



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 (465)

5429-5439 Willow Street

By-law No. 9612

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

Effective March 11, 2008

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 (465).

2.2 Subject to approval by Council of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within CD-1 (465) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Dwelling Uses, limited to Multiple Dwelling; and
- (b) Accessory Uses customarily ancillary to any of the uses listed in this section 2.2.

3 Density

3.1 The number of dwelling units on the site must not exceed 10.

3.2 The floor space ratio for all permitted uses must not exceed 1.0.

3.3 Computation of floor space ratio must include:

- (a) all floors, including earthen floor, measured to the extreme outer limits of the building;
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located; and
- (c) where the distance from a floor to the floor above or, where there is no floor above to the top of the roof joists, exceeds 3.7 m, an amount equal to the area of the floor below the excess height.

3.4 Computation of floor space ratio must exclude:

- (a) open residential balconies or sun decks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that the total area of all exclusions must not exceed 8% of the permitted residential floor area;
- (b) patios and roof gardens if the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading or bicycle storage in a multiple dwelling, those floors or portions thereof not exceeding 6.7 m in length so used, which are at or above base surface, and located in a principal building, to a maximum of 33.2 m² for each dwelling unit, or are located below base surface;
- (d) areas of undeveloped floors located:
 - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch,
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m, or
 - (iii) under covered verandas or porches as described in subsection (f), and to which there is no permanent means of access;
- (e) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (f) covered verandas or porches if:
 - (i) that portion facing the street or rear property line is open or protected by partial walls or guard rails, the height of which must not exceed the minimum specified in the Building By-law, and
 - (ii) the total area of such exclusions, when combined with the balcony and deck exclusions under subsection (a), does not exceed 13% of the permitted floor area; and

- (g) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this subsection (g) does not apply to walls in existence before March 14, 2000.

4 Building height

The building height must not exceed 10.7 m measured from base surface.

5 Setbacks

The setback of the multiple dwelling must be at least:

- (a) 2.13 m from the east front yard property line;
- (b) 1.82 m from the north and south side yard property lines; and
- (c) 0.76 m from the west rear yard property line.

6 Site Coverage

6.1 The area of impermeable materials, including building coverage, must not exceed 75% of the site area, except that the Director of Planning may increase such coverage if the development provides underground parking.

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

7 Parking and bicycle spaces

Any development or use of the site requires the provision and maintenance, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in, the Parking By-law, of off-street parking spaces and bicycle spaces, all as defined under the Parking By-law, except that:

