



City of Vancouver *Zoning and Development By-law*

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planning@vancouver.ca

CD-1 (474)

335, 337, and 349 East 33rd Avenue

By-law No. 9741

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

Effective October 28, 2008

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-599(b) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

2 Uses

2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (474).

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 (474) 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 Computation of floor area must assume that the site consists of 2 680.5 m², being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications.

3.2 The number of dwelling units on the site must not exceed 24.

3.3 The floor space ratio must not exceed 0.97.

3.4 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.

3.5 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, 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) the floors or portions of floors used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which, in the opinion of the Director of Planning, are similar to the foregoing, which are:
 - (i) at or below the base surface, or
 - (ii) in the case of off-street parking, above the base surface in an accessory building in the rear yard; and
- (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) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² for a dwelling unit, there is to be no exclusion for any of the residential storage space above base surface for that unit;
- (f) covered verandas or porches if:
 - (i) they are at the basement or first storey,
 - (ii) 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,
 - (iii) the total area of such exclusions does not exceed 5% of the permitted floor area, and
 - (iv) the ceiling height, including roof structures, of the total area of such exclusions does not exceed 3.1 m measured from the porch floor; 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.

4 Building height

4.1 The height of the principal buildings must not exceed 10.7 m measured from base surface.

4.2 The height of the accessory buildings must not exceed 4.9 m measured from base surface.

4.3 Despite section 4.1, the Director of Planning or Development Permit Board, for any building higher than 30.5 m, may allow a decorative roof to exceed the maximum height if:

- (a) the Director of Planning or Development Permit Board is satisfied that the roof enhances the overall appearance of the building and appropriately integrates mechanical appurtenances;
- (b) the roof does not add to the floor area otherwise permitted; and
- (c) the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council.

5 Setbacks

The setback of each building must be at least:

- (a) 4.9 m from the south front yard property line;
- (b) 1.8 m from each of the east and west side yard property lines; and
- (c) 13 m from the north rear yard property line for principal buildings.

6 Horizontal angle of daylight

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

6.2 The location of each such exterior window must allow a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.

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

6.4 If:

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

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

- 6.5** An obstruction referred to in section 6.2 means:
- (a) the theoretically equivalent buildings located on any adjoining sites in any R district in a corresponding position by rotating the plot plan of the proposed building 180 degrees about a horizontal axis located on the property lines of the site;
 - (b) accessory buildings located on the same site as the principal building;
 - (c) any part of the same building including permitted projections; or
 - (d) the largest building permitted under the zoning on any site adjoining CD-1 (474).

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

7 Parking 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.

8 Acoustics

All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of 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

9 Severability

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

10 Force and effect

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

ENACTED by Council this 28th day of October, 2008.

335, 337, and 349 East 33rd Avenue

BY-LAW NO. 9741

**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-599(b) 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 (474).

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 (474) 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 Computation of floor area must assume that the site consists of 2 680.5 m², being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications.

3.2 The number of dwelling units on the site must not exceed 24.

3.3 The floor space ratio must not exceed 0.97.

3.4 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.

3.5 Computation of floor space ratio must exclude:

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 - (i) at or below the base surface, or
 - (ii) in the case of off-street parking, above the base surface in an accessory building in the rear yard; and
- (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) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² for a dwelling unit, there is to be no exclusion for any of the residential storage space above base surface for that unit;

- (f) covered verandas or porches if:
 - (i) they are at the basement or first storey,
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 - (iii) the total area of such exclusions does not exceed 5% of the permitted floor area, and
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5. The setback of each building must be at least:

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- 6.3 Measurement of the plane or planes referred to in section 6.2 must be horizontally from the centre of the bottom of each window.
- 6.4 If:
- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
 - (b) the minimum distance of unobstructed view is not less than 3.7 m;

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

- 6.5 An obstruction referred to in section 6.2 means:
- (a) the theoretically equivalent buildings located on any adjoining sites in any R district in a corresponding position by rotating the plot plan of the proposed building 180 degrees about a horizontal axis located on the property lines of the site;
 - (b) accessory buildings located on the same site as the principal building;
 - (c) any part of the same building including permitted projections; or
 - (d) the largest building permitted under the zoning on any site adjoining CD-1 (474).
- 6.6 A habitable room referred to in section 6.1 does not include:
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 - (i) less than 10% of the total floor area of the dwelling unit, or
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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.

