



City of Vancouver *Zoning and Development By-law*

Community Services, 453 W. 12th Ave Vancouver, BC V5Y 1V4 ☎ 604.873.7000 fax 604.873.7060
planning@vancouver.ca

CD-1 (481)

6338-6432 Ash Street

By-law No. 9993

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

Effective February 2, 2010

1 Zoning District Plan amendment

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-611 (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 (481).

2.2 Subject to Council approval 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 (481) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Principal Dwelling Unit Combined With a Secondary Dwelling Unit, being a dwelling unit, within a multiple dwelling which is a principal residence, combined with one secondary dwelling unit which is smaller than the principal residence, and in respect of which the principal residence and secondary dwelling unit must have separate external access, and shared internal access which the owner or occupant of the principal residence is able to lock off from the principal residence;
- (b) Secondary Dwelling Unit referred to in subsection (a), referred to in this By-law as a “secondary dwelling unit”; and
- (c) Accessory Uses customarily ancillary to any of the uses permitted by this section 2.2.

3 Density

3.1 Computation of floor space ratio must assume that the site consists of 4 204.3 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 floor space ratio for all uses must not exceed 1.2.

3.3 The number of principal dwelling units must not exceed 35.

3.4 The number of secondary dwelling units must not exceed 18.

3.5 Computation of floor area must include:

- (a) all floors, including earthen floor, 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, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.

3.6 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 residential floor area being provided;
- (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 are at or below the base surface, except that the exclusion for a parking space must not exceed 7.3 m in length;

- (d) undeveloped floor area located:
 - (i) above the highest storey or half-storey with a ceiling height of less than 1.2 m, 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;
- (e) amenity areas accessory to a residential use, including day care facilities, recreational facilities, and meeting rooms, except that:
 - (i) in the case of day care facilities, the Director of Planning, on the advice of the Director of Social Policy, is satisfied that there is a need for a day care facility in the immediate neighbourhood, and
 - (ii) the total area excluded must not exceed 10% of the permitted floor space;
- (f) 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 will be no exclusion for any of the residential storage space above base surface for that unit;
- (g) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (h) 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; and
- (i) with respect to exterior:
 - (i) wood frame construction walls greater than 152 mm thick that accommodate RSI 3.85 (R-22) insulation, or
 - (ii) walls other than wood frame construction greater than 152 mm thick that meet the standard RSI 2.67 (R-15),
 the area of such walls that exceeds 152 mm to a maximum exclusion of 51 mm of thickness for wood frame construction walls and 127 mm of thickness for other walls, except that this clause is not to apply to walls in existence before January 20, 2009. A registered professional must verify that any wall referred to in this section meets the standards set out therein.

4 Building height

The building height must not exceed 10.7 m or three storeys.

5 Horizontal angle of daylight

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

5.2 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.

5.3 Measurement of the plane or planes referred to in section 5.2 must be horizontally from the centre of the bottom of each window.

5.4 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.

5.5 An obstruction referred to in section 5.2 means:

- (a) any part of the same building including permitted projections; or
- (b) the largest building permitted under the zoning on any site adjoining CD-1 (481).

5.6 A habitable room referred to in section 5.1 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 9.29 m².

6 Parking, loading, 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, loading spaces, and bicycle spaces, all as defined under the Parking By-law, except that:

- (a) there must be at least 0.1 parking space for each 100 m² of gross floor area;
- (b) there must be no more than 2 parking spaces for each dwelling unit, and calculation of the maximum number of parking spaces is not to include secondary dwelling units;
- (c) calculation of bicycle spaces is to include secondary dwelling units;
- (d) for bicycle spaces located within individual garages or dwelling units, the requirements of the Parking By-law regarding bicycle lockers are not to apply; and
- (e) bicycle parking provided outside of a bicycle room must be accessible to the intended resident only, and the location of such parking must not block required access for entry into a secondary dwelling unit;

unless any amendment to the Parking By-law results in any lesser requirement than one set out in subsection (a), (b), (c), (d), or (e) in which case the lesser requirement is to apply.

