

City of Vancouver *Zoning and Development By-law*

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planning@city.vancouver.bc.ca

CD-1 (424)

745-749 West 42nd Avenue

5816-5818 Tisdall Street

By-law No. 8926

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

Effective September 14, 2004

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

2 Uses

2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (424).

2.2 The only uses permitted within CD-1 (424), subject to such conditions as Council may by resolution prescribe, and to the conditions set out in this By-law, 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 Dwellings containing a maximum of 25 dwelling units; and
- (b) Accessory Use customarily ancillary to any of the uses permitted by this section 2.2.

3 Density

3.1 The floor space ratio must not exceed 1.0.

3.2 Computation of floor space ratio must include:

- (a) all floors having a minimum ceiling height of 1.2 m, 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 Computation of floor space ratio must exclude:

- (a) open residential balconies or sundecks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing;
- (b) patios and roof gardens if the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which:
 - (i) are at or below the base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m 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, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;
- (d) amenity areas, including day care facilities, recreation facilities, and meeting rooms, not to exceed 10% of the total permitted floor area;
- (e) areas of undeveloped floors located:
 - (i) above the highest storey or half-storey, and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (f) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit; and
- (g) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause does not apply to walls in existence prior to March 14, 2000.

4 Building height

The building height, measured above base surface, must not exceed 9.2 m, except that the Director of Planning may permit an increase to 11.7 m to allow for a pitched roof form.

5 Setback

The setback of a building must be at least:

- (a) 2.3 m from the north rear property line;
- (b) 2.8 m from the east rear property line;
- (c) 2.0 m from the west side yard property line;
- (d) 4.7 m from the south side yard property line; and
- (e) 4.8 m from Tisdall Street and 42nd Avenue.

6 Parking and loading, and bicycle spaces

Any development or use of the site requires the provision, development, and maintenance, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in, the Parking By-law, of off-street parking, loading, and bicycle storage, except that each dwelling unit must have the lesser of one parking space for each 70 m² of gross floor area and 1.6 parking spaces.

7 Acoustics

All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of the dwelling units listed below do not exceed the noise level set opposite such portions. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and is defined simply as noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
Bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

8 Severability

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

9 Force and effect

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

10 *[Section 10 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. 8926 being a By-law to amend By-law No. 3575

being the Zoning & Development By-law



The property outlined in black () is amended:

From **RT-1** to **CD-1**

Z-550

RZ - 745-749 W. 42nd Ave. & 5816-5818 Tisdall St.

map: 1 of 1

scale: 1:2000



City of Vancouver

745 - 749 West 42nd Avenue
5816 - 5818 Tisdall Street

BY-LAW NO. 8926

A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1

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

Zoning District Plan amendment

1. This By-law amends the Zoning District Plan attached as Schedule D to By-law No. 3575, and amends or substitutes the boundaries and districts shown on it, according to the amendments, substitutions, explanatory legends, notations, and references shown on the plan marginally numbered Z-550 attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

Uses

2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (424).

2.2 The only uses permitted within CD-1 (424), subject to such conditions as Council may by resolution prescribe, and to the conditions set out in this By-law, 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 Dwellings containing a maximum of 25 dwelling units; and
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Density

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3.2 Computation of floor space ratio must include:

- (a) all floors having a minimum ceiling height of 1.2 m, 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.

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 - (i) are at or below the base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m 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, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;
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- (e) areas of undeveloped floors located:
 - (i) above the highest storey or half-storey, and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
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Building Height

4. The building height, measured above base surface, must not exceed 9.2 m, except that the Director of Planning may permit an increase to 11.7 m to allow for a pitched roof form.

Setback

5. The setback of a building must be at least:
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 - (c) 2.0 m from the west side yard property line;
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 - (e) 4.8 m from Tisdall Street and 42nd Avenue.

Parking, loading, and bicycle spaces

6. Any development or use of the site requires the provision, development, and maintenance, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in, the Parking By-law, of off-street parking, loading, and bicycle storage, except that each dwelling unit must have the lesser of one parking space for each 70 m² of gross floor area and 1.6 parking spaces.