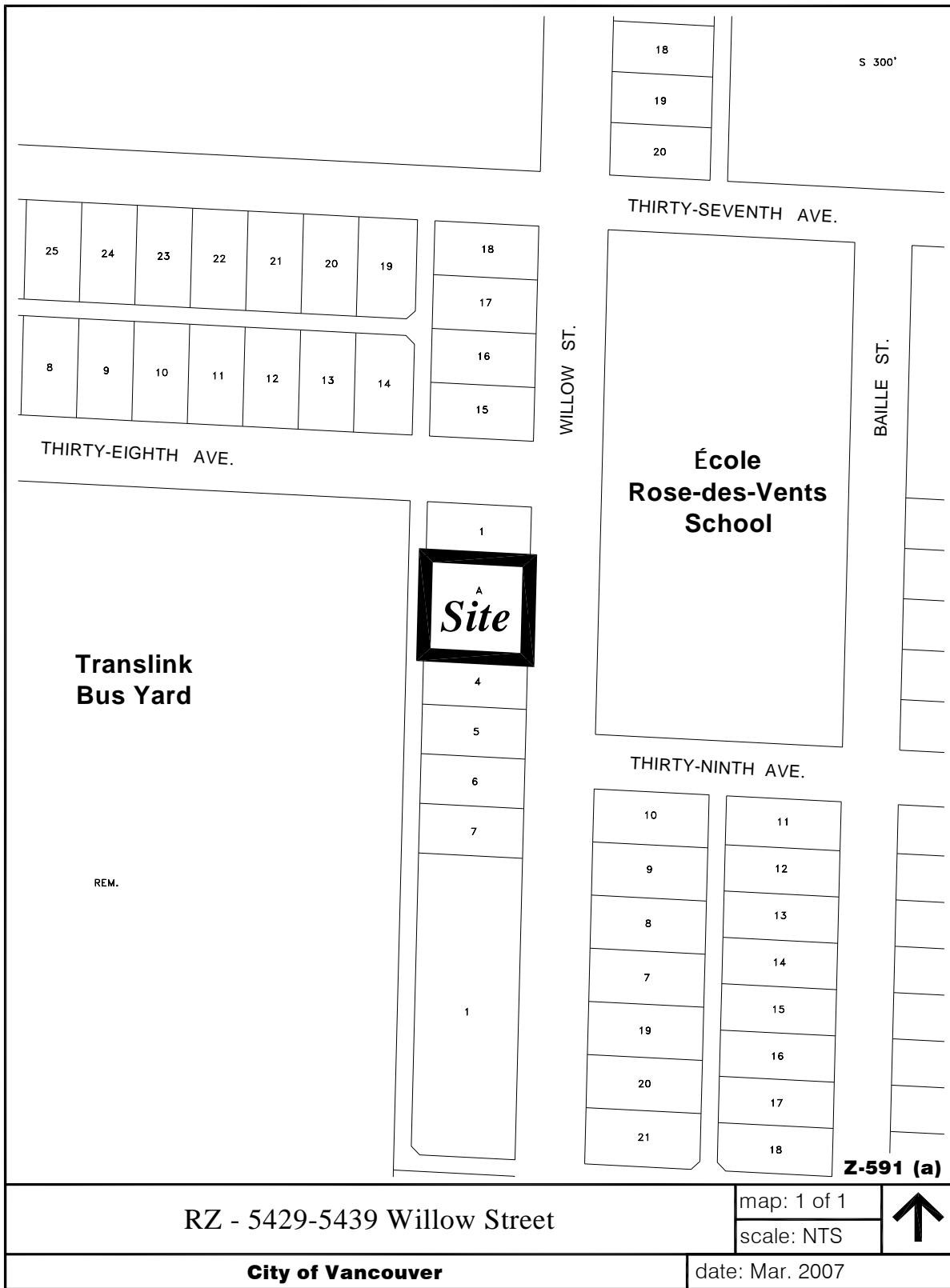
- (a) there must be at least 0.25 parking space for each dwelling unit plus one parking space for every 120 metres of gross floor area;
- (b) despite subsection (a), there need be no more than 2.0 parking spaces for each dwelling unit; and
- (c) despite subsection (a), for sites smaller than 500 square metres or having a maximum floor space ratio of 1.0, there need be only the lesser of the requirement set out in subsection (a) or one parking space for each dwelling unit.

8 Severability

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

9 *[Section 9 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.]*

Schedule A



RZ - 5429-5439 Willow Street

map: 1 of 1
scale: NTS



City of Vancouver

date: Mar. 2007

5429 - 5439 Willow Street

BY-LAW NO. 9612

**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-591(a) 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 (465).

2.2 Subject to approval by Council of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within CD-1 (465) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Dwelling Uses, limited to Multiple Dwelling; and
- (b) Accessory Uses customarily ancillary to any of the uses listed in this section 2.2.

Density

3.1 The number of dwelling units on the site must not exceed 10.

3.2 The floor space ratio for all permitted uses must not exceed 1.0.

3.3 Computation of floor space ratio must include:

- (a) all floors, including earthen floor, measured to the extreme outer limits of the building;
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located; and

- (c) where the distance from a floor to the floor above or, where there is no floor above to the top of the roof joists, exceeds 3.7 m, an amount equal to the area of the floor below the excess height.

3.4 Computation of floor space ratio must exclude:

- (a) open residential balconies or sun decks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that the total area of all exclusions must not exceed 8% of the permitted residential floor area;
- (b) patios and roof gardens if the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading or bicycle storage in a multiple dwelling, those floors or portions thereof not exceeding 6.7 m in length so used, which are at or above base surface, and located in a principal building, to a maximum of 33.2 m² for each dwelling unit, or are located below base surface;
- (d) areas of undeveloped floors located:
 - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch,
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m, or
 - (iii) under covered verandas or porches as described in subsection (f), and to which there is no permanent means of access;
- (e) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (f) covered verandas or porches if:
 - (i) that portion facing the street or rear property line is open or protected by partial walls or guard rails, the height of which must not exceed the minimum specified in the Building By-law, and
 - (ii) the total area of such exclusions, when combined with the balcony and deck exclusions under subsection (a), does not exceed 13% of the permitted floor area; and
- (g) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this subsection (g) does not apply to walls in existence before March 14, 2000.

