing as of February 25, 1997, but limited to Animal Clinic, Barber Shop or Beauty Salon, Dry Cleaning Establishment, Photofinishing or Photography Studio, Print Shop, Repair Shop - Class B, School - Arts or Self-Improvement and School - Vocational or Trade, and
- (g) Accessory Uses customarily ancillary to the above uses.

3 Floor Space Ratio

3.1 The floor space ratio must not exceed 0.60, except that all non-dwelling uses combined will be limited to a total floor area of 542 m². For the purpose of computing floor space ratio, the site is all parcels covered by this By-law, and is deemed to be 643.9 m², being the site size at time of application for rezoning, prior to any dedications.

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

- (a) all floors of all buildings including accessory buildings, 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.

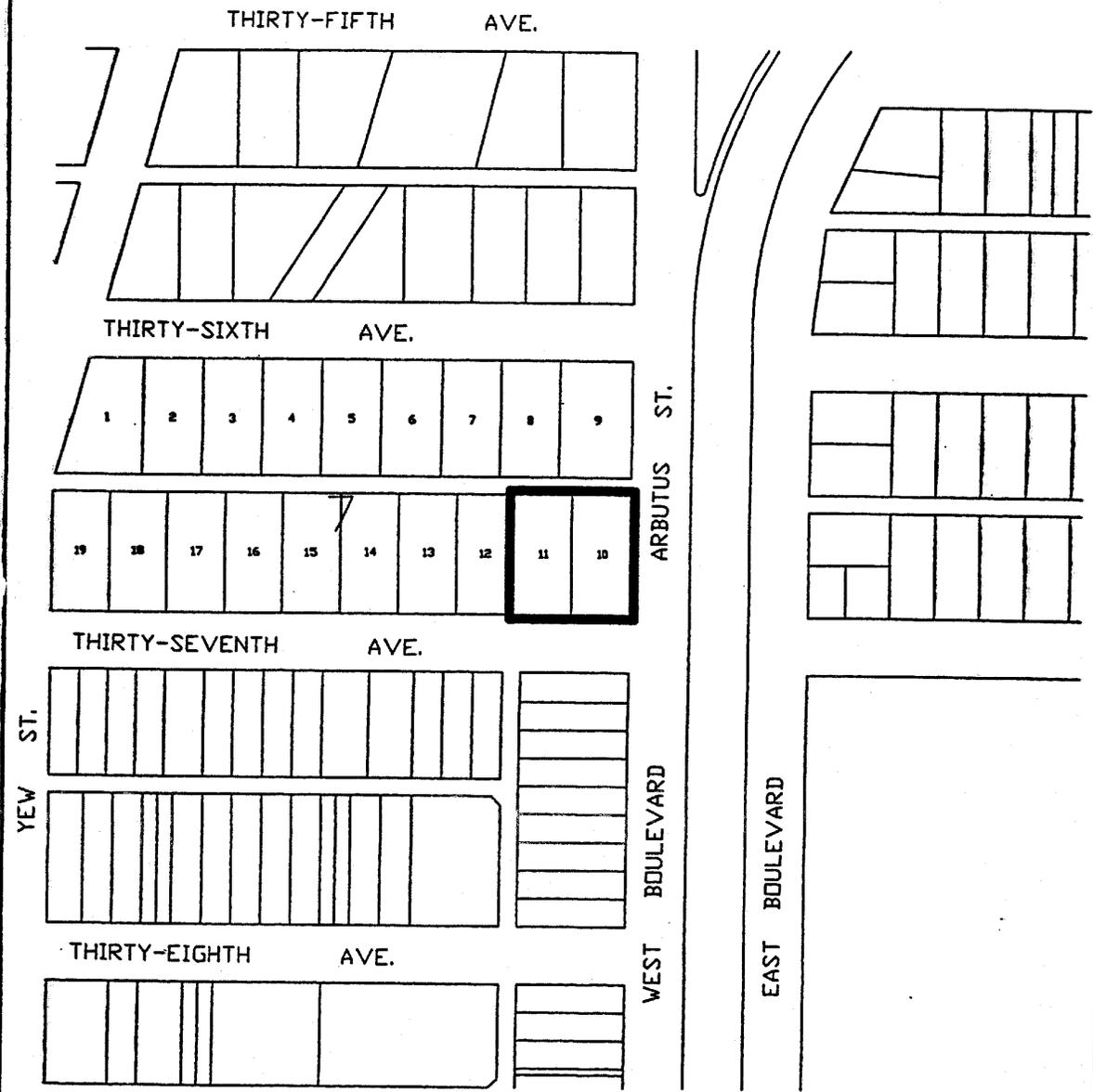
3.3 The following will be excluded in the computation of floor space ratio:

