



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 (487)

2330 - 2372 Kingsway and 2319 East 30th Avenue

By-law No. 10094

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

Effective July 20, 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-575 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 (487).

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 (487) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Dwelling Uses, limited to:
 - (i) Multiple Dwelling, and
 - (ii) Dwelling Unit in conjunction with any use listed in this section 2.2;
- (b) Residential Unit associated with and forming an integral part of an Artist Studio;
- (c) Cultural and Recreational Uses, limited to Artist Studio, Billiard Hall, Bowling Alley, Club, Community Centre or Neighbourhood House, Fitness Centre, Hall, Library, Museum or Archives, Rink, Swimming Pool, and Theatre;
- (d) Institutional Uses, limited to Child Day Care Facility, Church, Public Authority Use, School - Elementary or Secondary, School - University or College, Social Service Centre, and Special Needs Residential Facility;
- (e) Manufacturing Uses, limited to Jewellery Manufacturing and Printing or Publishing;
- (f) Office Uses;
- (g) Retail Uses limited to Furniture or Appliance Store, Grocery or Drug Store, Neighbourhood Grocery Store, Liquor Store, Retail Store, Small-scale Pharmacy, and Secondhand Store;
- (h) Service Uses, limited to Animal Clinic, Auction Hall, Barber Shop or Beauty Salon, Bed and Breakfast Accommodation, Cabaret, Catering Establishment, Hotel, Neighbourhood Public House, Photofinishing or Photography Laboratory, Photofinishing or Photography Studio, Print Shop, Repair Shop - Class B, Restaurant - Class 1, Restaurant - Class 2, School - Arts or Self-Improvement, School - Business, School - Vocational or Trade, School - University or College, Sign Painting Shop, and Wedding Chapel;
- (i) Utility and Communication Uses, limited to Public Utility and Radiocommunication Station;
- (j) Wholesale Uses, limited to Wholesaling - Class A and Wholesaling - Class B;
- (k) Interim Parking Use if the Director of Planning, in consultation with the General Manager of Engineering Services, approves a parking management plan; and
- (l) Accessory Uses customarily ancillary to any of the uses permitted by this section 2.2.

3 Conditions of use

Despite section 2.2, a Bowling Alley, Fitness Centre, Hall, Rink, Swimming Pool, Club, Dwelling Use, School - Elementary or Secondary, School - University or College, Special Needs Residential Facility, General Office except for an insurance agency, travel agency or real estate office, Auction Hall, Bed and Breakfast Accommodation, Cabaret, School - Arts or Self Improvement, School - Business, or School - Vocational or Trade, except for entrances to such uses, must not be situate at grade on any frontage adjacent to Kingsway or Nanaimo Street.

4 Density

4.1 The floor space ratio must not exceed 3.6.

4.2 Computation of floor area must:

- (a) assume that the site includes all parcels to which this By-law applies, and consists of 8 072.3 m², being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications; and
- (b) include all floors of all buildings, including accessory buildings, both above and below ground level, measured to the extreme outer limits of the building.

4.3 Computation of floor space ratio must exclude:

- (a) open residential balconies or sundecks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, 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:
 - (i) at or below the base surface, except that the exclusion for a parking space must not exceed 7.3 m in length, or
 - (ii) above the base surface and where developed as off-street parking, are situate in an accessory building in the rear yard, except that the exclusion for a parking space must not exceed 7.3 m in length;
- (d) amenity areas, including child day care facilities, recreational facilities, and meeting rooms, accessory to a residential use, not to exceed 10% of the total permitted floor area, if, with respect to child day care facilities, the Director of Planning, on the advice of the Director of Social Planning, is satisfied that there is a need for a day care facility in the immediate neighbourhood;
- (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 will be no exclusion for any of the residential storage space above base surface for that unit; and
- (f) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause does not apply to walls in existence prior to March 14, 2000.

4.4 The Director of Planning may allow the exclusion of enclosed residential balconies from the computation of floor space ratio but:

- (a) the Director of Planning must first consider all applicable policies and guidelines adopted by Council;
- (b) the Director of Planning must approve the design of the balcony enclosure;
- (c) the total area of all open and enclosed balcony or sundeck exclusions must not exceed 8% of the residential floor area being provided; and
- (d) enclosure of the excluded balcony floor area must not exceed 50%.

5 Building height

The building height, measured above the base surface, must not exceed 65 m, and the building must not exceed 22 storeys, except that the Development Permit Board may allow an increase for mechanical appurtenances and elevator machine rooms.

6 Horizontal angle of daylight

6.1 All habitable rooms in buildings used for residential or hotel purposes must have at least one window on an exterior wall that complies with the following:

- (a) the location of the window must be such that 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, are unobstructed over a distance of 24.0 m; and
- (b) measurement of the plane or planes referred to in subsection (a) must be horizontal from the centre of the bottom of the window.

6.2 For the purpose of section 6.1, obstructions include:

- (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 proposed site;
- (b) part of the same building including permitted projections;
- (c) accessory buildings located on the same site as the principal building; and
- (d) if this site adjoins a C or M site, the maximum size building permitted under the appropriate C or M District Schedule in the Zoning and Development By law.

6.3 For the purpose of section 6.1, habitable rooms do not include:

- (a) bathrooms; or
- (b) kitchens, unless the floor area is more than 10% of the total floor area of the dwelling unit or 9.3 m², whichever is greater.