Building height

4. The building height must not exceed 10.7 m measured from base surface.

Setbacks

5. The setback of the multiple dwelling must be at least:
 - (a) 2.13 m from the east front yard property line;
 - (b) 1.82 m from the north and south side yard property lines; and
 - (c) 0.76 m from the west rear yard property line.

Site Coverage

6.1 The area of impermeable materials, including building coverage, must not exceed 75% of the site area, except that the Director of Planning may increase such coverage if the development provides underground parking.

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

Parking and bicycle spaces

7. Any development or use of the site requires the provision and maintenance, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in, the Parking By-law, of off-street parking spaces and bicycle spaces, all as defined under the Parking By-law, except that:

- (a) there must be at least 0.25 parking space for each dwelling unit plus one parking space for every 120 metres of gross floor area;
- (b) despite subsection (a), there need be no more than 2.0 parking spaces for each dwelling unit; and
- (c) despite subsection (a), for sites smaller than 500 square metres or having a maximum floor space ratio of 1.0, there need be only the lesser of the requirement set out in subsection (a) or one parking space for each dwelling unit.

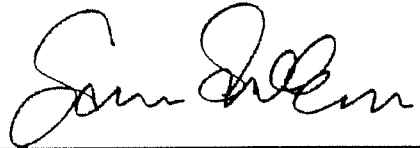
Severability

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 11th day of March, 2008

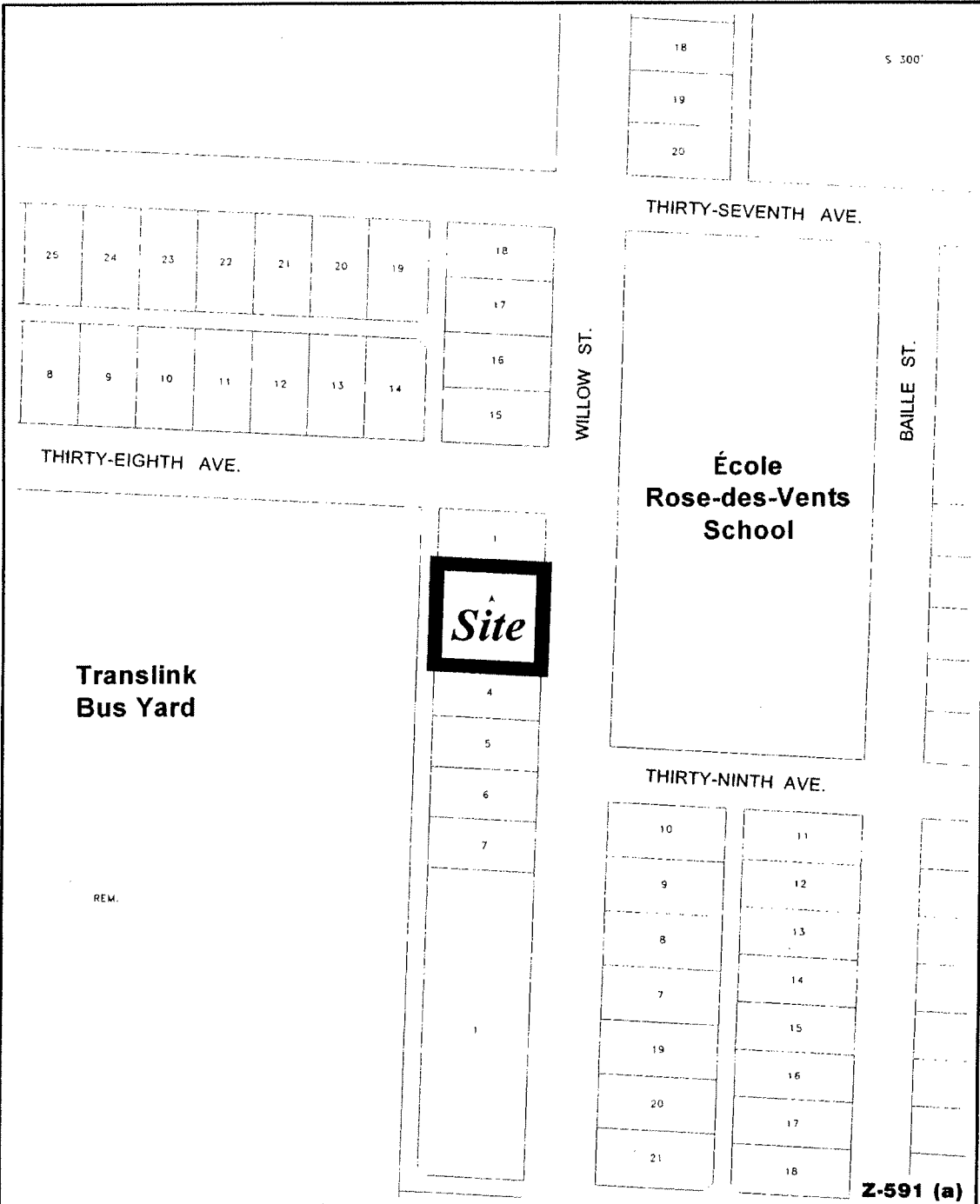


Mayor



City Clerk

Schedule A



RZ - 5429-5439 Willow Street	map: 1 of 1	↑
	scale: NTS	
City of Vancouver	date: Mar. 2007	

raised by the foregoing speakers and provided the rationale for continuing with excavation for the garden at its present location.

Mr. Andrews recommended staff continue discussions with representatives from the SEFC Stewardship Group and the gardening community, while monitoring this garden, which will provide detailed operating experience in preparation for future garden plans in Area 3a.

Council Decision

MOVED by Councillor Ladner

- A. THAT the application by Nick Milkovich Architects Inc. on behalf of Millennium Southeast False Creek Properties Ltd. and the City of Vancouver to amend CD-1 By-law No. 9454 to increase the maximum building height for 1598 Columbia Street, generally in accordance with Appendix A to Policy report "CD-1 Text Amendment - 1598 Columbia Street (Parcel 4 of Olympic Village site)" dated March 2, 2007 be approved.
- B. THAT the consequential amendment to the Southeast False Creek Official Development Plan (SEFC ODP) generally as presented in Appendix B of the above noted report be approved.