- (a) 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 are at or below the base surface, provided that the maximum exclusion for a parking space does not exceed 7.3 m in length;
- (b) areas of undeveloped floors which are 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 of half-storey with a ceiling height of less than 1.2 m;
- (c) 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]

Note: *Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 7705 or provides an explanatory note.*

- 4 Height
The maximum building height, measured above the base surface is 9.2 m from the base surface, except that a building for a non-dwelling use must not exceed 5.4 m from the base surface or one storey, whichever is lower.
- 5 Off-Street Parking and Loading
Off-street parking and loading for vehicles and spaces for bicycles must be provided, developed and maintained in accordance with the applicable provisions of the Parking By-law.
- 6 *[Section 6 is not reprinted here. It contains a standard clause including the Mayor and City Clerk's signature to pass the by-law and certify the by-law number and date of enactment.]*

BY-LAW No. 7705 BEING A BY-LAW TO AMEND BY-LAW No. 3575
BEING THE ZONING & DEVELOPMENT BY-LAW



The property outlined in black () is rezoned:
From **RS-1S** To **CD-1**

Z-460(a)

RZ 5299 Arbutus Street	map: 1 of 1	
	scale: 1:2000	
City of Vancouver Planning Department		

3. Rezoning: 5299 Arbutus Street

An application by Hugh Shirley, Architect, was considered as follows:

Summary: The proposed rezoning from RS-1 One-Family Dwelling District to CD-1 Comprehensive Development District would permit a broader range of uses within the existing legally non-conforming building, including cultural and recreational, institutional, office, retail and service uses.

The Director of Land Use and Development recommended approval of the application, subject to the following conditions proposed for adoption by resolution of Council:

1. THAT the existing form of development be approved by Council, as illustrated in plans prepared by Hugh Shirley, Architect, and stamped "Planning Department, Received, October 2, 1980", and approved on October 9, 1980 as a Minor Amendment to Development Permit DP86031 which was issued on February 25, 1980.
2. THAT, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application for the use of the presently vacant premises by the Director of Planning who shall have regard to the following:
 - i) principles of crime prevention through environmental design (CPTED), including the following suggestions for improving the environmental design and operation of the existing retail store:
 - (a) relocate garbage away from neighbours and increase pick up frequency,
 - (b) treat blank walls for graffiti,
 - (c) extend fence on the west property line to the front property line, (Note: Consideration should also be given to extending this fence to the rear property line and enclosing the rear loading and garbage container area so that it is secured at all times when deliveries to loading bays or trash pick up are not in progress -- to discourage the use of this somewhat hidden lane area by youths for undesirable activities.)
 - (d) maintain a high standard of maintenance and graffiti removal on the entire property,
 - (e) provide formal surveillance and signage to minimize loitering, and

Clause No. 3 (cont'd)

- (f) **limit commercial uses to those which serve residents in the local neighbourhood without seeking to specifically attract school-age youth;**
 - ii) **confirmation that existing development complies with the Untidy Premises By-law, Standards of Maintenance By-law, Graffiti By-law and Parking By-law, and a plan for maintaining compliance with these City requirements, incorporating daily litter patrol within a one-block radius of the site; and**
 - iii) **confirmation that existing landscaping and development complies with the approved landscape plan (approved with DP86031 and amended October 9, 1980) or a new landscape plan to be approved by the Director of Planning, including provision of a reasonable amount of green planting and other surface treatments, recognizing the heavy foottraffic that affects the health of plants (areas of compacted dirt, dead plants and similar conditions should be eliminated), and improved maintenance and pruning of overgrown landscaping to reduce opportunities for loitering in bushes adjacent to the neighbouring property.**
- 3. **THAT, prior to enactment of the CD-1 By-law, and at no cost to the City, Tonecraft Corporation shall make arrangements, to the satisfaction of the Director of Legal Services, in consultation with the Director of Land Use and Development, for the following:**
 - i) **telephone booth(s) to be relocated away from the 7-Eleven store and abutting residential development and nearer to Arbutus Street and street lighting; and**
 - ii) **new telephone or electrical services to be undergrounded within and adjacent the site from the closest existing suitable service point.**
- 4. **THAT Council, at the time of CD-1 By-law enactment, adopt the guidelines entitled "5299 Arbutus Street CD-1 Guidelines" presented at the Public Hearing.**