7 Parking, loading, bicycle, and passenger 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, bicycle spaces, and passenger spaces, all as defined under the Parking By-law, except that for a child day care facility:

- (a) there must be at least two parking spaces for staff;
- (b) there must be at least four and no more than six parking spaces for persons who park for the purpose of taking a child to or from the facility, except that if the capacity of the facility increases or decreases then the minimum number of such parking spaces must comply with the following appropriate requirement:

0 to 4 child capacity	No requirement
5 to 14 child capacity	One parking space
15 to 24 child capacity	Two parking spaces
25 to 34 child capacity	Three parking spaces
35 to 44 child capacity	Four parking spaces
45 to 59 child capacity	Five parking spaces
60 or greater child capacity	Six parking spaces

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 dwelling units listed below do not exceed the noise levels 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 levels 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 20th day of July, 2010.



Z-575

<p>RZ - 2330-2372 Kingsway / 2319 E 30th Avenue</p>	<p>map: 1 of 1</p>	
	<p>scale: 1:2000</p>	
<p>City of Vancouver</p>	<p>date: Jan. 4, 2006</p>	

Backup Notes

By-law No. 10094, dated July 20, 2010

BY-LAWS

Councillor Jang rose and confirmed he has received a report of the Public Hearing in regard to by-laws 3 and 4, and would therefore be voting on the enactment of the by-laws.

MOVED by Councillor Woodsworth
SECONDED by Councillor Cadman

THAT Council enact the by-laws listed on the agenda for this meeting as numbers 2, 5, 11 and 13, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillor Stevenson absent for the vote)

MOVED by Councillor Louie
SECONDED by Councillor Deal

THAT Council, except for those members ineligible to vote as noted below, enact the by-laws listed on the agenda for this meeting as numbers 1, 3, 4, 6 through 10 and 12 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillor Stevenson absent for the vote)

1. **A By-law to amend CD-1 By-law No. 9195 (1133 West Georgia Street)**
(By-law No. 10092)
(Councillor Cadman ineligible to vote)
2. **A By-law to amend Vehicles for Hire By-law No. 6066 regarding chauffeur's permits**
(By-law No. 10093)
3. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (2330-2372 Kingsway and 2319 East 30th Avenue) (By-law No. 10094)**
(Councillors Meggs, Reimer, Stevenson, Woodsworth and the Mayor ineligible to vote)
4. **A By-law to amend Sign By-law No. 6510 (2330-2372 Kingsway and 2319 East 30th Avenue) (By-law No. 10095)**
(Councillors Meggs, Reimer, Stevenson, Woodsworth and the Mayor ineligible to vote)
5. **A By-law to enact a Housing Agreement for 5498 Fraser Street (By-law No. 10096)**
6. **A By-law to amend CD-1 By-law No. 8131 (1980 Foley Street - Great Northern Way Campus) (By-law No. 10097)**
(Councillors Deal and Stevenson and the Mayor ineligible to vote)
7. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (887 Great Northern Way) (By-law No. 10098)**
(Councillors Deal and Stevenson and the Mayor ineligible to vote)

2330 - 2372 Kingsway
2319 East 30th Avenue

BY-LAW NO. 10094

**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-575 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 (487).

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 (487) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Dwelling Uses, limited to:
 - (i) Multiple Dwelling, and
 - (ii) Dwelling Unit in conjunction with any use listed in this section 2.2;
- (b) Residential Unit associated with and forming an integral part of an Artist Studio;
- (c) Cultural and Recreational Uses, limited to Artist Studio, Billiard Hall, Bowling Alley, Club, Community Centre or Neighbourhood House, Fitness Centre, Hall, Library, Museum or Archives, Rink, Swimming Pool, and Theatre;
- (d) Institutional Uses, limited to Child Day Care Facility, Church, Public Authority Use, School - Elementary or Secondary, School - University or College, Social Service Centre, and Special Needs Residential Facility;

- (e) Manufacturing Uses, limited to Jewellery Manufacturing and Printing or Publishing;
- (f) Office Uses;
- (g) Retail Uses limited to Furniture or Appliance Store, Grocery or Drug Store, Neighbourhood Grocery Store, Liquor Store, Retail Store, Small-scale Pharmacy, and Secondhand Store;
- (h) Service Uses, limited to Animal Clinic, Auction Hall, Barber Shop or Beauty Salon, Bed and Breakfast Accommodation, Cabaret, Catering Establishment, Hotel, Neighbourhood Public House, Photofinishing or Photography Laboratory, Photofinishing or Photography Studio, Print Shop, Repair Shop - Class B, Restaurant - Class 1, Restaurant - Class 2, School - Arts or Self-Improvement, School - Business, School - Vocational or Trade, School - University or College, Sign Painting Shop, and Wedding Chapel;
- (i) Utility and Communication Uses, limited to Public Utility and Radiocommunication Station;
- (j) Wholesale Uses, limited to Wholesaling - Class A and Wholesaling - Class B;
- (k) Interim Parking Use if the Director of Planning, in consultation with the General Manager of Engineering Services, approves a parking management plan; and
- (l) Accessory Uses customarily ancillary to any of the uses permitted by this section 2.2.

Conditions of use

3. Despite section 2.2, a Bowling Alley, Fitness Centre, Hall, Rink, Swimming Pool, Club, Dwelling Use, School - Elementary or Secondary, School - University or College, Special Needs Residential Facility, General Office except for an insurance agency, travel agency or real estate office, Auction Hall, Bed and Breakfast Accommodation, Cabaret, School - Arts or Self-Improvement, School - Business, or School - Vocational or Trade, except for entrances to such uses, must not be situate at grade on any frontage adjacent to Kingsway or Nanaimo Street.

Density

4.1 The floor space ratio must not exceed 3.6.

4.2 Computation of floor area must:

- (a) assume that the site includes all parcels to which this By-law applies, and consists of 8 072.3 m², being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications; and
- (b) include all floors of all buildings, including accessory buildings, both above and below ground level, measured to the extreme outer limits of the building.