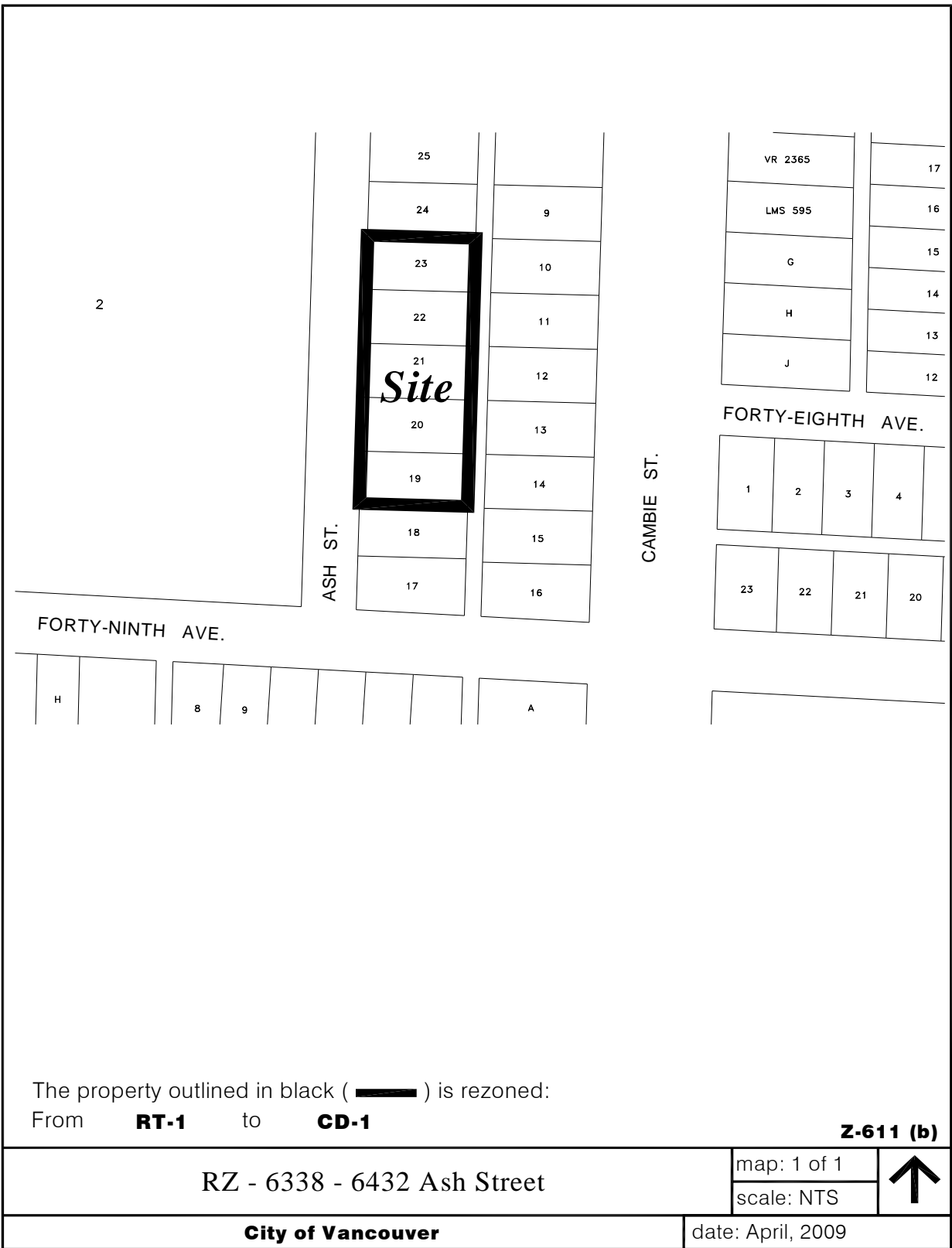
7 Severability

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.

8 Force and effect

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

ENACTED by Council this 2nd day of February, 2010.



6338 - 6432 Ash Street

BY-LAW NO. 9993

**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-611 (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 (481).

2.2 Subject to Council approval 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 (481) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Principal Dwelling Unit Combined With a Secondary Dwelling Unit, being a dwelling unit, within a multiple dwelling which is a principal residence, combined with one secondary dwelling unit which is smaller than the principal residence, and in respect of which the principal residence and secondary dwelling unit must have separate external access, and shared internal access which the owner or occupant of the principal residence is able to lock off from the principal residence;
- (b) Secondary Dwelling Unit referred to in subsection (a), referred to in this By-law as a "secondary dwelling unit"; and
- (c) Accessory Uses customarily ancillary to any of the uses permitted by this section 2.2.