Clause No. 3 (cont'd)

Staff Opening Comments

Phil Mondor, Planner, reviewed the history of the site. The application has been submitted on behalf of a long-term lessee, Tonecraft, which is the landlord of the existing 7-11 store. The remainder of the existing building on the site, currently vacant, cannot be put to any commercial use because the site is zoned RS-1. If approved, the proposed CD-1 rezoning would permit Tonecraft to rent out the vacant portion of the existing building. The list of uses before Council was drawn up in consultation with the neighbourhood, whittled down from an original list of 45 requested by the applicant to the 15 now recommended. The uses recommended coincide fairly closely with the wishes of the neighbours. Conditions requested by the neighbours are also dealt with in the report before Council. Any development application for the site would have to address conditions of approval related to Police concerns, standards of maintenance and other by-laws.

Applicant Opening Comments

Hugh Shirley, Architect, advised his client has a long-term commitment to the site, but is unable to rent the vacant half of this two-unit building without the requested rezoning. A number of issues were raised during the open house, many relating to the 7-11 operation. To address concerns, there is a commitment to re-work the landscaping, ongoing clean-up and graffiti removal, and that at the expiration of 7-11's lease the unit will not be leased to another convenience store. Half of the building has been standing empty since 1994, and it is expected an additional tenant under the proposed conditions will have a greater interest in the neighbourhood.

Rolf Meyer, Tonecraft, confirmed the unit next to 7-11 has been empty since October 1994, but is still paying commercial taxes. An empty unit next to 7-11 does no one any good, whereas a tenant would provide increased surveillance of the site. The lease with 7-11 permits Tonecraft to exercise only general controls; however, he has been assured there is litter control and the back is being kept clean. Graffiti has been painted out. Mr. Meyer doubted the operation is worse than that of such stores generally, but will continue to monitor the situation to the extent possible. Hard landscaping will be installed to address concerns.

Summary of Correspondence

A review of correspondence received indicated one letter opposed to the application.

Clause No. 3 (cont'd)

Speakers

Mayor Owen called for speakers for and against the application, and the following spoke in opposition:

- Mike Collins
- Elaine Dockstader
- Afton Cayford
- Gillian Collins
- David Kwan
- Rhonna Simonson.

The foregoing objected to the application on one or more of the following grounds:

- the neighbourhood 7-11 is a nuisance, causing young people from nearby schools to congregate in the area with consequent loitering, vandalism, littering, trespassing, damage to property, graffiti, fights and other disturbances, and encouragement to drug use and dealing;
- trucks unloading at 7-11 do not use the unloading bays because the door is kept locked contrary to City by-laws, and therefore block the streets in an area which already has limited access and otherwise disturb the neighbourhood;
- some speakers were concerned that any commercial use adjacent to a residential area would have serious negative effects;
- some speakers felt the proposed list of uses does not go far enough in addressing neighbourhood concerns; specifically, Council was asked to delete the uses social service centre and laundromat because they may keep undesirable hours or encourage loitering, retail stores because this covers too wide a range of uses, and furniture store because this may be a junk store with undesirable impacts;
- conditions of use should appear as by-law requirements to ensure they are enforceable rather than guidelines, in particular hours of use and non-renewal of permits for uses which prove problematic;
- gravel landscaping should not be used, and Tonecraft should be responsible for maintenance;
- video games should be removed from the 7-11;

Clause No. 3 (cont'd)

- it is unreasonable to expect that another tenant would monitor the situation, which is the responsibility of Tonecraft;
- Tonecraft has done an inadequate job of controlling the 7-11 and there is no reason to expect another commercial tenant would be adequately controlled;
- Police would like to see the 7-11 removed, and their concerns have not been addressed;
- refuse this application or make it contingent upon removal of the 7-11.

The following speaker supported the application on the grounds that the recommended uses and controls would be an improvement, but objected to the gross signage on the site:

- Charles Flavelle.