Acoustics

7. All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of the dwelling units listed below do not exceed the noise level set opposite such portions. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and is defined simply as noise level in decibels.

<u>Portions of dwelling units</u>	<u>Noise levels (Decibels)</u>
Bedrooms	35
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kitchen, bathrooms, hallways	45

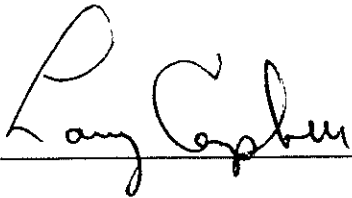
Severability

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


Force and effect

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

ENACTED by Council this 14th day of September, 2004



Mayor



City Clerk

By-law No. 8926 being a By-law to amend By-law No. 3575
being the Zoning & Development By-law



The property outlined in black () is amended:
From **RT-1** to **CD-1**

Z-550

RZ - 745-749 W. 42nd Ave. & 5816-5818 Tisdall St.

map: 1 of 1
scale: 1:2000



BY-LAWS

MOVED by Councillor Bass
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 2 to 14 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

2. A By-law to amend Zoning and Development Fee By-law No. 5585 to increase fees (By-law No. 8915)
3. A By-law to amend Building By-law No. 8057 to increase fees (By-law No. 8916)
4. A By-law to amend Electrical By-law No. 5563 to increase fees (By-law No. 8917)
5. A By-law to amend Sign By-law No. 6510 to increase fees (By-law No. 8918)
6. A By-law to amend Private Property Tree By-law No. 7347 to increase fees (By-law No. 8919)
7. A By-law to amend Miscellaneous Fees (Planning) By-law No. 5664 to change the by-law title and increase fees (By-law No. 8920)
8. A By-law to amend Subdivision By-law No. 5208 to increase fees (By-law No. 8921)
9. A By-law to amend Gas Fitting By-law No. 3507 to increase fees (By-law No. 8922)
10. A By-law to amend Secondary Suite Inspection Fee By-law No. 6553 to increase fees (By-law No. 8923)
11. A By-law to provide for the imposition of interest on delinquent property taxes for 2005 (By-law No. 8924)
12. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (1475 Howe Street) (By-law No. 8925)
(Councillor Woodsworth and the Mayor excused from voting)
13. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (745 - 749 West 42nd Avenue and 5816 - 5818 Tisdall Street) (By-law No. 8926)
14. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (5312 - 5392 Oak Street) (By-law No. 8927)

Councillor Louis requested the City Manager to provide information on By-law 1.

MOVED by Councillor Bass
SECONDED by Councillor Louie

THAT Council enact the by-law listed on the agenda for this meeting as number 1 and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to amend Noise Control By-law No. 6555 (900 Pacific Boulevard) (By-law No. 8913)

CITY OF VANCOUVER

SPECIAL COUNCIL MEETING MINUTES

FEBRUARY 24, 2004



A Special Meeting of the Council of the City of Vancouver was held on Tuesday, February 24, 2004, at 7:40 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the Zoning and Development By-law and Official Development Plans, to designate heritage property, and to enter into a Heritage Revitalization Agreement.

PRESENT:

- Mayor Larry Campbell
- Councillor Fred Bass
- Councillor David Cadman
- Councillor Jim Green
- Councillor Peter Ladner
- Councillor Raymond Louie
- Councillor Tim Louis
- Councillor Anne Roberts
- Councillor Tim Stevenson
- Councillor Sam Sullivan
- Councillor Ellen Woodsworth

CITY CLERK'S OFFICE:

Laura Kazakoff, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Roberts
SECONDED by Councillor Louie

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 and Official Development Plans, to designate heritage property, and to enter into a Heritage Revitalization Agreement.

CARRIED UNANIMOUSLY

1. Heritage Designation: 450 West 2nd Avenue

An application by Bastion Developments was considered as follows:

Summary: Heritage designation of the Nye Building at 450 West 2nd Avenue.

The Director of Current Planning recommended approval.