4.3 Computation of floor space ratio must exclude:

- (a) open residential balconies or sundecks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, 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:
 - (i) at or below the base surface, except that the exclusion for a parking space must not exceed 7.3 m in length, or
 - (ii) above the base surface and where developed as off-street parking, are situate in an accessory building in the rear yard, except that the exclusion for a parking space must not exceed 7.3 m in length;
- (d) amenity areas, including child day care facilities, recreational facilities, and meeting rooms, accessory to a residential use, not to exceed 10% of the total permitted floor area, if, with respect to child day care facilities, the Director of Planning, on the advice of the Director of Social Planning, is satisfied that there is a need for a day care facility in the immediate neighbourhood;
- (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 will be no exclusion for any of the residential storage space above base surface for that unit; and
- (f) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause does not apply to walls in existence prior to March 14, 2000.

4.4 The Director of Planning may allow the exclusion of enclosed residential balconies from the computation of floor space ratio but:

- (a) the Director of Planning must first consider all applicable policies and guidelines adopted by Council;
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Building height

5. The building height, measured above the base surface, must not exceed 65 m, and the building must not exceed 22 storeys, except that the Development Permit Board may allow an increase for mechanical appurtenances and elevator machine rooms.

Horizontal angle of daylight

6.1 All habitable rooms in buildings used for residential or hotel purposes must have at least one window on an exterior wall that complies with the following:

- (a) the location of the window must be such that 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, are unobstructed over a distance of 24.0 m; and
- (b) measurement of the plane or planes referred to in subsection (a) must be horizontal from the centre of the bottom of the window.

6.2 For the purpose of section 6.1, obstructions include:

- (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 proposed site;
- (b) part of the same building including permitted projections;
- (c) accessory buildings located on the same site as the principal building; and
- (d) if this site adjoins a C or M site, the maximum size building permitted under the appropriate C or M District Schedule in the Zoning and Development By-law.

6.3 For the purpose of section 6.1, habitable rooms do not include:

- (a) bathrooms; or
- (b) kitchens, unless the floor area is more than 10% of the total floor area of the dwelling unit or 9.3 m², whichever is greater.

Parking, loading, bicycle, and passenger 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, loading spaces, bicycle spaces, and passenger spaces, all as defined under the Parking By-law, except that for a child day care facility:

- (a) there must be at least two parking spaces for staff;
- (b) there must be at least four and no more than six parking spaces for persons who park for the purpose of taking a child to or from the facility, except that if the capacity of the facility increases or decreases then the minimum number of such parking spaces must comply with the following appropriate requirement:

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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 levels 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 levels in decibels.

<u>Portions of dwelling units</u>	<u>Noise levels (Decibels)</u>
Bedrooms	35
Living, dining, recreation rooms	40
Kitchens, bathrooms, hallways	45

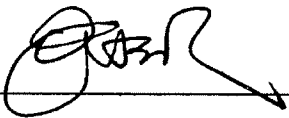
Severability

9. 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.