Applicant Closing Comments

In response to a query, Mr. Shirley advised Tonecraft would have no objection to not having 24-hour operations by new tenants, although this may not be a problem depending on the type of tenant. The list of uses is fairly short already compared to what was requested, and there is protection for the neighbourhood against disruptive uses. Tonecraft is not seeking further development, only to use the existing building.

Mr. Meyer responded to questions about the 7-11 lease. It has four years to run, with another ten years renewal at 7-11's option. There is no demolition clause. Mr. Meyer reiterated that Tonecraft simply wishes to put a vacant commercial space to use.

Staff Closing Comments

Mr. Mondor acknowledged neighbourhood concerns regarding the existing 7-11, but clarified problems associated with its operation cannot be dealt with through the rezoning process. 7-11 is there under valid permits issued in accordance with regulations at that time, and cannot be summarily removed. The video games, similarly, are a legal if non-conforming use. Businesses which create a neighbourhood nuisance are more appropriately dealt with through the Courts, or under the Show Cause process. Staff in other departments have been consulted, and are monitoring 7-11's operation.

Clause No. 3 (cont'd)

Re uses referenced by speakers, social service centres should not prove problematic; junk stores are a separate use not included in the recommended list; Planning would agree if Council wished to remove laundromats from the list; and while many retail stores would be acceptable, Council could specify retail stores not including convenience stores. Some conditions are not included in the CD-1 By-law on the advice of the Law Department that their inclusion would be redundant since they occur in the Zoning and Development By-law. Other aspects of language were also clarified. The matter of delivery trucks will be dealt with, and may involve use of shrubbery; there is no practical reason not to use the fully functional loading bay.

Rick Scobie, Director of Land Use and Development, responded to a query concerning development permit approval. Mr. Scobie indicated he would be reluctant to use the zoning process to enforce other City by-laws, but would certainly take into account the types of problems which might arise from a use after consideration of the premises at present. Mr. Scobie also indicated he would review documentation concerning the signage, and if it proves to be non-compliant, will ask the Director of Permits and Licenses to pursue enforcement.

Council Discussion

Council felt that the situation would not be improved by leaving the vacant store empty. A tenant will create its own activity on the site and may well improve the situation.

MOVED by Cllr. Bellamy,

THAT the application be approved, subject to the conditions set out in this Minute of Public Hearing, after amendment to the draft by-law as follows:

- amend Section 2 (e) to read "Retail uses in floor area existing as of [date of enactment], limited to Furniture or Appliance Store, Grocery or Drug Store, and Retail Store, and not including convenience store.";
- delete the use "laundromat" from Section 2 (f);

AND THAT as a condition of by-law enactment, the Director of Planning seek an undertaking from the landlord that hours of business of any tenant on the site will be limited to 6:00 a.m. to 12:00 p.m.;

(underlining denotes amendment)

Clause No. 3 (cont'd)

AND THAT the landlord be encouraged to use whatever means are available to ensure proper management by the 7-11;

AND FURTHER THAT the Director of Planning be strongly encouraged to ensure that any new uses are compatible with the neighbourhood.

- CARRIED

(Councillor Price opposed)

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Cllr. Bellamy,

THAT the Committee of the Whole rise and report.

- CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Cllr. Bellamy,

SECONDED BY Cllr. Sullivan,

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

- CARRIED UNANIMOUSLY

* * * * *

The Special Council adjourned at 12:20 a.m, Wednesday, January 17, 1997.

* * * * *

5299 Arbutus Street

BY-LAW NO. 7705

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-460(a) and attached to this By-law as Schedule "A", and in accordance with the explanatory legends, notations and references inscribed therein, 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. Uses

The area shown included within the heavy black outline on Schedule "A" shall be more particularly described as CD-1 (371), and the only uses permitted within the outlined area, subject to such conditions as Council may by resolution prescribe, and the only uses for which development permits will be issued are

- (a) Library,
- (b) Child Day Care Facility and Social Service Centre,
- (c) Office Uses in floor area existing as of February 25, 1997,
- (d) One-Family Dwelling and Two-Family Dwelling, subject to the regulations of the RS-1 and RS-1S Districts Schedule,
- (e) Retail Uses in floor area existing as of February 25, 1997, but limited to Furniture or Appliance Store, Grocery or Drug Store, and Retail Store and not including convenience store,
- (f) Service Uses in floor area existing as of February 25, 1997, but

limited to Animal Clinic, Barber Shop or Beauty Salon, Dry Cleaning Establishment, Photofinishing or Photography Studio, Print Shop, Repair Shop - Class B, School - Arts or Self-Improvement and School - Vocational or Trade, and

(g) Accessory Uses customarily ancillary to the above uses.