Density

3.1 Computation of floor space ratio must assume that the site consists of 4 204.3 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 floor space ratio for all uses must not exceed 1.2.
- 3.3 The number of principal dwelling units must not exceed 35.
- 3.4 The number of secondary dwelling units must not exceed 18.
- 3.5 Computation of floor area must include:
- (a) all floors, including earthen floor, 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, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.
- 3.6 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 residential floor area being provided;
 - (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 are at or below the base surface, except that the exclusion for a parking space must not exceed 7.3 m in length;
 - (d) undeveloped floor area located:
 - (i) above the highest storey or half-storey with a ceiling height of less than 1.2 m, 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;
 - (e) amenity areas accessory to a residential use, including day care facilities, recreational facilities, and meeting rooms, except that:
 - (i) in the case of day care facilities, the Director of Planning, on the advice of the Director of Social Policy, is satisfied that there is a need for a day care facility in the immediate neighbourhood, and
 - (ii) the total area excluded must not exceed 10% of the permitted floor space;

- (f) 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 will be no exclusion for any of the residential storage space above base surface for that unit;
- (g) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (h) 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; and
- (i) with respect to exterior:
 - (i) wood frame construction walls greater than 152 mm thick that accommodate RSI 3.85 (R-22) insulation, or
 - (ii) walls other than wood frame construction greater than 152 mm thick that meet the standard RSI 2.67 (R-15),

the area of such walls that exceeds 152 mm to a maximum exclusion of 51 mm of thickness for wood frame construction walls and 127 mm of thickness for other walls, except that this clause is not to apply to walls in existence before January 20, 2009. A registered professional must verify that any wall referred to in this section meets the standards set out therein.

Building height

4. The building height must not exceed 10.7 m or three storeys.

Horizontal angle of daylight

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

5.2 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.

5.3 Measurement of the plane or planes referred to in section 5.2 must be horizontally from the centre of the bottom of each window.

5.4 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.

5.5 An obstruction referred to in section 5.2 means:

- (a) any part of the same building including permitted projections; or
- (b) the largest building permitted under the zoning on any site adjoining CD-1 (481).

5.6 A habitable room referred to in section 5.1 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 9.29 m².

Parking, loading, and bicycle spaces

6. 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, loading spaces, and bicycle spaces, all as defined under the Parking By-law, except that:

- (a) there must be at least 0.1 parking space for each 100 m² of gross floor area;
- (b) there must be no more than 2 parking spaces for each dwelling unit, and calculation of the maximum number of parking spaces is not to include secondary dwelling units;
- (c) calculation of bicycle spaces is to include secondary dwelling units;
- (d) for bicycle spaces located within individual garages or dwelling units, the requirements of the Parking By-law regarding bicycle lockers are not to apply; and

- (e) bicycle parking provided outside of a bicycle room must be accessible to the intended resident only, and the location of such parking must not block required access for entry into a secondary dwelling unit;

unless any amendment to the Parking By-law results in any lesser requirement than one set out in subsection (a), (b), (c), (d), or (e) in which case the lesser requirement is to apply.

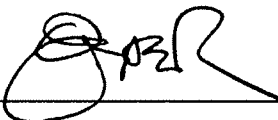
Severability

7. 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.