Acoustics

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

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


Severability

9. 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.

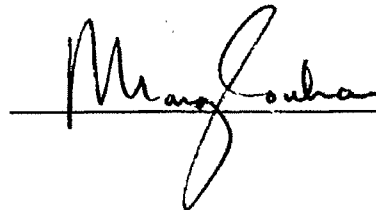
Force and effect

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

ENACTED by Council this 28th day of October, 2008



Mayor



City Clerk

Schedule A



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

Z-599 (b)

RZ - 335, 337, & 349 East 33rd Avenue

map: 1 of 1

scale: NTS



City of Vancouver

date: March 2008

Downtown", to review the adopted height limits and view corridors affecting the downtown and recommend changes, if appropriate, to achieve additional development capacity. The staff resources to undertake the work have already been approved, and the public process and consultation budget is anticipated to be available in the Planning Department's operating budget.

- C. THAT staff prioritize the review of the view corridors affecting the False Creek North area.
- D. THAT, in light of environmental and economic imperatives, staff review opportunities to achieve densities in the False Creek North area that are equal to or greater than other areas in the downtown core.

CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Louie

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Lee
SECONDED by Councillor Capri

THAT the report of the Committee of the Whole be adopted.

CARRIED UNANIMOUSLY

BY-LAWS

MOVED by Councillor Stevenson
SECONDED by Councillor Ladner

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 15 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. 9737)
(Councillor Ball ineligible to vote.)

2. **A By-law to amend CD-1 By-laws No.'s 4296, 4677, 7655, 9113, and 9693 (re miscellaneous text amendments) (By-law No. 9738)**
(Councillor Ball ineligible to vote.)
3. **A By-law to amend Sign By-law No. 6510 regarding miscellaneous text amendments (By-law No. 9739)**
(Councillor Ball ineligible to vote.)
4. **A By-law to amend Parking By-law No. 6059 (re miscellaneous text amendments) (By-law No. 9740)**
5. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 335, 337, and 349 East 33rd Avenue) (By-law No. 9741)**
(Councillor Chow ineligible to vote.)
6. **A By-law to amend Subdivision By-law No. 5208 (re 335, 337, and 349 East 33rd Avenue) (By-law No. 9742)**
7. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (re 265 Carrall Street) (By-law No. 9743)**
8. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (re 1300 Granville Street) (By-law No. 9744)**
(Councillor Chow ineligible to vote.)
9. **A By-law to designate certain real property as protected heritage property (re 1300 Granville Street) (By-law No. 9745)**
(Councillor Chow ineligible to vote.)
10. **A By-law to amend Energy Utility System By-law No. 9552 regarding pre-occupancy heat service and other matters (By-law No. 9746)**
11. **A By-law to relax Building By-law No. 9419 regarding the regulation of special event facilities for the Vancouver 2010 Olympic and Paralympic Winter Games (By-law No. 9747)**
12. **A By-law to amend License By-law No. 4450 regarding 2009 fee increases (By-law No. 9748)**
13. **A By-law to amend CD-1 By-law No. 8097 (re 333 East Pender Street) (By-law No. 9749)**
14. **A By-law to amend Parking By-law No. 6059 (re miscellaneous text amendments) (By-law No. 9750)**
15. **A By-law to amend Impounding By-law No 3519 regarding authority for impounding charges (re housekeeping amendment) (By-law No. 9751)**



CITY OF VANCOUVER

CITY OF VANCOUVER

SPECIAL COUNCIL MEETING MINUTES

APRIL 15, 2008

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, April 15, 2008, 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 sign by-laws.