3. Floor Space Ratio

3.1 The floor space ratio must not exceed 0.60, except that all non-dwelling uses combined will be limited to a total floor area of 542 m². For the purpose of computing floor space ratio, the site is all parcels covered by this By-law, and is deemed to be 643.9 m², being the site size at time of application for rezoning, prior to any dedications.

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

- (a) all floors of all buildings including accessory buildings, 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 will be excluded in the computation of floor space ratio:

- (a) 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 are at or below the base surface, provided that the maximum exclusion for a parking space does not exceed 7.3 m in length; and
- (b) areas of undeveloped floors which are 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.

4. Height

The maximum building height measured above the base surface is 9.2 m from the base surface, except that a building for a non-dwelling use must not exceed 5.4 m from the base surface or one storey, whichever is lower.

5. Off-Street Parking and Loading

Off-street parking and loading for vehicles and spaces for bicycles must be provided, developed and maintained in accordance with the applicable provisions of the Parking By-law.

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

DONE AND PASSED in open Council this 25th day of February, 1997.

"(signed) Philip W. Owen"

Mayor

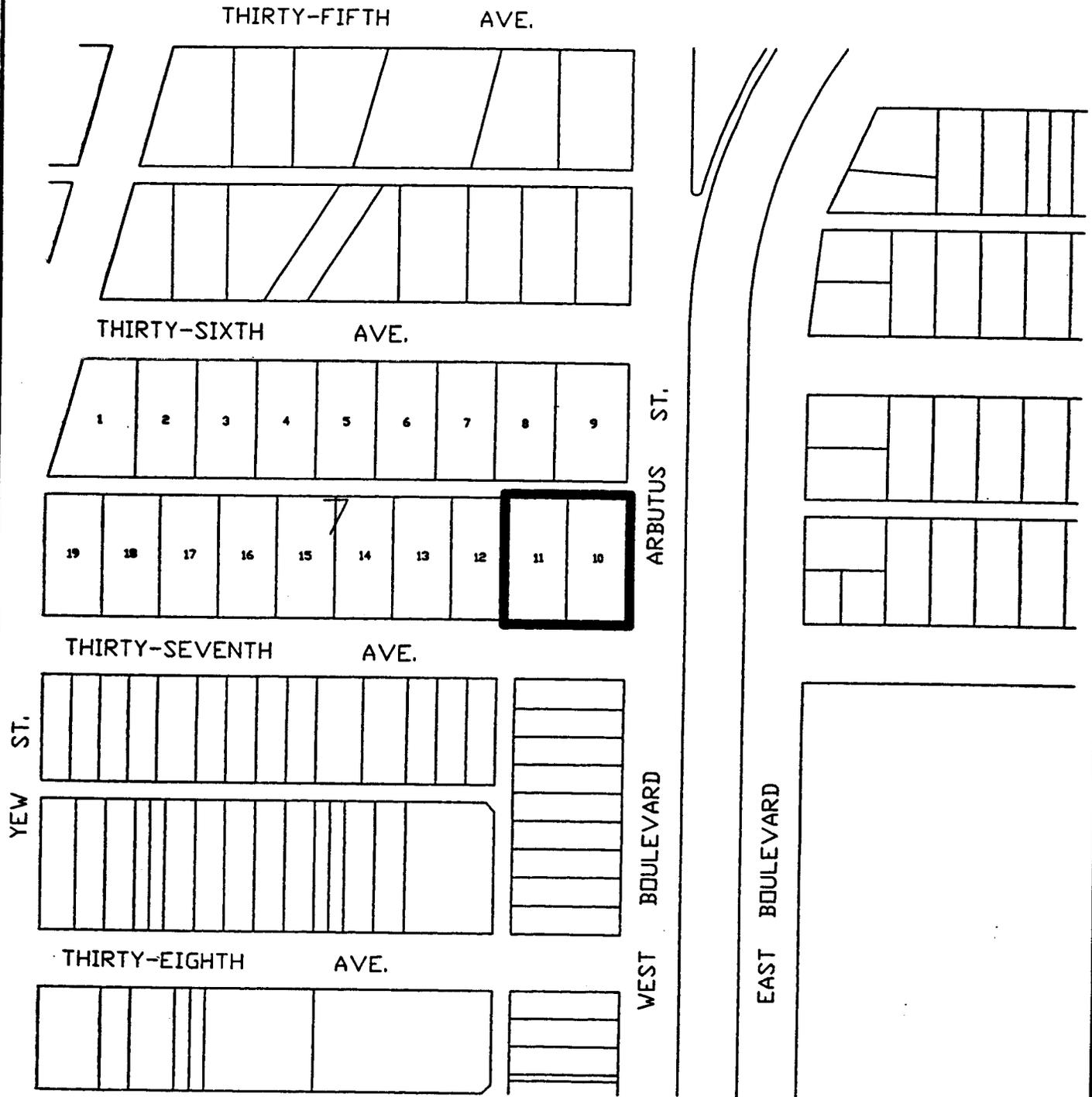
"(signed) Maria C. Kinsella"