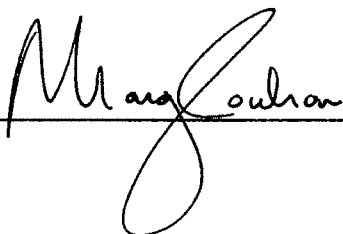
Force and effect

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

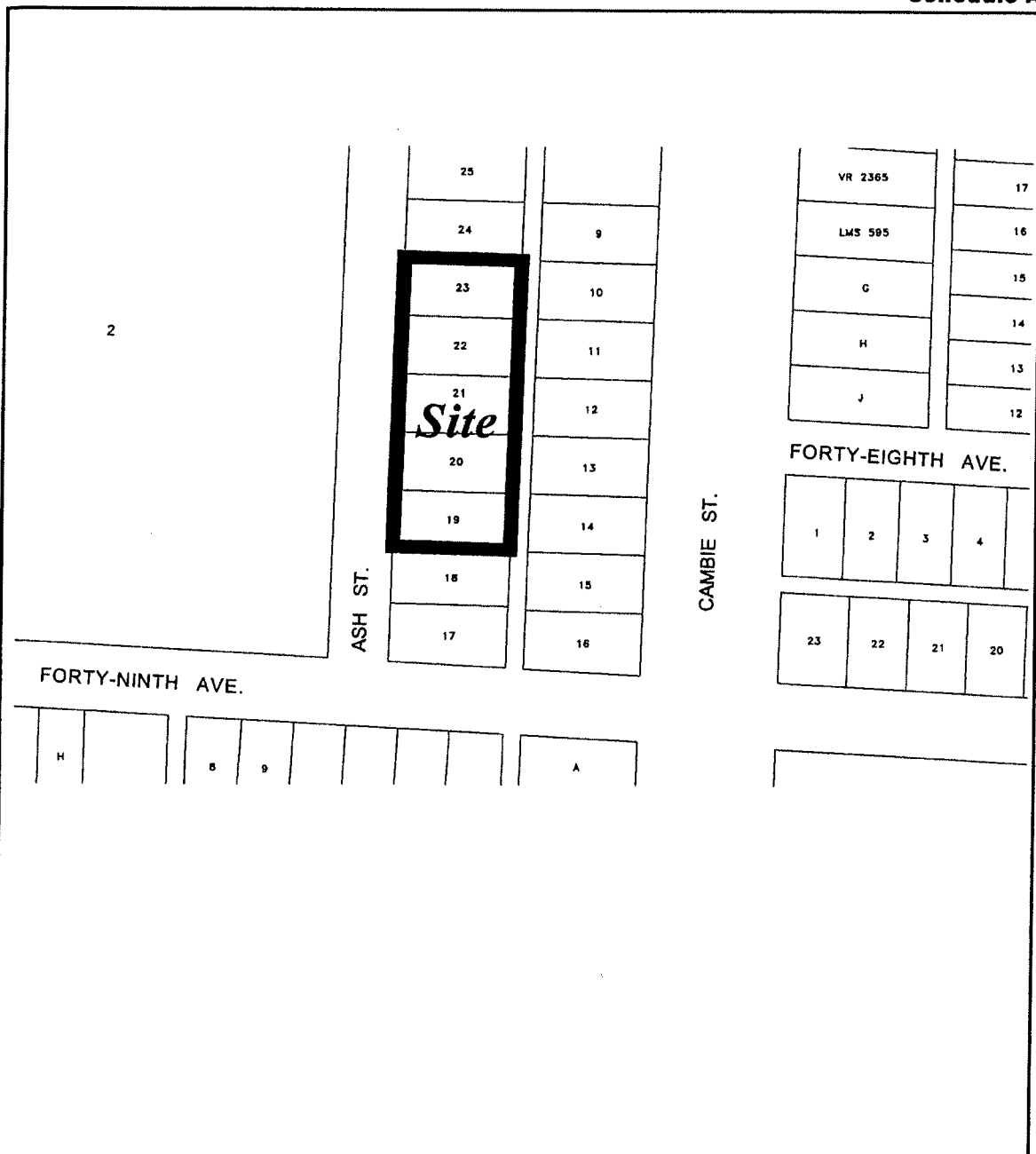
ENACTED by Council this 2nd day of February, 2010



Mayor



City Clerk



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

Z-611 (b)

RZ - 6338 - 6432 Ash Street

map: 1 of 1
 scale: NTS



City of Vancouver

date: April, 2009



REPORT TO COUNCIL
REGULAR COUNCIL MEETING MINUTES

FEBRUARY 2, 2010

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, February 2, 2010, at 2:08 p.m., in the Council Chamber, Third Floor, City Hall.

PRESENT: Mayor Gregor Robertson
Councillor Suzanne Anton
Councillor David Cadman
Councillor George Chow
Councillor Heather Deal
Councillor Kerry Jang
Councillor Raymond Louie
Councillor Geoff Meggs
Councillor Andrea Reimer
Councillor Tim Stevenson*
Councillor Ellen Woodsworth

CITY MANAGER'S OFFICE: Penny Ballem, City Manager
Sadhu Johnston, Deputy City Manager

CITY CLERK'S OFFICE: Marg Coulson, City Clerk
Tina Hildebrandt, Meeting Coordinator

*Denotes absence for a portion of the meeting.