4. Rezoning: 745-749 West 42nd Avenue and 5816-5818 Tisdall Street

An application by Mosaic Avenue Lands Ltd. was considered as follows:

Summary: To rezone the site from Two-Family Delling District (RT-1) to Comprehensive Development District (CD-1) to permit the development of 25 townhouses.

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

Staff Comments

Alan Duncan, Rezoning Planner, was present to respond to questions.

Applicant Comments

Chris Barrati, Mosaic Avenue Lands Ltd., was present to respond to questions.

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 Louie

- A. THAT the application by Mosaic Avenue Lands Ltd. to rezone 745-749 West 42nd Avenue and 5816-5818 Tisdall Street (Lots 17 and 18, Block E of Block 1008, DL 526, Plan 10698: PID 004778952) from RT-1 to CD-1, to permit 25 townhouses at a floor space ratio of 1.0 generally as set out in Appendix A of the Policy report dated December 24, 2003 entitled "CD-1 Rezoning - 745-749 West 42nd Avenue and 5816-5818 Tisdall Street" be approved, subject to the following conditions:
- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Hollifield Architect Inc. and stamped "Received City Planning Department, August 18, 2003", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
 - (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Design Development:

- (i) design development to the streetscape as seen from Tisdall and West 42nd Avenue, improving building visibility and relationship to the street of Building A, and improving building identity for all three buildings;
- (ii) design development to the architectural treatment of Building A, north and east elevation, as seen from West 41st Avenue;

Note to applicant: Proposed redevelopment of the property to the immediate north across the lane will result in the north and east elevations of Building A being highly visible from West 41st Avenue.

- (iii) design development to the roof form and detailing of Building A, to be more compatible with that of Buildings B and C;
- (iv) design development to improve the grade relationship of Buildings B and C to adjacent grades, by lowering the finish grade adjacent to the southerly neighbouring property, as well as to the proposed garden area north of Building B.

Note to applicant: Greater grade compatibility is related to issues of neighbourliness. This may require lowering of the structured parking.

- (v) design development to exterior finishes so that the predominate material for all three buildings is brick as seen from the street;
- (vi) design development to the parking entries and related structure, to better integrate them into the building design;
- (vii) design development to provide all units with on-site access to the mail kiosk and garbage area;
- (viii) design development to the parking garage exit stair, relocating it away from the front property line and integrating it into the landscaping;

Note to applicant: Refer to related the Crime Prevention Through Environmental Design (CPTED) conditions. Consider enclosing the stairwell.

CPTED (Crime Prevention Through Environmental Design):

- (ix) design development to take into consideration the principles of CPTED having particular regard for reducing opportunities for:
 - unintended cut-throughs;
 - theft in the underground parking by relocating perimeter exit stair out of the front yard;

- break and enter; and
- nuisance activity such as graffiti on the lane;

Landscape:

- (x) design development to provide more common open space on site;
- (xi) design development to provide high quality finishes (such as unit pavers) for all hard surfaces such as walkways and patios;
- (xii) design development to provide coniferous trees along the lane in order to visually mitigate the loss of existing trees along the eastern edge of the site;

Fire:

- (xiii) design development to have all townhouse units sprinklered to NFPA 13 and to include a 64 mm standpipe connection along the 2 m wide access pathway at the gate or property line.

Note to applicant: A request for equivalency for the three buildings on site must be submitted to the satisfaction of the Fire Chief prior to issuance of a development permit.

AGREEMENTS:

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

Engineering Services:

- (i) Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for:
 - (1) consolidation of Lots 17 and 18, Block E of Block 1008, D.L. 526, Plan 10698; and
 - (2) provision of street trees adjacent the site where space permits.
- (ii) Make arrangements to the satisfaction of the General Manager of Engineering Services for all new Hydro and Telus services to be undergrounded within and adjacent to the site from the closest existing suitable service point, including a review of any necessary overhead cabling to determine any impact, if any, on the neighbourhood.

- B. THAT, if the rezoning is approved, at the time of enactment the by-law be accompanied by amendments to the Noise Control By-law to include the CD-1 in Schedule B of the Noise Control By-law.

CARRIED UNANIMOUSLY