- C. THAT a revised form of development for Parcel 4 of Olympic Village (1598 Columbia Street) be approved by Council in principle, generally as shown in Appendix C of the above-noted report and in posted drawings prepared by Nick Milkovich Architects Inc., provided that the Director of Planning or the Development Permit Board, as the case may be, may allow minor alterations to this form of development when approving the detailed scheme of development.
- D. THAT prior to final approval by Council of the form of development for Parcel 4, the applicant shall obtain approval of a development application by the Director of Planning, or Development Permit Board.
- E. THAT Council accept the offer from Millennium Southeast False Creek Properties Ltd. to make an amenity contribution of \$225,000 to be put toward the cost to design and develop a triangle open space along the Southeast False Creek waterfront, and that receipt of payment of the contribution be secured prior to enactment of the by-law to amend the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services.

CARRIED UNANIMOUSLY

6. REZONING: 5429-5439 Willow Street

An application by Stuart Howard Architects Inc. was considered as follows:

Summary: To rezone the site from RS-1 (single family residential) to CD-1 (Comprehensive Development) to permit a 10-unit townhouse development.

The Director of Planning recommended approval.

Staff Comments

Michael Naylor, Rezoning Planner, Rezoning Centre, was present to respond to questions.

Applicant Comments

In response to questions from Council, Stuart Howard, Stuart Howard Architects Inc. advised it was not the intent of this development to offer stacked rental units, which prove difficult to accomplish in ground-oriented townhomes due to sound and privacy issues.

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 Stevenson

THAT the application by Stuart Howard Architects Inc. on behalf of Atelier Land to rezone 5429-5439 Willow Street (Lots 2 & 3, Block 867, District Lot 526, Plan 8454) from RS-1 to CD-1, to permit Multiple Dwelling use consisting of 10 townhouses at a floor space ratio of 1.0, generally as represented in Appendix A to Policy Report "CD-1 Rezoning - 5429-5439 Willow Street" dated February 22, 2007, be approved subject to the following conditions:

FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Stuart Howard Architects Inc., and stamped "Received by the City Planning Department", December 5, 2006 and January 7, 2007, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning who shall have particular regard to, among other things, the following:

Design Development:

- (i) Design development to the building materiality, increasing substantially the amount of brick masonry on the building exterior.