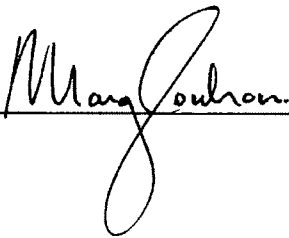
Force and effect

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

ENACTED by Council this 20th day of July, 2010

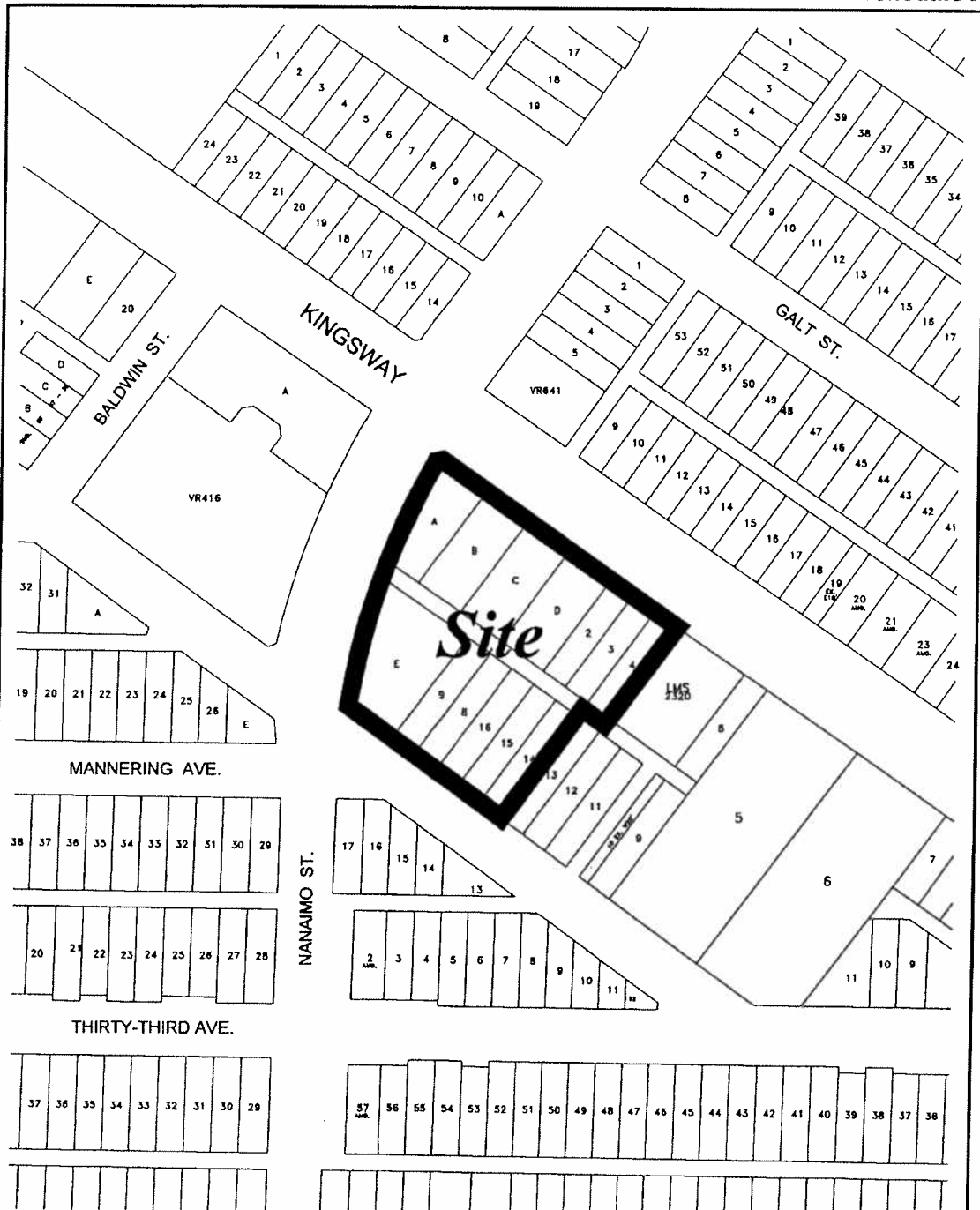


Mayor



City Clerk

Schedule A



Z-575

RZ - 2330-2372 Kingsway / 2319 E 30th Avenue

map: 1 of 1
scale: 1:2000



City of Vancouver

date: Jan. 4, 2006



CITY OF VANCOUVER
SPECIAL COUNCIL MEETING MINUTES

JANUARY 24, 2006

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, January 24, 2006, at 7:30 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the Zoning and Development, Sign and Heritage By-laws.

PRESENT: Mayor Sam Sullivan
Councillor Suzanne Anton
Councillor Elizabeth Ball
Councillor David Cadman
Councillor Kim Capri
Councillor George Chow
Councillor Heather Deal
*Councillor Peter Ladner
Councillor B.C. Lee
Councillor Raymond Louie

ABSENT: Councillor Tim Stevenson

CITY CLERK'S OFFICE: Lori Isfeld, Meeting Coordinator

* Denotes absence for a portion of the meeting.

COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Ladner

THAT this Council resolve itself into Committee of the Whole, Mayor Sullivan in the Chair, to consider proposed amendments to the Zoning and Development, Noise Control, Subdivision, Sign and Heritage By-laws.

CARRIED UNANIMOUSLY

**1. HERITAGE REVITALIZATION AGREEMENT:
1 West Hastings Street**

An application by Sean McEwen, Architect, was considered as follows:

Summary: Heritage Revitalization Agreement and HBRP incentives for a project which includes interior and exterior alterations, and the addition of one storey, to a heritage "A" building.

The Director of Current Planning recommended approval.

- limit the permitted floor area, including the proposed detached garage to 612 m²; and,
 - vary the yard provisions to permit the Magee House to remain where it is currently sited and to permit parking in the front yard in the form of a detached garage, as described in this report and as indicated in Development Application DE409053, Condition 1.1.
 - vary the RA-1 District Schedule of the Zoning and Development By-law for minimum site area from 9 100 m² to 1 009.7 m² for the proposed south parcel;
 - vary the RA-1 provisions of the Subdivision By-law for minimum parcel width and minimum parcel area as they apply to the proposed north and south parcels;
- B. THAT the house at 6475 Balaclava Street, the Magee House, listed in the “B” category on the Vancouver Heritage Register, be designated as Protected Heritage Property.
- C. THAT, subject to approval of the Heritage Revitalization Agreement at a Public Hearing, authorization be given for the property owner to apply to the Agricultural Land Commission (ALC), as required under the Agricultural Land Commission Act, to subdivide the site at 6475 Balaclava Street; and
- D. FURTHER THAT, prior to enactment of the Heritage Revitalization Agreement By-law, the Director of Current Planning be in receipt of a decision by the Agricultural Land Commission that supports the property owner’s application.
- E. THAT Council instruct the Director of Legal Services, to bring forward for enactment, once ‘D’ above is satisfied, a by-law to authorize the Heritage Revitalization Agreement and a by-law to designate the heritage building as Protected Heritage Property.
- F. THAT Council instruct the Director of Legal Services to prepare a side agreement to ensure the timely restoration of the heritage building. The nature of this agreement is to be to the satisfaction of the Director of Legal Services in consultation with the Director of Current Planning.

CARRIED
(Councillor Anton opposed)

4. REZONING: 2330 Kingsway

An application by Timothy Ankenman, Equitas Development was considered as follows:

Summary: To rezone from C-2 and RS-1 to CD-1 for a mixed use development including:

- 346 market dwelling units in two towers and two low-rise buildings;
- 3 635 m² (39,128 sq. ft.) of commercial floor area including space for a grocery store, a small pub and a beer and wine store; and
- a 550 m² (5,921 sq. ft.) child day care facility.

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

Staff Opening Comments

Joanne Baxter, Rezoning Planner, provided an overview of the application for rezoning of the site which is currently occupied by the El Dorado Hotel. Ms. Baxter noted staff support the configuration subject to the conditions set out in the agenda but also recommend reducing the density from 3.87 to 3.6 FSR and reducing the height of one of the two towers.

Ms. Baxter introduced an amendment to the sign bylaw, which was not included on page 10 of the Summary and Recommendations sheet before Council.