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 25th day of February 1997, and numbered 7705.

CITY CLERK"

BY-LAW No. 7705 BEING A BY-LAW TO AMEND BY-LAW No. 3575
BEING THE ZONING & DEVELOPMENT BY-LAW



The property outlined in black () is rezoned:
From **RS-1S** To **CD-1**

Z-460(a)

RZ 5299 Arbutus Street

map: 1 of 1

City of Vancouver Planning Department

scale: 1:2000



MOTIONS (CONT'D)

**B. Approval of Form of Development
(CD-1: 5299 Arbutus Street)**

File: 2604-1

MOVED by Cllr. Price,
SECONDED by Cllr. Clarke,

THAT the approved form of development for the CD-1 zoned site known as 5299 Arbutus Street be amended generally as illustrated in Development Permit No. DP86031, prepared by Hugh Shirley, Architect, and stamped "Planning Department, Received, October 2, 1980", 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.

- CARRIED UNANIMOUSLY

C. CD-1 Guidelines (5299 Arbutus Street)

File: 5301-1

MOVED by Cllr. Price,
SECONDED by Cllr. Clarke,

THAT the document entitled "5299 Arbutus Street CD-1 Guidelines" be adopted by Council for use by applicants and staff for development applications at 5299 Arbutus Street.

- CARRIED UNANIMOUSLY

CITY OF VANCOUVER



MEMORANDUM

From: CITY CLERK'S OFFICE

Date: February 24, 1997
Refer File: 2604-1

To: Ken Dobell, City Manager
Ted Droettboom, General Manager of Community Services
Rick Scobie, Director of Land Use & Development

Subject: Approval of Form of Development
(CD-1: 5299 Arbutus Street) ?

RECEIVED
PLANNING DEPARTMENT
FEB 25 1997
NUMBER T 1416
REFERRED TO FAS
COPY TO (RJ)
ANSWER REQ'D.....

On February 18, 1997, Vancouver City Council ~~passed~~ the following motion:

THAT the approved form of development for the CD-1 zoned site known as 5299 Arbutus Street be amended generally as illustrated in Development Permit No. DP86031, prepared by Hugh Shirley, Architect, and stamped "Planning Department, Received, October 2, 1980", 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.

Shobha Rae
Committee Clerk

SRae:dmy

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Cllr. Bellamy,
THAT the Committee of the Whole rise and report

- CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Cllr. Bellamy,
SECONDED by Cllr. Puil,
THAT the report of the Committee of the Whole be adopted.

- CARRIED UNANIMOUSLY

BY-LAWS

1. **A By-law to amend By-law No. 3575,
being the Zoning and Development By-law
(5299 Arbutus Street - Rezoning RS-1S to CD-1)**

MOVED by Cllr. Bellamy,
SECONDED by Cllr. Clarke,
THAT the By-law be introduced and read a first time.

- CARRIED UNANIMOUSLY

The By-law was read a first time and the Presiding Officer declared the By-law open for discussion and amendment.

There being no amendments, it was

MOVED by Cllr. Bellamy,
SECONDED by Cllr. Clarke,
THAT the By-law be given second and third readings and the Mayor and City Clerk be authorized to sign and seal the By-law.