Note to Applicant: The amount of brick masonry as indicated on the drawings is considerably less than what was earlier proposed. The applicant is advised that brick should be the predominate material, covering approximately two-thirds of the exterior walls. All building elevations should have a similar and consistent treatment, with equal amounts of brick on all building faces. Consider cladding the gable ends with brick as originally proposed.

- (ii) Clarification on the drawings that the proposed horizontal siding is either wood or a cementitious product with a true dimensional thickness.

Note to Applicant: The proposed building material should be of a traditional high quality and long lasting. All building elevations should have a consistent treatment.

- (iii) Design development to the building massing, removing the continuous planter box, street elevation.

Note to Applicant: Consider an alternative horizontal element(s) that is lighter and less boxy in appearance, while preserving the individual identity and vertical separation of the townhouse form.

- (iv) Design development to provide an entry canopy over all main dwelling unit entries.
- (v) Design development to improve pedestrian access to and from the lane.

Note to Applicant: Pedestrian access to and from the lane needs to be considered for recycling and garbage and pedestrian movement along the lane. Consider dividing the gate into two smaller leaves, noting that doors and gates need to swing in the direction of exiting.

- (vi) Design development to the parking, removing all unenclosed surface parking, which includes the two visitor parking spaces at grade, and providing more private outdoor amenity space and landscaping.

Note to Applicant: At grade parking is supported provided that parking spaces are enclosed within a dwelling unit and there is only one parking space per dwelling unit. Parking at grade exceeding more than one parking space per dwelling unit is not supported.

- (vii) Design development to enlarge the area of private open space for all dwelling units and further enhancement of the shared common outdoor space.

Note to Applicant: Roof decks are supported providing they do not create overlook conditions on neighbouring properties and not visible from the street. Roof decks should be modest in size and well screened with planting. Increase the size and depth of balconies where possible. Expand the common outdoor amenity space by reducing the private outdoor space of the two end rear units,

providing bench seating and other landscape amenity features as may be appropriate.

CPTED (Crime Prevention through Environmental Design):

(viii) Design development to take into consideration the principles of CPTED.

Landscape:

(ix) Further design development to the private and common outdoor space in the rear yard.

Note to Applicant: The detail design of these spaces differs as illustrated on the Landscape Plan and Site Plan. Adjust the layout of the private outdoor spaces to accommodate a secure common green space to connect with the lane. Replace the visitor parking spaces with green landscaped areas for common use. Refer to Design comment above.

(x) Provide additional tree planting in the front yard (illustrated on the Landscape Plan).

Note to Applicant: Locate a new tree beside the pedestrian walkway at the south end of the site. New trees should be planted at 6 cm calliper for deciduous trees and 3.5 m high for evergreens, as per the Private Property Tree By-law.

(xi) Provide night-lighting within the common courtyard area (illustrated on the Landscape Plan).

(xii) Provide a legal survey illustrating the following information:

- existing trees 20 cm calliper or greater on the development site; and
- the public realm (property line to curb) including existing street trees, street utilities such as lamp posts, fire hydrants, etc. adjacent to the development site.

(xiii) Provide at the development permit stage a full Landscape Plan illustrating proposed plant materials (common and botanical names), including sizes and quantities, paving, walls, fences, and other landscape elements including site grading. The Landscape Plan should include notation to confirm all existing trees to be removed and retained on the development site, on the adjacent boulevard, and within 6 feet of the property line on neighbouring properties.

(xiv) Provide a report written by an ISA Certified Arborist confirming that all neighbouring trees will be protected.

Note to Applicant: Site visit revealed that there are neighbouring trees bordering the south and north property lines that will need to be considered for

protection during construction. The trees include an evergreen hedge bordering the north property line and as well, evergreen trees bordering the south property line. There may be a conflict between constructing the proposed brick fence and preserving the hedge and trees.

- (xv) Provide section details at a minimum scale of ¼" =1'-0" scale to illustrate proposed landscape elements including planters, paving, benches, fences/gates, arbours and trellises, posts, and walls. Planter section details should confirm depth of proposed planting on structures.
- (xvi) Clarification of the proposed paving in the autocourt on the Landscape and Site plans.