- C. THAT the consequential amendment to the Sign By-law to establish regulations for the CD-1 in accordance with Schedule B (C-2) be approved.

Ms. Baxter also clarified that the only parking standard reflected in the draft bylaw refers to parking standards for the child day care facility. She noted that in the referral report there are parking standards for the residential component which do not need to be in the draft bylaw because they are incorporated in the parking bylaw.

Applicant Opening Comments

Timothy Ankenman, Equitas Development, introduced owners Rahoul Sharanm and Nevin Sengha and traffic consultant Duncan Lo, Ward Consulting. Mr. Ankenman provided a history of the site and noted this is an opportunity to develop a sustainable community incorporating a variety of housing types and amenities. Design elements include a rotating art display, wine bar and shared use of the day care.

Summary of Correspondence

No correspondence was received on this application since the date it was referred to Public Hearing.

Speakers

Mayor Sullivan called for speakers for and against the application.

The following spoke in general support of the application but offered additional suggestions and comments:

Bill McMichael, President, representing the Executive Committee of Collingwood Neighbourhood House
Chris Taulu, Collingwood Community Policing Centre
Ian Nixon
Brad O'Connell
Wy Khan
Jill Atkey

Points raised by the foregoing speakers included the following:

- support was expressed regarding rotating public art displays;
- support was expressed for community use of day care space;
- there needs to be more community involvement in the development permit phase;
- social housing should be included in the proposal because there is a need for a housing mix in the area;
- there are too many newspaper and vending machines in public places; some of the vending machines should be replaced with benches;
- from a safety prevention perspective, the hedge on the east property line needs to be at least three or four feet high;
- the development will help revitalize the area;
- concern was expressed regarding how parking will affect the neighbourhood;
- the Asian and Vietnamese population who are not represented at the public hearing would not support a 22 storey tower;
- the view will be blocked from Killarney, Kensington, and Trout Lake Community Centres;
- the circular traffic pattern is not pedestrian friendly.

The following spoke in opposition to the application:

Joseph Jones (brief filed)
Andy Heidrich

Points raised by the foregoing speakers included the following:

- the tower height should be reduced so it is less protrusive;
- a single 22 story tower would not be allowed in less vulnerable neighbourhoods such as Dunbar, Kerrisdale, Main Street or Commercial Drive;
- 507 underground parking spaces would not add to the pedestrian character of the Kingsway neighbourhood;
- the report refers to the Renfrew-Collingwood but the concerns of the adjacent Kensington-Cedar Cottage neighbourhood have not been addressed;
- the new development needs to fit better with the existing developments;
- eight or ten storeys would be agreeable; the most in the area now is four;
- the new residences will have a beautiful view at the expense of those living below;
- concern was expressed regarding the shadow cast by the tower.

The following expressed support for the application:

Puneet Sharan
Bert Halters, El Dorado Hotel
Ren Price, Manager, El Dorado Hotel
Leena Chandi
Evan Sangha
Bee Sangha
Karli Bereska
Chris White
Shawn Snesar

Philippe Marciano
Paul Lewis
Jacob Abdul
Angela Abbate
Bev Funston
Chris Chu
Ron Chu
Michelle Dawe
John Bevilacqua

Points raised by the foregoing speakers included the following:

- area residents and El Dorado staff expressed support for the application;
- the development will contribute to positive change in the area;
- support was expressed for the proposed child care facilities;
- the area is run down and needs a facelift;
- the development will help decrease crime in the area;
- support was expressed for community involvement.

Applicant Closing Comments

In response to questions from Council, Mr. Ankenman advised the location of the proposed child care facility is on the roof of one of the towers and noted there was concern about security if it was located on the ground level. Mr. Ankenman also provided details on strategies to achieve energy efficiency and environmental protection. He also provided rationale for the proposed size of the grocery store, which was reduced to keep it more local.

Staff Closing Comments

Paul Pinsker, Engineer, Parking Management, clarified the reduced parking requirements for multiple dwelling units and responded to questions regarding traffic configuration. Mr. Pinsker discussed on-site traffic calming measures and noted there will be community consultation regarding measures to deal with increased traffic in the area. He also noted that decreasing the length of the cross walk on the south leg will be reviewed during the development permit stage.

Vickie Morris, Social Planner, responded to questions regarding shared use of child day care facility space.

Larry Beasley, Director of Current Planning, in responding to questions, noted social housing is not normally required in a development of this size. In response to a question regarding trucks parked in the El Dorado parking lot, Mr. Beasley addressed concerns regarding trucks currently renting space in the parking lot of the El Dorado Hotel, noting that regular enforcement methods would be used to ensure the trucks do not relocate to neighbouring City streets. Mr. Beasley also provided information regarding shadowing, noting a tall thin tower creates less shadow than a shorter, wider building with the same FSR.

In response to concerns regarding parking access, Mr. Beasley suggested adding the following design development condition:

- (9) design development of parking access to minimize impacts to the central plaza.