PRESENT:

- Mayor Sam Sullivan
- Councillor Suzanne Anton
- Councillor Elizabeth Ball
- Councillor David Cadman
- Councillor Kim Capri
- Councillor Heather Deal
- Councillor Peter Ladner
- Councillor B.C. Lee
- Councillor Raymond Louie
- *Councillor Tim Stevenson

ABSENT: Councillor George Chow

CITY CLERK'S OFFICE: Tina Hildebrandt, Meeting Coordinator

*Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Louie
SECONDED by Councillor Cadman

THAT this Council resolve itself into Committee of the Whole, Mayor Sullivan in the Chair, to consider proposed amendments to the zoning and sign by-laws.

CARRIED UNANIMOUSLY
(Councillor Stevenson absent for the vote)

3. CD-1 REZONING: 335, 337 & 349 East 33rd Avenue

An application by Alan Forrester, Springbank Development Corporation, was considered as follows:

Summary: To rezone from RS-1 (One Family Dwelling) District to CD-1 (Comprehensive Development) District to permit a multiple dwelling development consisting of 24 units, with an FSR of .97, under the Neighbourhood Housing Demonstration Program.

The Director of Planning recommended approval.

Staff Opening Comments

Vicki Potter, Assistant Director, Development Services, explained the application and, together with Wali Memon, Parking Policy & Development Engineer, responded to questions.

Applicant Comments

Alan Forrester, Springbank Development Corporation, spoke to the merits of the proposal and responded to questions from Council.

Summary of Correspondence

Council received 11 letters and 1 email in support since the application was referred to Public Hearing:

Speakers

The Mayor called for speakers for and against the application.

The following spoke in opposition to the application, many of which felt that it does not comply with the Riley Park/South Cambie Community Vision, in particular with regard to the number of units and the housing form proposed. Concern was also expressed with regard to traffic and parking impacts:

Jim Turner
Rita Dekleer
Kwin Grauer
Bill McDonald
Jerome Ryckborst
Rob and Jody Garner
Lynsey Claggett
Ron Martins

The following spoke in favour of the application:

Belinda Puttnam
Brent Hanson
Aaron Drozdiak
Phillip Hansen
Susan Allison
Indra Lolari
Jennifer Shaw, Built Green BC
Siobhan Wray

Ned Jacobs and Ingrid Steenhuisen spoke neither for nor against the application but provided general comments in relation to the application.

Staff Closing Comments

Ms. Potter provided closing comments.

Council Decision

MOVED by Councillor Anton

- A. THAT the application by Springbank Development Corporation to rezone 335, 337 & 349 East 33rd Avenue (Lots A & B, Plan 11568, and Lot A Plan 10388, Block 10, DL634, GRP.1 NWD) from RS-1 to CD-1 to permit a multiple dwelling consisting of 24 units in 8 rowhouses, two triplexes, and two fiveplexes, under the Neighbourhood Housing Demonstration Program, at a floor space ratio of 0.97, generally as presented in Appendix A to Policy Report "CD-1 Rezoning - 335, 337 & 349 East 33rd Avenue" dated February 26, 2008, 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 Hywell Jones, Architect and stamped "Received City Planning Department, May 14, 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 the following:

Design Development:

- (i) design development to improve neighbourliness by increasing the front and side yard setbacks and adding additional landscaping to all edges;

Note to Applicant: The front yard setback should be a minimum of 16 ft. (4.9 m) to allow for a better transition between the deeper setbacks of the adjacent buildings. The side yards should be a minimum of 6 ft. (1.8 m) to improve separation and privacy between neighbours. Additional planting in all setbacks, as well as along the lane edge and bordering the driveway ramp, will improve the quality of outdoor open space.

- (ii) clarification on the drawings, indicating window size and location on the reflected elevations of the neighbouring buildings;

Note to Applicant: Proposed window locations facing the side yard should not align or overlook neighbour's windows.

- (iii) design development to the roof form of the buildings facing 33rd Avenue, reducing the mass and scale and with better integration of the third floor into the roof form;

Note to Applicant: The proposed gable roof form with a 1:1 pitch is supportable but needs to be smaller in size and more compatible with the scale and rhythm of the neighbourhood context.