- CARRIED UNANIMOUSLY

BY-LAW NO. 7708

A By-law to amend
By-law No. 6510, being the
Sign By-law

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

1. Schedule E to By-law No. 6510 is amended by adding the
following:

"5299 Arbutus St. CD-1(371) 7705 B(C-1)"

2. 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 March
1997.

"(signed) Philip W. Owen"
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 March, 1997, and numbered 7708.

City Clerk"

BY-LAWS

(371)

1. **A By-law to amend By-law No. 6510,
being the Sign By-law (5299 Arbutus Street)**

MOVED by Cllr. Price,
SECONDED by Cllr. Clarke,
THAT the By-law be introduced and read a first time.

- CARRIED UNANIMOUSLY

The By-law was read a first time and the Presiding Officer declared the By-law open for discussion and amendment.

There being no amendments, it was

MOVED by Cllr. Price,
SECONDED by Cllr. Clarke,
THAT the By-law be given second and third readings and the Mayor and City Clerk be authorized to sign and seal the By-law.

- CARRIED UNANIMOUSLY

2. **A By-law to assess certain real property in the year 1997
for the purpose of defraying the costs and charges with
respect to two collective parking projects
(1996 Maintenance Costs for Local Improvements)**

MOVED by Cllr. Price,
SECONDED by Cllr. Clarke,
THAT the By-law be introduced and read a first time.

- CARRIED UNANIMOUSLY

The By-law was read a first time and the Presiding Officer declared the By-law open for discussion and amendment.

MOTIONS (CONT'D)

Allocation of Lands for Lane Purposes (The West 2 feet of Lot 21, Block 13, District Lot 352, Plan 1515) (cont'd)

Block 13
District Lot 352
Plan 1515

AND WHEREAS it is deemed expedient and in the public interest to accept and allocate the said lands for lane purposes;

BE IT RESOLVED that the above described lands, upon conveyance, are hereby accepted and allocated for lane purposes and declared to form and to constitute a portion of a lane.

- CARRIED UNANIMOUSLY

B. CD-1 Guidelines (5299 Arbutus Street)

(371)

File: 5303-1

MOVED by Cllr. Kennedy,
SECONDED by Cllr. Sullivan,

THAT the approved form of development for the CD-1 zoned site known as 5299 Arbutus Street be amended generally as illustrated in Development Permit No. DP86031, prepared by Hugh Shirley, Architect, and stamped "Planning Department, Received, October 2, 1980", 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.

- CARRIED UNANIMOUSLY

CITY OF VANCOUVER



MEMORANDUM

FROM: City Clerk's Office

DATE: March 13, 1997

FILE: 5303-1

TO: Ken Dobell, City Manager
Ted Droettboom, General Manager of Community Services
Rick Scobie, Director of Land Use and Development

SUBJECT: CD-1 Guidelines (5299 Arbutus Street)

CD-1 (371)

On March 11, 1997, Vancouver City Council passed the following motion:

"THAT the approved form of development for the CD-1 zoned site known as 5299 Arbutus Street be amended generally as illustrated in Development Permit No. DP86031, prepared by Hugh Shirley, Architect, and stamped 'Planning Department, Received, October 2, 1980', 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.

Bae

COMMITTEE CLERK

SRae:dmy

RECEIVED	
PLANNING DEPARTMENT	
MAR 14 1997	
NUMBER.....	<i>T 2398</i>
REFERRED TO.....	<i>FAS</i>
COPY TO.....	<i>(RT)</i>
ANSWER REQ'D.....	

Secondary suites

BY-LAW NO. 9414

A By-law to amend CD-1 By-law No.'s 4670, 4918, 5028, 5416, 5937, 5950, 6169, 6312, 6313, 6315, 6316, 6318, 6319, 6320, 6321, 6322, 6323, 6361, 6362, 6363, 6528, 7405, and 7705