PRAYER

~~The proceedings in the Council Chamber were opened with a prayer read by Councillor Jang.~~

PROCLAMATION - "TOASTMASTERS INTERNATIONAL MONTH"

~~The Mayor proclaimed the month of February, 2010, as "Toastmasters International Month" in the City of Vancouver and invited Ms. Kathy Bengston, VP of Membership for City Hall Connaught Club, Ms. Nancy Largent, Advanced Communicator Bronze/VP of Education for City Hall Connaught Club, and Dr. Doug Thiessen, District 21 Governor (Province of BC) to the podium to receive the proclamation and say a few words.~~

"IN CAMERA" MEETING

~~MOVED by Councillor Reimer
SECONDED by Councillor Cadman~~

~~THAT Council will go into a meeting on Thursday, February 4, 2010, which is closed to the public, pursuant to Section 165.2(1) of the Vancouver Charter, to discuss matters related to paragraphs:~~

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Woodsworth

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

~~CARRIED UNANIMOUSLY~~

BY-LAWS

MOVED by Councillor Reimer
SECONDED by Councillor Stevenson

THAT Council enact the by-laws listed on the agenda for this meeting as numbers 1, 2, 5, 6 and 12 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

Councillor Deal rose and advised she had received a report of the relevant Public Hearing in relation to By-laws 3, 4, 9 and 10, and she would therefore be voting on the By-laws.

Councillor Reimer rose and advised she had received a report of the relevant Public Hearing in relation to By-law 11, and she would therefore be voting on the By-law.

MOVED by Councillor Reimer
SECONDED by Councillor Stevenson

THAT Council, except for those members excused as noted below, enact the by-laws listed on the agenda for this meeting as numbers 3, 4 and 7 to 11 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to amend Street and Traffic By-law No. 2849 regarding shared vehicle parking and miscellaneous matters (By-law No. 9987)
2. A By-law to amend Parking By-law No. 6059 with regard to the definition of shared vehicle organization (By-law No. 9988)

3. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (By-law No. 9989)**
(Councillor Stevenson ineligible to vote.)
4. **A By-law to designate certain real property as protected heritage property (208 East Georgia Street) (By-law No. 9990)**
(Councillor Stevenson ineligible to vote.)
5. **A By-law to amend Impounding By-law No. 3519 regarding impounding charges**
(By-law No. 9991)
6. **A By-law to amend 2010 Winter Games By-law No. 9962 regarding a minor housekeeping matter under the Ticket Offences By-law No. 9360 (By-law No. 9992)**
7. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (6338-6432 Ash Street) (By-law No. 9993)**
(Councillor Cadman ineligible to vote.)
8. **A By-law to amend Subdivision By-law No. 5208 (6338-6432 Ash Street)**
(By-law No. 9994)
(Councillor Cadman Ineligible to vote.)
9. **A By-law to designate certain real property as protected heritage property (1842 West 12th Avenue, The Ogilvie Residence) (By-law No. 9995)**
(Councillor Stevenson ineligible to vote.)
10. **A By-law to amend CD-1 By-law No. 7476 (1600 - 1636 West 1st Avenue)**
(By-law No. 9996)
(Councillor Stevenson ineligible to vote.)
11. **A By-law to amend Sign By-law No. 6510 (CBC/Radio Canada, Vancouver Broadcasting Centre) (By-law No. 9997)**
(Councillors Jang, Meggs, Woodsworth and Mayor Robertson ineligible to vote.)
12. **A By-law to amend Parking By-law No. 6059 (By-law No. 9998)**

SPECIAL COUNCIL MEETING MINUTES

MAY 19, 2009

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, May 19, 2009, at 7:30 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider zoning, heritage and sign by-law amendments.

PRESENT: Mayor Gregor Robertson
Councillor Suzanne Anton
Councillor George Chow
Councillor Heather Deal
Councillor Kerry Jang
Councillor Raymond Louie
Councillor Geoff Meggs
Councillor Andrea Reimer
Councillor Tim Stevenson
Councillor Ellen Woodsworth

ABSENT: Councillor David Cadman (Leave of Absence - Civic Business)

CITY CLERK'S OFFICE: Lori Isfeld, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Woodsworth
SECONDED by Councillor Deal

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

CARRIED UNANIMOUSLY

~~1. HERITAGE REVITALIZATION AGREEMENT: 101 West Hastings Street
(Woodward's Site)~~

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

~~Summary: To amend the Heritage By-law and Heritage Revitalization Agreement (HRA) to include the final Conservation Plan.~~