Ms. Baxter provided final comments and noted concerns raised regarding the evergreen hedge on the east property line could be addressed by adding the words "or other means" in the second sentence of condition (39) as noted in bold and italics below:

- (39) provide a cross section detail to show the proposed east property line treatment at the ground level (south of lane). Provision of a tall-growing evergreen hedge ***or other means*** along the east property line (south of the lane) to ensure adequate screening between the new residences and the neighbour;

Council Decision

MOVED by Councillor Capri

- A. THAT the application by Equitas Real Estate Advisors Ltd. to rezone 2330-2372 Kingsway and 2319 East 30th Avenue (Lots A-E, Plan 9141, Lots 2-4 and 14-16, Plan 3283 and Lots 8 and 9, Plan 3512, all of Block 11, D.L. 393) from C-2 Commercial District and RS-1 One-Family Dwelling District to CD-1 Comprehensive Development District, to permit a mixed use development generally as outlined in Appendix A of the Policy report dated September 21, 2005 entitled "CD-1 Rezoning - 2330-2372 Kingsway and 2319 East 30th Avenue", 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 Ankenman Marchand Architects, and stamped "Received City Planning Department", June 2, 2004, provided that the Director of Planning may allow 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

Overall Site

- (1) design development to reduce the overall density of both the north and south sites to a maximum of 3.6 FSR;
- (2) design development to the public lane to provide pedestrian crossing points located at sidewalks on each side of the new access driveway through a raised table crossing, or other similar treatment, to the satisfaction of the General Manager of Engineering Services;

- (3) design development to the commercial street frontages on Kingsway and Nanaimo Street to provide small scale store front rhythms and pedestrian amenity, having regard, where applicable, to the Council-adopted C-2 Guidelines;
- (4) provide a concrete driveway ramp at the sidewalk on Nanaimo Street, to the satisfaction of the General Manager of Engineering Services;
- (5) provide lane edge landscape treatments and setbacks;
- (6) use high quality building materials and detailing;
- (7) clarify fire flow demands for the development. [Note to Applicant: The current application does not contain enough detail to determine the need for water system upgrading. Any water system upgrading necessary for this project is to be fully at the applicant's expense];
- (8) submit an acoustical consultant's report which assesses noise impacts on the site and recommends noise mitigating measures;
- (9) design development of parking access to minimize impacts to the central plaza.

North Site - General

- (10) provide scored broom finish panels and exposed aggregate banding with specialty "Norquay Village" character insets for the sidewalk treatments on Kingsway and Nanaimo Street, to the satisfaction of the Director of Planning and the General Manager of Engineering Services;
- (11) provide street trees, and furnishings such as garbage bins, tree grates, bicycle racks, newspaper vending surrounds and pedestrian lighting, to the satisfaction of the Director of Planning and the General Manager of Engineering Services;
- (12) design development to delete the roof encroachments shown on each side of the Kingsway entry to the plaza;
- (13) design development to delete portions of the building shown over the 1.5 m (5 ft.) by 1.5 m (5 ft.) corner cut at Kingsway and Nanaimo Street. [Note to Applicant: Canopies are permitted through a separate application to the General Manager of Engineering Services];

North Site - Northwest Tower

- (14) relocate the pub to the Kingsway and/or Nanaimo Street side and confirm acoustical and mechanical separations between the pub and residential use;
- (15) relocate loading bay and garbage storage area to be between the retail unit facing Nanaimo Street and the retail unit facing onto the new access driveway, the loading bay and garbage storage area to be gated with electronic communication to commercial users, and provide limited access to residential users for loading and shared use for garbage;
- (16) provide a 1.5 m (4.92 ft.) building setback on both Kingsway and Nanaimo Street;
- (17) design development to the tower character to provide a strong 4 to 6 storey base element to relate to the context, with the tower element rising from that base and orienting toward the corner of Kingsway and

Nanaimo Street, with the tower floor plate to be minimized to reduce scale;

North Site - Easterly Massing (East of New Access Driveway)

- (18) provide a 0.6 m (1.97 ft.) building setback on Kingsway at the east end, increasing to a 1.2 m (3.94 ft.) building setback from the westerly side of the residential entrance to the new access driveway;
- (19) design development to provide a strong sense of street enclosure on Kingsway by increasing the massing to 6 storeys;
- (20) design development to the commercial parking garage to provide pedestrian friendly access and visibility;
- (21) provide a 0.6 m (2 ft.) landscape setback from the lane and relocate commercial loading and garbage to the easterly end of the site, off the lane, and provide a loading management plan, to the satisfaction of the General Manager of Engineering Services;

North Site - New Access Driveway and Associated Sidewalks

- (22) provide two-way traffic drive aisles maximum and perpendicular parking on one side, plus maximize sidewalk space with a minimum of 1.8 m (5.9 ft.) sidewalk on the west side (tower may overhang up to 3.6 m (11.8 ft.) as shown on drawings), and a 3.8 m (12.5 ft.) sidewalk on the east side to allow walking plus outdoor seating or display of goods from adjacent retail units;
- (23) ensure that driveway paving treatments are pavers, coloured concrete, rolled curbs, exposed aggregate;
- (24) provide open space at points on the sidewalk as community seating space with trees, benches, pedestrian lighting, newspaper vending surrounds, garbage bins and landscaping;

South Site - General

- (25) provide a sidewalk and curb on East 30th Avenue to residential standards and a new sidewalk and street trees on Nanaimo Street in coordination with the General Manager of Engineering Services;

South Site - Southwest Corner of Nanaimo Street and East 30th Avenue

- (26) design development to reduce the height of the building to a maximum height of 23 m (75.5 ft.) and 7 storeys, including the child day care level;
- (27) provide a 3.6 m (11.8 ft.) setback and universal access to the ground level residential use from the street, and internal corridor access for ground level units on the mews, East 30th Avenue and Nanaimo Street to facilitate flexible conversion to artist live-work studios;
- (28) provide a second row of street trees inside the property line along Nanaimo Street and East 30th Avenue;