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

1. To section 2 of By-law No.'s 4670 and 4918, and to section 2(a) of By-law No.'s 5416, 5937, 5950 and 6528, after "dwellings", Council adds "or one-family dwellings with secondary suite".
2. In section 2 of By-law No. 5028, Council:
 - (a) after "dwellings", Council adds "or one-family dwellings with secondary suite"; and
 - (b) strikes out "dwelling units" each time it appears, and substitutes "one-family dwellings and one-family dwellings with secondary suite combined".
3. To section 2 of By-law No.'s 6312, 6315, 6316, 6318, 6319, 6320, 6321, 6322, 6323, 6361 and 6362, to subsections (a) and (b) of By-law No. 6363, and to section 2(b) of By-law No. 6313, after "One-family dwelling", Council adds "or one-family dwelling with secondary suite".
4. In By-law No. 6169, Council:
 - (a) from section 2(a), strikes out "dwelling", and substitutes "dwellings or one-family dwellings with secondary suite"; and
 - (b) from section 8, strikes out "dwelling unit", and substitutes "one-family dwelling or one-family dwelling with secondary suite".
5. To section 2(a) of By-law No. 7405, after "One-Family Dwellings", Council adds "or One-Family Dwellings with Secondary Suite".
6. To section 2(d) of By-law No. 7705, after "One-Family Dwelling", Council adds "or One-Family Dwelling with Secondary Suite".
7. To section 3.1 of By-law No.'s 6315, 6321, 6322, 6323 and 6362, to section 3.2 of By-law No.'s 6316, 6318, 6319, 6320 and 6361, to section 6.1 of By-law No.'s 6321, 6322 and 6323, and to sections 6.3 and 7.1 of By-law No. 6362, after "one-family dwelling", Council adds "or one-family dwelling with secondary suite".

8. In By-law No. 4918, Council repeals:
 - (a) section 4, and substitutes:
 - “4. The number of one-family dwellings and one-family dwellings with secondary suite, combined, must not exceed eight per acre.”;
 - (b) section 5, and substitutes:
 - “5. The height of any one-family dwelling or one-family dwelling with secondary suite must not exceed two storeys and a cellar or one storey and a basement.”; and
 - (c) section 6, and substitutes:
 - “6. Each one-family dwelling or one-family dwelling with secondary suite must have 1.5 off-street parking spaces except for a building constructed after April 20, 2004 which must have at least two off-street parking spaces.”.
9. In By-law No. 5028, Council repeals section 5, and substitutes:
 - “5. Each one-family dwelling or one-family dwelling with secondary suite must have two off-street parking spaces.”.
10. In By-law No. 5416, Council:
 - (a) repeals the first sentence of section 7, and substitutes:
 - “Each one-family dwelling or one-family dwelling with secondary suite must have at least two off-street parking spaces with access from the lane.”; and
 - (b) repeals section 9.
11. 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.

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

ENACTED by Council this 12th day of December, 2006



Mayor



City Clerk

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Ladner

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Anton
SECONDED by Councillor Chow

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

CARRIED UNANIMOUSLY

BY-LAWS

MOVED by Councillor Louie
SECONDED by Councillor Cadman

THAT Council enact the by-laws before them at this meeting as numbers 1 and 2, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to amend various CD-1 By-laws re secondary suites (By-law No. 9414)
2. A By-law to amend the Zoning and Development By-law re retail and wholesale uses (By-law No. 9415)

The Special Council adjourned at 8:20 p.m.

2. TEXT AMENDMENT: Secondary Suites: Amendments to Various CD-1 By-laws

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

Summary: To amend various CD-1 By-laws to allow "one-family dwelling with secondary suite" as a use in CD-1s that currently permit one-family dwellings.

The Director of Planning recommended approval.

Staff Comments

Joyce Uyesugi, Planner, CityPlans, was present to respond to questions.

Summary of Correspondence

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

Speakers

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

Council Decision

MOVED by Councillor Capri

THAT the application to amend the applicable sections of various CD-1 By-laws to permit one-family dwellings with a secondary suite, generally in accordance with Appendix A to the Administrative Report, "Secondary Suites: Amendments to Various CD-1 By-laws" dated October 17, 2006 be approved.

CARRIED UNANIMOUSLY



CITY OF VANCOUVER
SPECIAL COUNCIL MEETING MINUTES
DECEMBER 12, 2006

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, December 12, 2006, 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 and Sign By-laws.

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 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 and Sign By-laws.

CARRIED UNANIMOUSLY

1. TEXT AMENDMENT: Retail and Wholesale Definitions

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

Summary: To amend Section 2 of the Zoning and Development By-law to improve and clarify the differentiation between retail and wholesale functions.

The Director of Planning, in consultation with the Director of Legal Services, recommended approval.