~~The Director of Planning recommended approval.~~

~~Summary of Correspondence~~

~~No correspondence had been received on this application.~~

~~Speakers~~

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

Council Decision

~~MOVED by Councillor Anton~~

~~THAT the application by James Cheng, Architects, to amend CD-1 #415 (By-law No. 8587) for 651 Expo Boulevard (Lot 311, Block 49, D.L. 541, Plan BCP33383; PID: 027 300 285) to increase the maximum allowable number of dwelling units from 1,140 to 1,153, generally in accordance with Appendix A to Policy Report "CD-1 Text Amendment - 651 Expo Boulevard" dated April 7, 2009 and a consequential amendment to the False Creek North Official Development Plan (FCN ODP) By-law No. 6650, generally in accordance with Appendix B of the above noted Policy Report be approved.~~

~~CARRIED UNANIMOUSLY~~

5. REZONING: 6338-6432 Ash Street

An application by Stephan Vogelfaenger, W.T. Leung Architects Inc., was considered as follows:

Summary: To rezone the site from RT-1 (Two Family Dwelling) District to CD-1 (Comprehensive Development) District to allow construction of 35 townhouses and 18 secondary rental (or flex) suites at a floor space ratio (FSR) of 1.2.

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

Also before Council was a memorandum dated April 20, 2009, from Michael Naylor, Senior Rezoning Planner, Rezoning Centre, submitting the following additional recommendation for consideration:

THAT the draft CD-1 by-law provisions for parking, loading and bicycle spaces be amended to include the following:

- (a) there must be at least 0.1 parking space for each 100 m² of gross floor area;
- (b) there must be no more than 2 parking spaces for each dwelling unit and calculation of the maximum number of parking spaces is not to include secondary dwelling units;
- (c) calculation of bicycle spaces is to include secondary dwelling units;
- (d) for bicycle spaces located within individual garages or dwelling units, the requirements of the Parking By-law regarding bicycle lockers are not to apply; and
- (e) bicycle parking provided outside of a bicycle room must be accessible to the intended resident only, and the location of such parking must not block required access for entry into a secondary dwelling unit; unless any amendment to the Parking By-law results in any lesser requirement than one set out in subsection (a), (b), (c), (d), or (e) in which case the lesser requirement is to apply.

A second memorandum dated May 12, 2009, from Mr. Naylor was before Council submitting information about building code issues that have been identified with the secondary (rental) suites proposed in the rezoning application and offered options for the applicant if the code issues cannot be resolved at the development permit stage.

Staff Opening Comments

Michelle McGuire, Planner, Rezoning Centre, and Rob Jenkins, Assistant Director, Central Area Planning Branch, responded to questions.

Applicant Comments

Wing Ting Leung, W.T. Leung Architects Inc., provided an overview of the application and responded to questions.

Summary of Correspondence

No correspondence had been received on this application 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

A. THAT the application by W.T. Leung Architects on behalf of Yuanheng Oakridge Development Ltd., to rezone 6338-6432 Ash Street (PID 009-301-194, 009-301-208, 009-301-216, 009-301-232, 009-301-241, Lots 19-23, All of Lot B, Block 1008, DL 526, Plan 10803) from RT-1 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District, to allow construction of a 53-unit multiple-dwelling development with 35 townhouses and 18 secondary rental (or flex) suites at a floor space ratio (FSR) of 1.2, generally as presented in Appendix A to Policy Report "CD-1 Rezoning - 6338-6432 Ash Street" dated April 8, 2009, be approved subject to conditions:

1. PROPOSED CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

- (a) That the proposed form of development generally as prepared by W.T. Leung Architects, and stamped "Received City Planning Department, November 14, 2008", be approved by Council in principle, 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 reduce the overall grading of the development site so that the height of retaining walls located on shared private property lines are no more than 1.2 m (4.0 ft.) above the existing grade.

Note to Applicant: A minimum side yard setback of 2.1 m (7.0 ft.) for the building from the south property line should be provided to ensure an acceptable level of neighbourliness while achieving this design condition.