- (iv) design development to the building character, improving the consistency of roof form, building massing, material treatment and detail for all buildings;

Note to Applicant: The buildings should all appear to be of the same "family", with similar building massing and roof form, high quality materials and detail embellishment, consistently applied to all building elevations. Proposed materials should have a dimensional thickness. Vinyl siding for example is not supported. Provide elevations of all building sides indicating proposed materials.

- (v) design development to improve on site pedestrian circulation and stair access to the parking level, increasing the circulation area at the top of the centre access stair and modifying the site plan to allow direct on-site access to the access stair, northeast corner of the site;

Note to Applicant: Enlarge pedestrian circulation area of the top of the centre stair without reducing or compromising landscaping or circulation area to the immediate north of the stair well. Stair at the northeast corner of the site needs to be accessible without leaving the site. Consider relocating stair and parking ramp to improve access and overall use of shared outdoor amenity space.

- (vi) design development to provide a weather protected cover over all open stairs and a trellis enclosure over the vehicle ramp to the underground parking structure;

Note to Applicant: The stairs and the exposed parking ramp should be well integrated with the overall landscaping.

CPTED (Crime Prevention through Environmental Design)

- (vii) design development to take into consideration the principles of CPTED.

Landscape

- (viii) design development to provide traditional residential - looking front yards bordering 33rd Avenue to complement the existing streetscape;

Note to Applicant: Each home should have a front walk leading directly from the public sidewalk to each front door through a well landscaped yard. The

design of the front yards should encourage neighbourliness, with semi-private patios lightly screened by a variety of low and medium height plantings and a wide setback of open lawn at the public sidewalk.

- (ix) design development to provide gated entry walks for the private rear yard patio areas to ensure direct pedestrian access into the common courtyard and walkway areas;
- (x) design development to provide a continuous level pedestrian path connecting the public sidewalk on 33rd Avenue to the rear of the site to ensure universal accessibility;
- (xi) provision of an ISA Arborist's written assessment commenting on the safe retention of neighbouring trees alongside construction as noted on the survey;
- (xii) design development to provide additional seating areas and a covered picnic bench in the northerly area of the site, for gatherings and other social activities among residents.

Social Planning

- (xiii) design development to provide increased opportunities for children's play activities in the northerly area of the site;

Note to applicant: Staff encourage the applicant to utilize a flexible design, not necessarily limited to the use of large play structures.

Engineering

- (xiv) arrangements for discharge of 2 existing charges (agreement #297138M and #315747M) on title prior to issuance of the development permit;
- (xv) small car parking spaces are to be clearly marked on the plans;
- (xvi) provision of bicycle spaces in accordance with the By-law, and consideration to provide 8 Class B spaces;
- (xvii) provision of recycling facilities;

Note to Applicant: Contact the Solid Waste Management branch of Engineering Services for additional information at 604.871.6241.

Sustainability

- (xviii) provision of a completed Built Green BC Checklist, and commitment to achieve a gold level standard;

Acoustics

- (xix) submission of an acoustical consultant's report which assesses noise impacts on the site and recommends noise mitigation measures;

AGREEMENTS

(c) That, prior to enactment of the CD-1 By-law, the registered owner shall:

- (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 the site into a single parcel;
 - 2) Upgrading of the City lane to full asphalt or "country lane" standard should site conditions allow, from Sophia Street to the east property line of the site;
Note to Applicant: Exploration of a country lane design should be in consultation with neighbours. Should asphalt be the preferred solution, speed humps where appropriate are to be included in the lane design. Contact Kevin Cavell, Engineering Services, 604.873.7773.
 - 3) Provision of street trees on 33rd Avenue adjacent the site where space permits; and
 - 4) 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.

B. THAT, subject to approval of the rezoning at a Public Hearing, the Subdivision By-law be amended as set out in Appendix B to Policy Report "CD-1 Rezoning - 335, 337 & 349 East 33rd Avenue" dated February 26, 2008.

CARRIED UNANIMOUSLY