South Site - Southeast Quadrant - Townhouses

- (29) ensure front yard setback on East 30th Avenue to principle building facade of townhouses (not including porches or bay windows) matches adjacent single-family residential use to a maximum of 6.1 m (20 ft.), with a 3-storey mass rhythm on East 30th Avenue, and a 6.1 m (20 ft.) setback to residential units on the lane with steps and gated entrances;
- (30) provide privacy fencing and hedging adjacent to existing residential use to the east of the site, and reduce overlook through the placement of trees, and reorienting townhouse units to the lane and East 30th Avenue;
- (31) design development to ensure that the townhouse units, on the mews, are oriented along the angle of the mews with individual front porches, steps and bay windows projecting onto the mews;
- (32) relocate parking entrance way accessed from the lane to the westerly side of the site to facilitate easy access to the underground parking garage for child day care drop-off and pick-up;

LANDSCAPE

- (33) design development to clarify the public and private pedestrian circulation pattern throughout the site;
- (34) design development to provide a better transition at the ground level between the private entry walks and the public areas, increase the width of the public sidewalk at the ground level alongside the private residences adjacent to the proposed grocery store;
- (35) design development to the public realm to include the provision of boulevard street tree planting. New street planting locations and species along Kingsway, Nanaimo Street and East 30th Avenue should be to the approval of the Park Board and the City Engineer (Streets). Tree planting on inner boulevard is not encouraged. All new street trees planted in a pavement to be in a structural soil integral to the new public sidewalk at ground level along Kingsway, Nanaimo Street and East 30th Avenue walk and the driveway paving system within the site;
- (36) provide of more landscape detail of private outdoor open spaces; [Note to Applicant: The yards should be planted in a continuous pattern of lawn with layered small tree/shrub/perennial borders. Front property lines should be bordered with low hedges to create a sense of enclosure and protection from the street, while allowing for views into the front yard for security.]
- (37) provide private outdoor open space for the residents of the tower;
- (38) provide an arborist report to confirm the safe retention of the existing stand of privately-owned evergreen trees along East 30th Avenue. The safe retention of the neighbouring Cherry tree bordering the east property line on East 30th Avenue should be considered;
- (39) provide a cross section detail to show the proposed east property line treatment at the ground level (south of lane). Provision of a tall-growing evergreen hedge or other means along the east property line (south of the lane) to ensure adequate screening between the new residences and the neighbour;

- (40) provide gated front yards (illustrated on the site plan and landscape plans);
[Note to Applicant: The location of the front entry walk gates should be set back from the main walkway to allow for a landscape area between the gate and the public sidewalk.]
- (41) provide a gated private pedestrian walk for residents at street level, entering the site at East 30th Avenue and connecting to the central plaza area;
- (42) provide street trees adjacent to all sides of the site where space permits;

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- (43) design development to take into consideration the principles of Crime Prevention through Environmental Design (CPTED) having particular regard for:
 - reducing opportunities for theft in the underground by providing secure separation between uses and by the location of perimeter exit stairs;
 - reducing opportunities for graffiti on blank walls and skateboarding on planter walls adjacent to residential uses; and
 - reducing opportunities for mischief in alcoves by deleting alcoves.

AGREEMENTS

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

PLANNING

- (1) Enter into an agreement, to the satisfaction of the Director of Current Planning and the Director of Legal Services to provide a 6.1 m (20 ft.) wide mews, secured for public use through the south site, to provide public access from East 30th Avenue to the north site;

ENGINEERING

- (2) Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for subdivision of the development site in accordance with the proposed development plans, and including:
 - i) consolidation of Lots A, B, C and D, Plan 9141, and Lots 2, 3, and 4, Plan 3283, all of Block 11, District Lot 393; and
 - ii) consolidation of Lot E, Plan 9141, and Lots 8 and 9, Plan 3512, and Lots 14, 15, and 16, Plan 3283, all of Block 11, District Lot 393.
- (3) Make suitable arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the provision of concrete sidewalk and curb and gutter with pavement to

the centre line of East 30th Avenue from Nanaimo Street to the lane east of Nanaimo Street;

- (4) Enter into an agreement to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, to provide for the following off-site services, including but not limited to the following off-site services:

- i) upgrading of the traffic signals at the intersection of Kingsway and Nanaimo Street, Kingsway and Slocan Street, and Nanaimo Street and East 33rd Avenue, subject to Council approval where appropriate, fully at the developer's expense within five (5) years of occupancy of the last building constructed on the site. [Note to Applicant: Provision of a fully actuated left turn phase for all but the westerly leg of the Nanaimo Street/Kingsway intersection and provision of advance left turn arrows on the east leg of the Kingsway/Slocan Street intersection];

Notwithstanding the foregoing, condition 4(i) may be reduced or eliminated, at the discretion of the General Manager of Engineering Services, pending further review by the transportation consultant and City staff pursuant to the reduction of density to 3.6 FSR.

- (5) Enter into an infrastructure servicing agreement to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, to incorporate all of the agreed upon improvements and upgrades listed below, including results from various studies, all fully at the developer's expense as follows:

- i) provision of a study by a transportation professional which provides and assesses information pertaining to the necessary increase in storage length required for the left turn bays around the site, traffic volume analysis based upon projected 2010 traffic volumes, analysis of entering/exiting queues, required geometric changes and corner cuts necessary to accommodate trucks along the route and entering and exiting the site;
- ii) provision of a truck access and routing management plan by a transportation professional which identifies and assesses all inbound and outbound truck routes, as well as all movements on-site and in the surrounding street network, and which identifies geometric changes necessary to accommodate trucks, including the need for corner cuts at the southeast corner of Nanaimo Street and Kingsway, the northeast corner of East 33rd Avenue and Nanaimo Street, and at all driveway connections to the street network;
- iii) provision of a plan which identifies and provides traffic calming measures on East 30th Avenue and a commitment to undertake a neighbourhood open house with the residents of East 30th Avenue to confirm measures;
- iv) modification of the intersection design of the Nanaimo Street/Mannering Avenue/East 30th Avenue intersection to

- normalize the east leg and to facilitate pedestrians crossing Nanaimo Street with localized sidewalk widening at crosswalks;
- v) modification of the design of the Kingsway/Slocan Street intersection to reconfigure the southwest corner to decrease the length of the south crosswalk while accommodating westbound Kingsway to southbound Slocan Street truck turning movements; and
 - vi) examination of the left turn vehicle storage requirement for the westbound Kingsway to southbound Slocan Street movement based upon a 120 second signal.