- (ii) Design development to provide wider external stairs and front porches for the entrances of adjacent dwelling units on Ash Street to achieve a more spacious and welcoming residential front stoop condition facing Ash Street.
- (iii) Provision of large-scale detail drawings of typical wall sections and of the proposed external stairs facing Ash Street.
- (iv) Significant design development to the public pedestrian walkway located at the north end of the site. In order to improve wayfinding and to encourage the use of this link by the public, the width of the setbacks and the passageway should be increased to achieve a distinctive high-quality landscape treatment that also provides barrier-free access.

Note to Applicant: Provide larger-scaled drawings to demonstrate a finegrained approach to the design of the pedestrian walkway.

- (v) Provision of a 0.6 m (2.0 ft.) setback for the brick garden walls facing the lane to provide for enhanced lane planting, as per (b) (xv) of the landscape design conditions.

Note to Applicant: The front yard setback may be reduced to 3.7 m (12.0 ft.) in order to achieve this condition while ensuring that all rear yards facing the lane are flush with the lane.

- (vi) Design development to provide a minimum suite size of 29.7 m² (320 sq. ft.) for all proposed rental suites.
- (vii) Consideration to eliminate of the exterior stairs facing the laneway to improve the liveability of the rental suites.
- (viii) Provision of manufacturer and color swatch identification numbers for all proposed colour samples of all elements in the design, listed directly on drawing set. All colour swatch samples to be stapled directly on the drawing set.

Crime Prevention Through Environmental Design (CPTED)

- (ix) Design development to improve security and visibility in the underground in accordance with section 4.13 of the Parking By-law and by painting the walls and ceiling of the parking garage white.
- (x) Design development to improve defensibility and reduce opportunities for mischief in the public pedestrian walkway by ensuring that all areas may be easily surveyed by residents.

Note to Applicant: Conformance to this condition should include an exterior night time lighting strategy.

- (xi) Design development to reduce opportunities for break and enter. Note to Applicant: Show how the space around the private outdoor space will be clearly defined by gates or fences and effectively lit at night. Lighting should not cross the property line.

Sustainability

- (xii) The following sustainable features have been noted on the Built Green checklist submitted for this application. These features are to be duly indicated and noted on the application drawings for the Development Permit (Numbering corresponds to the Built Green checklist):
 - 1-1 3 zones for HVAC in each dwelling unit
 - 1-3 Locations of all ground-source heat pumps
 - 1-24 Locations of 3 motion sensor light switches per dwelling unit
 - 3-22 Indicate 27.9 m² (300 sq. ft.) of flooring from a certified sustainable source for each dwelling unit
 - 5-8 Indicate and note the location of the HRV for each dwelling unit
- (xiii) Provision of large-scale detail drawings of the proposed external sunshades and a clear indication of their proposed locations with an explanation of how they are employed.

Landscape Design

- (xiv) Design development to the front yards to add visual amenity and create a more residential appearance.

Note to Applicant: This could be accomplished through the use of front property line fences and gates and a more substantial foundation planting of mixed shrubs.

- (xv) Provision of a greener and more pedestrian friendly lane edge.

Note to Applicant: This could be accomplished through a combination of raised shrub and tree planters adjacent to the rear property line and lighting for the gates leading to the basement suite entrances. The outer wall of the lane edge planter should be a minimum of 0.5 m (1.5 ft.) above grade. Any lane edge trees that are specified should be

fastigiated in shape. Parrotia Persica Inge's Ruby Vase is suggested. See design development condition (b)(v).

- (xvi) Provision of a report from an ISA certified arborist regarding the 0.2 m (0.8 ft.) diameter Blue Atlas Cedar in the northwest corner of the site. The report should include any arboricultural care necessary for safe retention of this tree.

Note to Applicant: If site supervision during excavation is necessary, then a letter of assurance will be required from the arborist, stating that he has been retained.

- (xvii) Provision of a detailed Landscape Plan. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, fences, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale.
- (xviii) Provision of large scale east/west sections (1/4"=1' or 1:50) illustrating the lane edge planters, retaining walls and proposed and existing grades.
- (xix) Provision of large scale sections (1/4"=1' or 1:50) illustrating the townhouse to public realm interface of the townhouses facing Ash Street.

Note to Applicant: The section should include the building façade, as well as any steps, retaining walls, guardrails, fences and planters. The location of the underground parking slab should be included in the section.