Note to Applicant: The use of permeable concrete paving is encouraged. Sections with widely-spaced pavers should be spaced at a maximum of 2" to ensure stability of the drive surface. Provide section details at ¼"=1'-0"scale.

- (xvii) Provide a high-efficiency irrigation system in all landscaped common areas and hose bibs in all private landscaped patio areas (illustrated on the Landscape Plan).
- (xviii) Provide planting on the back boulevard (City property) to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The planting strip should be comprised of a layered, low planting, mature height and width not to exceed 3'-0" foot by 3'-0" with a minimum of 1'-0" lawn strip adjacent to the public sidewalk, as outlined in the COV policy for Special City Boulevard Planting.

- (xix) Provide protection for the proposed lane edge tree plantings.

Note to Applicant: Consider providing a raised curb edge with a minimum height of 6", bordering the plantings in the landscape setback at the lane as protection from moving vehicles. Curb should be located on private property. Provide a site specific elevation detail at ¼"=1'-0"scale.

- (xx) Provide notation on the Landscape Plan to read:
 - For new street tree planting: "Final species, quantity and spacing to the approval of the General Manager of Engineering Services and Park Board. Contact Eileen Curran, phone: 604.871.6131, Engineering Services about street tree spacing and quantity. Contact Bill Stephen, ph: 604.257.8587, Park Board about tree species".
 - For City tree removal: "City tree removal with permission of the General Manager of Engineering Service".
- (xxi) Provide dimensioned tree protection barriers (illustrated on the Landscape Plan) around the retained street trees and neighbouring trees located within

2 m of the property line adjacent to the development site, as per COV Guidelines.

AGREEMENTS

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City:
- (i) Provide to the Director of Legal Services a title charge summary in accordance with her specifications.
 - (ii) Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:
 - (1) Consolidation of Lots 2 and 3, Block 867, District Lot 526, Plan 8454.
 - (2) Undergrounding of all new utility services from the closest existing suitable service point. All services, and in particular electrical transformers to accommodate a primary service, must be located on private property. The development site is not to rely on secondary voltage from the existing overhead network. Any alterations to the existing underground/overhead utility network to accommodate the development will require review and approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged.

CARRIED UNANIMOUSLY

7. REZONING: 5909-5989 Oak Street

An application by Stuart Howard Architects Inc. was considered as follows:

Summary: To rezone the site from RS-1 (single family residential) to CD-1 (Comprehensive Development) to permit a 31-unit townhouse development.

The Director of Planning recommended approval.

Staff Comments

Michael Naylor, Rezoning Planner, Rezoning Centre, made a brief presentation and advised he had spoken with a local resident who had expressed concern with increased traffic in the lane adjacent the park behind the development. Mr. Naylor suggested this issue can be brought forward at the Development Permit Stage and noted the applicant is aware of this concern.

Applicant Comments

Stuart Howard, Stuart Howard Architects Inc., was present to respond to questions.

BY-LAWS

MOVED by Councillor Ball
SECONDED by Councillor Capri

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 9 inclusive, 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 (re 2 - 88 West 1st Avenue, 2 - 26 East 1st Avenue, and 27 - 99 West 2nd Avenue) (By-law No. 9605)**
2. **A By-law to designate a business improvement area in Dunbar Village (By-law No. 9606)**
3. **A By-law to grant money for a business promotion scheme in the Dunbar Village Business Improvement Area (By-law No. 9607)**
4. **A By-law to assess real property to defray 2007 maintenance costs for the Granville Mall Decorative Lighting Local Improvement Project (By-law No. 9608)**
5. **A By-law to assess real property to defray 2007 maintenance costs for the Trounce Alley and Blood Alley Square Local Improvement Project (By-law No. 9609)**
6. **A By-law to assess real property to defray 2007 costs for the East Hastings Street Collective Parking Project (By-law No. 9610)**
7. **A By-law to assess real property to defray 2007 costs for the South Fraser Street Collective Parking Project (By-law No. 9611)**
8. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 5429 - 5439 Willow Street) (By-law No. 9612)**
9. **A By-law to amend Subdivision By-law No. 5208 (re 5429 - 5439 Willow Street) (By-law No. 9613)**