Notwithstanding the foregoing, condition 5(vi) may be reduced or eliminated, at the discretion of the General Manager of Engineering Services, pending further review by the transportation consultant and City staff pursuant to the reduction of density to 3.6 FSR.

- (6) Make suitable arrangements, to the satisfaction of the General Manager of Engineering Services, for all new BC Hydro and Telus services to be undergrounded from the closest existing suitable service point, including a review of any cabling that may be necessary to determine the impact on the neighbourhood;
- (7) Do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571 (B) of the Vancouver Charter as required by the General Manager of Engineering Services and the City's Director of Legal Services in their discretion;
- (8) Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for clarification of all charges registered in the Land Title Office against the lands (a charge summary, including copies of all charges, must be provided) and the modification, extension or release of any charges deemed necessary by the Director of Legal Services.

SOILS REMEDIATION

- (9) Obtain and submit to the City copies of all soil studies and the consequential Remediation Plan, approved by the Ministry of Environment. Enter into or cause to be entered into agreements satisfactory to the Director of Legal Services, providing for the remediation of any contaminated soils on site in accordance with a Remediation Plan approved by the Ministry of Environment and acceptable to the City, providing security satisfactory to the Director of Legal Services for the completion of remediation and indemnifying the City and the Approving Officer against any liability or costs which may be incurred as a result of the presence of contaminated soils on the site;
- (10) Execute an Indemnity Agreement, satisfactory to the Director of Legal Services, providing for security to the satisfaction of the Director of Legal Services, protecting the City and the Approving Officer from all

liability or damages arising out of or related to the presence of contaminated soils on the lands comprising the subject site, howsoever occurring, arising during the period commencing immediately following the Public Hearing until such time as the Ministry of Environment issues an approval, in a form satisfactory to the Director of Legal Services and the General Manager of Engineering Services, certifying that the subject site, including all roads, utility corridors and open spaces contained therein, have been remediated to Provincial Standards as defined in such approval;

PUBLIC ART

- (11) Execute an agreement, satisfactory to the Directors of Legal Services and the Office of Cultural Affairs for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide a preliminary public art plan to the satisfaction of the Director of Cultural Affairs, setting out the proposed public art program aims, artist terms of reference, site and artists selection methods, project budget, implementation plan and a schedule;

CHILDCARE

- (12) Execute a legal agreement, satisfactory to the Directors of Legal Services, Social Planning and Facilities Design and Management for the provision of a fully fitted up (i.e. ready for immediate occupancy), furnished and equipped, day care facility comprising:
 - 37 spaces for toddlers and 3 to 5 years old, at a location acceptable to the City, within the building located in the southwest corner of the site, and shall comprise 429 m² (4,620 sq. ft.) of gross floor area of fully finished indoor space, plus a minimum of 390 m² (4,200 sq. ft.) of immediately adjacent fenced and equipped outdoor space, plus a minimum of 78 m² (840 sq. ft.) of covered outdoor space.;

[Note: Floor area for indoor space excludes additional circulation space required to accommodate the elevator, elevator lobbies and emergency exit stairwells, and the outdoor space will be immediately adjacent, fenced and equipped outdoor play space which includes landscaping and grassed areas.]

Both the indoor and outdoor space of the toddler and 3 to 5 Programs must meet all community care facilities licensing and Childcare Design Guidelines requirements and be satisfactory to the Director of Social Planning and Director of Facilities Design and Management. The owner shall bear all start-up costs.

The indoor day care space shall be leased to the City at nominal rent for 2000 years and similarly the outdoor play yard (unless the Director of Legal Services determines that the City should hold it under easement),

with an endowment contribution of \$2,000 per toddler (12 toddlers) per year for 10 years, and a start-up cost contribution of \$2,000 per space (37 children) for 2 years. The day care space shall bear its own utility costs but it shall not contribute to building operating costs or taxes. The lease shall include at no additional cost the unrestricted use of 7 parking spaces at a location to be determined by the City. The lease shall be secured by an option to lease. The owner shall have the right to sublease the day care from the City on the same terms and conditions as the lease. This right shall be secured by an option to sublease.

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

Such agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances effecting 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; provided, however, the Director of Legal Services may, in her sole discretion and on terms she considers advisable, accept tendering of the preceding agreements for registration in the appropriate Land Title Office, 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, letters of credit and withholding of permits, as deemed necessary and in a form satisfactory to the Director of Legal Services.

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

- B. THAT, subject to approval of the rezoning at a Public Hearing, the Noise Control By-law be amended to include this CD District in Schedule "B" and the Subdivision By-law be amended as set out in Appendix B;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendments to the Noise Control By-law and the Subdivision By-law at the time of enactment of the CD-1 By-law.

- C. THAT the consequential amendment to the Sign By-law to establish regulations for the CD-1 in accordance with Schedule B (C-2) be approved.

CARRIED UNANIMOUSLY
(Councillor Ladner absent for the vote)

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Capri

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY
(Councillor Ladner absent for the vote)

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Lee
SECONDED by Councillor Ball

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
(Councillor Ladner absent for the vote)

The Special Council adjourned at 10:35 p.m.

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