Engineering

- (xx) Arrangements to the satisfaction of the General Manager of Engineering Services for the following:
1. Provision of a 6.1 m (20.0 ft.) wide parking ramp is required.
Note to Applicant: The adjacent planter encroaches 10 cm (4 in.) into this area.
 2. Provision of adequate space to access the door leading into the dwelling units where the parking spaces butt right up to the door.
 3. Provision of off-street parking and bicycle spaces according to the Parking By-law, except that:
 - the minimum required parking is relaxed to one parking space per 100 m² of Gross Floor Area (GFA);
 - the maximum permitted parking shall be 2 parking spaces per dwelling unit;
 - secondary dwelling units will not be used for calculating maximum parking spaces;

- secondary dwelling units will be used for calculating bicycle spaces; and
 - for bicycle spaces located within individual garages or dwelling units, the requirements for bicycle lockers shall not apply.
4. Provision of car sharing vehicles and spaces at the rate of 0.02 per dwelling unit. Car-sharing spaces can be provided at the nearest Residential Parking Permit (RPP) zone to the site.

Note to Applicant: This will require payment by the owner of the yearly or monthly fee in perpetuity for parking the car-shared vehicle in the RPP zone. Secondary dwelling units will be counted as dwelling units for the calculation of car sharing vehicles and spaces. The required vehicle will be managed by a car sharing company and will be available to the residents of the area.

5. Bicycle parking provided outside of a bicycle room shall be accessible to the intended resident only and must not be located where entry into the secondary suite is required for access.

2. PROPOSED CONDITIONS OF BY-LAW ENACTMENT

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

Secondary Dwelling Units

- (i) Make arrangements to the satisfaction of the Director of Planning and the Director of Legal Services, to ensure that the number of strata lots created upon registration of a strata plan is limited to the approved number of principal dwelling units.

Pedestrian Walkway

- (ii) Make arrangements to the satisfaction of the Director of Planning and the Director of Legal Services, for public access over the proposed pedestrian walkway connecting Ash Street with the lane to the east.

Note to Applicant: A statutory right of way will be required to provide public access to the pedestrian walkway 24 hours a day. Construction, installation, maintenance and lighting of the walkway will be the responsibility of the owner.

Community Amenity Contribution

- (iii) Make arrangements, to the satisfaction of the Acting Director of Social Development and the Director of Legal Services for the payment of \$173,500 as a Community Amenity Contribution (CAC), which is to be allocated toward the affordable housing fund.

Engineering

- (iv) Arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:
 - 1. Consolidation of all the lots into a single parcel.
 - 2. Provision of street trees on Ash Street where space exists adjacent the site.
 - 3. Provision of speed humps in the north-south lane, subject to neighbourhood review.
 - 4. Provision of curb bulges on both sides of Ash Street at 49th Avenue and at 45th Avenue, subject to neighbourhood review.
 - 5. Provision of two mid-block cross walks with bulges on Ash Street between 49th Avenue and 45th Avenue, subject to staff and neighbourhood review.
 - 6. Provision of a 1.8 m (6.0 ft.) wide concrete sidewalk on Ash Street adjacent the site.

- (v) Arrangements to the satisfaction of the General Manager of Engineering Services for the following:
 - 1. 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.

Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as Covenants pursuant to Section 219 of the Land Title Act.

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, and letters of credit, and provide for the withholding of permits, as deemed appropriate by, and in form and contents satisfactory to, the Director of Legal Services.

The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT, subject to approval of the application, the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law at the time of enactment of the Zoning By-law as set out in Appendix C to Policy Report "CD-1 Rezoning - 6338-6432 Ash Street" dated April 8, 2009.
- C. THAT the draft CD-1 by-law provisions for parking, loading and bicycle spaces be amended to include the following:
- (a) there must be at least 0.1 parking space for each 100 m² of gross floor area;
 - (b) there must be no more than 2 parking spaces for each dwelling unit and calculation of the maximum number of parking spaces is not to include secondary dwelling units;
 - (c) calculation of bicycle spaces is to include secondary dwelling units;
 - (d) for bicycle spaces located within individual garages or dwelling units, the requirements of the Parking By-law regarding bicycle lockers are not to apply; and
 - (e) bicycle parking provided outside of a bicycle room must be accessible to the intended resident only, and the location of such parking must not block required access for entry into a secondary dwelling unit; unless any amendment to the Parking By-law results in any lesser requirement than one set out in subsection (a), (b), (c), (d), or (e) in which case the lesser requirement is to apply."

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 Louie~~

~~SECONDED by Councillor Stevenson~~

~~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~~